

Appendix A

Notices and Scoping

Appendix A-1

Notices

Notice of Preparation of Environmental Assessment

NOTICE OF PREPARATION OF AN ENVIRONMENTAL ASSESSMENT / TRIBAL ENVIRONMENTAL IMPACT REPORT

PROJECT TITLE: Koi Nation of Northern California Shiloh Resort and Casino Project

NEPA LEAD AGENCY: Bureau of Indian Affairs, Department of the Interior

TRIBAL LEAD AGENCY: Koi Nation of Northern California

SCOPING COMMENT PERIOD: Friday, May 27 – Monday, June 27, 2022.

SUMMARY: The Koi Nation of Northern California (Koi Nation) proposes to build a resort and casino on land that it owns in unincorporated Sonoma County, California adjacent to the Town of Windsor (Proposed Project). As part of the Proposed Project, an application has been filed with the Bureau of Indian Affairs (BIA) to take approximately 68.6 acres of land into trust on behalf of the Koi Nation for gaming purposes. The federal actions necessary to implement the Proposed Project trigger the requirements of the National Environmental Policy Act (NEPA). This notice advises the public that the BIA, as NEPA lead agency, intends to gather information necessary for preparing an Environmental Assessment (EA) pursuant to NEPA in connection with the Proposed Project. This notice also announces and opens the public scoping process. Interested parties are invited to submit comments identifying potential environmental issues, concerns, reasonable mitigation measures, and alternatives to be considered in the EA. Additionally, based on the anticipated requirements of a future Tribal-State Compact between the State of California and the Koi Nation, a Tribal Environmental Impact Report (TEIR) will be required to analyze the potential off-reservation environmental impacts of the Proposed Project. To reduce paperwork and eliminate redundancy, the TEIR will be prepared in coordination with the Environmental Assessment EA, resulting in a joint “EA/TEIR” (herein referred to as an “EA”). Thus, this notice is also intended to fulfill the anticipated requirements of the Tribal-State Compact to provide interested parties with information describing the Proposed Project and its

potential significant effects and the opportunity to provide comments related to the scope and alternatives to be addressed within the environmental document. Information is available online at shilohresortenvironmental.com.

DATES: Written comments on the scope of the EA should be sent as soon as possible and no later than Monday, June 27, 2022 (30 days after publication of this notice in The Press Democrat). (An additional comment period for the draft EA will be announced at a later date through the publication of a Notice of Availability.)

ADDRESSES: You may mail or hand-deliver written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825. Please include your name, return address, and “Koi Nation Shiloh Resort and Casino Project” on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. If emailing comments, please use “Koi Nation Shiloh Resort and Casino Project” as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W–2820, Sacramento, CA 95825; telephone: (916) 978–6165; e-mail: chad.broussard@bia.gov.

Information is also available online at shilohresortenvironmental.com.

SUPPLEMENTARY INFORMATION:

Project Description and Location: The Koi Nation submitted an application to the BIA on September 15, 2021 requesting that the Secretary of the Interior take title to approximately 68.6 acres of fee land (project site) in unincorporated Sonoma County, California, in trust for the Tribe, pursuant to Section 5 of the Indian Reorganization Act, 25 U.S.C. § 5108, and its

implementing regulations (Proposed Action). The project site is located outside of, but contiguous to, the Town of Windsor (**Figure 1** and **Figure 2**), and approximately 12 miles from the Koi Nation's tribal headquarters in Santa Rosa, California. The project site is bordered by Shiloh Road and residential parcels to the north, Old Redwood Highway and residential parcels to the west, and agricultural and commercial parcels in unincorporated Sonoma County to the south and east (**Figure 3**). Existing land uses on the project site consist of a residence and operating vineyard; Pruitt Creek bisects the central portion of the site.

The Proposed Project includes the development of a casino, hotel, conference/event center, restaurant/bars, and supporting parking and infrastructure within the project site. The riparian areas of Pruitt Creek will be primarily avoided by the proposed development. The portions of the project site outside of the riparian area and building footprint would be landscaped with existing vineyard areas maintained around the perimeter of the site to the extent feasible. Water supply to serve the project is proposed through the use of on-site wells, and wastewater would be treated via a proposed on-site tertiary wastewater treatment plant (WWTP). Recycled water generated by the proposed on-site WWTP would be reused for toilet/urinal flushing, cooling systems, and for irrigation of the vineyards and landscaping; thereby reducing the potable water demands of the Proposed Project. During dry periods, excess recycled water would either be stored on-site in detention basin(s) or could be utilized to irrigate nearby agricultural fields and parks; during the rainy season, the tertiary treated effluent would be discharged to Pruitt Creek in accordance with a National Pollutant Discharge Elimination System (NPDES) permit from the U.S.

Environmental Protection Agency (EPA). Access to the site may be provided through new driveways on Shiloh Road and Old Redwood Highway. The Koi Nation has indicated in its application that the BIA's acquisition of the project site for gaming purposes will establish: (i)

the first trust property for the Koi Nation on its restored lands in accordance with the Indian Gaming Regulatory Act (IGRA); and (ii) its economic land base in order to promote the general welfare of the Koi Nation and its members, raise governmental revenues, and create jobs for its members.

Alternatives: The Proposed Action encompasses the various federal approvals that may be required to implement the Proposed Project, including the placement of the site into federal trust for the Koi Nation for gaming purposes. The EA will identify and evaluate issues related to these approvals, and it will also evaluate a range of reasonable alternatives. Possible alternatives currently under consideration include: (i) the Proposed Project as described above; (ii) a reduced-intensity alternative; (iii) a non-gaming alternative; and (iv) a no action alternative. The range of alternatives to be addressed in the EA may be expanded or reduced during the scoping process.

Scope of the EA and Potential Environmental Effects: Issue areas identified for analysis in the EA include land resources/geology and soils; water resources; air quality/greenhouse gases; biological resources; cultural resources; socioeconomic conditions/environmental justice; transportation and circulation; land use; public services and utilities; noise; hazardous materials; aesthetics; and cumulative, indirect, and growth-inducing effects. The range of issues to be addressed in the EA may be expanded or reduced during the scoping process.

This section of this notice briefly discusses, based on current knowledge without the benefit of the environmental analysis that will be performed as part of the EA process, possible areas in which potential environmental impacts, including off-reservation impacts, attributable to the Proposed Project may occur. As noted above, the EA will include analysis of the Proposed Project's environmental impacts associated with the following resource areas:

- Land Resources/Geology and Soils – The Proposed Project would be constructed on the project site and will be built to applicable federal and state building code standards, including all applicable earthquake safety standards. It is therefore not anticipated that any people or structures would be subjected to adverse effects from earthquakes, ground shaking, seismic ground failure, landslides, or erosion as a result of the Proposed Project.
- Water Resources – The Proposed Project would be provided water supply and wastewater services through existing and proposed on-site wells and proposed on-site wastewater treatment and disposal systems. Recycled water generated by the proposed on-site WWTP would be used toilet/urinal flushing, cooling systems, and for irrigation of the vineyards and landscaping; thereby reducing the potable water demands of the Proposed Project. During the dry months of the year, excess recycled water would either be stored on-site in detention basin(s), or could be utilized to irrigate nearby agricultural fields and parks; during the rainy season, the tertiary treated effluent would be discharged to Pruitt Creek in accordance with an NPDES permit from the EPA and associated waste discharge requirements established to attain and maintain applicable water quality criteria to protect habitat and the designated beneficial uses of the creek. Construction of the Proposed Project could increase the potential for stormwater erosion and direct or indirect discharge of sediment and other materials into Pruitt Creek, which bisects the project site, and off-reservation drainages near the project site.
- Air Quality/Greenhouse Gases – The Proposed Project would generate short-term emissions, including dust, during the construction phase and long-term emissions from vehicle traffic, both of which could contribute to existing or projected air quality issues. Additionally, the Proposed Project would result in short-term emissions of greenhouse gas (GHG) associated

with construction and long-term GHG emissions primarily associated with vehicle traffic and energy usage, which could contribute to cumulative effects associated with climate change.

- Biological Resources – Construction activities for the Proposed Project would be on land that has already been disturbed with prior grading and development and is surrounded on all sides by development and agriculture. Accordingly, impacts to terrestrial biological resources would likely be minimal. Pruitt Creek, which bisects the site, is designated as critical habitat (pursuant to the federal Endangered Species Act), designated as essential fish habitat (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act), and provides potential habitat for several federally-listed salmonids. To the extent feasible, the Proposed Project would avoid development within Pruitt Creek and associated riparian corridor. As described above, excess recycled water could be discharged to Pruitt Creek during the winter months under a NPDES permit from the EPA and associated waste discharge requirements established to attain and maintain applicable water quality criteria to protect habitat and the designated beneficial uses of the creek. Therefore, impacts to aquatic resources and fish species would likely be minimal.

- Cultural Resources – Construction activities for the Proposed Project would be on land that has already been disturbed with prior grading and development and is surrounded on all sides by development and agriculture. The nearest recorded archaeological resource is a lithic scatter approximately ¼ to ½ mile east of the Project site. Based on historic aerial review and the reconnaissance surveys, existing on-site structures were constructed after 1998 and thus do not meet the age eligibility of a historic resource (generally defined as 50 years or older). Accordingly, impacts to cultural resources would likely be minimal.

- Socioeconomics/Environmental Justice – The existing house on the project site is owned by the Koi Nation and not currently occupied; therefore, the Proposed Project would not displace any existing housing. The Proposed Project would provide new employment opportunities that could have an impact on housing availability. The Proposed Project will generate economic output and could result in substitution effects, fiscal effects, and social effects.
- Transportation and Circulation – The Proposed Project would generate additional vehicular use of certain public roads, contributing to increased traffic volumes and possible deterioration of levels of service.
- Land Use –The Proposed Project would be constructed on the project site after it is taken into federal trust, and it is therefore not anticipated that any off-reservation land use plan, policy, habitat conservation plan, or natural community conservation plan would apply to the Proposed Project. While project site is located near a large commercial center, the Proposed Project would maintain existing vineyard areas around the site perimeter to reduce the potential for land use conflicts with adjacent residential and agricultural uses.
- Public Services– It is anticipated that police and fire protection services would be provided to the Proposed Project by local jurisdictions. The Proposed Project would employ additional employees and attract additional patrons that could use public services and facilities. The Proposed Project would be provided water supply and wastewater services through existing and proposed on-site wells and proposed on-site wastewater treatment and disposal systems; therefore, no off-reservation extension or expansion of the Town of Windsor’s infrastructure would be needed to service the Proposed Project.
- Noise – Construction and operation of the Proposed Project could increase noise levels and vibration in areas near the Proposed Project.

- Hazardous Materials – Certain hazardous materials would be used in the construction and in the operation of the Proposed Project. Misuse of these materials or encounters with previously unknown contamination on the project site could occur.
- Aesthetics – The Proposed Project would change the visual character of the project site by introducing high intensity urban uses within the project site currently developed with vineyards and a rural residence. Additionally, the Proposed Project will introduce a new source of light and glare to the project area.

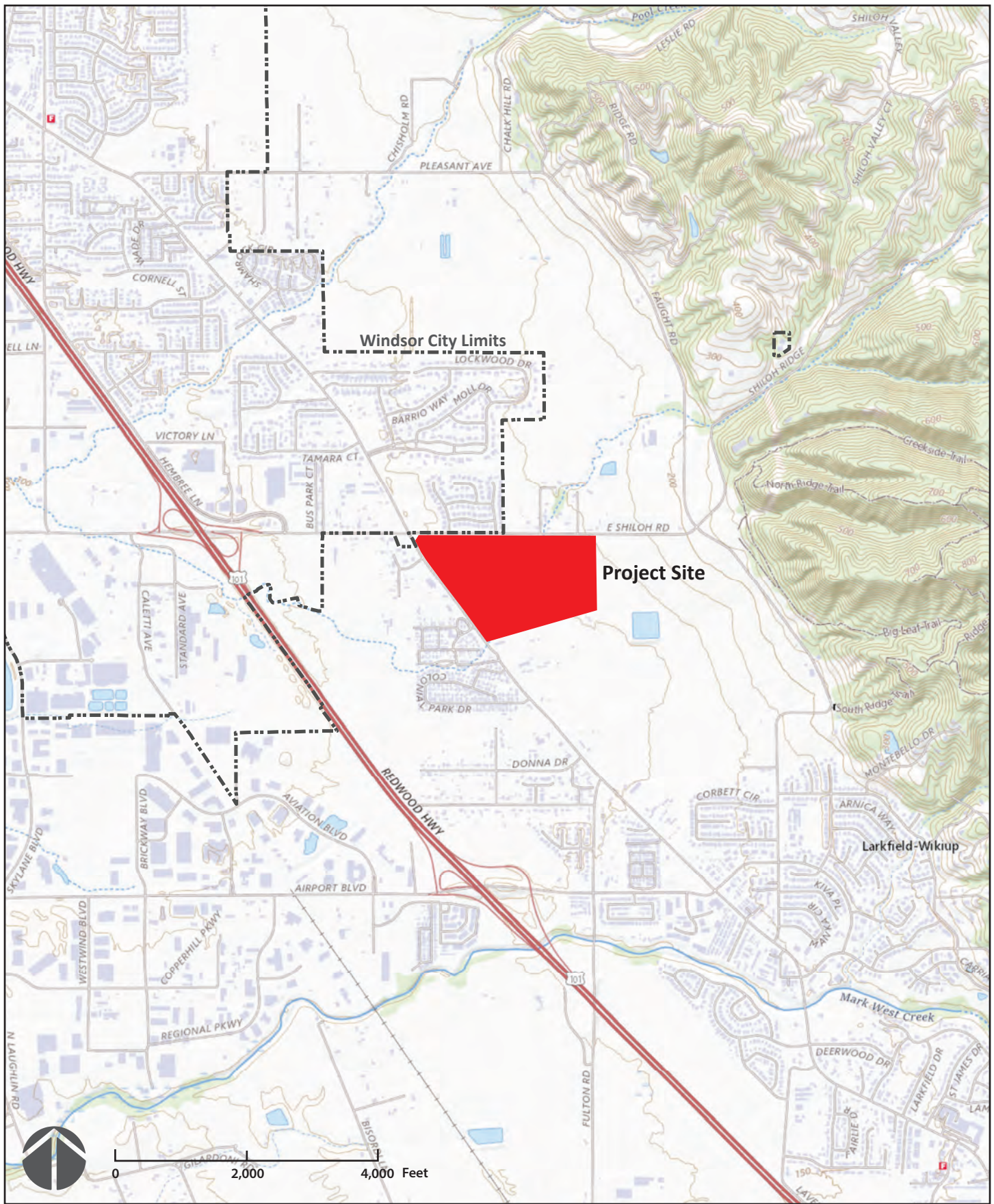
PUBLIC COMMENT AVAILABILITY: Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Dated: May 27, 2022



Source: Maxar imagery (4/16/2021)

FIGURE 1
REGIONAL LOCATION MAP



Source: USGS The National Map (June 2020)

FIGURE 2
VICINITY MAP



Source: Maxar imagery (4/16/2021)

FIGURE 3
PROJECT SITE

Proof of Publication of Notice of Preparation

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Sonoma

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

The Press Democrat - Legal Notices

5/27 - 5/27/2022

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

Dated at Santa Rosa, California, on

May 27, 2022



SIGNATURE

Proof of Publication of

NOTICE OF PREPARATION OF AN ENVIRONMENTAL ASSESSMENT / TRIBAL ENVIRONMENTAL IMPACT REPORT

PROJECT TITLE: Koi Nation of Northern California Shiloh Resort and Casino Project

NEPA LEAD AGENCY: Bureau of Indian Affairs, Department of the Interior
TRIBAL LEAD AGENCY: Koi Nation of Northern California

SCOPING COMMENT PERIOD: Friday, May 27 - Monday, June 27, 2022.

SUMMARY: The Koi Nation of Northern California (Koi Nation) proposes to build a resort and casino on land that it owns in unincorporated Sonoma County, California adjacent to the Town of Windsor (Proposed Project), southeast of the intersection of Old Redwood Highway and Shiloh Road. As part of the Proposed Project, an application has been filed with the Bureau of Indian Affairs (BIA) to take approximately 68.6 acres of land into trust on behalf of the Koi Nation for gaming purposes. The federal actions necessary to implement the Proposed Project trigger the requirements of the National Environmental Policy Act (NEPA).

This notice advises the public that the BIA, as NEPA lead agency, intends to gather information necessary for preparing an Environmental Assessment (EA) pursuant to NEPA in connection with the Proposed Project.

Additionally, based on the anticipated requirements of a future Tribal-State Compact between the State of California and the Koi Nation, a Tribal Environmental Impact Report (TEIR) will be required to analyze the potential off-reservation environmental impacts of the Proposed Project. To reduce paperwork and eliminate redundancy, the TEIR will be prepared in coordination with the Environmental Assessment EA, resulting in a joint "EA/TEIR" (herein referred to as an "EA"). This notice announces and opens a public scoping process for the EA. Interested parties are invited to submit comments identifying potential environmental issues, concerns, reasonable mitigation measures, and alternatives to be considered in the EA. A copy of the full Notice of Preparation, which includes a project description and location figures, as well as a brief description of the environmental areas in which off-Reservation impacts attributable to the Proposed Project will be evaluated, is available online at the project website: shilohresortenvironmental.com.

DATES: Written comments on the scope of the EA should be sent as soon as possible and no later than Monday, June 27, 2022 (30 days after publication of this notice in The Press Democrat). (An additional comment period for the draft EA will be announced at a later date through the publication of a Notice of Availability.)

ADDRESSES: You may mail or hand-deliver written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825. Please include your name, return address, and "Koi Nation Shiloh Resort and Casino Project" on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. If emailing comments, please use "Koi Nation Shiloh Resort and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, CA 95825; telephone: (916) 978-6165; e-mail: chad.broussard@bia.gov. Information is also available online at shilohresortenvironmental.com.

PUBLIC COMMENT AVAILABILITY: Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

129313 - Pub May 27, 2022

1ti.

Notice of Availability of Environmental Assessment

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

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

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

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

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

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

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

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

Proof of Publication of Notice of Availability

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Sonoma

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

The Press Democrat - Legal Notices

9/12 - 9/12/2023

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

Dated at Santa Rosa, California, on

Sep 12, 2023



SIGNATURE

This space for County clerk's Filing Stamp

Proof of Publication of

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

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

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

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

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

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

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

179074 - Pub Sept 12, 2023

1ti.

Notice of Comment Period Extension
for the Environmental Assessment

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

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

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

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

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

Proof of Publication of Notice of Comment Period Extension

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Sonoma

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

The Press Democrat - Legal Notices

10/4 - 10/4/2023

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

Dated at Santa Rosa, California, on

Oct 4, 2023



SIGNATURE

Proof of Publication of

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

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

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

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

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

181983 - Pub Oct 4, 2023

1ti.

Notice of Intent for Preparation of an Environmental Impact Statement

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

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

Forms:

- CG-5432, Fixed OCS Facility Inspection Report.

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

Frequency: On occasion.

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

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

Dated: February 22, 2024.

Kathleen Claffie,

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

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

BILLING CODE 9110-04-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/
A0A501010.999900]

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

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

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

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

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

Wizipan Garriott,

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

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

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

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

Privacy Act of 1974; System of Records

AGENCY: National Park Service, Interior.

ACTION: Notice of a modified system of records.

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

DATES: This modified system will be effective upon publication. New or modified routine uses will be effective April 8, 2024. Submit comments on or before April 8, 2024.

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

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

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

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

Instructions: All submissions received must include the agency name and

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

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

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

Proof of Publication of
Notice of Intent

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Sonoma

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

The Press Democrat - Legal Notices

3/8 - 3/8/2024

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

Dated 03/08/2024
at Santa Rosa, California



Stefanie Puckett

<p style="text-align: right;">4337-15</p> <p style="text-align: center;">DEPARTMENT OF THE INTERIOR</p> <p>Bureau of Indian Affairs [245A2100DD/AAK001030/A0A501010.999900] Notice of Intent to Prepare an Environmental Impact Statement for the Koi Nation's Proposed Shiloh Resort and Casino Project, Sonoma County, California AGENCY: Bureau of Indian Affairs, Interior. ACTION: Notice. SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) in connection with the Koi Nation's (Nation) proposed Shiloh Resort and Casino Project adjacent to the Town of Windsor, Sonoma County, California for gaming and other purposes. Although a formal public scoping process has been conducted and an Environmental Assessment (EA) circulated for this proposed federal action, this notice also invites the public to identify potential issues, concerns, and alternatives to be considered in the EIS which have not previously been raised during this NEPA process. DATES: To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than 30 days after publication of this Notice of Intent (NOI) in the Federal Register. ADDRESSES: You may mail written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "NOI Comments, Koi Nation Fee-to-Trust and Casino Project" on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov, using "NOI Comments, Koi Nation Fee-to-Trust and Casino Project" as the subject of your email. FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825; telephone: (916) 978-6000; email: chad.broussard@bia.gov. SUPPLEMENTARY INFORMATION: The Koi Nation submitted a Fee-to-Trust application to the Bureau of Indian Affairs (BIA) requesting the placement of approximately 68.60 acres of fee land in trust by the United States as restored lands pursuant to 25 C.F.R. part 292 upon which the Koi Nation would construct a casino resort. The Nation proposes to develop a casino-resort with ballroom/meeting space, event center, spa, and associated infrastructure. The proposed Fee-to-Trust property is located adjacent to the Town of Windsor, Sonoma County, California. The proposed trust property is assessor's parcels number 059-300-003. The purpose of the proposed action is to facilitate tribal self-sufficiency, self-determination, and economic development. The proposed action encompasses the various federal approvals that may be required to implement the Koi Nation's proposed project, including approval of the Koi Nation's land Fee-to-Trust application and Secretarial Determination pursuant to section 20 (b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719 (b)(1)(B)(iii)). The BIA previously prepared an EA that analyzed the potential environmental effects of the proposed action. The EA was made available for public comments and was the subject of a public meeting. Upon consideration of the public and agency comments received, the BIA has decided to prepare an EIS to further analyze the environmental effects which may result from the proposed action. The EIS will identify and evaluate issues related to these approvals and will also evaluate a range of reasonable alternatives. Possible alternatives currently under consideration include: (1) a reduced-intensity casino alternative, (2) an alternate-use (non-gaming) alternative, and (3) a no-action alternative. The range of alternatives evaluated in the EIS may be expanded based on comments received during the scoping process. Areas of environmental concern preliminarily identified for analysis in the EIS include land resources; water resources; air quality; noise; biological resources; cultural and paleontological resources; transportation and circulation; land use; hazardous materials and hazards; public services and utilities; socioeconomic; environmental justice; visual resources; and cumulative, indirect, and growth-inducing effects. The range of issues to be addressed in the EIS may be expanded or reduced based on comments received in response to this notice and in response to the previous publication of the EA. Additional information, including a map of the proposed trust property, is available at https://shilohresort-environmental.com or by contacting the person listed in the FOR FURTHER INFORMATION CONTACT section of this notice. Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur. Authority: This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, et seq.), and in accordance with the exercise of authority delegated to the Assistant Secretary – Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations. Wizipan Garriott Principal Deputy Assistant Secretary - Indian Affairs Exercising by Delegation the Authority of the Assistant Secretary - Indian Affairs 198130 - Pub Mar 8, 2024</p>	<p>11.</p>
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Appendix A-2
Supplemental Scoping Report

SUPPLEMENTAL SCOPING REPORT

Koi Nation of Northern California Shiloh Resort and Casino Project

Sonoma County, California

Lead Agency:

Bureau of Indian Affairs

Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

April 2024

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Attachments

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

Section 1 | Introduction

1.1 PURPOSE OF SUPPLEMENTAL SCOPING REPORT

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

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

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

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

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

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

1.2 SUMMARY OF PUBLIC INVOLVEMENT

1.2.1 Notice of Preparation of EA

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

1.2.2 Notice of Availability of EA

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

1.2.3 Notice of Intent to Prepare EIS

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

Section 2 | Supplemental Alternatives

2.1 PREVIOUSLY RAISED ALTERNATIVES

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

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

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

2.2 NEW ALTERNATIVES IDENTIFIED DURING SUPPLEMENTAL SCOPING

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

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

2.2.1 Addition of On-Site Housing for Employees

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

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

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

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

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

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

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

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

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

Section 3 | Issues Identified During Supplemental Scoping

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

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

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

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

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

Appendices

Appendix A

Notice of Availability of EA and Distribution

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

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

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

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

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

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

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

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

Koi Nation of Northern California Shiloh Resort and Casino Project

Summary

SCH Number

2022050599

Lead Agency

United States Department of the Interior

Document Title

Koi Nation of Northern California Shiloh Resort and Casino Project

Document Type

EA - Environmental Assessment

Received

9/12/2023

Present Land Use

Land Intensive Agriculture and Limited Commercial

Document Description

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

Contact Information

Name

Chad Broussard

Agency Name

Department of Interior, Bureau of Indian Affairs

Job Title

Environmental Protection Specialist

Contact Types

Lead/Public Agency

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Sacramento, CA 95852

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(916) 978-6165

Email

chad.broussard@bia.gov

Name

Bibiana Sparks

Agency Name

Acorn Environmental

Job Title

Principal, Project Manager

Contact Types

Consulting Firm

Address

5170 Golden Foothill Parkway
El Dorado Hills, CA 95762

Phone

(310) 906-6638

Email

bsparks@acorn-env.com

Name

Darin Beltran

Agency Name

Koi Nation of California

Job Title

Chairman

Contact Types

Project Applicant

Address

PO Box 3162
Santa Rosa, CA 95402

Phone

(707) 575-5586

Email

kn@koination.com

Location

Coordinates

38°31'26"N 112°46'25"W

Cities

Windsor

Counties

Sonoma

Regions

Countywide, San Francisco Bay Area, Unincorporated

Cross Streets

Old Redwood Highway and Shiloh Road

Zip

95403

Total Acres

68.6

Jobs

1571

Parcel #

059-300-003

State Highways

101

Airports

Sonoma County Airport

Waterways

Pruitt Creek

Township

8N

Range

8W

Section

18

Base

MtDiablo

Notice of Completion

State Review Period Start

9/12/2023

State Review Period End

10/27/2023

State Reviewing Agencies

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

State Reviewing Agency Comments

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

Development Types

Recreational (Resort and Casino Facility)

Local Actions

None - Fee-to-Trust Acquisition by BIA

Project Issues

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

Local Review Period Start

9/12/2023

Local Review Period End

10/27/2023

Attachments

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

Appendix A - Off-Reservation Environmental Impact Analysis Checklist	PDF	556 K
Appendix B - Socioeconomic Information	PDF	2958 K
Appendix C - Water and Wastewater Feasibility Study	PDF	13599 K
Appendix D - Grading and Hydrology Study	PDF	34841 K
Appendix E - Expanded Regulatory Setting	PDF	1058 K
Appendix F - Air Quality Information	PDF	5927 K
Appendix G - Biological Reports	PDF	19226 K
Appendix H - Confidential Cultural Resources Information	PDF	86 K
Appendix I - Traffic Impact Study	PDF	6449 K

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

Appendix K - Farmland Conversion Impact Rating Form PDF 200 K

Appendix L - Noise and Vibration Assessment PDF 7723 K

Appendix M - Phase I Environmental Site Assessment PDF 3674 K

Appendix N - Wildfire Evacuation Memorandum PDF 26899 K

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

Koi Nation Shiloh Resort and Casino EA_Sept 2023 PDF 16163 K

NOA_EA Koi Nation Shiloh Resort and Casino_Sept 2023 PDF 74 K

Notice of Completion [NOC] Transmittal form

EA NOC for SCH PDF 282 K

State Comment Letters [Comments from state reviewing agencies]

2022050599_CDFW Comment PDF 549 K

2022050599_CHP comment PDF 88 K

2022050599_DOT comment PDF 336 K

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

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Sonoma

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

The Press Democrat - Legal Notices

9/12 - 9/12/2023

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

Dated at Santa Rosa, California, on

Sep 12, 2023



SIGNATURE

This space for County clerk's Filing Stamp

Proof of Publication of

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

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

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

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

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179074 - Pub Sept 12, 2023

1ti.

Shiloh Resort and Casino Project
NOA Mailing List

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

Shiloh Resort and Casino Project
NOA Mailing List

Reno	Keoni Franklin	Tribal Chairman	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	9/12/2023
Chris	Wright	Tribal Chairman	Dry Creek Rancheria Band of Pomo Indians	9/12/2023
Chris	Wright	Tribal Chairman	Dry Creek Rancheria Band of Pomo Indians	
Delores	Pigsley	Tribal Chairman	Confederated Tribes of Siletz Indians Tribal Council	9/12/2023
Delores	Pigsley	Tribal Chairman	Confederated Tribes of Siletz Indians Tribal Council	
Bill	Lance	Tribal Chairman	Chickasaw Nation	
Patricia	Hermosillo	Tribal Chairperson	Cloverdale Rancheria	9/12/2023
Octavio	Escobedo III	Tribal Chairman	Tejon Indian Tribe	9/12/2023
Erica M	Pinto	Tribal Chairwoman	Jamul Indian Village	9/12/2023
Erica M	Pinto	Tribal Chairwoman	Jamul Indian Village	
Mary J	Norris	Tribal Chairwoman	Cahto Tribe Laytonville Rancheria	9/12/2023
Mary J	Norris	Tribal Chairwoman	Cahto Tribe Laytonville Rancheria	
Angela	Elliott Santos	Tribal Chairwoman	Manzanita Band of the Kumeyaay Nation	
Angela	Elliott Santos	Tribal Chairwoman	Manzanita Band of the Kumeyaay Nation	
Virgil	Moorehead	Tribal Chairperson	Big Lagoon Rancheria	9/12/2023
Virgil	Moorehead	Tribal Chairperson	Big Lagoon Rancheria	
Darin	Beltran		Koi Nation of Northern California	
Organizations				
Nina	Cote	Steering Committee Chair	Our Community Matters	
Josh	Ratiani	Pastor	Shiloh Neighborhood Church	
Padi	Selwyn	Co-Chair	Preserve Rural Sonoma County	
Jay	Bradshaw	Executive Officer	Nor Cal Carpenters Union	
Cheryl	Schmit	N/A	Stand Up for California	
Mobile Home Estates			Mobile Home Estates	
Individuals				
Daniel and Camill: Heidenreich		N/A	N/A	

Shiloh Resort and Casino Project
NOA Mailing List

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

Shiloh Resort and Casino Project
NOA Mailing List

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

Shiloh Resort and Casino Project
NOA Mailing List

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

Shiloh Resort and Casino Project
NOA Mailing List

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

Shiloh Resort and Casino Project
NOA Mailing List

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

Shiloh Resort and Casino Project
NOA Mailing List

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

Shiloh Resort and Casino Project
NOA Mailing List

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

Shiloh Resort and Casino Project

NOA Mailing List

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

Shiloh Resort and Casino Project

NOA Mailing List

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

Shiloh Resort and Casino Project

NOA Mailing List

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

Shiloh Resort and Casino Project

NOA Mailing List

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

Shiloh Resort and Casino Project

NOA Mailing List

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

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

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

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

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

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

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Sonoma

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

The Press Democrat - Legal Notices

10/4 - 10/4/2023

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

Dated at Santa Rosa, California, on

Oct 4, 2023



SIGNATURE

Proof of Publication of

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

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

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

181983 - Pub Oct 4, 2023

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Appendix B

Notice of Intent to Prepare EIS and Distribution

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

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

Forms:

- CG-5432, Fixed OCS Facility Inspection Report.

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

Frequency: On occasion.

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

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

Dated: February 22, 2024.

Kathleen Claffie,

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

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

BILLING CODE 9110-04-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/
A0A501010.999900]

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

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

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

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

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

Wizipan Garriott,

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

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

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

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

Privacy Act of 1974; System of Records

AGENCY: National Park Service, Interior.

ACTION: Notice of a modified system of records.

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

DATES: This modified system will be effective upon publication. New or modified routine uses will be effective April 8, 2024. Submit comments on or before April 8, 2024.

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

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

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

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

Instructions: All submissions received must include the agency name and

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

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

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

Koi Nation of Northern California Shiloh Resort and Casino Project

Summary

SCH Number

2022050599

Lead Agency

United States Department of the Interior

Document Title

Koi Nation of Northern California Shiloh Resort and Casino Project

Document Type

NOI - Notice of Intent

Received

3/13/2024

Present Land Use

Land Use and Zoning: Land Intensive Agriculture and Limited Commercial

Document Description

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

Contact Information

Name

Chad Broussard

Agency Name

Department of Interior, Bureau of Indian Affairs

Job Title

Environmental Protection Specialist

Contact Types

Lead/Public Agency

Address

2800 Cottage Way
Sacramento, CA 95852

Phone

(916) 978-6165

Email

chad.broussard@bia.gov

Name

Darin Beltran

Agency Name

Koi Nation of California

Job Title

Chairman

Contact Types

Project Applicant

Address

PO Box 3162
Santa Rosa, CA 95402

Phone

(707) 575-5586

Email

kn@koination.com

Name

Bibiana Sparks

Agency Name

Acorn Environmental

Job Title

Principal, Project Manager

Contact Types

Consulting Firm

Address

5170 Golden Foothill Parkway
El Dorado Hills, CA 95762

Phone

(310) 906-6638

Email

bsparks@acorn-env.com

Location

Counties

Sonoma

Regions

Countywide

Cross Streets

Old Redwood Highway and Shiloh Road

Zip

95403

Total Acres

68.6

Parcel #

059-300-003

State Highways

101

Airports

Sonoma County Airport

Waterways

Pruitt Creek

Township

8N

Range

8W

Section

18

Base

Mt.Diabl

Notice of Completion

State Review Period Start

3/8/2024

State Review Period End

4/8/2024

State Reviewing Agencies

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

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

Development Types

Recreational (Resort and Casino Facility)

Local Actions

None - Fee-to-Trust Acquisition by BIA

Project Issues

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

Attachments

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

Notice Mailer

PDF

138 K

Notice of Completion [NOC] Transmittal form

240312_NOI SCH NOC

PDF

236 K

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

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MĀQĀĀNOGLQĀQĀĀOCPPĀKMAO?QĀĀ
LCTPN?NCOMĀECLCO?JĀGOARJ?QGML!Ā
NOGLQCBĀR@JGPHCĀĀ 57Ā-42Ā
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3/8 - 3/8/2024

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Stefanie PuckettĀ

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAK001030/A0A501010.999900]

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

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

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

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

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

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

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

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

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

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

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

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

Wizipan Garriott

Principal Deputy Assistant Secretary - Indian Affairs

Exercising by Delegation the Authority of the Assistant Secretary - Indian Affairs

198130 – Pub Mar 8, 2024

11i.

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project

NOI Mailing List

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

Organizations

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

Shiloh Resort and Casino Project
NOI Mailing List

Individuals

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

Shiloh Resort and Casino Project
NOI Mailing List

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

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NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

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NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project

NOI Mailing List

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

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Shiloh Resort and Casino Project
NOI Mailing List

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

Appendix C

Scoping Comments

Scoping Comment Letter List

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

Scoping Comment Letter List

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

Scoping Comment Letter List

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scoping Comment Letter List

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

Scoping Comment Letter List

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

Scoping Comment Letter List

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

Scoping Comment Letter List

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

Agencies

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

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

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

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

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

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

Hello Mr. Brossard,

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

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

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

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

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

Thank you,

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

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

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

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

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

Thank you,

Laurel Sears

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

One attachment • Scanned by Gmail

California Department of Transportation

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



October 27, 2023

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

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

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

Dear Chad Broussard:

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

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

Project Understanding

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

Travel Demand Analysis

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

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

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

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

Construction-Related Impacts

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

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

Lead Agency

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

Equitable Access

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Luo Yunsheng', written in a cursive style.

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

c: State Clearinghouse

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

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

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

Subject: EPA comments - Koi Nation Casino Draft EA

To: Broussard, Chad

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

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

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

Please let me know if you have any questions.

Sincerely -

~

Ms. Karen Vitulano

U.S. Environmental Protection Agency, Region 9

Environmental Review Branch, Tribal, Intergovernmental and Policy Division

San Francisco, California | Ancestral land of the Ohlone people

No snail mail please – we are [transitioning to a fully electronic environment](#)

PHONE 415-947-4178

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

One attachment • Scanned by Gmail



REGION 9

SAN FRANCISCO, CA 94105

November 8, 2023

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

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

Dear Chad Broussard:

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

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

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

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

Sincerely,

Jean Prijatel
Manager
Environmental Review Branch

Enclosure: EPA's detailed comments

Stormwater Management/Climate Change

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Groundwater impacts

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

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

Drinking Water System

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

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

Climate Impacts – Fire and Heat

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

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

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

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

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

Air Quality

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

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

Biological Resources

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

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

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

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

Good afternoon,

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

Thank you,

Jessica Limon

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

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

jessica.limon@wildlife.ca.gov

One attachment • Scanned by Gmail



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 8, 2023

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

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

Dear Mr. Broussard:

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

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

CDFW ROLE

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

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

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

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Department of Interior, Bureau of Indian Affairs
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PROJECT DESCRIPTION SUMMARY

Proponent: Koi Nation of Northern California

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

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

REGULATORY REQUIREMENTS

California Endangered Species Act

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

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

Lake and Streambed Alteration

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

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

COMMENTS AND RECOMMENDATIONS

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

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

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

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

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

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

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

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

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II. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service?

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

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

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

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

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

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ENVIRONMENTAL DATA

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

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

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

ENVIRONMENTAL DOCUMENT FILING FEES


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

CONCLUSION

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

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

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

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

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

Draft Mitigation Monitoring and Reporting Program

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

Chad Broussard
Department of Interior, Bureau of Indian Affairs
November 8, 2023
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impact ratio based on acreage of habitat impacted, and obtain CDFW's written approval of the habitat compensation, prior to the start of project construction, unless otherwise approved in writing by CDFW. Habitat compensation shall include purchasing credits from a CDFW-approved conservation bank or placing a conservation easement over habitat where the species occurs and funding and implementing a long-term management plan in perpetuity. If impacts to Burke's goldfields and Sebastopol meadowfoam may occur, the project shall also obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.		
MM-BIO-2: For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), the project shall submit an LSA Notification to CDFW prior to project construction (see: https://epims.wildlife.ca.gov/index.do). If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to, requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored on-site in the same year as the impact.	Prior to ground disturbance and continuing over the course of the project	Project Applicant

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

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

Mark Heine | Fire Chief

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



Honesty ♦ Respect ♦ Integrity

November 10, 2023

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

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

Re: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke and Mr. Broussard:

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

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

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

Sincerely,

Mark Heine
Fire Chief

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

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Dear Chad Broussard,

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

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

Thank you,

Patrick N. Streeter, AICP | Community Development Director

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

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Mayor
Rosa Reynoza

Vice Mayor, District 2
Sam Salmon

Councilmember District 1
Mike Wall

Councilmember District 3
Debora Fudge

Councilmember District 4
Tanya Potter

Town Manager
Jon Davis

Sent via Email
November 13, 2023

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

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

Dear Ms. Dutschke:

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

Proposed Project and Alternatives

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

Water Resources

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

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

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

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

Air Quality

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

Cultural Resources

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

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

Socioeconomic Conditions and Environmental Justice

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

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

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

Transportation and Circulation

27. Based on reviews conducted for a casino in Rohnert Park, the weekday and Saturday daily trips may be 15 to 25 percent higher than those indicated on this project analysis. Review of the Rohnert Park facility also revealed that the highest daily and afternoon peak trip generation occurs on Sundays, not Saturdays. The project should analyze Sundays as well as Saturday, to ensure that worst-case traffic impacts have been captured.
28. The Traffic Impact Study (TIS) indicates that the project would be fully responsible for implementing the improvements needed under Existing plus Project and Opening Year 2028 plus Project. These minor mitigation efforts include:

- a. Shiloh Road/Old Redwood Highway: Restripe westbound approach with a 200' long left-turn lane and modify signal phasing. This is similar to previously-identified near-term improvements except with a longer turn lane.
- b. Shiloh Road/Hembree Lane: Optimize signal timing.
- c. Shiloh Road/US 101 North Off-Ramp: Restripe ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). The proposed mitigation is simply restriping.
- d. Signalize the project driveways on Shiloh Road and Old Redwood Highway. This is logical but has no broader benefit to the Town since the signals are only needed to accommodate resort traffic.

29. Objections to Existing plus Project and Opening Year 2028 plus Project Findings:

- a. Shiloh Road/Old Redwood Highway: For the queuing analysis the TIS relies on the Town to widen northbound ORH to include dual left-turns, stating that this improvement is included in the traffic impact fee. The north, west, and east legs of the intersection are within the Town of Windsor limits, but the project is not, and therefore no impact fee would be assessed by the Town and no funding would be afforded for this improvement. It is therefore unclear how the Town's impact fee program has any relation to mitigating the impact of the proposed project. The project would not make this improvement as currently proposed, so would not fully address the queuing issue. Note that the dual left-turn lanes also require widening of Shiloh Road to two westbound lanes. Widening of both Old Redwood Highway and Shiloh Road are needed to accommodate the traffic load generated by the project, and no mitigation is proposed for these impacts.

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

30. Objections to 2040 plus Project Findings:

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

31. Objections to Roadway Segment Analysis

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

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

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

37. Objections to non-auto modes assessment

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

Land Use

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

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

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

Public Services and Utilities

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

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

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

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

Noise

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

Hazardous Materials and Hazards

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

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

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

Visual Resources

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

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

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

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

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

Sincerely,



Patrick N. Streeter, AICP
Community Development Director

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

Attachment: Correspondence received related to the EA

Irene Camacho-Werby

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

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

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

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

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

Thank You,
Barb and Chuck Sackett

Sent from my iPhone

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

Dear Abbie and Paul Williams,

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

Thank you

Mark Linder
Interim Town Manager

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

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

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

Dear town council, Windsor Ca,

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

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

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

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

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

Abbie Williams
415-531-7495

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

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

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

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

Hello!

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

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

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

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

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

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

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

See you on Wednesday evening.

David Brayton

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

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

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

Thank you.

Carrie, Jon and Theo Marvin



windsor

Sent from my iPhone

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

To all members of the Town Council:

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

Janice Sexton

[REDACTED]

Windsor, CA 95492

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

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

To: Town Council <TownCouncil@Townofwindsor.com>

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

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

Sent from the all new AOL app for iOS

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

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

Thank you,
Katherine Schram

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

Dear Council members,

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

Thank you,

Linda McBride

[REDACTED]

Windsor, CA

[REDACTED]

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

Dear Mr Mayor and Town Council Members,

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

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

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

Amy and Chris Hoover



--

Sent from Gmail Mobile

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

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

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Proposed Casino Site Location-Residential neighborhoods are inappropriate

Hello Windsor Council Members—

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

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

Does a Casino Belong Here?

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

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

We are particularly concerned about:

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

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

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

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

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

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

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

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

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

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



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

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

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

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



SHILOH RANCH REGIONAL PARK-Faught Rd.

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



FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

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

KINCADE FIRE-2018-19

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

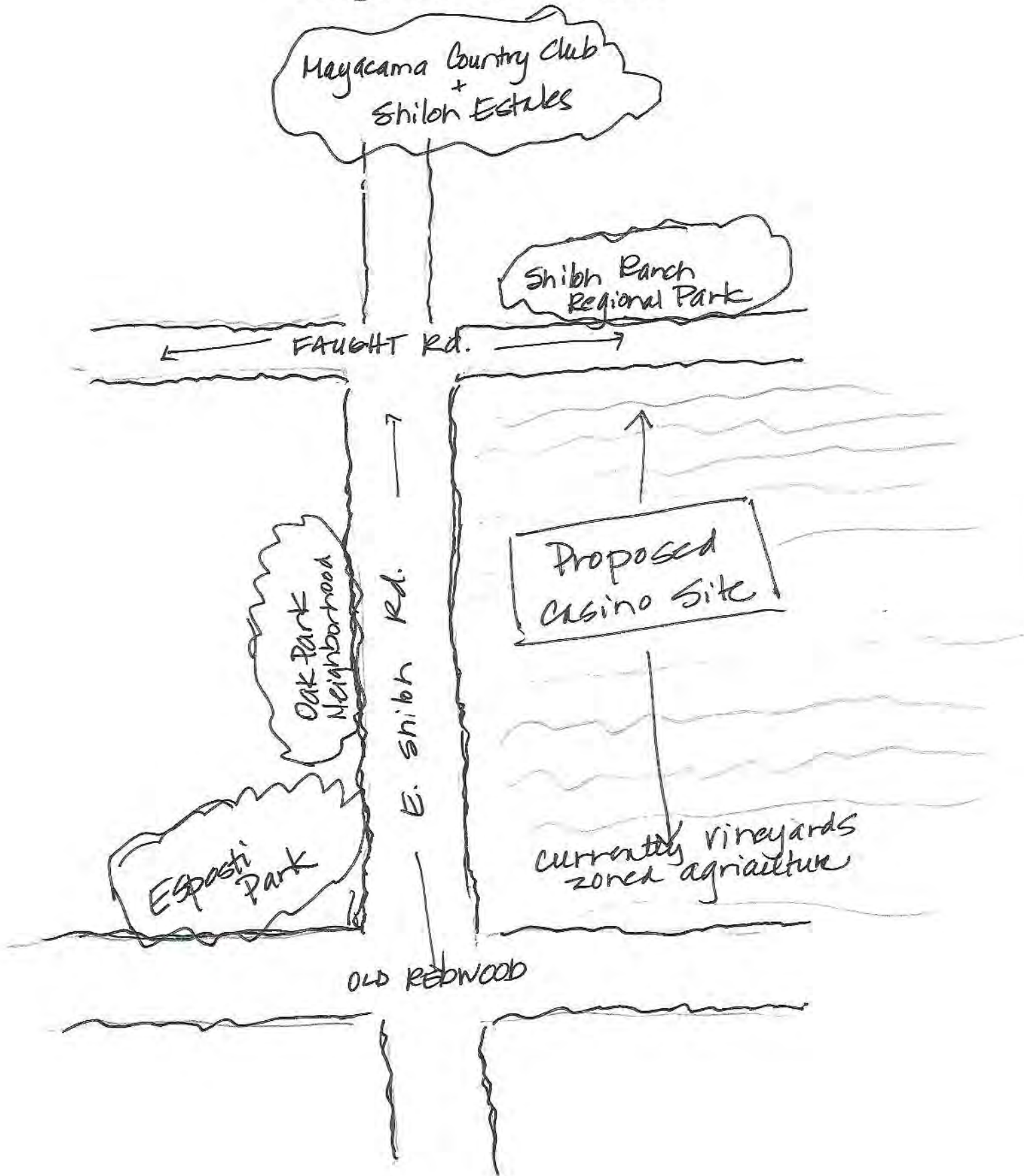
WALBRIDGE FIRE-2020

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

GLASS FIRE—2020

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

Proposed Casino Site



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

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

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

Thank you for considering our comments.

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

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

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

Barbara and Dave Collin
[REDACTED] Windsor, CA 95492

--

Be yourself, everyone else is taken.

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

To whom it may concern,

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

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

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

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

Sincerely,

Tayler Hockett, MA

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

From: Lynn Darst <backpackers_darst@sprynet.com>

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

To: Town Council <TownCouncil@Townofwindsor.com>

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

WINDSOR TOWN COUNCIL MEMBERS:

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

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

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

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

Lynn Darst

A black rectangular redaction box covering the signature area.

Sent from my I-Pad

Does a Casino Belong Here?

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

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

We are particularly concerned about:

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

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

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

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

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

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

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

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

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

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



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

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

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

- private Country Club
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SHILOH RANCH REGIONAL PARK-Faught Rd.

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FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

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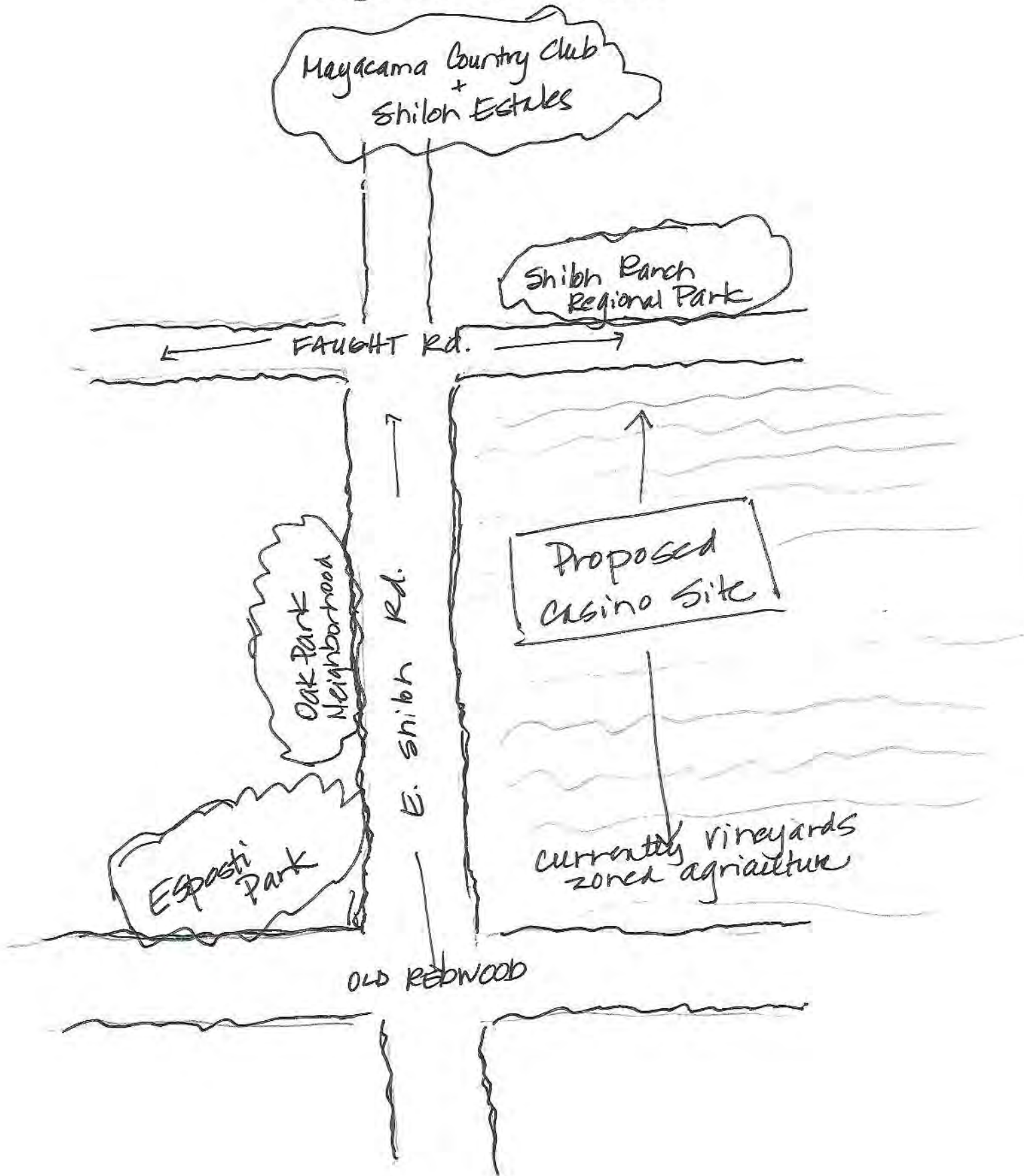
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GLASS FIRE—2020

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

Proposed Casino Site



Irene Camacho-Werby

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

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

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

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

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

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

Thanks,

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

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

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

Mark

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

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

Hi,

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

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

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

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

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

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

Betsy Mallace

betsymallace@yahoo.com

Irene Camacho-Werby

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

Dear Town Council,

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

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

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

Sincerely,

DEANNA WILLIAMSON | Event Coordinator

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



Irene Camacho-Werby

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

Good afternoon, Nina.

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

Thank you.

Mark Linder
Interim Town Manager

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

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

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

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

Thank you! Nina

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

Irene Camacho-Werby

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

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

WINDSOR TOWN COUNCIL MEMBERS:

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

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

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

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

Lynn Darst
707 318-9917

Sent from my I-Pad

Irene Camacho-Werby

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

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

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

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

--

Be yourself, everyone else is taken.

Irene Camacho-Werby

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

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

Attn: Windsor Town Council -

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

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

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

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

Sincerely, Joan Chance

Irene Camacho-Werby

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

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

Dear Council Members,

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

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

Sincerely,
Suzi Malay
590 Leafhaven Ln. Windsor CA.

Irene Camacho-Werby

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

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

Dear Mayor and Windsor Town Council,

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

I OPPOSE the Casino Resort.

Sincerely,

Laureen Buettner

Occidental, Ca

Sent from [Mail](#) for Windows

Irene Camacho-Werby

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

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

Greetings Town Council,

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

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

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

Ground water usage, including sewage treatment, the impact on the roadways and nearby services and neighborhoods. It is too much, and does not fit in with the what is already in place. Are there not zoned areas for something this size in another part of Windsor, i.e. a business park?

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

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

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

Thank you,

Todd Sloan

Sent from my iPad

Irene Camacho-Werby

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

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

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

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

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

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

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

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

Sincerely, Nina Cote'
Windsor Resident

Irene Camacho-Werby

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

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

Dear Town Council,

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

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

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

Thank you for your service to our community.

Sincerely,

Carol Martin

707-403-8200

218 Lea Street

Windsor, CA 95492

Irene Camacho-Werby

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

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

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

Irene Camacho-Werby

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

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

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannehpowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

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

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

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

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

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

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

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

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

TO:

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

From: Bob and Nancy Jenkins
June 19, 2022

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

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

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

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

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

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

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

Sincerely,

Bob and Nancy Jenkins
Sebastopol, CA

Irene Camacho-Werby

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

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

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannehpowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

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

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

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

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

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

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

To whom it may concern:

The Koi Nations casino will be a heartache for many.

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

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

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

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

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

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

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

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

Sincerely,

Beverly Hong-Walsh

70 Ellie Dr, Santa Rosa, CA 95403

Irene Camacho-Werby

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

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

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

Hi Chad,

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

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

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

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

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

Sam and town council,

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

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

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

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

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

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

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

Sommer,

Please save to the file.

Thank you,
Irene

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

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Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

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

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

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

Sent from my iPhone

Irene Camacho-Werby

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

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

Hello,

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

Many thanks for your attention to this ongoing matter.

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

Irene Camacho-Werby

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

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

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

Irene Camacho-Werby

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

October 9, 2022

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

Dear Honorable Members Windsor Town Council Members,

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

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

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

Best Regards,

Our Community Matters

P.O. Box 1421

Windsor, CA 95492

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

Irene Camacho-Werby

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

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Hello,

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Many thanks for your attention to this ongoing matter.

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

Irene Camacho-Werby

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

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

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

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

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

NEW TAX LAWS

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

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Irene Camacho-Werby

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

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

Correction, Shiloh Crossing.

Patty

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

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

Patty

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

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

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

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

Thank you for this.

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

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

Patty
Birdie Drive

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

Hello Patty,

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

Sincerely,
Irene

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

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

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

Good afternoon Patty,

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

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

Best Regards, Kim J

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

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

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

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

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

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

Hello,

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

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

2.) Mitchell Lane and Windsor Road

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

Are there any other approved construction going on in Windsor?

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

Thank you

Patty

Irene Camacho-Werby

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

Hi town council,

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

Sent from my iPhone

Blessings to you and yours,

Lisa Shatnawi
lisashatnawi@gmail.com

Irene Camacho-Werby

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

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

Please find attached my public comment.
Walter Bruszewski

Irene Camacho-Werby

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

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

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

Hi Chad,

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

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

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

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

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

Sent from my iPhone

WALTER BRUSZEWSKI

219 Lea Street

Windsor CA 95492 USA

707.239.4054

April 20, 2022

The Windsor Town Council

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

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

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

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

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

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

With best regards,

Walter Bruszewski

Irene Camacho-Werby

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

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Sam and town council,

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

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

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

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

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

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

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

Sommer,

Please save to the file.

Thank you,
Irene

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

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Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

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

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

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

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

Irene Camacho-Werby

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

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

Hi,

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

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

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

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

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

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

Betsy Mallace
betsymallace@yahoo.com

Irene Camacho-Werby

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

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

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

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

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

NEW TAX LAWS

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

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Irene Camacho-Werby

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

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

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

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

5828 Matilde Drive
Windsor, California 95492

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

October 30, 2021

Via U.S. Mail and Email

Email Address: IndianGaming@bia.gov

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

Re: Request for Restored Lands Determination by Koi Nation

Dear Director Hart:

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

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

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

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

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

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

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

A. IGRA’s Legal and Regulatory Framework

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Proximity to Residences, Parks, and Elementary Schools

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

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

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

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

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

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

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

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

B. Lack of Sufficient Wildfire Evacuation Corridors

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

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

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

C. Lack of Hospitality Workers

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

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

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

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

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

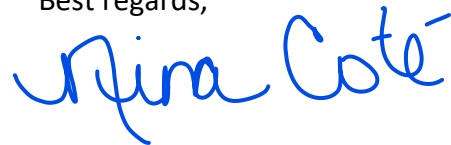
Our Community Matters is concerned about the Tribe’s proposed mega-casino and resort taking employees away from our local businesses, causing more of them to close and further decreasing the unique and diverse aspects of our community.

III. Conclusion

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

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

Best regards,



Nina Cote
Steering Committee Chair
Our Community Matters

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

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

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

Attachment 1

Page 1 of 3

RECORDING REQUESTED BY:
Fidelity National Title Company

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

2021100185

Official Records of Sonoma County
Deva Marie Proto
09/03/2021 09:11 AM
FIDELITY NATIONAL TITLE | SONOMA NAPA | EFN
DEED 3 Pgs
Fee: \$50.00
County Tax: \$13,530.00

Escrow Order No.: FSNX-7052000491CF

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

SPACE ABOVE THIS LINE FOR RECORDERS USE
Exempt from fee per GC 27388.1(a)(2). This document is a transfer that is subject to
Documentary Transfer Tax.

GRANT DEED

The undersigned grantor(s) declare(s)

☐ This transfer is exempt from the documentary transfer tax.
☒ The documentary transfer tax is \$13,530.00 and is computed on:
☒ the full value of the interest or property conveyed.
☐ the full value less the liens or encumbrances remaining thereon at the time of sale.
The property is located in ☒ an Unincorporated area.

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

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

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

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

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

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Grant Deed
SCAD000129.doc / Updated: 04.08.20

Printed: 09/01/21 @ 10:56 AM
CA-FT-FSNX-1800 090725-FSNX-7052000491

GRANT DEED
(continued)

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

Dated: September 1, 2021

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

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

BY: Randall C. Clifton
Randall C. Clifton, Trustee

BY: Cynthia A. Clifton
Cynthia A. Clifton, Trustee

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

State of California

County of San Diego

On September 1, 2021 before me, Conrad Fernandez, Notary Public,
(here insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature [Signature]



EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 059-303-003-000

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

Being a tract of land in Section 20, Township 8 North, Range 8 West, M.D.B. and M. and beginning at a iron pin which marks the 1/4 section corner between Sections 19 and 20; thence East along the Northerly line of the Southwest 1/4 of said Section 20, a distance of 40.00 chains, more or less, to the center of Section 20; thence South, along the Easterly line of said Southwest 1/4, 17.81 chains, more or less, to the Northeast corner of a tract of land conveyed by Elisha C. Mayo to Charles T. Mathisen and Cynthia E. Mathisen, his wife, by Deed dated January 28, 1905 in Book 216 of Deeds at Page 298, Sonoma County Records; thence South 76° 15' West, along the Northerly boundary of said tract of land conveyed to said Mathisen, 25.69 chains, more or less, to the center of the State Highway leading from Santa Rosa to Healdsburg; thence Northwesterly along the center of said State Highway, 26.85 chains, more or less, to the section line between Section 19 and 20; thence North along said section line, 1.62 chains, more or less, to the point of beginning.

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

Also excepting therefrom that portion conveyed to the County of Sonoma by Deed recorded October 27, 2006 as Instrument No. 2006132956, of Official Records.

Attachment 2

Aerial Photo of the site of the Casino and Resort proposed by the Tribe, located at 222 E. Shiloh Road, Santa Rosa, CA. The Casino and Resort project is outlined in blue; Esposti Park is outlined in green; the pink line shows the boundaries of the Town of Windsor to the North versus unincorporated Sonoma County to the South.

The proposed Casino and Resort is a 1.2 million-square-foot project calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa. It is expected to employ approximately 1,100 employees.



Photo obtained from the SoCoNews: https://soconews.org/scn_windsor/news/windsor-officials-clarify-town-not-involved-with-koi-nation-casino/article_0e7adef2-2871-11ec-93c3-536857a5e1cf.html and not verified by Our Community Matters.

Attachment 3

Locations of Recent Wildfires (Since 2015)



Our Community Matters
P.O. Box 1421
Windsor, CA 95492

February 16, 2022

Mayor Sam Salmon
Town of Windsor
9291 Old Redwood Highway Bldg. 400
Windsor, CA 95492

Dear Mayor Salmon:

Thank you for the opportunity to meet with you and Rosa Espinosa recently via Zoom. We were pleased that we were able to review our Power Point Presentation with you and to help clarify the application process through the BIA (Bureau of Indian Affairs). Upon the follow-up dialog, we were left with the impression you do not clearly understand the reasons for our strong opposition to the proposed Casino Resort. While this project is not in the town limits of Windsor, it does border our town. It is directly across the street, within 40 feet, to a Windsor residential neighborhood. Whatever happens at this location will have a direct impact on the Town of Windsor. As your constituents, we want to make the reason of our opposition 100% clear.

Our Community Matters is objecting to the **LOCATION** of the proposed Casino Resort! The top reasons include:

- Press Democrat Article 2/14/22: Drought Relief Hopes Fading
Press Democrat Article 2/15/22: Drought Worst in 1200 Years

Documents show six or seven wells that are currently located at 222 E Shiloh are dry and have been for several years. Think about it! How much water does a 200 room hotel, six restaurants, a casino, spa and conference center need? In a recent news release the plans have now changed to a 400 room hotel. How does that impact the rest of us, particularly those on wells?

Drought worries immediately lead us to wildfire risk!

- Wildfire Risk!

We do not have to guess what will happen. We already know! We have the experience of the Tubbs fire in 2017 in which 22 people perished and the 2019 Kinkaide fire which stopped directly across the street from the proposed casino location. As you know, the original prediction was that the entire Town of Windsor was in path of the fire. The evacuation in both cases resulted in gridlock along Shiloh/Old Redwood Highway, up to and along Highway 101.

WHY would anyone invite potentially 20,000 vehicles or over 50,000 people a day to an area surrounded by residential neighborhoods to a fire prone area, where evacuation gridlock is history? It doesn't make sense. The thought of 50,000 people evacuating, along with all the residential neighborhoods that surround 222 E. Shiloh, is chilling. How many people will die?.

Mayor Salmon, this is **NOT** an opportunity to seek economic expansion at the expense of safety. This is **NOT** an opportunity to negotiate with anyone relating to this property. This is an opportunity for you to take a stand on this matter! 222 E. Shiloh is the **WRONG LOCATION** for a commercial business that draws thousands of visitors and vehicles per day.

We are strongly urging you to place this important/critical matter on the Windsor Town Agenda immediately for discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "L. R. Darst". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lynn R. Darst, Windsor Resident
Our Community Matters

Cc: Our Community Matters Members

From: Lynda Williams <misslyndalouu@gmail.com>
Sent: Saturday, October 14, 2023 5:56:03 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comments on Letter RE: Koi Nation Shiloh Resort and Casino Project

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Dear Honorable Town of Windsor Council Members,

I am writing to comment on the letter on the agenda for approval this Wednesday October 18, 2023, Town Council Meeting commenting on the Environmental Assessment (EA) of the proposed Koi Tribe Vegas Style Casino Resort Hotel.

While I thank you for taking the time to comment on the EA by the deadline, the proposed letter fails to address three critical issues on this matter. The first is Fire and evacuation routes. As you are aware, all evacuation routes out of the Town of Windsor are severely stressed and gridlocked in times of evacuation. As someone who lives directly across the street from this proposed project (less than 40 feet) and who has been evacuated, this issue must be addressed comprehensively in both your letter as well as a new Environmental Impact Statement. This issue risks the lives of residents who are citizens and taxpayers in the Town of Windsor. People like me and my neighbors whom you represent. Please add language addressing this issue.

The second issue is traffic impact, which your letter addresses but fails to tie to the fire and evacuation issue. Specifically, your letter fails to address the proposed traffic light and casino entrance at East Shiloh and Gridley. Gridley is a residential street used by most of the residents of Oak Park (77 homes). Putting a signal here with a casino entrance directly across from Gridley will back up traffic into Oak Park all day and night; it will back up traffic into the Redwood Highway and East Shiloh intersection; this will cause traffic to turn up East Shiloh and speed on Faught Road past San Miguel School; and it will cause traffic to cut through Oak Park to Mathilde backing up traffic at this intersection as well. This will put the life and safety of residents, children on bikes, pets and pedestrians at risk. If intoxicated casino goers become confused when they exit, they could end up roaming the streets of our neighborhood. Additionally, adding 15,000 additional vehicles a day to this area will increase carbon emissions by 25,185,000 metric tons per year (source EPA website). This additional pollution will flow into all our homes.

The third, and most important issue, is that your letter fails to take a stand on the fact that this is the wrong location for this project, for all of the environmental reasons, let alone the fire and evacuation hazard. I would like to see the Town of Windsor take the position that this is the wrong location and recommend that the BIA take plan D, no project and the land is not granted to the Koi. The issue here is not the tribe, it is the location. I personally wish them well and hope they can find an appropriate location for their Vegas Style Casino Hotel. But for the scope of this

EA and this BIA proposal, please support and recommend option D in your letter. Residential neighborhoods are not the place for casinos.

Thank you.

Warmest Regards,

Lynda Williams

[REDACTED]

Windsor, CA 95492

From: Eddie Flayer <eddie.flayer@att.net>
Sent: Saturday, October 14, 2023 6:12:47 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I don't understand the legal jargon...

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I live in Santa Rosa but I love your town. Such a great job with building a downtown, and parks, green spaces. Why kill a fine rural vineyard neighborhood with ANOTHER gambling hall? Find some land close to Walmart on Shiloh near the freeway. Give it to the Indians and let the buses of hoards shop at Walmart...and smoke and play slot machines and smoke some more. Maybe they will even smoke a peace pipe since they can make lots of money to get paid back for what we did to them.

I would like to see the Town of Windsor oppose the location of this project and urge the BIA to support option D, not to grant the land to the Koi Tribe.

**Thank you,
Eddie Flayer**

From: Maisie McCarty <maisiemccarty@hotmail.com>
Sent: Sunday, October 15, 2023 8:14:02 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Proposal for Casino Hotel, etc

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Council Members-

We strongly urge the Town of Windsor to oppose the proposed casino just south and east of our border in its comments to the BIA. It will, if accepted into trust by the BIA become a horrific blight causing traffic, noise and light disturbance to those Town of Windsor occupants living so close to its proposed location. In addition it would cause unlimited problems for those of us forced to evacuate due to fire or other natural disasters. The proposed casino's traffic study does not even take into account the new 300 + units being built at Old Redwood Highway and Shiloh Rd which will already cause increased traffic and parking problems so near to their proposed site.

In addition the Koi Nation's ancestral lands are in Lake County, NOT Sonoma County.

Please direct your comments to the BIA in strong opposition to placing this land into trust for the Koi Nation.

Very truly yours,
Mary M.McCarty
L.W. Harrison



Windsor,CA
Sent from my iPhone

From: Ginna Gillen <ginnagillen@sbcglobal.net>

Sent: Sunday, October 15, 2023 10:19:40 AM

To: Town Council <TownCouncil@Townofwindsor.com>

Cc: Jim Gillen <jimgillen@sbcglobal.net>; Suzanne Jean Calloway <suzannecalloway@yahoo.com>; Our Community Matters <ourcommunitymatters2@gmail.com>

Subject: Please Oppose the Koi Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

As an almost 20 year resident of Windsor, I urge the Town Council to take a stronger position in opposition to the proposed Koi casino. Having read the Environmental Assessment, I agree that as your agenda states "... the Town finds that several potentially significant adverse impacts associated with the proposed project are not identified or not adequately mitigated below the threshold of significance".

My family was evacuated during the Tubbs Fire and the Kincade Fire and encountered terrifying traffic jams on the escape routes. This situation would become total gridlock if the casino were to be built to the south of us. The only way to mitigate this potential crisis is to prevent the building of this casino.

The Town Council represents the voices of your constituents and we urge you to take a strong stand to protect the lives of the citizens of Windsor!

James and Virginia Gillen

[REDACTED]

Windsor

From: Mary Ann Bainbridge-Krause <mary_ann_bainbridge_krause@yahoo.com>
Sent: Sunday, October 15, 2023 5:52:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Item number 12.2 town agenda


CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Town Council: I'm writing concerning item # 12.2, submittal on the environmental assessment regarding Koi Nation Shiloh Road and Casino project. Even though you very carefully cover reasons why this should not proceed, you never once in your letter state you are against this development.

I'm disappointed. Your concerns are the same as the citizens of Windsor and yet you fail to back us up. Why? I would really like to know.

Very disappointed

MaryAnn Bainbridge-Krause

, a 28 year member of the Windsor community.

Sent from my iPhone

From: Carrie Marvin <[REDACTED]>
Sent: Sunday, October 15, 2023 5:46:10 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: EA letter for KOI Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please make sure in the letter from the Town Council, to include how incredibly dangerous it would be for them to build a large casino and hotel and parking for thousands of cars when we have to evacuate. People living in Windsor could end up like citizens of Lahaina or the Camp Fire - being burned because there is not the ability to evacuate quickly. Both Tubbs fire (getting out of Coffey Park was difficult) and Kincaide Fire had lots of people driving for a very long time to get out (I heard stories of people in Windsor and Sebastopol) This is a very important point that needs to be stressed and to omit that is an issue.

Also, as a citizen of Windsor and of the state of CA, we have suffered for years with a long term drought. I have personally ripped out all my grass - and to think that this group can come in and use our local water for tourists and gamblers - while I shut the water off while I brush my teeth and take timed showers, seems nonsensical to me. Fire and Drought must be addressed in the letter.

Thank you.
Carrie Marvin
[REDACTED]

From: Debra <d_avanche@yahoo.com>
Sent: Sunday, October 15, 2023 5:33:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation proposed project at 222 E Shiloh Rd., Santa Rosa

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Windsor Town Council members,

I am writing to request that the Windsor Town Council go on record opposing the gaming project at Old Redwood Highway and E Shiloh Rd. by the Koi Nation and Oklahoma Gaming commission.

This property is just outside the Windsor town boundaries but will heavily impact Windsor residents and businesses. This location is designated rural residential agricultural and is **BORDERED BY** Esposti sports park, the Oak Park subdivision, a church, mobile home park for seniors, residences along E Shiloh Rd., The Sonoma County Regional Park at E. Shiloh Rd and Faught Rd and is close to San Miguel Elementary and Mark West Elementary Schools. It is a travesty that a gaming operation is being floated in the middle of this beautiful community.

The Koi Nation is pursuing sovereign status of this property so gambling and 24/7 hoopla can take place. The Koi Nation is from Lake County and should be pursuing their project in that county.

Windsor will not benefit from needing more housing for low paid workers, and will be harmed by plopping a hugh operation in an area that is wildfire prone. Serious evacuation problems are obvious. We are already experiencing parking and traffic issues with the new apartment complex that is in the works.

I urge the Council to go on record strongly opposing this operation and designate the land as off limits for this type of project. Its appalling and makes no sense. We have enough casinos already in Sonoma County. There is **NOTHING** to be gained. Please help stop this.

Thank you,

Debra Avanche



Santa Rosa, Ca 95403

From: Chris Thuestad <chris2esta@comcast.net>
Sent: Sunday, October 15, 2023 4:03:23 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Casino Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I just received an email stating that the Town of Windsor is ready to approve the EA Comment Letter to the BIA regarding the Koi Nation's proposed casino. I'm deeply concerned about the casino for many of the same reasons you've already heard. The traffic on Shiloh Road is already problematic. I have had to sit through three turns of the light to try to get past the light near Home Depot. When we had to evacuate during the Kincade fire, my husband was at Home Depot -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! The traffic study submitted by the Koi Nation also didn't take into account all the high-density construction projects that are being built along Shiloh and Old Red. Heading south on Hwy 101 is a nightmare already. We've been told the Graton casino gets 20,000 guests a day. If the Koi casino is even larger, what will that do to the street traffic in Windsor and the freeway traffic heading south?

I'm also concerned about water usage. We've been told that droughts are going to continue to be more frequent and more severe. We were headed to a real disaster until the rains finally came last rainy season. I've heard that the proposed casino will put in a 700' well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought, there could be problems with ground subsidence. Once the land is taken into trust, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns every other day, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water? Does the Town of Windsor have a plan for this?

The Koi Nation is a Lake County tribe yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes. How is it fair to the SoCo tribes to have the Koi Nation come in and cannibalize their business?

Finally, the additional traffic, crime, noise, and light pollution will ruin the property values of all Windsor residents, especially those near the casino. No one wants to live by a casino!!

I urge you to oppose the casino, support option D, and not allow the Koi Tribe to destroy the lives of so many people in Sonoma County.

Thank you,
Chris Thuestad

From: BELVA MITCHELL <mmitchellbc@aol.com>
Sent: Sunday, October 15, 2023 11:25:30 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Fwd: EA Comments,Koi Nation Shiloh Resort and Casino

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Sent from my iPad

Begin forwarded message:

From: BELVA MITCHELL <mmitchellbc@aol.com>
Date: October 11, 2023 at 10:42:09 AM PDT
To: chad.broussard@bia.gov
Subject: Re: EA Comments,Koi Nation Shiloh Resort and Casino

Sent from my iPad

On Sep 28, 2023, at 6:39 PM, BELVA MITCHELL <mmitchellbc@aol.com> wrote:

I am strongly opposed to the proposed Casino due to many factors. I live within [REDACTED] of the Shiloh road entrance/ exit as proposed. This surface street infrastructure at Old Redwood highway and at 101 experience heavy traffic volumes at peak travel times. This will only worsen in coming years due to more population resulting from projects under construction now. The Casino project is indicating some improvements to address infrastructure but I can't foresee this will address the highway 101 approaches and exit ramps.

All of the concerns do not begin to reflect an emergency evacuation situation. I see no indication that noise will be addressed once operations are underway and complete. Over the last several years commercial and private vehicles with loud exhaust systems create an extremely undesirable situation that continues into late at night. There does not seem to be any effort to patrol for this situation.

There is also a great concern that safety will be compromised due to the influx of people that will be present and those looking for an opportunity to traffic drugs and sex if this project becomes a reality . Finally this is a

residential community not a commercial or business location.

From: Tisha Zolnowsky <Tisha.Zolnowsky@kp.org>
Sent: Monday, October 16, 2023 7:22:01 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Windsor Town Council - Safety. - Please oppose!

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to provide comments on the proposed **Koi Nation Shiloh Resort and Casino** Project. **I can't believe this is even an option. Really, why is putting a GIANT casino in a neighborhood even an option! 50'** from backyards where families, animals, and children play.

That vineyard saved the surrounding neighborhoods by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go? I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons. **Why do us citizens continue to get pushed around by organizations that put their profit before population safety.** Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.

So sad 😞

Tisha Zolnowsky

No Casinos near homes, schools, churches,

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From: MEREDITH STROM <mandmstrom@comcast.net>
Sent: Monday, October 16, 2023 11:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Tribe request to build casino on East Shiloh Road in Windsor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing with regard to your upcoming council agenda item regarding a request by the KOI Tribe to build a casino on East Shiloh Road in Windsor.

I live on [REDACTED] and this project would have an immediate and potential disastrous affect on my life. During the recent fires when I had to evacuate my home twice all roads getting out were blocked because of traffic, including Faught Rd., Old Redwood Highway and the 101 freeway. Adding the numbers of cars this project would involve would create a situation that could result in not only property losses but possibly lives, especially for seniors like myself who cannot evacuate easily. Just the increased daily traffic on these country roads will certainly complicate my life immensely.

The noise and parking are also definite concerns for me, especially weekends and evenings. Esposti Park is on the corner of Old Redwood Highway and East Shiloh Park. This is a very well used park during evenings and weekends for many youth athletic leagues with the parking lot full and overflowing onto side streets and neighborhoods. This situation will increase when the huge low income housing unit on the opposite corner is occupied which I fear does not allow enough parking for its projected occupancy. Numerous bike rides commence at this park contributing to traffic and parking issues almost daily during many months of the year.

This is not just a small neighborhood issue. Traffic on and off the freeway, noise, parking, huge increases in water and power usage will affect all Windsor residents.

I urge you to officially oppose this project and recommend the KOI Tribe be denied their request to build a casino at this site.

meredith strom

[REDACTED]

Windsor, CA

From: Joanne Hamilton <jahamil@pacbell.net>
Sent: Monday, October 16, 2023 10:28 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino item 12.2

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The Draft responds does a very good point by point assessment of the EA. However, IMO, I feel it could be strengthened with a strong opening that the Town is against this location for the Koi project. Also, perhaps, a strong close to the same affect.

JoAnn Hamilton

From: Judith Coppedge <judithcoppedge727@gmail.com>
Sent: Monday, October 16, 2023 4:52 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comment for Proposed Koi Casino Mtg 10-18-23

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see the attached documents for your upcoming Town Council Meeting on the Proposed Koi Nation Casino.

October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, [REDACTED] Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

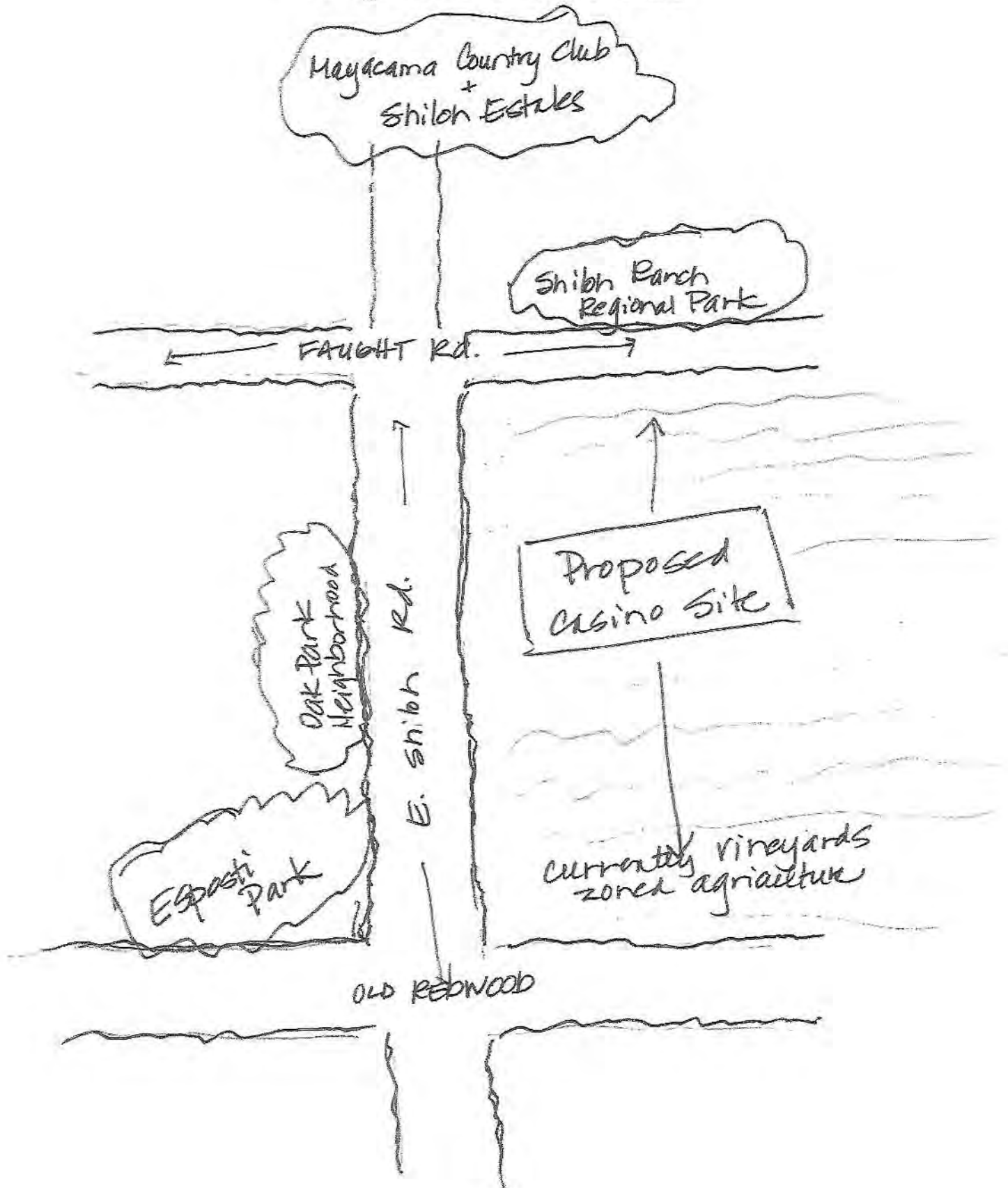


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site



From: C Plaxco <cplaxco143@gmail.com>

Sent: Monday, October 16, 2023 5:06:49 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: I do not want Shiloh Casino in my residential neighborhood

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

- I have lived on [REDACTED] for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on [REDACTED] I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

Christine & Richard Plaxco

[REDACTED]

From: Don Ziskin <donziskinlaw@comcast.net>
Sent: Tuesday, October 17, 2023 8:06 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino Environmental Statement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

Thank you for the opportunity to comment on the letter from the City of Windsor to Amy Dutschke with the Bureau of Indian Affairs concerning the Environmental Statement. My (and my neighbors) chief concern is the impact the Koi Casino Resort will have during the next evacuation as well as on day-to-day life.

1. Transportation and Circulation/ Fire/Evacuation

My family and I are 31 years residents of [REDACTED], the development directly across the street from the proposed hotel/casino complex. We have been through the Tubbs and Kincaid fires and experienced gridlock during evacuations.

There is no information in the Environmental Statement referencing the results of the traffic study done over two wet, cold days in January 2022, nor was there any information concerning the basis for the estimated 11,213 to 15,579 trips a day to and from the casino. While their traffic study does acknowledge that the casino will cause a loss of services (LOS) they utilize a common phrase throughout the report. "Mitigation would reduce impacts to a less than significant level". Changing lane striping and signal phasing is not going to alleviate the LOS. There is no information in the TIS on how signal installation will impact traffic. Conclusory statements at the end of the Transportation and Circulation section simply state that "mitigation would reduce impacts". Further detailed analysis incorporating actual conditions is needed.

There is no substantive information on what their plan is or how their plan would impact the community in the event of an evacuation from fire or earthquake. The only time evacuation is mentioned is at the very end in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. Nowhere in the bullet points do they reference the single lane exit routes or the other surrounding community members trying to evacuate. There is no substantive information on what their plan is or how their plan would impact the community.

How will 5,000+ vehicles leaving the casino at one time during an emergency impact resident in Oak Park and east of the casino Shiloh entrance trying to evacuate?

How will morning and evening commutes be impacted by people traveling to and from the casino?

How will traffic signals at Gridley and Shiloh casino entrance impact traffic congestion on East Shiloh?

How will Casino and residential evacuation impact responding emergency services?

2. Other Casinos in Residential Communities

In response to scoping concerns over casinos in residential areas, the Environmental Statement references three casinos in California that are in residential communities; however, there are significant differences between the Yaamava, Pechanga and San Pablo casinos in the ES and the proposed Koi Casino Resort.

None have housing as close to the casino as does the Koi Casino. All have material differences in ingress and egress. None share a common entry/exit with private residences.

Pechanga is separated from homes by a four-lane parkway and a nature trail. The casino is over ¼ mile from residences. It was built on historical lands belonging to the Pechanga tribe for over 10,000 years in Temecula.

Yaamava casino, like the Pechanga Casino is built on the San Miguel Band of Indians historical land in San Bernardino. It was designed so that the casino entry way faced an unoccupied hillside on their reservation lands. The homes in the area all face the unlit, backside of the casino and are separated by open space and a service road. Driveways and roadways entering and exiting the casino are removed from any residential areas.

Like Pechanga and Yaamava, San Pablo casino does not share a common entrance with any residential community. Like Yaamava, homes around San Pablo Casino only face the backside of the casino area and residences are separated by trees and a creek. Also, the general area is mostly industrial and retail.

The Koi Casino Shiloh entrance will share a common intersection with the residents of Oak Park. Homes will be located on the corner of the intersection of Gridley and the East Shiloh entrance.

3. Acorn Environmental Statement

The neutrality of the report prepared by Acorn should be challenged. Their website identifies Tribal Fee to Trust Applications as one of their specialties. Acorn Environmental provides environmental studies for Native American Indian tribes. Acorn Environmental has a vested interest in minimizing environmental impact for their clients. Their ES utilizes numerous technical standards and regulations but fails to provide factual or substantive information of the impact the casino will actually have on the environment and community. The concerns raised in the scoping questions and

addressed by Acorn were determined to be insignificant after evaluation. Examples of common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.

Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

Compensating someone with money over the loss of well water is not insignificant or an adequate remedy.

Lastly, while I appreciate the City of Windsor's thorough analysis of multiple topics in the comment letter, I feel it is important that the city take a stronger position concerning the project. There is no question that this project will materially change every aspect of this community. In lieu of suggesting "an alternative project be investigated; it is important to address the four alternatives in the ES. It is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. This is not about the who, it is about the what! It will change from a residential, recreational community to a 24 hour a day commercial center.

Because the Environmental Assessment report is lacking any substantive detailed information on how the proposed casino project would impact the environment and local residents is imperative that a more detailed Environmental Impact Study be done unless Alternative D is adopted.

Thank you,

Donald Ziskin

[REDACTED]

Windsor, CA 95492

phone [REDACTED]

From: betsy mallace [REDACTED]
Sent: Tuesday, October 17, 2023 7:16:07 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: public comments on Koi EA #12.2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to give feedback on your very detailed comment letter to the BIA regarding the on the Koi Casino Project's EA.

I have found, in my personal experience, that comment letters to the BIA have to be very direct. I think most of the comments should be strengthen by specifically calling out every instance of significant adverse impact. Please consider the following suggestions to be added to the letter.

It should be stated clearly that the town only supports option D. Options A, B, and C could/would all create a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACTS** to the town of Windsor. If they move forward with Option A, B, or C then the EA (as written) is incomplete/insufficient and an EIS must be required.

For the items you have stated are "inadequate", "unrealistic", "not-approve", "not-indicated" (missing), "not demonstrated", "could potential jeopardize", need "analysis", "inaccurate", "assume", "overstates", "misleading", "does not recognize", "not addressed" you need to clearly state that the EA as written has and/or could have a **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor. They have not proven that there is **not** significant impact to the Town of Windsor.

Where you have listed "objections", you again need to clearly state that this is or could be **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor.

Where any cost, fee, fund or improvement that will and/or could be assigned to the town of Windsor, it will create a **SIGNIFICANT ADVERSE IMPACT** to the town of Windsor.

I am surprised that you barely mentioned evacuation issues, but where you have stated that evacuation times will increase you must also clearly state this is a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACT** to the town of Windsor (and the entire community). Will any Windsor zones "safe route" be impacted by the proposed project? If so, please have this added to the comment letter.

Also, removing a natural fire break and replacing it with combustibles creates an **UN-MITIGATABLE SIGNIFICANT ADVERSE IMPACT** to the town of Windsor (and the entire community).

I hope you will consider my suggestions (bolding is mine, for emphasis only). Would you please remove all my contact information on this email, before you publish it?

Many thanks for your consideration,

Betsy Mallace

From: sandra george <bailey011@att.net>
Sent: Tuesday, October 17, 2023 8:00:31 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

October 17, 2023

Dear Honorable Mayor Reynoza, Vice Chair Salmon, Council members Wall, Fudge, And Potter,

We live across the street from the proposed casino, on Shiloh Road. We write to you to urge you at the extremist level. In your letter to the BIA, to OPPOSE the LOCATION of the proposed Koi Nation Shiloh Resort and Casino. To URGE the BIA to support option D, and not grant the land to the KOI Tribe.

In addition to all of your points of opposition in your letter. The proposed location is BORDERED ON 3 SIDES BY RESIDENTIAL HOUSING! In checking with our relator, we were advised that our property value would drop \$200,000 if a Casino is built on the proposed site. This would lead to loss of home values that could be in the Hundreds of millions of dollars. This would not only be a loss to each homeowner. But reduce property taxes to the Cities and County.

Every Town, City, County, and State official that spoke to the proposed site, were in opposition.

The only support is by the Carpenters Union, who are looking at a short term gain in work, while the rest of the community suffers long term losses.

Dave and Sandra George

[REDACTED]

October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, Shiloh Vista, Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

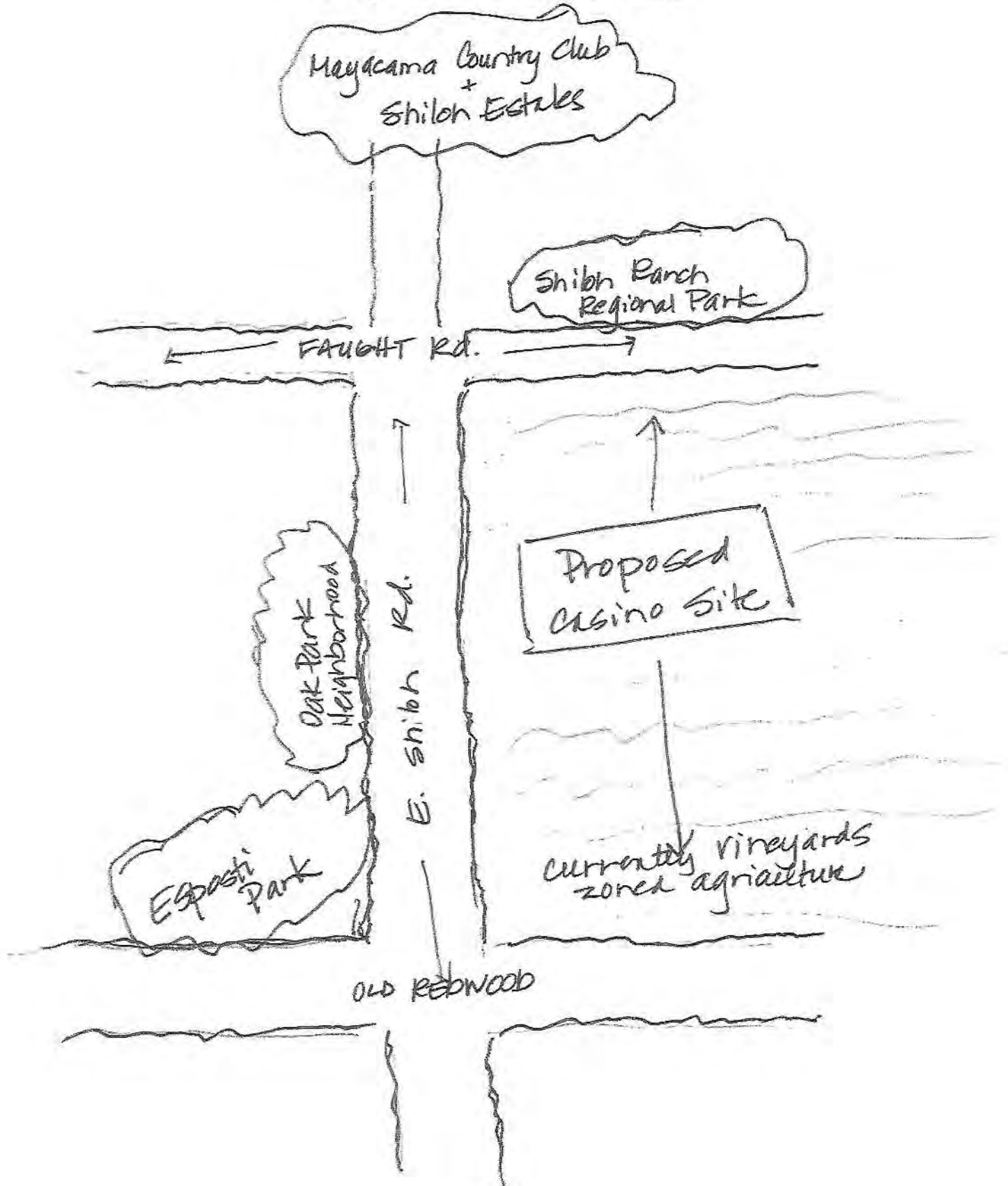


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site



From: Indigo Bannister <ibannister@westyost.com>
Sent: Monday, November 13, 2023 4:53 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: arodgers@santarosaplaingroundwater.org <arodgers@santarosaplaingroundwater.org>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon –

Please find attached comments on the Environmental Assessment for the Koi Nation's Shiloh Resort from the Santa Rosa Plain Groundwater Sustainability Agency.

Please let us know if you have any questions or would like to discuss further.

Thank you,
Indigo

Indigo Bannister

Santa Rosa Plain Groundwater Sustainability Agency (GSA)

www.santarosaplaingroundwater.org



November 13, 2023

Amy Dutschke, Regional Director
Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

RE: Comments on Koi Nation of Northern California Shiloh Resort and Casino Project Environmental Assessment

This letter presents comments on behalf of the members of the Santa Rosa Plain Groundwater Sustainability Agency (GSA). We appreciate the opportunity to comment on the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project (Proposed Project).

The Proposed Project would receive their water supply from on-site wells located within the Santa Rosa Plain Groundwater Subbasin (Subbasin) and recycled water from on-site wastewater treatment facilities.

The GSA is responsible for sustainably managing groundwater resources within the Subbasin and has adopted the Santa Rosa Plain Groundwater Sustainability Plain (GSP)¹, which was approved by the California Department of Water Resources in January 2023. The GSP establishes a standard for sustainability of groundwater management and use and determines how the Subbasin will achieve this standard by 2042. Available information from the approved GSP and the Water Year 2022 Annual Report² should be reviewed and incorporated into relevant analyses performed for the EA. Specific areas of analyses which the EA should focus on include:

- Evaluating the impact of groundwater pumping from the Proposed Project on sustainability indicators defined in the GSP, in particular chronic lowering of groundwater levels, groundwater storage, depletion of interconnected surface water, and water quality. The GSP includes

Board of Directors

Susan Harvey
City of Cotati, Chair

Emily Sanborn
City of Rohnert Park

Joe Dutton
Gold Ridge RCD

Lynda Hopkins
Sonoma Water

Evan Jacobs
Independent Water
Systems

Sam Salmon
Town of Windsor

John Nagle
Sonoma RCD

Mark Stapp
City of Santa Rosa

Neysa Hinton
City of Sebastopol

Chris Coursey
County of Sonoma

¹ Sonoma Water, 2021. Groundwater Sustainability Plan, Santa Rosa Plain Groundwater Subbasin. Prepared for the Santa Rosa Plain Groundwater Sustainability Agency.
<https://santarosaplaingroundwater.org/gsp/>

² Sonoma Water, 2023. Water Year 2022 Annual Report, Santa Rosa Plain Groundwater Subbasin. Prepared for the Santa Rosa Plain Groundwater Sustainability Agency. March
<https://santarosaplaingroundwater.org/annual-reports/>

sustainable management criteria (SMC) for each of these sustainability indicators, which should be compared with projected groundwater impacts from the Proposed Project in order to determine whether cumulative impacts to groundwater would be significant.

- The EA should include an analysis of potential impacts on groundwater dependent ecosystems, as well as an analysis of whether any of the species identified in the Biological Resources section of the EA are considered part of a groundwater-dependent ecosystem and include mitigation measures to the extent feasible.
- The EA should conduct a quantitative analysis of potential well interference effects associated with future groundwater pumping on existing and reasonably foreseeable future nearby water wells. The Town of Windsor's Water Mater Plan identifies increasing groundwater extraction from the Esposti Park wells. The Proposed Project should evaluate the cumulative impact of the Town's increased extraction.

The EA should also describe how "local vineyard irrigation sources containing typical irrigation rates for Windsor, Carneros, Napa, and Sonoma County were consulted" to derive the estimated vineyard irrigation rate of 0.317 AFY/acre used in Appendix C of the EA, as this is appreciably lower than the 0.6 AFY/acre assumption used by the GSA and County of Sonoma.

Should the borehole for any future new on-site water-supply wells be drilled across separate and distinct aquifer zones, please limit communication between shallow and deep aquifer systems by limiting the well screen interval and gravel pack to a singular aquifer system and using solid casing and annular seals across any identified significant and laterally extensive aquitards, consistent with groundwater management best practices.

The GSA encourages the Koi Nation of Northern California (Tribe) to maximize the onsite use of recycled water to help offset the need to pump groundwater from the Subbasin, to the fullest extent feasible. The Tribe should also consider funding projects that reduce groundwater demand and supplement groundwater supplies through recharge enhancement to offset any projected water demands associated with the Project which cannot be met through recycled water deliveries. Applicable projects identified within the GSP and currently being pursued by the GSA include a Water-Use Efficiency (WUE) Assessment and Pilot Program for groundwater users and planning and implementation of Aquifer Storage and Recovery (ASR) projects.

We encourage the Tribe to share any data obtained during project development and operation that would support filling data gaps identified in the GSP,

including any geophysical logs, water quality data, pump test results, meter readings, and ongoing groundwater level and usage measurements.

The GSA requests that the Bureau of Indian Affairs consider the above comments, questions, and recommendations. The GSA appreciates the opportunity to provide these comments and welcomes a collaborative relationship with the Tribe on the sustainable management of this shared and precious resource to the benefit of the Tribe and the local community.

If you have any questions or concerns about the GSA's input, or would like to meet to discuss, please contact me at (707) 243-8555 or arodgers@santarosaplaingroundwater.org.

Respectfully,

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a long horizontal stroke.

Andy Rodgers, Administrator
Santa Rosa Plain Groundwater Sustainability Agency

From: Verne Ball <Verne.Ball@sonoma-county.org>
Sent: Monday, November 13, 2023 1:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

Attached please find the comments of Sonoma County on the Koi Nation of Northern California Shiloh Resort and Casino Project Environmental Assessment. A hard copy is also being sent to Ms. Dutschke. Thank you, and I would very much appreciate it if you would acknowledge receipt.

Thank you,

575 Administration Drive, Rm. 105A, Santa Rosa, CA 95403

One attachment • Scanned by Gmail



ROBERT H. PITTMAN, COUNTY COUNSEL

575 Administration Drive, Room 105A
Santa Rosa, CA 95403

P: (707) 565-2421

F: (707) 565-2624

Assistant County Counsel
DEBBIE F. LATHAM

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CORY W. O'DONNELL
ADAM L. BRAND
JOSHUA A. MYERS
TASHAWN C. SANDERS

Deputies

TAMBRA CURTIS
LISA PHEATT
HOLLY RICKETT
VERNE BALL
IAN TRUEBLOOD
ELIZABETH COLEMAN
PETRA BRUGGESSER
CHRISTA SHAW
MICHAEL KING
KARA ABELSON
DIANA GOMEZ
ALDO MERCADO
SITA KUTEIRA
JEREMY FONSECA
LUKE BOWMAN
MATTHEW LILLIGREN
MAILE DUNLAP
KRISTIN HORRELL
IVAN JIMENEZ
SHARMALEE RAJAKUMARAN
ETHAN PAWSON
JOSEPH ZAPATA
ALEXANDRA APODACA

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Rm W-2820
Sacramento, CA 95825

Chad Broussard (via email)
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
Chad.broussard@bia.gov

RE: EA Comments, Koi Nation Shiloh Resort and Casino

November 13, 2023

Dear Ms. Dutschke and Mr. Broussard:

On behalf of the County of Sonoma, thank you for considering these comments on the Environmental Assessment (EA) prepared for the Koi Nation's proposed fee-to-trust application for its Shiloh Resort and Casino Project. The County is mindful of the Bureau of Indian Affairs' (Bureau) roles in reviewing and deciding on the application made by the Koi Nation and its role as a trustee for lands already held in trust for tribes in Sonoma County. The County is respectful of tribal sovereignty and understands the need for tribal self-determination and economic development to provide for tribal members. At the same time, Sonoma County objects to any attempt on the part of the federal government to take the present 68 acres of land located east of the Town of Windsor into trust for the benefit of the tribe for gaming in a manner that violates federal law.

Given the significant impacts of the project, and the controlling law that requires an Environmental Impact Statement (EIS) on these facts, the County of Sonoma respectfully urges the Bureau to forego any attempt to use this document to support a Finding of No Significant Impact (FONSI). This is not supportable. The County of Sonoma objects to the inadequate analysis and mitigation in the EA, and the failure of the Bureau to take a "hard look" at the environmental consequences of this proposal, as required by the National Environmental Policy Act (NEPA).

The Bureau should stop, think, and prepare the EIS that NEPA requires.

I. The EA contains inadequate analysis of the significant impacts of the project and an EIS must be prepared.

The Bureau has prepared a complete EIS for other very similar casino projects within Sonoma County, as well as elsewhere in California. By way of example, in Sonoma County, the Cloverdale Rancheria Band of Pomo Indians' fee-to-trust application sought 69.77 acres of land in trust for gaming about 25 miles north of the subject site. An EIS was prepared for the Cloverdale project.¹ The Bureau's action on the Cloverdale site was for a resort casino and hotel, including a tribal government building and 3,400 parking spaces, for a total non-parking square footage of 595,600 square feet. By way of comparison, the Koi Nation's project is for a similar project without a government building, and totals 807,067 square feet for non-parking coverage, and 5,119 parking spaces in addition (1,689,380 square feet in addition). For a similarly sized proposed land area, the Koi casino square footage is 135.5% of that proposed by Cloverdale, its hotel rooms are 164% of that proposed by Cloverdale, and the number of parking spaces is 150.5% of that proposed by Cloverdale. Even if the current project were to be reduced in size to what Cloverdale proposed, common sense would dictate an EIA. While an EA may be appropriate for some projects, the Koi Nation's destination casino project is not one of them.

The EA concedes that the project will have numerous significant impacts, but then backs away from the obviously required significance findings based on regulatory requirements that do not exist, inadequate baseline information to inform analysis, inadequate environmental analysis of direct and indirect impacts, inadequate analysis of cumulative impacts, inadequate and unenforceable mitigation requirements, the strategic mischaracterization of mitigation as "part of the project" to avoid accountability, vague and unenforceable project assumptions, and in many cases, a refusal to implement all the recommendations of the consultants that the EA itself relies upon.

The decision not to prepare an EIS for this project reflects a conscious refusal to take a hard look at the impacts of the project and indicates that NEPA review is improperly being used to paper over a decision that has already been made.

II. The EA is affirmatively misleading with respect to the "regulatory setting," contains no discussion of mitigation efficacy, and no evidence that key mitigation will be effective.

The EA is filled with references to California state law and State and local regulatory standards. State law is discussed in most of the "Regulatory Setting" sections of the impact discussions, and also in Appendix E. However, the project may only be

¹ <http://www.cloverdalerancheria.com/eis/deis.htm>

built if the land is in trust and hence not within the civil regulatory jurisdiction of the State of California or County of Sonoma. Each reference is misleading because the referenced State legal requirements and local regulatory requirements do not apply to the project. The EA avoids providing a description and discussion of the actual regulatory setting (and associated issues with mitigation implementation that this setting presents). Tribal sovereign immunity is not mentioned in the EA, much less in the context of mitigation measures.

There is no discussion of what mechanism will be available or used by the Bureau as the decisionmaker on the Koi Nation's fee to trust application to impose enforceable mitigation on the Tribe. It is one thing to discuss how environmental impacts are addressed by existing, enforceable requirements, but it is quite another to pretend that impacts are addressed by background regulations that do not exist.

In places, the EA's impressionistic discussion of State law and tribal requirements is about as far from a "hard look" as one can get. Section 2.1.9 states:

The proposed facilities would conform to applicable tribal building code requirements, which would be generally consistent with the CBC and California Public Safety Code, including building, electrical, energy, mechanical, plumbing, fire protection, and safety. An indoor sprinkler system would be installed to provide fire protection.

There is no indication that the Tribe currently has tribal building codes with "applicable" requirements, but if they existed, they would apparently only be "generally" consistent with the "California Public Safety Code" – a California statute that does not exist. The analysis appears to be based on an imaginary code that is based on an imaginary code. If there are tribal codes that apply, their text should be provided in the NEPA process such that their adequacy can be commented upon and evaluated.

It is also clear on the face of the EA that cited regulatory standards are being ignored. As noted by West Yost (Exhibit A), a great deal of emphasis is placed on compliance with Title 22 of the California Code of Regulations in the EA's discussion of recycled water (EA, Appendix B, 2-16, 4-2 and 4-3), but the whole dual plumbing design (using non-potable water within a building with food facilities, 22 Cal. Code Regs. § 60313), squarely violates Title 22.²

² Assuming compliance with Title 22 and non-compliance at the same time makes the EA fundamentally unclear. A project that complies with Title 22 would require a different water balance analysis than is found in the EA.

Compounding the problem is the fact that the EA discusses critical mitigation measures as “Best Management Practices” (Table 2.1-3) raising the issue of whether these purported “practices” will actually occur absent monitoring and enforcement. The Bureau’s own NEPA guidance (59 IAM 3-H) is clear that mitigation measures must be enforceable to justify a FONSI. Simultaneously, the Bureau’s analysis in the EA is clear that compliance with Table 2.1-3 is critical to the impact conclusions in the EA. The analysis returns to Table 2.1-3 for these conclusions repeatedly. There must, at a minimum, be a mitigation measure that requires compliance with Table 2.1-3 or, alternatively an explanation of how these critical requirements (which are not at all part of background legal requirements for the project) will be monitored and enforced. The entirety of Table 2.1-3 must be rewritten to allow the evaluation of the efficacy of the mitigation and remove the escape clauses – by way of example, “[e]xhaust stack and vents will be positioned to limit odor exposure to sensitive receptors *to the extent feasible*.” Characterizing critical “mitigation” as “practices” to avoid environmental accountability hides the ball in terms of impact analysis and subverts NEPA’s basic purpose.

The failure to discuss the actual “regulatory setting,” and the related failure to discuss why the “practices” and “measures” will be effective within that regulatory setting, is a fatal omission for NEPA compliance. The EA fails to provide the “reasonably complete discussion of possible mitigation measures” that is necessary to facilitate the “‘action forcing’ function of NEPA.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989); *S. Fork Band Council of W. Shoshone v. United States DOI*, 588 F.3d 718, 727 (9th Cir. 2009). Credible information on the efficacy of “practices” or “measures” must be provided, and enforcement and monitoring must be implemented. Where “measures” or “practices” are illusory, they cannot legally provide the basis for a FONSI.

III. The EA’s discussion of groundwater and water quality impacts is inaccurate and utterly inadequate.

The EA assumes that Pacific salmonids are not present in Pruitt Creek, stating “[l]isted Pacific salmonids are assumed to be absent from Pruitt Creek based on observations from the February 23, 2022, site assessment coupled with background research and lack of historic occurrences. The potential for Pacific salmonids to occur and use habitat in this far east portion of the Russian River Basin is temporally and physically limited.” In reality, federally listed steelhead, *Oncorhynchus mykiss*, 79 Fed. Reg. 20802, 20807 (2014), are known to exist in Pruitt Creek, and the attached memorandum by Jeff Church, a Sonoma County Water Agency biologist, documents observations both upstream and downstream from the project location. (Exhibit B.) Steelhead use this location, and the location is designated critical habitat. 70 Fed. Reg. 52488 (2005).

It is true that the reach of Pruitt Creek at the project site is intermittent, but the Bureau reaches the exact wrong conclusion based on this fact. The Bureau should recognize that this fish habitat is exceedingly sensitive to dewatering and pollution impacts, rather than justifying a truncated investigation based on an incorrect assumption that federally listed fish species are not present. As discussed by West Yost (Exhibit A), dewatering impacts need to be evaluated based on an evaluation of the baseline conditions that is sufficient to inform the impact analysis, and the EA makes conclusions that are entirely unwarranted based on the evidence. The Bureau may not rely on its own lack of investigation into hydrologic conditions to justify discounting environmental impacts. *S. Fork Band Council of W. Shoshone*, 588 F.3d at 727. The current cursory investigation and analysis is not adequate to determine that the project will not adversely modify critical habitat³ and result in significant impacts to salmonids. The project may well result in both significant impacts and violations of section 9 of the Endangered Species Act.

Further, the actual local flows in Pruitt Creek need to be evaluated to understand the baseline conditions; the EA's chosen proxy site 5.5 miles away on a different creek is not representative. (Exhibits A, C.) In addition, the analysis must include future projections given the changing climate. There is no evidence that the proposed wastewater discharge solution is feasible given actual streamflows, meaning that the EA's analysis of what will actually occur is dubious at very best. Robert Pennington, a Professional Geologist with the County of Sonoma, explains:

During the wet season, stored and treated wastewater would be discharged to Pruitt Creek. This has the potential to impact water quality and instream habitat for listed threatened and endangered species. [¶] The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. The EA assumes that streamflow of Pruitt Creek at the site is consistent with a U.S. Geological Survey (USGS) gauging station #11466800 located 5.5 miles downstream. USGS gauge #11466800 has a contributing watershed area of 251 square miles. The

³ The Bureau cannot take the position that taking this land into trust removes the protections of critical habitat under the applicable designation (70 Fed. Reg. 52488), because the habitat benefits from the existing designation.

contributing watershed area of Pruitt Creek at the Old Redwood Highway is 2.1 square miles, approximately 120 times smaller than the watershed area of the gauge used to estimate flow. Thus, the EA's analysis significantly overestimates streamflow of the site and the capacity for Pruitt Creek to dilute discharged wastewater. Similarly, the EA's analysis using overestimated streamflow vastly underestimates the required storage for recycled water. (Exhibit C)

Inadequate storage will lead to environmentally harmful discharges, and there is no enforceable mitigation that requires compliance with all aspects Title 22 in California Code of Regulations, and there is no mitigation that addresses the related issues addressed by California's recently adopted Recycled Water Policy.⁴ The study on which the EA is based admits that "contingency plans should be developed for low flow conditions" (EA, Appendix C, 2-21), but these have not been developed, disclosed, and analyzed. Similarly, crucial components of the recycled water system have not been disclosed, including a feasible plan to expand it. Absent trucking out of wastewater, which has significant impacts that are unanalyzed, it is foreseeable that the project will be forced to discharge recycled water at rates far above the agronomic rate of uptake for the recycled water discharge locations, leading to discharges to groundwater, and in turn, potential plant death that further exacerbates groundwater discharges.

Mitigation is necessary to avoid groundwater and surface water contamination, and a hand wave about Clean Water Act compliance is insufficient to excuse substantive analysis given emerging contaminants and the foreseeability of discharges to both groundwater and surface water. An inadequate initial design will lead to "upsets" and "bypasses," and claims that these harmful discharges are permitted. (40 CFR § 122.41(m) and (n).) In addition to nutrients, contaminants of concern that will exist in discharges to groundwater and stormwater include pharmaceuticals and related hormones, metals, microplastics, and PFAS. These contaminants will also be present in the project's biosolids.⁵ In the stormwater context, given the automobile-centric nature of the project, the Bureau also must evaluate emerging contaminants like 6PPD from tires, as these chemicals have recently been identified as a major driver in

⁴ State Water Resources Control Board, Water Quality Control Policy for Recycled Water, (2019)
https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/121118_7_final_amendment_oal.pdf.

⁵ Pozzebon, E.A., Seifert, L. Emerging environmental health risks associated with the land application of biosolids: a scoping review. *Environ Health* 22, 57 (2023).
<https://doi.org/10.1186/s12940-023-01008-4>.

salmonid extinction.⁶ The required good faith analysis must be based on the fact that the project is proximate to salmonid habitat, not on convenient but incorrect factual assumptions to the contrary.

Additionally, the Bureau must evaluate the cumulative impacts of the planned groundwater pumping in light of the other existing and readily foreseeable wells in the immediate area, and also evaluate the cumulative impacts of extraction on the larger groundwater basin. The Bureau has not done so. The project would pump groundwater from the Santa Rosa Plain groundwater subbasin – a basin that requires special planning under California’s Sustainable Groundwater Management Act (SGMA) to avoid adverse impacts. The groundwater in this basin is relied on for rural residential, agricultural, and municipal water supply. The EA fails to recognize – let alone analyze the impacts on – groundwater conditions and uses, and the EA lacks any analysis of long-term groundwater impacts. Mitigation measures are necessary to address groundwater impacts, and these are simply missing.

The current EA raises many more questions than it answers about whether and how the significant impacts of the project can feasibly be addressed. The current discussion only serves to document that they are not addressed. The EA cannot be used to support a FONSI for water quality and groundwater impacts. The groundwater “monitoring” mitigation measure merely documents that crucial information is missing from the EA that should have already been developed. The proposed “compensation” mitigation measure for groundwater depletion is not remotely adequate, and violates 40 CFR § 1508.20. The purported mitigation does not substitute for the environmental impacts that the EA ignores, and the EA similarly ignores the significant impacts of the mitigation itself.

In short, the EA is grossly deficient with respect to groundwater and water quality impacts.

IV. The EA fails to provide adequate analysis and mitigation for reasonably foreseeable impacts to law enforcement services.

The EA includes an analysis of Social Effects (e.g., gambling addiction, crime, drunk driving). Appendix B provides additional information on crime. The EA notes that increasing crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically, and concludes that the development, due

⁶ John Ramos, “Tire additive could push California salmon to extinction, study says,” CBS Bay Area, August 23, 2023, <https://www.cbsnews.com/sanfrancisco/news/tire-additive-could-push-california-salmon-to-extinction-study-says/>; Tian et al., “A ubiquitous tire rubber–derived chemical induces acute mortality in coho salmon,” *Science* 371, 185–189 (2021).

to its large gatherings of people, may result in increased calls to law enforcement. The EA then claims that “the addition of the Proposed Project is not expected to lead to a material increase in crime rates in the area.” The EA concludes the proposal would increase total calls for service by 2.2% and increase total arrests by 1.4% (1,433 calls and 33 arrests).

This discussion is misleading. Contrary to the conclusions of the EA, the causal link to crime from casinos is clear, and there is no evidence that the project would not require additional law enforcement facilities. In 2012, before the opening of the Graton Casino, the area surrounding that location (288 Golf Course Drive) was very similar to the proposed project area, and it generated two calls for service. (In the calendar year 2022, the area surrounding the proposed site generated one call for service.) However, upon the opening of Graton Casino in 2013, the location generated 1,757 calls for service, an increase of 1,755 calls. Last fiscal year (22/23), Graton Casino generated 529 of the 6,680 calls for service in Sheriff’s Office Zone 5 (a very large Patrol Zone that includes the unincorporated areas surrounding Petaluma, Rohnert Park, and Cotati, stretching from the northern city limits of Rohnert Park to the Sonoma/Marin County border). The calls for service included, but were not limited to, assaults, trespassing, multiple types of theft, stolen vehicles, public intoxication, and drug activity. The decline from opening to fiscal year 22/23 in the case of the Graton Casino is not necessarily good news, as deputies are no longer specifically assigned to the casino and some crime previously reported by the assigned deputies themselves is possibly going unreported.

The proposed mitigation measure (EA, 4-7) to make “good faith efforts” to enter into a service agreement is inadequate, and provides no information regarding the contents of the agreement. The EA’s attempt to discount the impacts is discouraging. The requirement that the proposed agreement be based on “quantifiable direct and indirect costs” does not adequately mitigate the impact (1) without a description of how those costs will be determined and (2) without an enforcement mechanism, which together would demonstrate that the mitigation is not illusory.

V. The EA fails to provide adequate analysis and mitigation for foreseeable environmental impacts that will result from the economic impact of this casino.

The EA concludes that the project would not result in significant impacts due to the economic effects of the project. This conclusion is unsupported by the facts and evidence. The socio-economic report (EA, Appendix B) concludes that existing Sonoma County casinos would experience a possible business loss of 11% and 24% but concedes that none of the estimates hold any water if other casinos (such as the approved Cloverdale casino) are constructed. Completely elided from the EA is a discussion of the foreseeable *environmental* impacts of very foreseeable business

failures that may well occur as a result of this approval. These impacts bear on both the Bureau's NEPA and the Bureau's federal trust obligations.

The Global Market Advisors impact study (Appendix B) estimates that 95% of the proposed project's estimated revenues (\$473 million) will be diverted from existing local casinos (\$449.4 million). Appendix B then dilutes this local impact by saying this is only 13.7% of a much larger, non-local gaming market. However, the analysis concedes that the existing Dry Creek Rancheria's River Rock casino will face no less than a 24.4% decline in revenue, and Global Market Advisors further concedes that this is not a conservative assumption given the fact that other casinos could also be constructed. No analysis is provided of the economic effects if this assumption is incorrect.

The over-saturation of the gaming market has physical impacts on the environment and on other tribes. The introduction of this casino to the local casino market would not only negatively impact existing gaming casinos in the area but would likely cause the total closure of more remote facilities like the Dry Creek Rancheria's River Rock casino. The Bureau stands to be the proximate cause of this closure, and the proposed action is contrary to the federal government's trust responsibilities. It is entirely foreseeable that the Bureau's proposed action will result in a closure.

The EA fails to evaluate these readily foreseeable impacts. The economic context for the Dry Creek Rancheria Band's River Rock Casino, and other tribal casinos in the area, is particularly precarious given the opening of the Graton Casino in 2013. In 2014, the Dry Creek Rancheria Band defaulted on millions in bonded indebtedness (\$150 million) to its casino investors, and in contractual obligations (\$50 million) to the County of Sonoma pursuant to an enforceable intergovernmental mitigation agreement. (Exhibit D.) The Graton Casino broke ground on a \$1 billion expansion this year.

The EA is incomplete without a factual analysis of the continued economic viability of the proximate competitors, and an analysis of environmental impacts associated with closures of existing tribal casinos and resultant blight, deterioration, and loss of function of tribal infrastructure and services. The Bureau should conduct a good faith analysis of the economic and environmental consequences of its action, and stress test the assumptions based on all the facts that are relevant to the local context. This includes, but is not limited to, economic uncertainties and the effects of natural disasters on the gaming market.

In a context of foreseeable failures, perhaps most troubling in Global Market Advisors' analysis is the analogy to "gravity" (notably, without any disclosure of the actual math), as it strongly suggests a dynamic where the Bureau's fiduciary solution to failing casinos may be the expansion of larger and larger casinos to attract more visitors from greater distances. The Bureau must evaluate not only the foreseeable impacts of casino failures, but the growth inducing response to those failures that naturally will follow.

The current analysis of the economic and environmental consequences of the proposal is wholly inadequate for purposes of NEPA and raises serious questions about how the Bureau, as trustee, exercises its responsibilities when holding existing lands in trust for the benefit of distinct tribes, when presented with a proposed fee-to-trust application for another tribe.

VI. The EA's discussion of the project's significant greenhouse gas emissions and Vehicle Miles Travelled is inaccurate and incoherent, and the significant greenhouse gas impacts of the project are not mitigated.

The estimated greenhouse emissions from this project are extremely high, especially for this type of project. They are, disturbingly, much higher than they need to be. The estimates of operational emissions for Alternatives A, B, and C are respectively 69,862, 55,932, and 7,100 annual metric tons of CO₂ equivalent (MTCO₂E). (EA 3-138.) The Bay Area Air Quality Management District's (BAAQMD's) former significance threshold based on California's science-based emissions targets for 2020 was 1,100 MTCO₂E. California's targets have been reduced. A straight-line reduction of the former threshold based on current science-based targets for 2030 in California results in a 40% reduction, or 660 MTCO₂E.⁷ Likewise, the EA discloses extraordinarily high social costs related to the greenhouse gas emissions for this project: \$129,479,003 for Alternative A, \$103,352,963 for Alternative B, and \$13,374,218 for Alternative C. (EA 3-139.) These social costs alone indicate that the project's greenhouse gas impacts are significant. But rather than mitigating the very significant greenhouse gas emissions of the project, or finding that they are significant in a good faith analysis in an EIS, the EA attempts to hide the ball and assert that the project is compliant with BAAQMD's recently revised guidance. (EA, 3-140.) It is not.

In 2022, BAAQMD revised its threshold to be based on the absence of the build out of any new natural gas infrastructure, and on a 15% reduction in vehicle miles travelled (VMT) below the regional average per capita. (Exhibit E.) The EA purports to rely on this threshold. The threshold is an aggressive ratcheting down of the prior threshold based on the severity of the climate crisis. The goal of the threshold is to evaluate the design elements that are necessary to facilitate achieving *complete carbon neutrality* in California by 2045. (Exhibit E.) The natural gas component is based on the

⁷ Under Health and Safety Code section 38566, SB 32 (2016), California's emissions reduction mandate for 2030 is 40% below its prior goal for 2020. Thus, many agencies have used 660 MTCO₂E as an extrapolation of BAAQMD's 2020 threshold for this type of project (1,100 MTCO₂E), as BAAQMD's threshold was based on California's 2020 targets. The alternatives in the EA are 105 times, 65 times, and 10 times this significance threshold.

judgment that global climate goals cannot be met with the expansion of natural gas infrastructure, given the need for major emissions reductions from existing infrastructure. The VMT component is based on guidance from the State's Office of Planning and Research, which the EA acknowledges.

The EA states:

The Bay Area Air Quality Management District (BAAQMD) provided guidance in 2022 to determine the significance of climate impacts from land use projects (BAAQMD, 2022c). If a project will not include natural gas appliances, will not result in wasteful, inefficient or unnecessary energy use, will reduce project-generated vehicle miles traveled (VMT) below the regional average, and will provide EV facilities consistent with current California building standards, then a project's climate change impact is considered less than significant. The BMPs described in Table 2.1-3 provide for the use of electric boilers and appliances, avoidance of inefficient energy use, and installation of EV facilities consistent with current California building standards. As presented in Section 4 of Appendix I, Alternatives A, B and C would result in over a 15 percent reduction in VMT compared to the Sonoma County region. Therefore, with the implementation of BMPs, implementation of the project alternatives would not result in a significant adverse cumulative impact associated with climate change. (EA 3-140.)

In reality, neither of BAAQMD's referenced criteria are met. The project is not foregoing all natural gas as BAAQMD's threshold requires for a finding of "less than significant." Instead, Table 2.1-3 states: "The Tribe will use electric boilers and appliances in lieu of natural gas or propane units *to the greatest extent practicable*," whatever that means. The only thing this language clearly suggests is that the Tribe has considered the BAAQMD guidance regarding natural gas and rejected it.

Worse, the EA's statement that the project will result in "a 15 percent reduction in VMT compared to the Sonoma County region" has no basis whatsoever. Very clearly, this is not a VMT reduction project. The project's sponsors hope to draw customers from a very wide region, and have proposed no less than 5,110 parking spaces for the project. The study relied upon only looks at vehicle miles travelled associated with employees, not project visitors, which is to say that most VMT associated with the project is being ignored. This is the case even as the economic analysis in Appendix E, pages 65 and 66, describes a very large geographic market for visitors to the project, with the bulk of visitors not coming from Sonoma County. The purported "logic" of the EA is that: "The project's Home-Based VMT per employee value of 10.20 is lower than

the 85% VMT threshold for the Sonoma County region (10.53 VMT per employee). Thus, the proposed project at full buildout is expected to have a less-than-significant impact on VMT.” These numbers do not elucidate the project’s impacts. *Even after* improperly ignoring the visitor VMT completely, the VMT numbers cited reveal significant impacts. The EA deliberately evaluates the employee VMT average against the Sonoma County average rather than the regional average (which is significantly lower, because the region includes the metropolitan areas of the Bay Area),⁸ and then, by a thin margin, finds the outcome to be less than significant. To the extent that any component of the math is credible at all, it has been subjected to outcome-oriented manipulation.

Nor do the practices in Table 2.1-3 address the greenhouse gas impacts as the EA claims. The Bureau has deliberately chosen mitigation language in Table 2.1-3 that is utterly vague and unenforceable: “Shuttle service to and from population centers will be provided *as feasible*, which would reduce CAPs and GHGs.” The fleet mitigation is similarly vague and unenforceable, and has no standard through which efficacy can be evaluated. At the same time, as discussed more fully below, *all* of the recommendations of the traffic consultant concerning transit and pedestrian infrastructure have been summarily rejected without any explanation in the EA.

On top of these problems, the modeling assumptions in Appendix F do not hold up for very potent greenhouse gases like methane. Appendix F assumes “mitigation” that is not applied. While an unenforceable recycling “practice” has been proposed, no mitigation is imposed on the project requiring the source separation of organic waste such that it can be diverted from landfills. The lack of a feasible plan for organics diversion (including for biosolids), and the lack of any discussion of the project’s integration with related landfill diversion processes under SB 1383 (2016), means the landfill diversion estimates are not credible. This in turn means that the assumptions about project emissions for potent gases like methane are not credible. Landfill diversion cannot be assumed if the project actively thwarts diversion.

The only way to reach the conclusion that the project’s greenhouse gas impacts will be less than significant is by systematically ignoring the data, which the EA does. Perhaps the Bureau could use a different science-based analytical framework than BAAQMD and California’s Office of Planning and Research have used, but it is arbitrary and capricious to manipulate data and say that cited significance criteria are met when they are not. A good faith analysis of the greenhouse gas impacts must be conducted, and if the analysis is based on an EA, the strategy of avoiding accountability by placing

⁸ In the context of similar attempts to dilute required VMT reductions, the California Office of Planning and Research (on whose guidance the EA purports to rely) has made clear that “regional average” means the average in the applicable Metropolitan Planning Organization, not the lower average within a county. (Exhibit F.)

mitigation with extensive escape clauses in the project description must be jettisoned. Given the project's high level of emissions, an EIS should be prepared. Absent an EIS, adequate and enforceable mitigation must be adopted for the project's emissions related to the project's energy sources, the project's energy consumption, transportation, and waste.

VII. The EA's traffic analysis ignores the recommendations of the underlying studies, and is based on inadequate and ineffective mitigation measures.

The EA reaches the logical conclusion that the project will have significant impacts on traffic without mitigation. However, the EA does not provide for enforceable mitigation that ensures that these impacts will be avoided.

The EA divides transportation into opening day mitigation and "cumulative" mitigation for 2040. For opening day, the mitigation measure states:

While the timing for the off-site roadway improvements is not within the jurisdiction or ability to control of the Tribe, the Tribe shall make *good faith efforts to assist* with implementation of the opening year improvements prior to opening day. (EA 4-8, emphasis added)

The Tribe does have the ability to enter into enforceable contracts to construct the improvements (with local government assent), but the language in the EA scrupulously avoids anything concrete or enforceable. As written, the mitigation measure would allow for mere cheerleading, even as the traffic study (EA, Appendix I) assumes that the Tribe or Bureau will be responsible for the entire cost. What is needed to avoid significant impacts is the improvements, not "good faith efforts" that the Bureau declines to specify. Further, the analysis does not confirm there are no constraints for the improvements (environmental, real property, etc.), and does not analyze the improvements themselves. Ultimately, the measure does not commit the Tribe and/or Bureau to the improvements. The structural problem with the analysis is therefore that the EA provides no actual evidence that the improvements will occur, which on its own requires an EIS given the fact that impacts to be mitigated are significant.

The same issues arise for the "cumulative" improvements. The EA says:

The Tribe shall make fair share contributions to the cumulative 2040 traffic mitigation measures. Funding shall be for design standards consistent with those required for similar facilities in the region. (EA, 4-8.)

First, the amount and timing of the payments is unspecified, and no evidence is provided that the cumulative improvements will actually be constructed on the timeline required to avoid significant cumulative impacts. There is no discussion of feasibility and constraints, and no discussion of any environmental issues that may exist with the improvements. Incredibly, the widening of Shiloh Road from 2 to 4 lanes is simply “assumed” without any substantive analysis (Appendix I, 168), and it is not required as mitigation – even as it is absolutely critical for the EA’s conclusions about impacts.

Second, critical details are omitted from the mitigation measure, such as the nature of the fair share calculation (Table 33 in the traffic study is not mandated), the timing of project cost determinations, and the timing of payments. This information is crucial to evaluate the efficacy of the mitigation. Cost determinations must be based on actual facilities that meet County design standards, not hypothetically “similar” facilities, to ensure the improvements can actually be constructed. Effective mitigation measures will require enforceable agreements with the County.

Worse, without explanation, the EA inexplicably declines to impose mitigation recommended in the traffic study (EA, Appendix I) that could help address the project’s transportation impacts. These recommendations include:

- “The proposed project should provide adequate pedestrian and bicycle facilities on its site (particularly at its planned driveways) to facilitate pedestrian and bicycle traffic to and from the project site.” (EA, Appendix I, 6-7.)
- “Provide concrete sidewalks, and marked crosswalks at the proposed project driveways to connect with existing and planned pedestrian facilities along Shiloh Road and Old Redwood Highway.” (EA, Appendix I, 6-7; section 15.4.)
- “Provide continuous, accessible pedestrian pathways between the nearby transit stops and project entrances.” (EA, Appendix I, section 15.4.)
- “Provide pedestrian and bicycle facilities between the proposed project’s driveways and the project’s main facilities to improve on-site pedestrian and bicycle circulation” (EA, Appendix I, section 15.4.)
- “The site is not proposing sidewalks along its frontages. However, pedestrian facilities should be provided at the two new traffic signals to provide a connection with the sidewalks on the north side of Shiloh and the urban features on the west side of Old Redwood Highway near the future signals at the church. TJKM also recommends constructing continuous, accessible pedestrian paths between the nearest bus stops, the project access points closest to Shiloh Road & Old Redwood Highway, and the nearest project entrances.” (EA, Appendix I, section 15.2.)
- “Sonoma County Transit (SCT) serves the project area. Route 60 mostly travels along Old Redwood Highway between Cloverdale and Santa Rosa on headways varying between one to two hours. There is an existing pair of stops adjacent to the corner of Shiloh Road and Old Redwood Highway. With the addition of

accessible pedestrian pathways between the stops and the project entrances, this route has the potential to serve employees and patrons in the Old Redwood Highway corridor.” (EA, Appendix I, 15.2.)

The failure to adopt these recommendations is unexplained. All of these mitigation measures would at least contribute to mitigating the very high VMT for the project. The EA’s departure from these recommendations is neither explained nor justifiable.

Similarly, without the “hard look” required by NEPA, the EA does not impose the queueing mitigations that the traffic study recommends. These omissions leave significant traffic impacts, including on safety, unmitigated. The mitigation section of the EA contains no mention of the mitigations recommended in the traffic study (Appendix I) in section 4.5 (p. 42, 43), section 8.0 (p. 89), section 12.2 (p. 129-132), section 5.5 (p. 57-58), section 9.2 (p. 99, 100), section 6.5 (p. 72), section 10.2 (p. 109, 110), or section 14.2 (p. 159-162).

Finally, the EA also modifies the mitigations in the traffic study without justification or explanation. There are, for example, discrepancies between turn lane mitigations in the traffic study and in the EA, as well as lane “storage length” recommendations, where mitigation has been reduced in the EA relative to the traffic study without explanation. Whatever the reason for these changes, there is no evidence that these changes are appropriate.

In sum, the proposed traffic mitigation is not adequate, and the discussion of traffic impacts does not constitute a “reasonably complete” discussion of the direct and indirect traffic impacts of the project.

VIII. The EA’s discussion of wildfire risks and mitigation is inadequate.

In the last decade, the project area has been the site of some of the worst wildfires in United States history. The project is very near to the burn areas of both the 2017 Tubbs Fire and the 2019 Kincade Fire. The EA acknowledges that the project is in a designated high fire risk area. (EA, figure 3.12-2.) The EA concedes that the elimination of fire barriers is a significant impact. Missing from the EA, however, is any recognition of the fact that the EA eliminates agricultural land that acts as a fire break (for the City of Windsor as well as for surrounding areas) and replaces it with flammable structures. This creates a potential ignition linkage from populated areas to a *very high* fire risk area. It is not as though the County has no experience with how this works. The EA contains a conclusory statement that no fire barriers will be eliminated. This is an odd mix of silly and irresponsible.

The EA cites State building standards relative to wildfire, and Former Chief Vern Losh recommends compliance with the wildfire (or “Wildland Urban Interface”) provisions of the California Building Code. (EA, Appendix N1.) The EA does not

discuss the fact that these codes are inapplicable, and the EA does not require that they be imposed. The EA fails to discuss the fact that even a single ember in a poorly placed vent can defeat the protections provided by (already inapplicable) fire codes. Hurricane-force winds can transport these embers long distances at high velocities. It is understandable that, beyond the California code requirements, Former Fire Chief Losh recommends “special care” with locations where embers could intrude. No mitigation that implements and requires this care is imposed. No third-party plan checks are required. No substantive post-construction reviews are required. Indeed, no mitigation measures have been imposed to ensure that Chief Losh’s generic assumptions about how projects should be built are true. Fire sprinklers are mentioned, but there is no discussion of the adequacy of water supplies and infrastructure to address firefighting. There is no discussion of the potential loss of water pressure or the frequent loss of power during fire weather, which can eliminate water supply. There is no discussion of the feasibility and impacts associated with the “back up” fire station that is proposed.

The outcome-oriented carelessness of the EA applied to very significant risks is unfortunate. Yet, the EA’s failure to substantively examine evacuation risks is even more troubling. Evacuation risks are environmental risks with which Sonoma County has far too much familiarity. Evacuations have not always gone well, and timing has been crucial for the evacuations that have mitigated broader disasters. Very recent wildfires have required massive evacuations of the entire area in which the project is situated, including the complete evacuation of the adjacent Town of Windsor. The timely, total evacuation of the Town in 2019 was a key factor in allowing firefighters to save the Town and stop the further spread of the fire, as it allowed firefighters to battle flames without committing resources to rescues. (Exhibit G.) Evacuation requires sufficient infrastructure to allow occupants to leave and firefighters to enter without mutual interference. Experience has shown that the consequences of insufficient resources for evacuation can be dire.

Evacuation issues cannot be lightly treated as insignificant in Sonoma County. But that is exactly what the EA does. The CAS Safety Consulting LLC report makes numerous recommendations that have not been implemented in evacuation mitigation measures. Most problematically, these recommendations include traffic modeling that has not been completed. As the California Attorney General observes, “evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project’s design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process.”⁹ The “wait and see” approach

⁹ California Attorney General, “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act,” October, 10, 2022, <https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>.

which might suffice in some cases is completely inappropriate in this situation. The only thing close to modelling that has been disclosed is an implausible conclusion that a 6-8 hour estimate to evacuate the casino and the Town is adequate. The basis of the estimate is not provided, but the conclusion that this is possible is based on various assumptions. The assumptions include the questionable assumption that Shiloh Road will be expanded at opening, even as no mitigation is proposed to require this expansion prior to opening. The EA does not provide a plausible basis for concluding that the estimated time required for evacuation is sufficient, it does not state the range of cases where that conclusion would be true, and it does not stress test all assumptions – in terms of infrastructure, in terms of disaster response operations, and in terms of the increasing wildfire risks presented by climate change. The lack of adequate traffic mitigation greatly exacerbates the deficient analysis. The EA does not provide evidence that the impacts are less than significant.

Finally, and unfortunately, given the location and nature of the project, mitigation should be adopted to address the cleanup of the project if it does burn. It is well understood that commercial buildings that burn in wildfires present toxic hazards to the community,¹⁰ and the surrounding community will not be able to ensure these hazards are abated without the imposition of mitigation that addresses these risks. Federal assistance is generally not available for commercial projects. Where cleanups are not financially convenient, they do not occur without mandatory requirements. This will result in a significant impact without mitigation.

¹⁰ California EPA, Guidance for Conducting Emergency Debris, Waste and Hazardous Material Removal Actions Pursuant to a State or Local Emergency Proclamation, October 7, 2011, <https://calepa.ca.gov/wp-content/uploads/sites/6/2019/06/Disaster-Documents-2011yr-GuideRemoval.pdf>

IX. The EA fails to evaluate a reasonable range of alternatives.

Part of the reason why there is insufficient infrastructure for the project is the fact that the site is within an area where this type of project would never be permitted by existing local government planning. The location is zoned for agriculture,¹¹ but that is far from the only issue. Sonoma County local governments have each adopted Urban Growth Boundaries to contain auto-dependent sprawl and plan for city-centered growth. The County and the cities have voter approved Urban Growth Boundaries and Community Separators to preserve open space and protect Sonoma County's environment. The Community Separator areas are voter-approved districts that were created to preserve open space, retain rural visual character, limit new development in scale and intensity, and *specifically avoid commercial development*. The project is outside the Town of Windsor's Urban Growth Boundary and inside the County's Community Separator. The existing infrastructure does not support this type of project because inter-governmental planning has sought to avoid this type of development in this area.¹² The Bureau's Scoping Memo partially acknowledges this fact in discussing the utility limitations that flow from the Town of Windsor's Urban Growth Boundary, but does not acknowledge or discuss the larger planning context.

The EA lacks a reasonable range of alternatives, and reading the Bureau's EA is torturous, like watching a fly in a bottle. Given the site constraints in terms of resources and infrastructure, it is illogical and absurd not to include off-site alternatives in the analysis. The EA asserts that the availability of other sites is economically "speculative" but this conclusory assertion flies in the face of the other casinos that have already been developed in the Tribe's territory (as the EA defines it). It also ignores the known economic resources of the Tribe's backers in this project. (Exhibit H.) It is foundational NEPA law that "[r]easonable alternatives include those that are *practical* or *feasible* from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." 46 Fed. Reg. 18026, 18027 (1981) (emphasis in original); *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 669 (7th Cir. 1997) (federal agency has the "duty under NEPA to exercise a degree of

¹¹ Approximately 47 acres of the parcel consist of Farmland of Statewide Importance; 8 acres are designated Farmland of Local Importance; and 13 acres are Prime Farmland.

¹² The relevant policies in the County's General Plan include, but are not limited to: "Objective OSRC-1.1: Preserve important open space areas in the Community Separators shown on Figures OSRC-5a through OSRC-5i of the Open Space and Resource Conservation Element"; "Objective OSRC-1.2: Retain a rural character and promote low intensities of development in Community Separators. Avoid their inclusion in City Urban Growth Boundaries or Spheres of Influence. Avoid their inclusion within Urbans Service Areas for unincorporated communities"; "Policy OSRC-1b: Avoid commercial or industrial uses in Community Separators other than those that are permitted by the agricultural or resource land use categories."

skepticism in dealing with self-serving statements from a prime beneficiary of the project” regarding alternatives). Further, constraining the analysis of reasonable alternatives (and the “purpose and need”) to those that could be permitted under 25 CFR § 151.12 is contrary to longstanding Council of Environmental Quality guidance. 46 Fed. Reg. at 18027 (alternatives outside of lead agency jurisdiction must be analyzed; “A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered.”)

Picking a site for commercial development that is only available because local planning prevents commercial development of that site comes with multiple environmental and infrastructural challenges and costs. At bottom, it is hard to make this project work on this site without causing significant environmental impacts. The evaluation of off-site alternatives would allow the consideration of better sites, where the impacts could be better mitigated. If the site had better access to existing transportation (including multi-modal transportation) and utility infrastructure, the direct, indirect, and cumulative impacts would be easier to address. There is no need to site this project in a SGMA basin with water and wastewater constraints, or to site it in critical habitat for salmonids. The purpose and need and screening criteria have been engineered to screen out reasonable alternatives, and this is a completely unnecessary NEPA violation.

X. Conclusion.

The EA falls woefully short of providing “high quality” information and “accurate scientific analysis.” *350 Mont. v. Haaland*, 29 F.4th 1158, 1176 (9th Cir. 2022). “An EIS is required of an agency in order that it explore, more thoroughly than an EA, the environmental consequences of a proposed action whenever substantial questions are raised as to whether a project *may* cause significant environmental degradation. That is exactly the circumstances of this case.” *Blue Mts. Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 (9th Cir. 1998) (emphasis in original, citation and internal punctuation omitted). The County looks forward to reviewing an EIS for this project, and will be happy to provide additional information.

Sincerely yours,

Verne Ball
Deputy County Counsel

EXHIBIT A

November 9, 2023

Project No.: 782-60-23-02

SENT VIA: EMAIL

Verne Ball
Office of County Counsel County of Sonoma
575 Administration Drive
Santa Rosa, CA 95403
verne.ball@sonoma-county.org

SUBJECT: Koi Nation Shiloh Resort and Casino Project Environmental Assessment, Comments on Water Resources Assessment

Dear Mr. Ball:

The County of Sonoma has retained West Yost to review the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project, Sonoma County, California, prepared by Bureau of Indian Affairs, as Lead Agency. West Yost staff reviewed the EA evaluation of proposed water supply, stormwater, and wastewater facilities. The following documents were reviewed:

- Environmental Assessment for the Koi Nation of Northern California Shiloh Resort and Casino Project (September 2023)
- Appendix C - Water and Wastewater Feasibility Study
- Appendix D - Grading and Hydrology Study

West Yost staff prepared these comments and recommendations based on information provided in materials provided by the County and relevant documents referenced in the EA.

PROPOSED PROJECT SUMMARY

The EA analyzes the Koi Nation of Northern California (Tribe) construction of a casino, hotel, spa, conference and event center, restaurants, parking, and support infrastructure (Alternative A and referred to here as the Proposed Project), which includes construction of a drinking water supply system, as well as wastewater treatment and disposal. The EA states that the average potable water demand for the site will be 170,000 gallons per day (gpd) with a peak demand of 294,000 gpd to be provided by on-site production wells (up to 700 feet deep). The estimated average wastewater generation is 232,000 gpd with an average weekend peak estimated at 335,000 gpd. Wastewater treatment is proposed using a package immersed membrane bioreactor (MBR) producing 108,000 gpd of tertiary treated recycled water for toilet flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup. Tertiary treated wastewater would be seasonally discharged on-site to Pruitt Creek.

COMMENT OVERVIEW

The project will have significant impacts related to surface and groundwater resources as described in Section 3.3.3.2 of the EA. Unless otherwise indicated, all comments are in response to “Alternative A” which is identified as the Proposed Project. Alternative A represents the most intense development considered for the site and is therefore associated with the greatest potential impacts to water resources.

While the EA provides some useful information about the Proposed Project and alternatives, the analysis presented lacks critical information that is needed to evaluate the severity of the Proposed Project’s impacts. In general, the EA relies on regional rather than site specific data, its conclusions are often not supported by evidence, and the potential cumulative impacts of the Proposed Project are not considered. Additionally, some mitigation measures identified in the EA lack details needed to evaluate their feasibility and effectiveness, for example:

- **The EA lacks analysis and basic data needed to reach conclusions about likely impacts of the Proposed Project.** The potential impacts have not been fully analyzed and the EA lacks essential information needed to evaluate the project and alternatives.
- **Assumptions used in the analysis may be inappropriate and yield inaccurate results.** The water demand, wastewater production, and recycled water reuse values are based on assumptions that are not validated based on local conditions, without discussion of project-specific or site-specific conditions. For this reason, impacts appear to be underestimated.
- **The EA fails to consider the project’s impacts in the context of cumulative, reasonably foreseeable future development.** Nor does the analysis consider climate change affects projected to occur over the life of the project.
- **Mitigation Measures outlined in the EA are inadequate.** Because the mitigation measures lack specifics relating to monitoring, criteria for success, and modes of enforcement, there is no certainty that mitigation measures will be effective in reducing potential environmental impacts.

Each of these topics are detailed further below and presented in the following categories as ordered in impact analysis Section 3.3.3.2 of the EA:

1. *Surface Water* – New Structures and Impervious Surfaces in Flood-Prone Areas
2. *Groundwater*– Groundwater Pumping Impacts on Neighboring Wells
3. *Groundwater*– Proposed Groundwater Pumping Impacts on Sustainability Under the Sustainable Groundwater Management Act (SGMA)
4. *Wastewater Treatment and Disposal* – Effluent Discharge to Pruitt Creek
5. *Wastewater Treatment and Disposal* – Impacts to Laguna de Santa Rosa
6. *Wastewater Treatment and Disposal* – Wastewater Treatment and Recycled Water Use

SPECIFIC COMMENTS

The Water Resources Regulatory Setting identifies Federal and State Water Resource Regulations in Table 3.3-1. State regulations listed include Porter-Cologne Water Quality Act, Sustainable Groundwater Management Act, and Title 2 California Code of Regulations. However, it is unclear how these regulations and related policies would apply to the proposed project. California standards for wastewater treatment and disposal should be explicitly applied in technical assumptions, project description, impact analysis, and mitigation measure enforceability.

The EA lacks a discussion of climate change impacts and does not consider increased rainfall and higher temperatures in water and wastewater calculations. As noted in the North Bay Climate Adaptation Initiative's *Climate Ready Sonoma County*, Sonoma County is expected to experience more very hot days than in the past, and overall higher temperatures over a longer period of dry weather, even under forecasts that predict overall wetter conditions. Spring will come earlier and fall will come later, and these extended periods of hotter, drier weather will impact regional water availability. Heat will increase soil moisture deficit and reduce groundwater recharge, meaning that less water will be available even in futures with more precipitation. Heat will also increase the demand for water, exacerbating pressures on limited water resources in periods of drought (NBCAI, 2014).

1. Surface Water – New Structures and Impervious Surfaces in Flood-Prone Areas

The southwest portion of the site is within the Federal Emergency Management Agency (FEMA) regulated flood area and additional areas of the site are shown in The Town of Windsor's Storm Drainage Master Plan (2020) to be flood-prone.

Impervious Surfaces

The proposed action would increase impervious surfaces on the Project Site by up to 35.51 acres through the construction of buildings, circulation, parking, and infrastructure. Increased impervious surfaces would result in increased peak flows and increased total discharge from the Project Site during precipitation events. The Proposed Project will need to consider flood mitigations, to address potential downstream flooding and sediment transport impacts.

The EA states that the Proposed Project would limit post-development peak flow and stormwater volume to pre-development levels during a 100-year probability, 24-hour duration storm event. However, the plan to achieve this is not fully described or analyzed. Additional calculations and site planning are needed to demonstrate the feasibility of mitigating impacts from the significant addition of impervious surface area.

Floodplain Storage Capacity

Development on the site would displace agricultural land and floodplain area that currently provides floodwater storage and may exacerbate on-site and downstream flooding. Climate models forecast that the frequency and intensity of flooding will continue to increase beyond historical levels.

The environmental analysis should be expanded to consider impacts of climate change to the mapped limits of the 100-year flood and to the intensity of future flooding at the site. Additionally, the EA does not demonstrate how impacts to all floodplain functions would be mitigated to a less than significant level.

2. Groundwater – Groundwater Pumping Impacts on Neighboring Wells

The Proposed Project would pump groundwater from the Santa Rosa Plain groundwater subbasin. The Project Description estimates daily pumping of 170,000 gpd with a peak pumping of 294,000 gpd. Potable water would be sourced from on-site production wells, drilled up to 700 feet deep. Several existing wells are located in proximity to the site, including shallow residential wells at the Mobile Home Estate and two Windsor Water District municipal wells at Esposti Park, north of and in proximity to the Proposed Project site. The municipal wells are located within about 250 feet of the northwest project site boundary and about 2,200 feet from the "treatment area" as identified in Appendix C of the EA, the area tentatively designated for water and wastewater infrastructure.

The EA does not present a conceptual groundwater model of the site and limits the discussion of potential impact to the deep aquifer (300 to 600 feet deep). The geology of the Santa Rosa Plain is complex and groundwater pumping could adversely affect surface water flow and groundwater dependent ecosystems. An analysis of existing groundwater conditions and impacts of project pumping on nearby Pruitt Creek and potential cumulative impacts downstream in the Laguna de Santa Rosa is needed.

Water quality in the wells currently limits water use to irrigation. One of the wells at Esposti Park is used to irrigate the park. The other well, currently inactive, is identified in the Town of Windsor's Water Master Plan for future development of municipal drinking water and would include a water treatment process to remove contaminants.

Impacts to Neighboring Wells

The average and peak pumping of the Proposed Project could result in groundwater drawdown in neighboring wells and could significantly decrease the Esposti well output and potentially affect water quality. The Town of Windsor Water Master Plan (Woodard and Curran, 2019) estimates the sustainable yield of the municipal to be 400 gpm (0.6 million gallons per day) or 350 acre feet per year (AFY). Proposed Project pumping could significantly decrease the previously analyzed estimated yield. Groundwater pumping at the site could also result in adverse impact to domestic wells in the vicinity. This would include reducing production of neighboring wells and/or lowering groundwater levels below well pumps altogether, rendering neighboring wells unusable.

The EA cites a Town of Windsor 2017 aquifer test at the Esposti well as evidence that pumping from the aquifer deeper than 300 feet would not result in a decline in water level. However, although no drawdown occurred during that test, the test lasted only 28 hours. The aquifer test at the Esposti municipal well was over a short duration and is not an appropriate basis for assessing impacts of continuous groundwater pumping proposed as part of the Proposed Project. The EA further concludes, based on very limited data, that the Proposed Project would not affect groundwater levels or water availability in wells drilled to a depth of less than 370 feet. The EA lacks critical hydrogeologic data to reach this conclusion.

Additional groundwater monitoring is needed to confirm hydraulic separation between the upper and lower aquifers underlying the site and surrounding area. This monitoring should be conducted as part of the environmental evaluation and prior to project approval. Additional studies, including a well interference study and hydrogeologic testing, are needed to provide adequate information to allow for a reasonable evaluation of alternative development scenarios and impacts to neighboring wells.

Project wells should be located away from adjacent wells and outside the zone of influence around the existing Esposti wells. Pumping rates should be limited to amounts that avoid impacts to neighboring wells and ensure sustainable yield for the project wells and wells in the vicinity. Additional investigation and groundwater pump tests should be completed to determine the impact to nearby wells. Assessment of the impact to the municipal well, both the current use of the well for irrigation and future use as identified in the Town of Windsor Water Master Plan (2019), is needed to address cumulative impact.

Groundwater Mitigation Measure

Proposed Project groundwater pumping could adversely affect groundwater levels and well production. Mitigation measures listed in the EA include monitoring and compensation; however, the EA does not include metrics for determining when adverse impact has occurred, compensation actions that would be required should adverse impacts result, or an enforcement mechanism. The EA should clarify that both shallow and deep wells will be monitored and eligible for mitigation compensation.

The proposed mitigation measure to reimburse well owners should their well become unusable within five years of project pumping is not mitigation, let alone appropriate mitigation. The effects of environmental harm are more than monetary, and there are reasonably foreseeable indirect effects of unusable wells, such as impacts related to water hauling from traffic and associated GHG emissions, health and safety issues from lack of potable water, and impacts of extending municipal water service, that have not even been discussed.

Adequate data from both the shallow and deep aquifer should be collected prior to initiating groundwater pumping to fully evaluate the impact. Actions should be identified to avoid impacts to neighboring wells. The proposed mitigation measures further indicate that the Tribe, at its discretion and cost, could provide an alternative water supply. However, the EA does not identify the source of these alternative water supplies and it does not provide an evaluation of potential impacts associated with the buildout of alternative supplies. The buildout of alternative water supply infrastructure would likely have significant impacts that need to be analyzed.

3. Groundwater – Groundwater Pumping Impacts on Sustainability Under the Sustainable Groundwater Management Act

With the Sustainable Groundwater Management Act (SGMA), California has identified groundwater basins that require special planning to avoid adverse impacts. The project is in one of these basins. The Santa Rosa Plain Groundwater Subbasin (basin number 1-55.01) is categorized as a medium priority basin by the California Department of Water Resources (DWR) and is, therefore, subject to special regulation and planning efforts. The Santa Rosa Plain groundwater basin is regulated under SGMA because the basin is densely populated, and groundwater use is relied on for rural residential, agricultural, commercial, and municipal water supply. Groundwater management is needed to avoid adverse impacts to the groundwater basin, but there is no discussion in the EA of the unique relationship of this project to groundwater management.

DWR approved a Groundwater Sustainability Plan (GSP) for the basin in January 2023 and the Groundwater Sustainability Agency (GSA) has prepared and will continue to prepare annual reports that provide updates about current groundwater conditions. The GSP states that the groundwater stored in the shallow and deep aquifer systems is declining on average by about 2,100 AFY. The 2022 Annual Report indicated that groundwater levels and groundwater storage capacity are stable but, importantly, future declines are projected. The Annual Report further indicates that more data are needed to assess the health of groundwater to interconnected surface waters and the impact of pumping on groundwater-dependent ecosystems.

Consistency with Santa Rosa Plain Groundwater Sustainability Plan (GSP)

The EA is significantly flawed by not considering cumulative impacts of groundwater extraction. While the analysis mentions the Santa Rosa Plain GSA, it provides no analysis of the Proposed Project's compatibility with the adopted GSP. The EA should include analysis of long-term pumping of 300,000 gpd on potential undesirable results as defined in the GSP, including for water quality. Groundwater pumped from the deeper aquifer in the northern portion of the Santa Rosa Plain subbasin underlying the Project Site is documented to contain elevated concentrations of arsenic and manganese. These constituents have been a constraint for the Town of Windsor's Esposti Park wells and the effects of additional pumping on groundwater water quality is crucial information that is missing from the EA. Additional analysis should consider planned future pumping from the Esposti well, as discussed above.

Long-Term Municipal Water Supply

Proposed Project groundwater pumping may adversely impact Windsor Water District's ability to meet water demands with supplemental groundwater supply and may reduce water supply resiliency during a drought. The EA lacks an analysis of long-term groundwater supply and fails to acknowledge the current and future use of groundwater to meet water demands. The EA should include a water supply assessment that evaluates long-term water supply sustainability using a 45-year time horizon and consider future drought conditions and climate scenarios.

Current developments regarding local water supplies cannot be ignored in the analysis. The decommissioning of the Potter Valley hydroelectric facility and likely reductions in Eel River flows into the Russian River system, could result in reduction of surface water deliveries to the Town of Windsor, resulting in the need for future increased groundwater extraction from municipal wells.

Groundwater Quality

The EA indicates that wellhead treatment would be needed but does not describe the nature of waste products that would result from water treatment to attain potable water, nor is a disposal location identified. Improper disposal will result in, for example, soil and water contamination. The EA should include an analysis of the potentially significant impacts from removing contaminants from wells where groundwater does not meet drinking water standards.

4. Wastewater Treatment and Disposal – Effluent discharge to Pruitt Creek

The EA states that the project will produce and estimated average wastewater flow of 232,000 gpd and a peak weekend flow of 335,000 gpd. For the purposes of design, an average daily flow of 300,000 gpd and average weekend flow of 400,000 gpd was assumed, which is equivalent to about 110 million gallons/year. During the dry season, tertiary treated recycled water would be used onsite for toilet flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup. An additional 11-acres of off-site vineyard could also be irrigated. Appendix C presents several options for use and storage of recycled water in ponds and tanks. During the wet season, tertiary treated wastewater would be seasonally discharged onsite to Pruitt Creek.

The information presented in the EA does not fully analyze potential environmental impacts from proposed discharge of tertiary treated wastewater to Pruitt Creek. Additional analysis is needed to evaluate water-related impacts and support the EAs conclusion that there will not be significant impacts.

Seasonal Discharge Volume Estimate

The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants (WWTPs) to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. Pruitt Creek is an ephemeral drainage with highly variable flow volume. Appendix C relies on streamflow statistics from a U.S. Geological Survey (USGS) gauging station located 5.5 miles downstream of the site, which significantly overestimates the capacity for discharge to Pruitt Creek. Appropriate discharge volumes must be calculated based on local stream flow data for the analysis to be reasonable.

Streamflow statistics at the downstream gauging station indicate that discharges immediately before and after the summertime months (May and October) may be limiting for the Proposed Project, and that streamflow rates are highly variable from year to year. Appendix C indicates that for any discharge scenario developed for the Proposed Project, backup contingency plans should be developed for low-flow conditions. However, the EA does not present this contingency plan, nor does it analyze potential on-site or secondary impacts of such discharge contingency.

The EA does not demonstrate the feasibility of seasonal discharge of anticipated wastewater flows to Pruitt Creek under all climate conditions, even though extremely varied climate conditions are foreseeable. The environmental assessment for the Proposed Project should include an analysis of seasonal discharge options to ensure capacity under all foreseeable climate scenarios.

Treatment Process Vulnerability

The Proposed Project includes construction of a self-contained package (immersed MBR) treatment plant to produce tertiary treated recycled water. The volume of influent will vary with casino usage, weather conditions, and infrastructure functioning. Any WWTP may be subject to “upset conditions”, when a sudden and unexpected event prevents the facility from operating properly. There is no indication that the Tribe has considered coordination or mutual aid agreement with other sanitary service providers to provide backup or support in the event of a WWTP upset. The Proposed Project should establish enforceable agreements to engage in mutual aid with one or more sanitary service areas.

Construction of Outfall in Pruitt Creek

Installation of a wastewater outfall structure in Pruitt Creek will adversely affect riparian habitat without appropriate mitigation. Operation of the outfall could alter the flow and hydrology of the Pruitt Creek, resulting in erosion and exacerbated flooding. Information is needed to evaluate the foreseeable impacts of the outfall structure on Pruitt Creek in all flow conditions.

5. Wastewater Treatment and Disposal – Impacts to Laguna de Santa Rosa

Discharge of tertiary treated effluent to Pruitt Creek, a tributary to Mark West Creek which flows into the Laguna de Santa Rosa, could have significant impacts on water quality in the Laguna de Santa Rosa. The Regional Board and the State Water Resources Control Board (State Board) have designated the Russian River and its tributaries, including the Laguna de Santa Rosa, as impaired waterbodies. The Regional Board has adopted policies and Total Maximum Daily Loads (TMDL) (some adopted and some under development) for a range of parameters, including sediment, temperature, pathogens, nutrients (nitrogen and phosphorus), dissolved oxygen, and sedimentation/siltation. The Water Quality Trading Framework for the Laguna de Santa Rosa Watershed adopted by the Regional Board in 2021 sets a “no net loading” effluent limitation for total phosphorus in National Pollutant Discharge Elimination System (NPDES) permits for WWTP discharge to the Laguna de Santa Rosa and provides a mechanism to offset total phosphorus inputs to the system. These regulatory tools recognize WWTPs as potential pollutant sources and provide the mechanisms to address water quality impairment.

The Proposed Project discharge of recycled water would add sediment, nutrients, and phosphorous to the Laguna de Santa Rosa watershed, undermining regional efforts to address existing water quality impairment. No analysis of the impact of project discharge on the Laguna de Santa Rosa watershed is provided. The Proposed Project could contribute to cumulative impacts in the Laguna de Santa Rosa that have not been analyzed. More evidence is needed to support the assertion the proposed discharge would comply with all current and reasonably foreseeable future policies, water quality trading framework, TMDLs, and implementation plans that support the Basin Plan.

The EA concludes that “surface water and groundwater resources from wastewater treatment and disposal activities associated with Alternative A would be less than significant,” but fails to demonstrate ability to meet nutrient limitations for discharge to Mark West Creek and its tributaries. The environmental assessment for the Proposed Project must include an analysis demonstrating how the Proposed Project would meet the no net phosphorous discharge required under the Nutrient Trading Framework and a full analysis of the proposed discharge in the context of adopted and future TMDLs. Standards for effluent phosphorous loads and for a phosphorus offset program should be identified and mitigation measures to reduce impacts of phosphorous discharge and secondary impacts of offset projects should be evaluated.

6. Wastewater Treatment and Disposal – Wastewater Treatment and Recycled Water Use

The information presented in the EA does not fully analyze potential environmental impacts from proposed use and storage of recycled water on-site and off-site. Additional analysis is needed to demonstrate the feasibility of on-site wastewater treatment, recycled water storage and reuse, and potential use of recycled water off-site.

Storage Tank Capacity

The proposed on-site recycled water storage ponds and tanks would be located in the “Treatment Area” in the southeastern portion of the site. Several options for recycled water disposal are presented in Appendix C, including construction of 12- to 16-million gallon recycled water storage tanks. This would provide adequate storage for about 40 to 50 days. Since discharge will not occur between May 15 and September 30 (138 days) significantly more storage, on the order of 40 million gallons, would be needed. Proposed facilities are not shown on the site plan and more information is needed to ensure that there is adequate space to accommodate needed storage, applying site-specific evapotranspiration (ET) rates and discharge volumes.

Evapotranspiration Rates

The landscape and crop ET calculation used in the EA are substantially different from the recycled water applications rates set for the Windsor Water district, the nearest permitted recycled water producer to the site. Site-specific and ET rates should be used to recalculate, together, for a more realistic estimate of the volume of effluent that could be discharged to Pruitt Creek to fully evaluate impacts related to onsite recycled water use and storage.

Recycled Water Reuse

The Proposed Project relies on dry season use and disposal of recycled water, but has not demonstrated adequate opportunities to reuse the volume of wastewater projected to be produced at the site. Eleven acres of off-site vineyards are an optional component of the recycled water balance; however, the proposed irrigation sites have not been identified. The Proposed Project includes use of recycled water for dual plumbing and toilet flushing, however the State Division of Drinking Water (DDW) and applicable regulations do not permit recycled water use in food service buildings, such as restaurants and bars. The stated reliance on State standards is misleading. The recycling of water should be a concrete mitigation measure, with an analysis of the impacts of that mitigation. The analysis should include a realistic estimate of recycled water production, reasonable estimates for recycled water reuse based on acceptable ET rates, and identification of all on-site and off-site recycled water use and disposal options consistent with Title 24.

Biosolids and Brine

Proposed wastewater treatment would produce biosolids and brine that would require disposal. The EA indicates that biosolids produced by the WWTP would be dewatered on-site and periodically hauled to a Class III landfill. In the very near term, State landfill diversion targets (per SB 1383) will require the diversion of biosolids from landfills, and recent CalRecycle regulations have already clarified that biosolids cannot be exempted from diversion targets as alternative daily cover. State law requires a 75 percent reduction in the landfilling of organic wastes by 2025. In addition, biosolids from WWTPs contain constituents of concern, including PFAS (per- and polyfluoroalkyl substances), and both direct and lifecycle impacts of these contaminants should be analyzed. Pyrolysis and disposal that does not involve land application has other foreseeable impacts. Proposed disposal sites that can accept biosolids and brine may be located at great distance for the Proposed Project site so associated transport greenhouse gas emissions and secondary impacts should be evaluated.

CONCLUSION

In conclusion, the Proposed Project may have significant impacts that have not been fully analyzed and additional investigation is needed. The EA does not present adequate evidence to support the conclusion that there will not be significant water resource impacts. Potential project and secondary impacts have not been fully analyzed and the EA lacks information essential for a reasoned choice of alternative development proposals for the site. In light of these deficiencies, we recommend preparation of an Environmental Impact Statement.

Sincerely,
WEST YOST

A handwritten signature in black ink, appearing to read "S. Potter", with a long horizontal stroke extending to the right.

Sandi Potter, PG, CEG
Senior Technical Specialist I

PG No. 5610
CEG No. 2170

EXHIBIT B



**Sonoma
Water**

MEMORANDUM

DATE: October 27, 2023

TO: Verne Ball, Deputy County Counsel

FROM: **Jeff Church, Senior Environmental Specialist at Sonoma Water**

PROJECT: Koi Nation Casino Environmental Assessment

SUBJECT: Documentation of observations of steelhead salmon (*Oncorhynchus mykiss*) in Pruitt Creek, Windsor California.

A few notes on observations of both resident rainbow trout and anadromous steelhead salmon (*Oncorhynchus mykiss*) in Pruitt Creek near Windsor, California.

The monitoring site was located in a reach of Pruitt Creek that crosses Faught Road, southeast of Windsor California. Observations were made on the upstream and downstream sides of Faught Road, including upstream to the creek culvert at Shiloh Ridge Road (approximately 450 linear feet of stream length). Pruitt Creek is perennial in pools immediately downstream of Faught Road and upstream of Faught Road approximately 0.5 miles as observed. Pruitt Creek transitions to an intermittent and ephemeral stream approximately 100 feet downstream of Faught Road during the dry season.

Monitoring began on December 7, 2001 and continued through July 28, 2016. Monitoring began as an effort to record water temperature measurements to determine whether Pruitt Creek could serve as a potential reference stream in the Russian River Watershed. As a reference stream it could provide information on natural water temperature patterns and ranges that could be expected to occur in similar sub-watersheds within the Russian River basin. Monitoring also included observations for the presence of steelhead salmon. Positive observations of the presence of steelhead coupled with water temperature data could be used to determine if water temperature regimes in Pruitt Creek (and similar sub-watersheds) are suitable for steelhead long-term survivability.

Monitoring frequency varied, with monitoring occurring as frequently as several times a day to as little as once or twice a week or monthly.

Steelhead were observed in all years of monitoring except during the beginning of the effort in December 2001 and winter/spring 2002 due to high turbidity (and low visibility) from a failed culvert and earthen creek crossing upstream of the monitoring location. The culvert and earthen crossing were removed and the site restored in late 2002 to early 2003. The majority of observations included resident rainbow trout of several age classes including fry and young of the year. Adult anadromous steelhead were observed migrating upstream on two different

occasions. The first observation occurred on February 3, 2008 and included one adult steelhead (approximately 18-20 inches in length) in a pool upstream of Faught Road but carried downstream to a pool below the Faught Road crossing. The second observation occurred on February 13, 2008 and included one adult steelhead (approximately 24 inches in length) under the Faught Road Bridge that also moved into the pool downstream of the crossing. This observation included a second smaller fish, approximately 10 to 12 inches in length.

Adult steelhead were also observed in Pool Creek downstream of the confluence with Pruitt Creek in a pool underneath the pedestrian bridge at Windsor Golf Course. Two separate observations of individual adult steelhead were made while golfing in the late 2000s or early 2010s. Observations were not part of a monitoring effort but were happenstance while golfing and so the dates are not exact, but the time period is accurate. Time of year was spring.

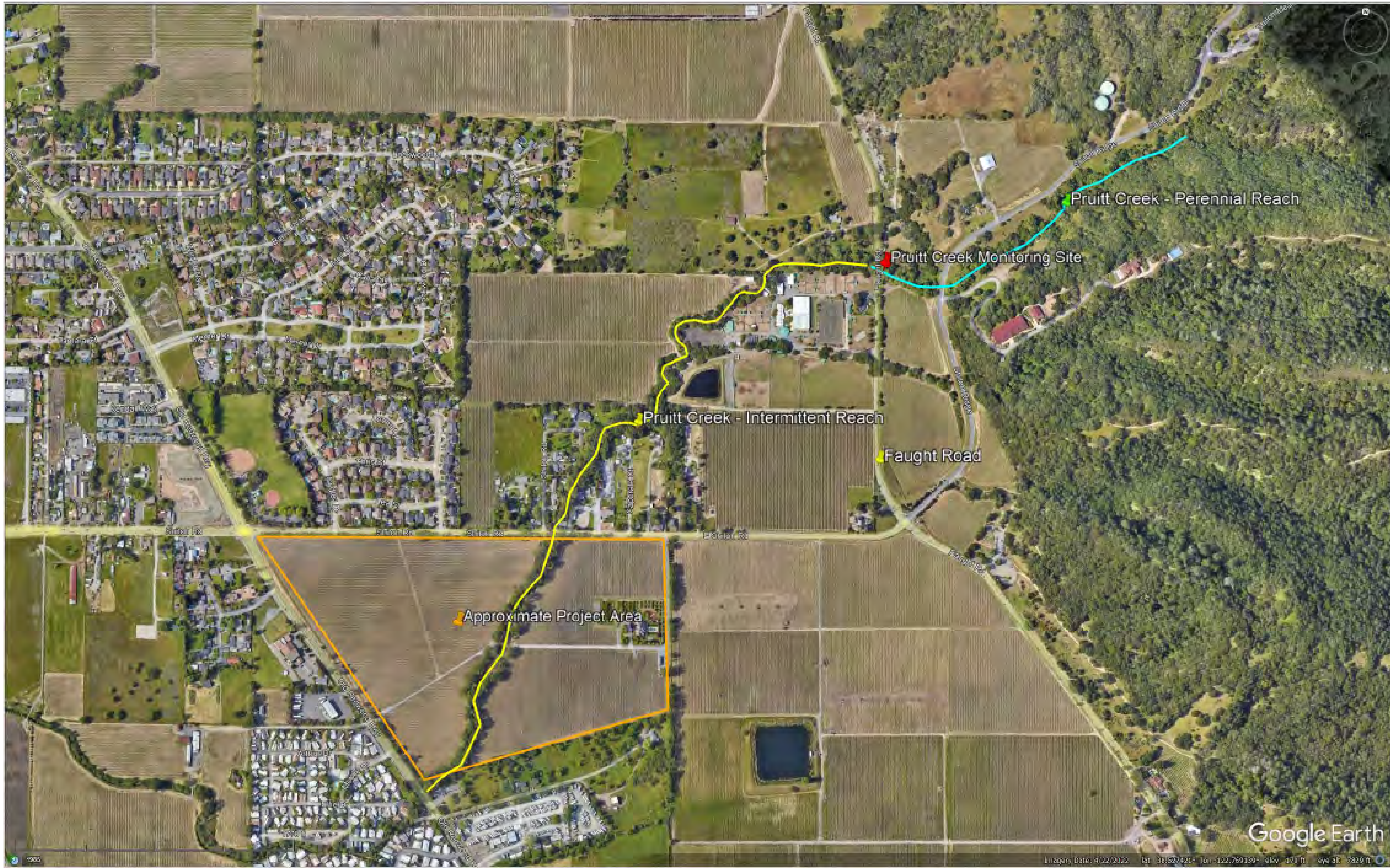


EXHIBIT C



MEMORANDUM

To: Verne Ball, Deputy County Counsel
From: Robert Pennington, Professional Geologist
Date: November 07, 2023
Subject: Koi Nation Casino Environmental Assessment, Pruitt Creek Observations

Dear Verne,

I reviewed the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project, Sonoma County, California, prepared by Bureau of Indian Affairs. I found the EA to be lacking in site specific analysis, particularly in regard to water supply and wastewater. This memo documents observed conditions in Pruitt Creek and discusses limitation to discharge of treated effluent to this waterway.

The National Hydrography Dataset identifies Pruitt Creek as intermittent, meaning that it has little or no flow for a substantial duration of the year. Local hydrologists and fish biologist know the Pruitt Creek near the project site to be dry for much of the year, even during the winter wet season, unless there have been substantial rains in the preceding months.

To verify stream conditions, I conducted a site visit on the morning of October 27th, 2023, and observed Pruitt Creek at the bridge crossing at Old Redwood Highway located immediately downstream of the project site. The creek was observed to be dry with no residual pools or standing water visible within 30 feet upstream or downstream of the bridge. See Figures 1 and 2. Note, the site visit was conducted on October 27, within what is considered the wet season.

The fact that Pruitt Creek in the vicinity of the project site is dry for much of the year presents a substantial limitation for the discharge of treated wastewater. The estimated average wastewater generation is 232,000 gallons per day (gpd) with an average weekend peak estimated at 335,000 gpd. During the dry season, wastewater would be used for vineyard irrigation and the remainder would be stored. During the wet season, stored and treated wastewater would be discharged to Pruitt Creek. This has the potential to impact water quality and instream habitat for listed threatened and endangered species.

The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. The EA assumes that streamflow of Pruitt Creek at the site is consistent with a U.S. Geological Survey (USGS) gauging station #11466800 located 5.5 miles downstream. USGS gauge



#11466800 has a contributing watershed area of 251 square miles. The contributing watershed area of Pruitt Creek at the Old Redwood Highway is 2.1 square miles, approximately 120 times smaller than the watershed area of the gauge used to estimate flow. Thus, the EA's analysis significantly overestimates streamflow of the site and the capacity for Pruitt Creek to dilute discharged wastewater. Similarly, the EA's analysis using overestimated streamflow vastly underestimates the required storage for recycled water. Recycled water storage volumes must be sized for worst case drought conditions when flows in Pruitt Creek are lowest and dry or very low streamflow conditions may extend into much of the wet season.

It is recommended that multiple years of continuous streamflow data be collected at the site, including during at least one year of severe drought. These data could then be regressed with gauge records from nearby gauging stations with longer records to reconstruct a defensible streamflow hydrograph for the site on which to design wastewater disposal systems and analyze potential impacts.

In addition to streamflow, it is recommended that water quality be sampled including temperature, pH, dissolved oxygen, nitrates, and phosphates. These data are necessary to design and assess the feasibility of the proposed wastewater treatment and disposal system, and to evaluate potential impacts to water quality, aquatic habitat, and beneficial uses of Pruitt Creek and the Laguna de Santa Rosa.



Figure 1. Image looking upstream of Pruitt Creek at Old Redwood Highway on October 27, 2023.



Figure 2. Image looking downstream of Pruitt Creek at Old Redwood Highway on October 27, 2023.

EXHIBIT D

RIVER ROCK TO DEFAULT ON BONDS: TRIBE TO MISS INTEREST PAYMENT, SAYS CASINO WILL REMAIN OPEN

The business arm of the Dry Creek Rancheria Band of Pomo Indians notified investors Wednesday that it will default on millions of dollars in bonds used to build River Rock Casino near Geyserville. | 

ROBERT DIGITALE AND CLARK MASON / THE PRESS DEMOCRAT

BY ROBERT DIGITALE AND CLARK MASON / THE PRESS DEMOCRAT

May 29, 2014

The business arm of the Dry Creek Rancheria Band of Pomo Indians notified investors Wednesday that it will default on millions of dollars in bonds used to build River Rock Casino near Geyserville.

The River Rock Entertainment Authority announced it will not be making the May interest payment due Saturday on two outstanding notes, automatically triggering a default on the bonds.

The tribe emphasized the Alexander Valley casino will remain open for business. But it remains to be seen how the default may impact investors and tribal members who receive payments from the casino's profits.

"Although the scheduled interest payment will not be made, we want to assure our customers, vendors and employees that we are generating sufficient funds to operate our business and provide the excellent customer service that our patrons expect," David Fendrick, the casino's CEO and general manager, said in a statement.

The default comes just six months after the opening of a rival casino adjacent to Rohnert Park, which has cut into River Rock's revenues and drawn away gamblers that once flocked to the Alexander Valley casino.

"Our immediate focus is identifying cost savings opportunities to adjust to the challenges of our new competitive environment," Fendrick said.

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The tribe also has brought in consultants to help analyze the casino's marketing efforts, Dry Creek Tribal Chairman Harvey Hopkins said Wednesday. Tribal leaders are "looking at all options," he said in a brief interview.

"We've been constantly meeting with management of the casino, attorneys and financial advisers," Hopkins said. "It's been a long road to get here."

The River Rock Entertainment Authority, an unincorporated governmental arm of the tribe, on May 1 announced that it had failed to make the scheduled interest payment for the month. The authority said it would use a 30-day grace period to reduce costs and to have what Fendrick then characterized as "significant dialogue with our bondholders."

River Rock opened in 2002 as Sonoma County's first tribal casino. To finance construction, the tribe sold \$200 million in senior notes to investors at 9.75 percent interest.

In 2011, the tribe restructured the debt after two rating agencies warned that the business otherwise faced a high risk of default. About \$50 million of that debt since has been repaid, Hopkins said in March.

But Hopkins also acknowledged that River Rock's revenues had declined by more than 30 percent since the Graton Resort & Casino opened in Rohnert Park in November. The new casino is closer to Bay Area gamblers and has roughly five times the space of the 61,000-square-foot River Rock facility.

As a result of the drop in revenues, the Dry Creek tribe has cut per capita payments to its 640 members over the age of 18, Hopkins said in March. In total, the tribe has nearly 1,040 members.

On Saturday, the tribe will default on two bonds: its 9 percent Series A Senior Notes and its 8 percent Series B Tax-Exempt Senior Notes, both due in 2018.

The tribe's announcement did not disclose the size of the interest payment that is due Saturday or the amount of outstanding debt it owes to bondholders.

The default will trigger a "waterfall agreement" that dictates the use of the authority's cash flow, according to the announcement.

Analysts who follow the Indian gaming market have noted that creditors of tribal casinos can't seize assets as might be done under a normal loan default. Instead, they suggested that River Rock may once more seek to restructure its debt, possibly by winning concessions from creditors in regard to the repayment of both principal and interest.

A bondholder on Wednesday seemed to take the default in stride.

"I'm not happy about it," said Mike Hudson, an Indiana man who has owned River Rock bonds for more than five years. "There are many options on the table. This is just the beginning of the next chapter. It's not gloom and doom."

Hudson said that by missing the interest payment, the tribe will be subject to having the casino revenues overseen by a trustee for the bondholders.

"Instead of a democracy, it will be more of a dictatorship," Hudson said. "A professional manager will come and manage the way they see best for the benefit of creditors, not the tribe. Essentially, they've conceded control of the casino."

"It will probably work out. Most of these things usually do," he concluded.

The River Rock Entertainment Authority has retained the law firm Holland & Knight LLP as its legal adviser and will use Stuyvesant Square Advisors Inc. as its financial adviser.

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EXHIBIT E

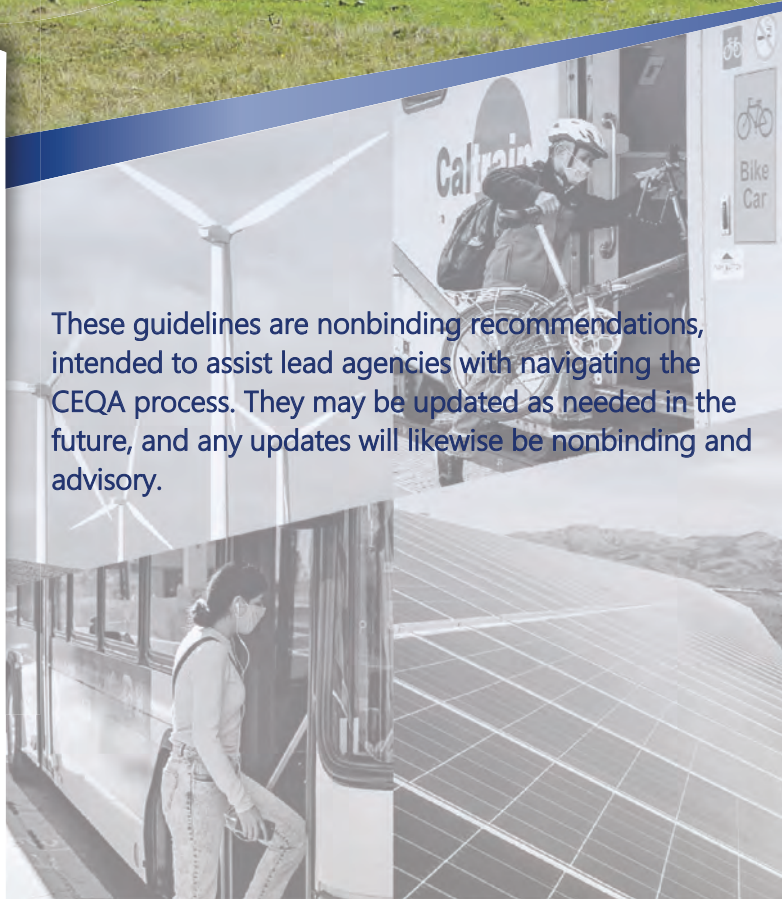


**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

California Environmental Quality Act
Air Quality Guidelines
Appendix B:
**CEQA Thresholds for Evaluating
the Significance of Climate Impacts
From Land Use Projects and Plans**

April 2022

These guidelines are nonbinding recommendations, intended to assist lead agencies with navigating the CEQA process. They may be updated as needed in the future, and any updates will likewise be nonbinding and advisory.



1 INTRODUCTION AND EXECUTIVE SUMMARY

This report presents the Bay Area Air Quality Management District's (Air District's) recommended thresholds of significance for use in determining whether a proposed project will have a significant impact on climate change. The Air District recommends that these thresholds of significance be used by public agencies to comply with the California Environmental Quality Act (CEQA).

Evaluating climate impacts under CEQA can be challenging because global climate change is inherently a cumulative problem. Climate change is not caused by any individual emissions source but by a large number of sources around the world emitting greenhouse gases (GHGs) that collectively create a significant cumulative impact. CEQA requires agencies in California to analyze such impacts by evaluating whether a proposed project would make a "cumulatively considerable" contribution to the significant cumulative impact on climate change. (See CEQA Guidelines Sections 15064[h] and 15064.4[b].)¹ But CEQA does not provide any further definition of what constitutes a cumulatively considerable contribution in this context. These thresholds of significance are intended to assist public agencies in determining whether proposed projects they are considering would make a cumulatively considerable contribution to global climate change, as required by CEQA.

The Air District's recommended thresholds of significance are summarized below, with a detailed discussion of the basis for the thresholds presented in the remainder of this report. The information provided in this report is intended to provide the substantial evidence that lead agencies will need to support their determinations about significance using these thresholds. This information also provides the substantial evidence to support adoption of these thresholds by the Air District's Board of Directors. (See CEQA Guidelines Section 15064.7 [thresholds must be adopted by the Board of Directors through a public review process and be supported by substantial evidence].)

1.1 THRESHOLDS FOR LAND USE PROJECTS

For land use development projects, the Air District recommends using the approach endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223).

¹ The 2021 State CEQA Guidelines, including Appendices F and G, can be found at the following website: https://www.califaep.org/docs/CEQA_Handbook_2021.pdf.



Applying this approach, the Air District has analyzed what will be required of new land use development projects to achieve California’s long-term climate goal of carbon neutrality² by 2045. The Air District has found, based on this analysis, that a new land use development project being built today needs to incorporate the following design elements to do its “fair share” of implementing the goal of carbon neutrality by 2045:

Thresholds for Land Use Projects (Must Include A or B)

A. Projects must include, at a minimum, the following project design elements:

1. Buildings

- a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
- b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

2. Transportation

- a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT
- b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

If a project is designed and built to incorporate these design elements, then it will contribute its portion of what is necessary to achieve California’s long-term climate goals—its “fair share”—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. If the project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California’s efforts to address climate change. These recommended thresholds for land use projects are discussed in more detail in Section 4.

² “Carbon neutrality” is defined in Executive Order B-55-18 as the point at which the removal of carbon pollution from the atmosphere meets or exceeds carbon emissions. Carbon neutrality is achieved when carbon dioxide and other GHGs generated by sources such as transportation, power plants, and industrial processes are less than or equal to the amount of carbon dioxide that is stored, both in natural sinks and mechanical sequestration.

EXHIBIT F



The County of San Diego

Planning Commission Hearing Report

Date:	July 22, 2022	Project:	Transportation Study Guide to Implement Vehicle Miles Traveled Analysis
Place:	County Operations Center (COC) Hearing Room 5520 Overland Avenue San Diego, CA 92123	Case/File No.:	N/A
Time:	9:00 a.m.	Location:	All Districts
Agenda Item:	#7	General Plan:	Various
Appeal Status:	Not applicable; Approval by the Board of Supervisors	Zoning:	Various
Applicant/Owner:	County of San Diego	Communities:	All unincorporated communities
Environmental:	Notice of Exemption; CEQA Section 15378 and 15060(c)(3)	APNs:	Various

A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to make a recommendation to the Board of Supervisors (Board) to adopt, adopt with modifications, or not adopt the proposed Transportation Study Guide (TSG). The revised TSG aligns with State guidance and establishes a threshold based on the regional average Vehicle Miles Traveled (VMT), which includes the entire San Diego region. The TSG also identifies Infill Areas where no VMT analysis or mitigation would be required for future development projects. The TSG also includes other standards and criteria that would be used to evaluate projects, including small projects, locally serving projects and public facilities. The TSG describes the process and procedures for project applicants to use when preparing transportation analyses for projects in the unincorporated area. If adopted, projects could use the TSG immediately as the basis to address the transportation effects of projects.

B. RECOMMENDATIONS

This is a request for the Planning Commission to consider the proposed Transportation Study Guide (TSG) and make recommendations to the Board. Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

1. Find that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065

and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution implements existing law and therefore it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

2. Recommend that the Board of Supervisors adopt the Resolution:

RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE TRANSPORTATION STUDY GUIDE INCLUDING TRANSPORTATION THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED

C. BACKGROUND

In 2013, the State of California (State) passed Senate Bill 743 (SB 743), which changes how jurisdictions, including the County of San Diego (County), are required to analyze transportation impacts from projects under the California Environmental Quality Act (CEQA). CEQA was signed into law in 1970 to provide standards for regulating pollution and preserving the natural environment. CEQA requires California's public agencies and local governments to measure the environmental impacts of development projects or other major land use decisions and to limit or avoid those impacts when possible. State CEQA Guidelines encourage lead agencies, like the County, to develop and publish guidelines to describe the level at which the environmental impacts become significant and therefore need to be reduced and/ or mitigated, or offset. These are called thresholds of significance. SB 743 required local jurisdictions to shift their environmental impact analysis for transportation from using traffic congestion or "level of service" (LOS) to Vehicle Miles Traveled (VMT) starting July 1, 2020. VMT replaces motorist delay and associated level of service (LOS) as the metric for analysis of transportation impacts under CEQA.

Although traffic congestion measured the impact on the driver, VMT is intended to balance the needs of congestion management with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation, such as walking and biking. VMT is calculated by determining the distance and number of vehicle trips generated from a home or business. When analyzing a project's impact on the environment from VMT, a lead agency can provide guidance on impacts from VMT by comparing the estimated VMT from the project to the average VMT in a defined area.

SB 743 does not require local agencies to adopt guidelines or to establish a threshold for VMT; however, agencies may adopt guidelines and thresholds after public review, and these guidelines and thresholds must be supported by substantial evidence. If an agency does not adopt guidelines or thresholds, each project must develop a specific threshold to determine whether the project's impacts will be significant under CEQA.

When analyzing a project's impact on the environment from VMT, the estimated VMT from the project is compared to the average VMT in a defined area. If a project decreases VMT from existing conditions within the defined area, it may be considered to have a less than significant impact on transportation, depending on the decrease. A project can also be considered to have a less than significant impact on VMT if it generates less than a specified number of average daily trips. Other criteria can also be used

to determine if a project has a less than significant impact from transportation on the environment, such as projects that are adjacent to existing major transit facilities.

Projects found to have a significant impact on the environment under CEQA are required to mitigate for, or offset, those impacts where feasible. Mitigation includes projects that reduce VMT like installing bike lanes and sidewalks, which reduce driving and vehicle trips. Because a project's VMT is largely based on the location of the project, which cannot easily be changed, mitigating for significant VMT impacts can be difficult to accomplish without a defined mitigation program in place. Mitigation for transportation impacts can also be costly. Therefore, using VMT as the metric for analyzing transportation impacts under CEQA incentivizes development in higher density areas near transit with a diverse mix of uses, and disincentivizes it in lower density areas that are more distant from jobs, services, and transit.

A transportation analysis involves determining the project's VMT using nationally adopted traffic standards and modeling and comparing those to something like a regional VMT average. Then for a project to be considered efficient, it is compared to a threshold that is also adopted by a jurisdiction, such as 15 percent below the regional VMT average, which is the threshold recommended by the Governor's Office of Planning and Research (OPR). If the average VMT is below the threshold, the project does not have a significant VMT impact and can move forward, without further VMT analysis.

If the average VMT for the project exceeds the threshold, the project must propose mitigation to reduce the project's VMT to below the threshold (i.e., by providing multimodal or transit infrastructure or other measures to reduce or offset VMT). If the project cannot reduce their VMT to below the threshold, an Environmental Impact Report (EIR) is required with a statement of overriding considerations for the project's significant and unavoidable transportation impacts. VMT is one of multiple subject matter areas analyzed under CEQA. Even if a project does not have a VMT impact, the project still requires environmental review for other CEQA environmental subject matters like biology, cultural resources, and fire hazards.

OPR prepared a Technical Advisory document to assist local agencies when developing their own guidelines for the assessment of VMT, thresholds of significance, and mitigation measures. OPR stated that lead agencies have the discretion to set or apply their own thresholds of significance. Based on staff's research, jurisdictions across the state have taken different approaches to implement VMT. Of the 58 counties in the state, 16 adopted their own VMT guidelines, nine chose to rely on OPR guidance and not adopt their own guidelines, and 33 have no guidance, so projects develop their own VMT analysis on a case-by-case basis. Of the 16 counties that adopted their own VMT guidelines, eight counties adopted a threshold based on the unincorporated area average, six adopted a threshold based on the regional average, and two counties chose other alternatives.

On June 24, 2020 (6), the Board of Supervisors (Board) adopted a Transportation Study Guide (TSG) for the unincorporated area, a technical guide for analyzing transportation impacts for projects using VMT. The TSG described the process and procedures for project applicants and their consultants to use when preparing transportation analyses. The TSG also included a methodology referred to as Local Mobility Analysis (LMA) to meet the County's General Plan requirement for a Level of Service (LOS) D (which is considered a stable flow of traffic with an acceptable level of delay) or better and to ensure the safe operations of the roads for all users including bicyclists and pedestrians. In September 2020, Cleveland National Forest Foundation, Coastal Environmental Rights Foundation, and the Sierra Club filed suit against the County, alleging adoption of the TSG violated CEQA and SB 743.

On May 19, 2021 (1), the Board received an overview of how VMT implementation was progressing nearly a year after adoption of the County's TSG. Staff also requested the Board to provide direction on potential updates to the VMT thresholds used to evaluate the significance of a project's transportation impacts, including options for using an unincorporated area average, sub-areas average, or a regional average to measure existing average VMT, and the screening level threshold for "small" projects that should be exempt from performing additional transportation analysis. A project is considered "small" if it generates less than 110 Average Daily Trips (ADT). The Board was also given the option to leave the existing TSG in place.

After receiving the update, the Board provided direction to explore 13 items related to VMT:

1. Assess and explore the process by which infill development can be done in a manner to ensure no VMT mitigation is necessary.
2. Explore the potential creation of transit accessible areas and look at the intersection between VMT efficient areas or lower thresholds in accordance with the areas that do not require further analysis. Explore the potential transit corridors and look at the SANDAG Regional Transportation Plan (RTP), Metropolitan Transit System (MTS), North County Transit District (NCTD), and other possible areas and how that may impact VMT efficient areas or areas covered by the exemption.
3. Explore programmatic or plan-level mitigation opportunities for VMT, including the concept of a regional mitigation bank.
4. By-right process for development in VMT efficient areas.
5. Further exploration of exceptions to the VMT thresholds for affordable housing projects at less than 100 percent affordable, including mixed income and various components of Area Median Income (AMI), along with exploring the possibility of exceptions for middle income or workforce housing, local hire, and agriculture type projects that might have a net impact of lowering VMT.
6. Explore land use density of land that is in VMT efficient areas.
7. Continue to track guidance from the California Office of Planning and Research (OPR), along with other governing body efforts, including the SANDAG RTP.
8. Monitor the progress of other jurisdictions as it relates to their adoption, along with what unique programs, exemptions, or opportunities they may be exploring that the County may want to consider.
9. Consider a phase-in timeline to allow for a transition into a regional geography.
10. Consider compliance options for projects that have already been proposed or are in the process now.
11. Conduct an analysis of the options to remove the Local Mobility Analysis.
12. Inform the Board regarding updates on development of the Smart Growth component of the Climate Action Plan (CAP) Update and Supplemental EIR to ensure it is integrated and aligned with efforts around VMT.
13. Conduct an analysis of proposed housing projects designated for individuals under 60 percent AMI and under 80 percent AMI and the potential cost impact of switching to a regional geography.

After the May 19, 2021 Board meeting, OPR clarified that "regional" is defined as the full geography within the jurisdictional borders of a Metropolitan Planning Organization (MPO) or a Regional Transportation Planning Agency (RTPA). For San Diego County, this is the San Diego Association of Governments (SANDAG) region, which includes the entire county. Previously, in its 2018 guidance, OPR recommended that for projects in the unincorporated area, the lead agency compare a project's VMT to

a “citywide” average VMT or the “region’s” average VMT. For example, the City of San Diego could evaluate a project’s VMT compared to the citywide average or the overall region’s average. For comparison, the VMT threshold using the unincorporated average is 23.4 miles and the threshold using a regional average is 16.9 miles (average reduced by 15 percent as recommended by OPR).

Although the OPR Technical Advisory is intended to provide advice and recommendations and is not mandatory, as directed by item 7 above, staff returned to the Board on September 15, 2021 (1) with this new guidance, and the Board adopted a resolution to rescind the County’s TSG based on OPR’s updated guidance that the County should use the regional average VMT for projects in the unincorporated area.


On February 9, 2022 (7), the Board received the presentation and overview of the 13 items and provided direction on options to implement analysis of transportation impacts of proposed projects under CEQA using VMT in two phases.

Phase one included the following:

1. Prepare a revised TSG using a regional geography, circulate it for a 30-day public review, and return to the Board within six months for consideration with a cost of \$100,000. The revised TSG should also include the following:
 - a. Develop new VMT screening criteria for projects within Infill Areas and any surrounding “Village” as identified in the General Plan, excluding areas outside of existing or planned transit and areas mapped as High and Very High Fire Hazard Severity Zones. The screening criteria will allow projects located in Infill Areas and any surrounding “village” to move forward without VMT analysis or mitigation. This option would allow up to 5,870 homes to move forward without VMT analysis based on the General Plan (Infill Areas combined with VMT efficient areas). Projects located outside these areas will need to conduct a VMT analysis and propose mitigation to reduce their impacts.
 - b. Adopt the 110 average daily trips small project screening criteria.
 - c. Adopt OPR recommendation to screen out projects with 100 percent affordable housing from VMT analysis.
 - d. Require an LMA. The LMA for discretionary projects would be used to evaluate road operations, traffic safety, and access. The study scope of LMA has been reduced when compared to the previous CEQA required traffic analysis based solely on Level of Service prior to the implementation of SB 743 in that the area evaluated is limited to intersections located near the project with the primary focus on traffic safety and not roadway capacity.
2. Directed staff to return with options for a sustainable land use framework (Option 6-D). Staff also recommends the Board direct staff to prepare options for further direction to inform the development of a sustainable land use framework for Board consideration and return to the Board in 120 days. Options would include the following: identification of principles for sustainable development that could inform future land use decisions; and comparison of planning mechanisms to implement Board directed principles, including zoning overlays, specific plans, community plan updates, or a general plan update and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.

EXHIBIT G

Inside the fight to save Windsor from the Kincade fire

Officials were told Windsor would almost certainly lose homes to the Kincade fire, but not a single house was lost, thanks to hundreds of firefighters who braved great peril to face down a surging wildfire on Oct. 27. | 



SLIDE 1 OF 30

Santa Monica Fire Department firefighters Armando Reyes, left, and Andrew Klein quickly bundle their fire engine's hose to move to protect a different structure during the Kincade fire on Los Amigos Road in Windsor on Sunday, Oct. 27, 2019. (ALVIN JORNADA/ PD)

MARY CALLAHAN
THE PRESS DEMOCRAT
November 9, 2019

Flames were sweeping down the grassy slopes of Foothill Regional Park toward the near-empty town of Windsor when Sonoma County Fire District Battalion Chief Mike Elson drove up Cayetano Court and realized the moment they had all been bracing for had come.

Two-story flames and glowing firebrands whirled through the smoke-darkened skies, setting fences and trees ablaze, lighting landscaping and, soon, sparking fires at several homes in the neighborhood, as well.

The marauding Kincade fire had been bearing down on Windsor all morning, burning its way through a rural landscape across a wide area north of town, where an army of firefighting forces stood ready to face it late in the morning of Oct. 27.

But it would be northeast Windsor, in and around hundreds of homes in the Foothill Oaks Estates, where they confronted the biggest threat - a near-overwhelming battle to keep the blaze from taking the neighborhood and the town.

Scores of firefighters took part in the initial attack, making a stand amid the chaos, barely daring to hope they would prevent the fire from ripping through town, let alone sweeping across Highway 101 and burning a trail of destruction all the way to the coast.

"That fire coming off of Foothill Park, that fire was coming off that hill very quickly, and it was massive," said Elson, who was leading a nine-engine task force but eventually took command of the Foothills campaign. "It was a massive firefight. There were flames up over the tops of houses ... and those are mostly two-story houses, so they were 30, 40 feet in the air."

But in what became a pivotal juncture in the two-week effort to beat back Sonoma County's largest wildfire ever, the battle for Windsor spared every single home in the town of 27,000 people and substantially curbed the fire's spread.

Sonoma County fire officials credit 200 firefighters or more, both local and from outside the area, who jammed into the neighborhood and simply refused to give way to the flames.

They fought house-to-house, confronting the blaze so aggressively they pushed the boundaries of personal safety to the very limit - to the point Sonoma County Fire District Chief Mark Heine said he came close to ordering crews to fall back in a few cases.

"That was very dangerous firefighting in there," Heine said. "To enter someone's backyard, where everything in their backyard was on fire, meant they didn't know if they could get themselves back out. There was just that spirit of, 'We're not letting this fire come to our town.'"

It came frighteningly close, making innumerable forays into the Foothills area, a neighborhood of several hundred homes tucked up against the hills of the regional park east of Arata and Hembree lanes in the northeast section of Windsor.

Particularly vulnerable were about 150 homes arrayed around cul-de-sacs, many of which had backyards exposed to the park or connected landscape, often separated from the parklands only by wire fencing.

But ferocious winds that sent sparks and flaming debris well ahead of the fire front that day meant anywhere in the neighborhood or even within a mile or two was at risk of blown embers and fire starts.

Were the fire to get established in even two or three homes, generating intense heat, large flames and embers, "We were likely to lose that whole neighborhood," Heine and others said.

Residents who returned to the area days later found singed trees and burned gardens, lengths of fencing turned to charcoal, ash-covered ground where the flames had spread directly from the blackened hills of Foothill park into their backyards. There were scores of places - outdoor sofa cushions, patches of grass, Halloween decorations - that had caught fire and been put out.

Firefighters had to kick down doors in a few cases to douse attic fires after embers ignited rooftops or burned fencing up to exterior walls like they did at Michelle and Brad Stibi's place on Valle Vista Court.

"We were the loop on national TV," Michelle Stibi, 50, said, her expression suggesting she was none too impressed with the celebrity brought by widely shared footage of the firefight in her yard. "This is going to be a concrete jungle when Brad gets done with it."

Fire officials say it would have been worse if it weren't for the stucco and tile or concrete roof construction that dominates the Spanish-styled Foothill Oaks Estates subdivision that makes up most of the area between Hembree Lane and Vinecrest Road, where the firefight took place.

"Some of those embers were still getting up into those eaves," Elson said, "but construction features that they built into those neighborhoods definitely helped."

A far more critical factor was the early evacuation of residents, clearing the way for firefighters to battle flames and defend property without the need to commit time and attention to rescue efforts. Saving lives and getting people out had completely consumed public safety personnel during the early phase of the 2017

Tubbs fire, which swept across Sonoma County from Calistoga by night with such speed that hundreds were trapped in their homes and neighborhoods and forced to flee through the flames.

"If people had stayed in those homes in Foothill, they would have died," Heine said starkly, "and if not, it would have created such a complex issue for us that we wouldn't have been able to fight the fire. It allowed us to focus on the fire and not life-safety and rescue."

The 77,758-acre Kincadee fire, now 100% contained, started many miles north of Windsor, atop The Geysers, during extremely strong winds the night of Oct. 23. It had burned virtually unchecked for four days along a mostly southerly path before it rushed toward Windsor during a period of rapid, wind-driven growth around midday Oct. 27.

Sonoma County Sheriff Mark Essick had ordered all Windsor residents to leave home a day earlier in what would be a succession of evacuations that cleared out a huge swath of Sonoma County. More than a third of the county's population was under mandatory evacuation order, from Geyserville and Alexander Valley down to north Santa Rosa, and west to Jenner and Bodega Bay.

Hurricane-force winds coming out of the northeast and fire forecast modeling had contributed to the same terrifying prediction: that an unstoppable firestorm could burn through Windsor and jump the freeway into the thickly forested Russian River Valley, where flames fed by dense fuels unburned for decades would run all the way to the Pacific Ocean.

Public safety officials alerted the public to this "worst-case scenario" when evacuation orders were issued.

But it's not clear how many civilians appreciated the very real possibility of it coming to pass.

Most Californians are certainly aware of the increasing intensity of and destruction wrought by recent wildfires, experienced close to home in October 2017, when a series of fires rampaged through the region, killing 24 people in Sonoma County and destroying more than 5,300 homes.

But even Windsor Mayor Dominic Foppoli, during a celebration of the town's endurance last weekend, felt compelled to ensure his constituents understood the gravity of what they had faced a week earlier.

Foppoli, 37, said top fire brass briefed him and other town officials a short time before Essick ordered Windsor and Healdsburg to evacuate the morning of Oct. 26 and told them at least part of their community would likely be lost to fire before the flames continued westward.

"This was not an 'if,' but it was a 'when,'" Foppoli told an estimated 4,500 who gathered in the town square to salute firefighters.

But there was positive side, too, Sonoma County Fire District Battalion Chief Marshal Cyndi Foreman said.

All the mapping, modeling and intelligence put Windsor squarely in the bull's-eye of the wildfire, Foreman said, so "we knew that we were not going to dodge this one, but we also knew it was coming."

While the Tubbs fire and last year's deadly Camp fire in Paradise continue to inform firefighters' expectations in an age of extreme fire behavior, the siege on Windsor came with the luxury of time to plan ahead.

"I'll take a disaster that we know is coming all day long, rather than something that's going to wake me up out of a dead sleep that I don't know is coming," Foreman said.

The Kincadee fire was fought under the unified command of Cal Fire, the Sonoma County Sheriff's Department, the Sonoma County Fire District and several other agencies.

But the planning for Windsor was turned over largely to the Sonoma County Fire District and to Battalion Chief Mark Dunn, with the aid of Heine and other top officials, and support from many others, including fire personnel from other agencies who happen to live in northeast Windsor and offered to help.

Nothing less than the fate of the town hung in the balance, and many thought that even if the town were saved, hundreds of homes would be lost first.

Dunn, for instance, thought substantial residential losses were inevitable if the fire got established at Foothill Regional Park, as it did.

"When people have talked to me, I've been so emotional about it," Dunn said. "It's one thing to have a plan and to ask strike team leaders and strike teams and my own department, 'I need you to do this; you're going to go to this neighborhood and try to hold your ground.'

"That's one thing. But they actually did it, and they did it perfectly. So many individual engines from different agencies doing all that," he said. "It was amazing."

The firefighting force had to be ready to meet the blaze coming in from the north or the east - or both, which is how it transpired - and be prepared to hold Highway 101, whatever it might take, Dunn said.

They had to figure out where they might lose control of the fire and identify contingency plans that included lines which, once crossed, would trigger crews to fall back several blocks to preset points. There was even the potential for the fire to take successive neighborhoods, forcing the entire firefighting force to seek refuge across the freeway if it got bad enough.

Dozens of engines were moved into the area by Saturday night, Oct. 26, some staged at the Luther Burbank Center for the Arts in Santa Rosa. Three strike teams of five engines were prepositioned in Windsor, a number of them redeployed directly from the 4,615-acre Tick fire that was winding down in Southern California.

Sonoma County Fire District personnel and a fleet of bulldozers also were deployed around Windsor, many of them around Arata Lane and Highway 101/Los Amigos Road, near the command post.

As restless fire officials patrolled rural areas north of town late Sunday morning, around 11 a.m., the fire made a drive for Windsor, sweeping off the hills from Chalk Hill Road in several directions once, fire officials said. One head of the fire was veering past Hillview Road toward Limerick Lane and the highway, while another came down Hillview south toward Brooks Road and Arata Lane, and a third came down Chalk Hill Road toward the area of Vinecrest Road, though eventually the biggest threat came from edges of wildfire that merged in Foothill Park and spread swiftly through the grasses of the 211-acre open space.

Roberto Pardo, 54, and his family, meanwhile, were safely ensconced in a Napa hotel, anxiously monitoring news of the Kincade fire as they had through the night, when security cameras from his Windsor home began sending snippets of grainy footage to his cellphone.

Just before noon, he saw two fire engines pull into Miramar Court near the west side of Foothill park and observed firefighters go into his neighbors' backyards and his own - ensuring they had access in the event it was necessary, was Pardo's guess. He could see the wind whipping so fiercely it bent one of his palm trees nearly in half.

Then the six firefighters, apparently satisfied, lined up side by side in the road facing east and waited - watching, bracing, for the coming siege.

When he saw a law enforcement vehicle take a last, hasty spin around the court before speeding away - as if checking to make sure everybody was gone - he knew "that the fire was here," Pardo said.

Firefighters were frantically canvassing neighborhoods, moving propane tanks, lawn furniture, umbrellas and whatever flammable items they found away from homes, or kicking down fences to improve access or avoid creating fuses that might help ignite homes.

Sonoma County Fire District Capt. Mike Stornetta, whose own home is mere blocks away, had by then gone looking for the fire, dragging a fire hose into Foothill park with Capt. Fred Leuenberger and confronting it there amid the oak trees. They sounded the alarm in the moments before flames hit Cayetano Court and made entry into the neighborhood behind a number of homes at once.

His report marked the beginning of an epic battle, marked by what Dunn said was suddenly one report after another of the fire's arrival in neighboring cul-de-sacs and the response of dozens of fire crews into the area.

Foreman said, "It was like somebody blew the bugle and the cavalry arrived. You couldn't run 10 or 20 feet without running into another firefighter. There were so many resources that saturated that community."

Even so, it was daunting.

Elson said he thought for a second about the personal vehicle he had left at the Hembree Lane fire station more than a mile to the south and whether he would have time to move it before the fire got there.

"My gut reaction was that we were going to lose that whole neighborhood," he said.

Foreman remembers a point when the fire came down to Vinecrest Road toward the east edge of town when the whole sky went dark - "like somebody turned the lights off" - perhaps as the fire took three homes up a steep, narrow tail of Vinecrest, just outside the town limits.

In the Foothills neighborhood, the firefight lasted an hour, perhaps 90 minutes, a relentless attack in which each strike team and engine leader was authorized to exercise his or her own discretion as to what was needed to advance the cause.

Many neighborhood residents saw the battle unfold on TV or social media, including a widely watched video shared in real-time where they watched firefighters in their own yards and saw their properties in flames.

"We created a whole text group before we evacuated on Saturday, and we all talked to each other the whole time," said Beverly Madden, who retired to a home at the end of Valle Vista Court a few years ago and was alarmed by the video someone passed her way.

She now has ash across part of her backyard and new landscaping, now probably ruined. But "when we saw the video, compared to when we got here? We feel super, super great."

The fire came within yards of Mike Hoesly's home up a long drive way atop a hill at the north end of Cayetano Court, after "toasting" about two-thirds his vineyard and burning through a good deal of landscaping at the edge of his backyard just off Three Lakes Trail in the regional park.

But he's grateful that firefighters saved his heritage oak - the only thing growing on the property, when he and his wife, Kate, moved there in 1990.

"This could have been so tragic, you know?" said Hoesly, 70. "We just feel kind of like if the home construction had been different, it could have been a domino effect."

There would be more firefighting to do later that day and in the days to come, as the wildfire swept up toward Shiloh Ridge and the Mark West Creek watershed.

But for Elson and others from the district who fought the 2017 Tubbs fire and struggled fruitlessly to try to protect homes they instead watched burn, defending Windsor proved a watershed - a badly needed save, a source of redemption, he said.

"You know," said Stornetta, "with the winds that we were having and, with the experiences that we've had in this area and all over California, I was really not holding out a ton of hope that we were going to be able to save it. However, the mentality that everyone had was, 'Hey, we're not letting this happen again.'"

You can reach Staff Writer Mary Callahan at 707-521-5249 or mary.callahan@pressdemocrat.com. On Twitter @MaryCallahanB.

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CALIFORNIA WILDFIRES

Sonoma County under siege: Kincade Fire forces 90,000 evacuations

Kurtis Alexander, Steve Rubenstein, Alexei Koseff, Demian Bulwa
Oct. 26, 2019 | Updated: Feb. 24, 2020 4:20 p.m.

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1 of 13

Firefighters light back-fires along Pine Flat Road near Geyserville, Calif. on Saturday, October 26, 2019 to head off the Kincade Fire, which has grown to more than 25,000 acres and triggered mandatory evacuations in Windsor, Geyserville and Healdsburg.
Kurtis Alexander/Kurtis Alexander / The Chronicle

Read the latest on the Kincade Fire here.

Two years after being scarred by the deadly Wine Country wildfires, Sonoma County was under siege again early Sunday as thousands of firefighters battled to keep powerful winds from pushing the massive Kincade Fire southwest through dense cities and towns toward the Pacific Ocean.

As of midnight, the county resembled a disaster zone from end to end. Some 90,000 residents has been ordered to flee their homes — including those in the touristy wine capital of Healdsburg, with its boutique hotels and tasting rooms, and the community of Larkfield-Wikiup, which saw whole subdivisions flattened by the Tubbs Fire of October 2017.

In the Santa Rosa neighborhoods of Coffey Park and Fountaingrove, meanwhile, residents in brand-new homes just rising from the ashes were warned they might be next to evacuate. Just about everyone else in the county was either under an evacuation order, an evacuation warning, or a power outage imposed by Pacific Gas and Electric Co. to keep additional blazes from sparking.

“We’re kind of at the mercy of Mother Nature right now,” said Jonathan Cox, spokesman for the state’s Cal Fire agency. “Batten down the hatches and hope the storm passes.”

As of midnight, the Kincade Fire in and around Geyserville — possibly sparked Wednesday by PG&E equipment that had been left on despite the outage — had blackened 26,000 acres and destroyed 31 homes and 46 other structures, according to Cal Fire.

The fire was just 11% contained, or surrounded. More than 2,800 firefighters and upward of 250 engines worked in rugged hills and canyons seeking to boost that figure as they prepared for winds from the northeast forecast to reach 40 mph — with gusts up to 80 mph.

No deaths had been reported. Two civilians and one firefighter sustained non-life-threatening injuries Friday after the firefighter deployed his personal fire shelter to save himself and the two fleeing residents.

Saturday had been a day of preparation and worry. Authorities continually expanded evacuations, while opening shelters for evacuees. Fleeing residents jammed Highway 101, and lined up to fill their tanks at gas stations. Stores in Sonoma County and well beyond sold out of ice, batteries, portable generators and other supplies.

Evacuated areas included Windsor and Mark West Springs as well as Guerneville, Forestville, Occidental, Bodega Bay and other spots along the Russian River and the coast. Among those who had to move on were roughly 100 patients at Sutter Santa Rosa Regional Hospital, who were transferred to medical facilities in Novato and San Francisco. Sonoma County officials had to empty a jail as well, just in case.



A police officer leaves a home after placing an evacuation order in the mailbox on Saturday, Oct. 26, 2019, in Geyserville, Calif.

Paul Kuroda / Special to The Chronicle

National Weather Service meteorologist Drew Peterson said the area was expected to see “extreme, extreme conditions.” The strongest gusts were expected to pick up early Sunday in the hills and ridges and continue into Monday — a more intense and longer-lasting windstorm than the one that pushed the 2017 fires in Wine Country.

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Fires, fears, outages — the new normal of Autumn

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Healdsburg and Windsor residents get the word: It's time to evacuate

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On Saturday, in a last-ditch effort to halt the progress of the fire before the winds picked up, hundreds of firefighters aided by airplanes and helicopters pre-emptively burned vast stretches of grassland to create a fire break. The back-fires, many set along Pine Flat Road east of Geyserville as the sun went down, were designed to create a buffer zone between the fire and the many towns of the Sonoma Valley.

“We want to make sure it doesn’t go down any farther,” said Capt. Mike Tompkins of the Tiburon Fire Department.

His crew was part of a team using drip torches to light dry brush and grass on fire. Another team, high on a ridge above, was lighting fires back toward Tompkins’ team so that the flames from both sides would merge and create one big fuel break. Asked if it would work, Tompkins raised crossed fingers and said, “We’ll find out.”



Fifth & Mission

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Chris Markell momentarily stops his car on the 101 on ramp to photograph the Kincade Fire on Friday, Oct. 25, 2019, in Healdsburg, Calif.
Paul Kuroda / Special to The Chronicle

In Healdsburg and Windsor early Saturday, residents and businesses rushed to pack up and get out of town. Danielle Kuller, the manager at Amy's Wicked Slush ice cream store in Healdsburg, said the store shut down and sent employees home.

"We're just trying to make sure everyone's safe," Kuller said.

At KC's American Kitchen in Windsor, dozens of breakfast customers watched the sheriff's press conference on the restaurant TV and found out the town was being evacuated.

"They all paid their checks and left," said Sheryl Farmer, the restaurant manager. "The restaurant is empty now. Our staff is worried and frantic. They're all trying to get home to be with their families. It's a little stressful."

By afternoon, the only people still allowed in Windsor were law enforcement personnel putting barriers on roads, driving through neighborhoods with loudspeakers and sirens, and going door to door to reach residents.

"It was nuts," said Brian Benn, who waited 15 minutes to fill up at a gas station in north Santa Rosa, just outside the evacuation area, where he said the lines for each pump were six cars deep. "You can tell people are feeling a little panicked, and trying to get their stuff together."

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From left: Cal Fire Healdsburg's Daniel Frazee, Andrew Rush and Cassidy Harms watch as helicopters pass by and dump water down to the Kincade Fire off of Pine Flat Road on Friday, Oct. 25, 2019, east outside of Geyserville, Calif.
Santiago Mejia / The Chronicle

About 90 people under a previous mandatory evacuation order from the Geyserville area spent Friday night at an emergency shelter at the Healdsburg Community Center, Red Cross spokeswoman Barbara Wood said. Half a dozen new arrivals joined other residents at the former elementary school. Restaurants provided meals and concerned citizens dropped off books, toothbrushes and fresh chrysanthemums for the dining hall tables. But by Saturday, the shelter was itself evacuated.

Down the road, Jorge Vazquez, 31, who works in the maintenance department at the Best Western Dry Creek Inn in Healdsburg, was tasked with going door to door telling guests to leave. Each was given 30 minutes. Many there were also evacuees from the Geyserville area, forced to make their second evacuation in three days.

"It took some convincing to get them to leave," Vazquez said. In one case, he said, he had to threaten to call the police.

New evacuation centers were opened at the veterans halls in Santa Rosa and Petaluma, and at the Petaluma Fairgrounds.



Fire-friendly weather conditions affected much of Northern California, where as many as 940,000 customers were expected to lose electricity in planned Pacific Gas & Electric Co. power outages designed to prevent the outbreak of additional fires.

With what forecasters called a “potentially historic” windstorm expected Saturday night into Sunday, PG&E began shutting off power to as many as 2.8 million people across huge swaths of the state in an attempt to avert wildfires. The utility said homes and businesses could lose power in portions of 38 counties across the Bay Area and throughout Northern and Central California.

“The next 72 hours will be challenging,” Gov. Gavin Newsom said at a Napa event Saturday. “I could sugarcoat it, but I will not.”



Roilene picks up last items before evacuating from her house with her husband Wolfgang on Saturday, Oct. 26, 2019, in Geyserville, Calif.

Paul Kuroda / Special to The Chronicle

The planned outages were unprecedented, affecting far more people than two previous shutoffs. In the last widespread round of planned outages this month, 738,000 residences and businesses in Northern and Central California had their electricity cut off.

The first blackouts began Saturday afternoon, affecting portions of counties in Northern California and the Sierra foothills — Amador, Butte, Colusa, El Dorado, Glenn, Nevada, Placer, Plumas, San Joaquin, Sierra, Siskiyou, Shasta, Tehama and Yuba counties. They later spread to the Bay Area, affecting Alameda, Contra Costa, Marin, Napa, Solano and Sonoma counties.

The Marin County Sheriff's Office said it expected the outages to affect 99% of the county.

"It almost feels like an apocalypse," said Armand Quintana, manager at Jackson's Hardware in San Rafael. "There are lines at the gas station, people are buying ice from grocery stores, they're out of ice. I'm looking for zombies."

The store ran out of its stock of 50 generators, which sell for \$1,100 to \$5,000. Just hours before the expected power outages Saturday, it ran out of flashlights, batteries, candles and other power-outage supplies.

Smoke from the blaze was wafting through the Bay Area and could be sniffed on Saturday in downtown San Francisco. Air quality experts advised that buying masks and filters is no substitute for finding clean-air spaces, such as libraries and shopping malls.



Helicopters dump water down to the Kincade Fire off of Pine Flat Road on Friday, Oct. 25, 2019, east outside of Geyserville, Calif.
Santiago Mejia / The Chronicle

“Masks may not be the answer for a lot of people,” said Dr. Jan Gurley of the San Francisco Department of Public Health. “Sometimes they make you feel a little better. But there are no substitutes for getting to where the air is clean.”

Air quality throughout the Bay Area was expected to be “unhealthy for sensitive groups” and a Spare the Air Day was declared by the Bay Area Air Quality Management District. It was the 20th of 2019, compared with 13 days in all of 2018, 18 days in 2017 and 27 days in 2016. Residents were advised to limit outdoor activity and avoid driving and wood burning.

On Saturday, the Kincade Fire was burning in a southwesterly direction on the east side of Highway 128 and eastern Geyserville. Firefighters built containment lines on the edge of Geyserville, where 735 structures were under threat.

Newsom toured the fire area Friday, visiting residents, meeting local officials and praising firefighters for their “extraordinary heroism.” The governor also stepped up his criticism of PG&E, as state regulators looked into whether the utility company’s equipment played a role in the fire.

The company reported Thursday that equipment on one of its transmission towers broke near the origin point shortly before the Kincade Fire was reported at about 9:27 p.m. Wednesday. Power had been shut off in the area, but not on that specific transmission line, in an effort to prevent such an event.

Chronicle staff writers John King and Catherine Ho contributed to this report.

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EXHIBIT H

Brings Chickasaw's unparalleled gaming expertise and shared values to project to support Koi's economic independence on tribal lands in Sonoma

Santa Rosa, Calif. (24 January 2022)— The **Koi Nation of Northern California**, one of California's historic federally recognized Native American tribes, has executed a predevelopment agreement with **Global Gaming Solutions (GGS)**, a wholly-owned business of the **Chickasaw Nation of Oklahoma**, to engage as the Koi's development partner for its planned **Shiloh Casino & Resort in Sonoma County**. GGS will also act as the manager and operator of the establishment when completed.

"We are honored to build this important business relationship with our brothers and sisters of the Chickasaw Nation, one of the most experienced Native American tribes in the gaming industry," said Darin Beltran, Koi Nation's Tribal Chair.

"Not only does the Chickasaw Nation have great expertise in gaming and resorts, but they also share the same values as the Koi Nation. Chickasaw leaders understand the importance of this project to the restoration of our economic self-reliance because they have walked the same path many times in support of their own people's future," said Dino Beltran, Koi Nation Vice Chair and Director of Development.

The Chickasaw Nation, with its tribal headquarters in Ada, Oklahoma, has an exemplary track record in developing and operating tribal gaming operations and related resort properties. It operates 23 gaming establishments around the nation, including Winstar World Casino and Resort, the largest casino in the world. The Chickasaw Nation also operates nearly 200 additional highly successful businesses, giving it a broad range of commercial expertise that makes it the ideal partner to develop and manage the Shiloh Resort & Casino.

"The Chickasaw Nation is pleased to play a role in this project, and we look forward to a successful collaboration," Chickasaw Nation Governor Bill Anoatubby said. "The prosperity of our citizens and a commitment to working together with our partners in the Koi Nation as well as local, state and



community of officials are key components to our mission. We look forward to witnessing new jobs, additional businesses and increased tourism to this region.”

“We are excited by the opportunity to use our expertise to help the Koi Nation realize this project and establish the economic self-sufficiency that is the inherent right of all Native American tribes,” said Bill Lance, Commerce Secretary of the Chickasaw Nation. “We look forward to beginning a successful long-term economic partnership with the Koi.”

About the project

The Shiloh Casino & Resort will be built on the Koi Nation’s property at 222 E. Shiloh Road in unincorporated Sonoma County. The tribe purchased the 68-acre site late last year to re-establish its tribal land base more than a century after the Koi’s ancestors were forced to relocate to the Santa Rosa/Sebastopol area.

The non-smoking Shiloh Casino & Resort will include a 2,500 Class III gaming machine facility, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa, as well as a state-of-the-art live entertainment venue. The design for the low-rise facility integrates with the natural beauty of the region and will be energy-efficient and respectful of the environment, in keeping with the Tribe’s historic relationship with the land.

The Shiloh Casino & Resort will employ more than 1,100 full-time workers when fully operational. The project also will create hundreds of jobs for workers in the construction trades and other skilled laborers. The Koi Nation anticipates that a portion of the resort’s revenues will be shared with the broader community through the support of local organizations as well as collaborating with local governments to address their needs.

About the Koi Nation

The Koi Nation’s mission is to empower our people to achieve a better way of life and to maintain tribal integrity and honor through responsive government. We are committed to protecting and exercising our inherent sovereign rights as a federally recognized tribe to their fullest extent,



including obtaining land to re-establish a permanent land base for our people who have lived in this region for thousands of years, and creating self-sustaining economic activity to support the tribal government and its people, and the entire community of Sonoma County. For more information visit <https://www.koinationsonoma.com>

About the Chickasaw Nation

With more than 73,000 citizens, the Chickasaw Nation is a democratic republic with executive, legislative and judicial departments elected by its citizens. The treaty territory of the tribe includes 7,648 square miles of south-central Oklahoma and encompasses all or parts of 13 Oklahoma counties. The Chickasaw Nation contributes billions to the Oklahoma economy annually and employs nearly 13,500 workers.

For more information, visit <https://www.chickasaw.net>





CITY OF ROHNERT PARK
CITY HALL
130 Avram Ave.
Rohnert Park, CA 94928-3126

ADDRESS SERVICE REQUESTED

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820,
Sacramento, CA 95825

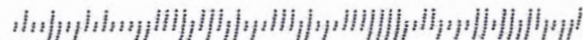


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November 8, 2023

**City Council**

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Vice Mayor

Jackie Elward
Gerard Giudice
Emily Sanborn
Councilmembers

Marcela Piedra
City Manager

Don Schwartz
Assistant City Manager

Michelle Marchetta Kenyon
City Attorney

Lee Burdick
Assistant City Attorney

Cindy Bagley
Director of Community Services

Jamie Cannon
Director of Human Resources

Vanessa Garrett
Director of Public Works

Sylvia Lopez Cuevas
City Clerk

Tim Mattos
Public Safety Director

Leo Tacata
Finance Director

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820,
Sacramento, CA 95825

Re: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke,

On behalf of the City of Rohnert Park, we urge you to reject the Koi Nation's application to acquire land in trust near the Town of Windsor for purposes of building a gaming facility. This proposal is wrong for many reasons.

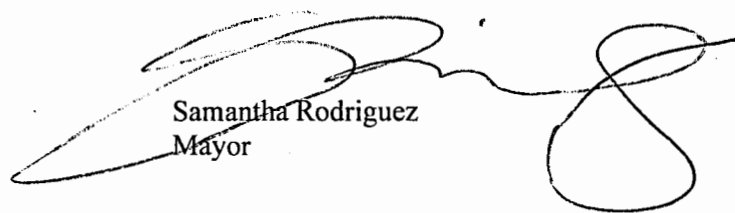
As city leaders in Sonoma County, we are well acquainted with the tribes aboriginal to this area. In fact, we have a close partnership with the Federated Indians of Graton Rancheria, whose reservation borders our municipal boundaries. Our understanding is that a tribe may only seek land into trust for gaming purposes pursuant to the Indian Gaming Regulatory Act's restored lands exemption when the tribe has demonstrated a "significant historical connection" to the project site. The Koi Nation is from the lower Clear Lake area of Lake County—not Sonoma County. In fact, it even called itself the Lower Lake Rancheria until 2013, around the time when it began seeking to establish a casino near the Bay Area, first by the Oakland Airport, then at Mare Island, and now in Sonoma County. If the Department finds a "significant historical connection" in this context, we fear what that will mean for future tribal gaming applications and the proliferation of gaming beyond the parameters prescribed by Congress.

We also have serious concerns with the project's environmental impacts and threats to public safety. The proposed casino site is within a residential neighborhood, across the street from a church, and near a pre-school, elementary school, and assisted living facility. This is clearly not an appropriate location for a gaming facility. Perhaps most worrisome is the acute danger to public safety during a wildfire incident. Clogged evacuation routes will result in delays and lost lives. Further, there may be downstream impacts for cities like Rohnert Park that are located further south along the U.S. Highway 101, a major evacuation route. The draft Environmental Assessment, released by the Bureau of Indian Affairs (BIA) on September 12, 2023, does not appear to adequately consider or mitigate these issues, and we urge the BIA to prepare a full Environmental Impact Statement if it is to proceed with this project.

To conclude, please listen to the concerns of the broad opposition to this project from within Sonoma County, including from all five federally recognized tribes in the County, the County Board of Supervisors, and the neighboring Town of Windsor.

Thank you for your consideration.

Sincerely,


Samantha Rodriguez
Mayor

CC: Councilmembers of the City of Rohnert Park



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Vice Mayor, District 4
Tanya Potter

Councilmember District 1
Mike Wall

Councilmember District 2
Sam Salmon

Councilmember District 3
Debra Fudge

Town Manager
Jon Davis

January 16, 2024

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Acting Deputy Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
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Wizipan Garriott
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Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

RE: Statement of Opposition to the Koi Nation Shiloh Resort and Casino Project

Ms. Daniel-Davies, Mr. Garriott and Ms. Dutschke:

On behalf of Mayor Reynoza and the Town Council of the Town of Windsor, I am writing to express the Town's strong opposition to this project. While the Town Council supports the Koi Nation's intent to develop a base for economic development to ensure the Koi Nation's financial future, the proposed location for the project is not appropriate for such an endeavor.

As described in the Town of Windsor response comments submitted 11/13/23 (Attachment 1) to the Environmental Assessment (EA) that was prepared for the Koi Nation Shiloh Resort and Casino Project, there exists the potential for significant adverse and unmitigable impacts in almost every resource area analyzed by the EA. Impacts in the areas of water, traffic, public services and utilities, and hazards may be unmitigable and would therefore be significant and unavoidable. Town residents have also expressed concerns in each of these areas. Those public comments are included with the Town's response. Although the property is not located in the Town of Windsor, because of the scale and scope of the proposed land use and the proximity to Town limits and our residential neighborhoods, the negative impacts associated with the project will certainly be felt in the Town proper.

In February 2022, the Sonoma County Board of Supervisors received letters of tribal resolutions from the five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior accept the Project Site into trust for gaming purposes. This opposition is primarily due to the Koi Nation's lack of significant historical connection to the proposed project location.

On April 5, 2022, the Sonoma County Board of Supervisors unanimously voted to adopt a resolution opposing the establishment of a casino by the Koi Nation within the County, citing the same reasons given by the five Sonoma County based tribes. (Attachment 2)

On April 20, 2022, The Town Council of the Town of Windsor unanimously adopted a resolution in support of retaining the existing Sonoma County General Plan Land Use Designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road. (Attachment 3)

Element Three of The Town of Windsor Strategic Plan is **Livability** and states the intent to: "Preserve community character by maximizing the use of existing amenities and creating future opportunities that enhance quality of life for all." Development of the Koi Nation Resort and Casino Project at the current proposed location on East Shiloh Road will not enhance but will without question detract from the quality of life for every resident of the Town and County in proximity to the project.


In conjunction with the extensive comments and concerns about the project expressed by the Town in the response to the EA, I felt it would be helpful to provide you with additional context as to the proposed location.

The project site is located at the southeast corner of the intersection of Shiloh Road and Old Redwood Highway. The Town limits are immediately north of the project site, across Shiloh Road as shown on the attached map. (Attachment 4) Immediately across the street is a residential neighborhood of 79 single family homes. Ingress and egress of this neighborhood is limited to two street connections on Shiloh Road fronting the project site. Less than 100 yards to the west on Shiloh Road stands Esposti Community Park. The park includes two youth baseball diamonds and a competition sized soccer field. These are highly utilized Town amenities serving hundreds of children and families in the community daily, if not weekly. To the east of the location is Shiloh Ranch Regional Park, operated by the County of Sonoma. The 850-acre park includes oak woodlands, forests of mixed evergreens, ridges with sweeping views of the Santa Rosa plain, canyons, rolling hills, a shaded creek, and a pond. This park is heavily used by Town and County residents daily. Additionally, the properties to the west of the Project Site, across Old Redwood Highway are within the Town's sphere of influence and are almost entirely residential in-land use. The project site is primarily accessed by Shiloh Road and Old Redwood Highway, portions of which are located wholly within the Town of Windsor.

For the litany of reasons outlined in the Town's response to the EA, as well as those additionally expressed here regarding the location, the Town Council affirms their opposition to this project.

As the BIA and Department of Interior review the Koi Nation proposal, on behalf of the 26,000 residents of the Town of Windsor, I ask that these earnest concerns be taken into consideration and that a more suitable, alternative location be pursued by the Koi for their Resort and Casino project.

Respectfully,


Jon Davis
Town Manager



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Councilmember District 1
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Councilmember District 3
Debora Fudge

Councilmember District 4
Tanya Potter

Town Manager
Jon Davis

Sent via Email
November 13, 2023

Amy Dutschke, Regional Director
2800 Cottage Way
Sacramento, CA 95825

SUBJECT: Koi Nation Shiloh Resort and Casino Project
Town of Windsor Comments on Environmental Assessment
Published September 2023

Dear Ms. Dutschke:

The Town of Windsor, which includes the Windsor Water District, hereby submits comments in response to the Environmental Assessment (EA) that was prepared for the Koi Nation Shiloh Resort and Casino Project. Unless otherwise indicated, all comments are in response to "Alternative A" which is identified as the Proposed Project.

Proposed Project and Alternatives

1. Reliance on the Best Management Practices (BMPs) in Table 2.1-3 is inadequate for environmental protection. The BMPs are not measurable or monitorable, described as, "when feasible" and "when practicable." Instead, the project description should be amended to incorporate measurable standards to address the relevant concerns. Without these standards there is potential for the project to have significant adverse impacts on the environment.

Water Resources

2. Between 6 and 17 acres of vineyards will remain for recycled water irrigation. At an average daily flow of .3 MGD (2.14), this equates to 110 MG / Yr. A 20-acre vineyard would be allocated 4.9 MG per year under current ETc requirements set for the Windsor Water District by the State. Although the project may be held to a lesser standard of environmental protection, the substantial differential in the application rate indicates that the proposed rate is unrealistic.
3. Proposed 12-16 MG reservoirs / tanks would equate to 40 to 50 days of storage. The EA proposes not discharging between May 15 and September 30 (138 days) – storage should be closer to 40 MG to meet that discharge target. As proposed, the storage capacity is likely too small and discharge events, that have not been considered in the EA, are likely to occur.
4. The State Division of Drinking Water (DDW) does not / has not approved all of the proposed recycled water uses in this configuration as described in the project description. For example, recycled water is not allowed inside any food service buildings.
5. 3-20 references Mark West Creek for flow monitoring during discharge, which is significantly downstream of the point of discharge on Pruitt Creek. Pruitt Creek is also ephemeral, meaning it does not flow year-round, discharging wastewater into a creek that does not flow year round will significantly affect surfaces in the area. Significant adverse impacts

due to erosion, loss of habitat, flooding, movement of sediment, and destabilizing of banks could occur. Monitoring should be required at the point of discharge on Pruitt Creek.

6. There are four existing wells on the Project site, the Project proposes to construct up to two additional wells on site for potable water use. The Town of Windsor has two wells at Esposti Park to the north and in close proximity to the Project property. One is used for irrigating Esposti Park, and the other will be used as a replacement municipal drinking water well. The Project well(s) and Project wastewater treatment plant should not be constructed within the zone of influence around the existing Town wells.
7. The reported peak-day pumping for the project is 402,000 gpd, which equals approximately 275 gpm (Table 2-2). If that pumping were to occur close to the Esposti Well, drawdown at the Town's Esposti drinking water well could be significant, which could significantly decrease the Esposti well output rate and possibly water quality. Prior testing of the Esposti drinking water well was over short durations and should not be used to extrapolate the level of impact from the proposed project wells without further testing. The potential impacts to the groundwater aquifer and groundwater wells have not been sufficiently evaluated. At a minimum, a well interference study should be completed as part of the Project to ensure proper placement of the proposed Project well(s) and Hydrogeologic testing should be completed to ensure Project well(s) will not adversely affect the groundwater levels nor the water quality of the existing Town wells or other domestic wells. Mitigation measures should be required for any impacts identified once sufficient analysis has been conducted. As currently proposed the Project may have a significant adverse impact to water resources.
8. As stated in the 2020 Urban Water Management Plan, the Town is moving toward installing arsenic and manganese treatment on the Esposti well in order to meet the drinking water demands. Any analysis of wells on the proposed project should consider increased future pumping from the Esposti well.
9. The project proposes to repurpose or install up to 4 groundwater wells and estimates 100-300 gpm groundwater flow for daily use. The report does not indicate how much the existing wells on-site are currently being used. The proposed mitigation measure for groundwater is insufficient to address the risk to drinking water supplies. The proposed mitigation measure to reimburse the owners of nearby wells that become unusable within five years of the onset of project pumping is not sufficient to mitigate the level of impact. Payment to owners of nearby wells does not increase the total available water supply in the area and the loss of function of existing wells will have significant effects to the area's water system as new sources of water supply will need to be developed.
10. The EA cites the 2017 aquifer test at the Esposti well as evidence that pumping from aquifers deeper than 300 feet would not affect water levels in shallow wells (less than 200 ft deep). No drawdown was observed in shallow wells during the Esposti test. However, that test lasted only 28 hours. The EA should consider the potential for sustained pumping (months) at the Esposti well and the Project supply wells that may lower water levels in the shallow aquifers and could potentially jeopardize output of nearby domestic and municipal drinking water wells.

11. The proposed design takes away from floodplain storage, an adequate amount of stormwater detention is not demonstrated by calculation to address the detraction of floodplain. Sub areas A,C, and E have footprints directly in the floodplain.
12. The Town of Windsor completed a Storm Drainage Master Plan where the 100-year flood zones were mapped. The Project location shows potential flooding during the 100-year floods. The Project will need to consider flood mitigations, so it does not affect the downstream neighborhoods with additional flooding or sediment transport.
13. Analysis is needed of the existing Pruitt Creek box culvert under Highway 101 to determine the ability to convey the anticipated storm flow from a full buildout condition and mitigation measure should be required for any negative impacts identified in the analysis.
14. The north bound offramp from Highway 101 is periodically closed due to flooding, and the analysis should determine if increased flows from the project negatively impact this condition. Several such closures occurred in December 2022 and January 2023.

Air Quality

15. The EA states that traffic volumes on a surface street would need to exceed 40,000 daily trips to exceed the significance threshold for cancer risk for hazardous air pollutants. It reasons that "these traffic levels do not exist on local roadways serving the Project Site, including Shiloh Road and Old Redwood Highway" and therefore impacts would not be significant. The project would include road widening and itself would generate between 11,213 and 15,779 daily trips. Significance should be determined in the future full build-out scenario, not based on existing conditions. As currently proposed the Project may have a significant adverse impact to air quality.
16. The air quality modeling as detailed in Appendix F-1 makes a number of inaccurate assumptions including that Windsor is located in Climate Zone 4, that the project is in a rural setting, and that the average trip length for non-work trips should be based on the distance from Santa Rosa. It is unlikely that there are no potential significant impacts for any air quality or green house gas emissions other than for CO. A peer review of the air quality study and modeling is recommended. According to the California Department of Energy, Windsor is in Climate Zone 2 and according to the Generation Housing State of Housing in Sonoma County Report, 31.4% of the local work force commutes from outside of Sonoma County.
17. To reduce potential air quality impacts, Tier IV construction equipment for equipment greater than 50 horsepower should be required, instead of Tier III as proposed.
18. "Clean fuel fleet vehicles" should be defined, and a standard should be set to determine when use of clean vehicles is impracticable. In this scenario, what is the alternative to address the potential air quality impacts?

Cultural Resources

19. Due to the presence of Pruitt Creek, the presence of scattered obsidian, and the and the results of Native American Consultation, the EA determined that there is a potential for significant subsurface cultural resources on the Project Site, however monitoring is only prescribed within 150 feet of Pruitt Creek. A qualified archaeologist and Native

American Tribal Monitor should be present for ground-disturbing activities across the entirety of the Project Site. As currently proposed the Project may have a significant adverse impact to cultural resources.

Socioeconomic Conditions and Environmental Justice

20. The growth-inducing effects section indicates that the project would result in pressure for new commercial development in the area, such as additional gas stations. Consider the gas station bans in the Town of Windsor and the County of Sonoma. This section concludes that indirect and induced demand for commercial growth would be diffused across the State and therefore there would be no significant regional commercial growth inducing impacts. Provide data to justify this conclusion, considering local growth management policies and urban growth boundaries.
21. The housing section assumes there would be no significant impact without sufficient local data. It assumes most employees will come from the existing pool of casino and hospitality workers, however due to housing costs, many of these workers are commuting to Sonoma County from other parts of the Bay Area.
 - a. Provide temporary housing facilities on-site for the construction workers (2,196).
 - b. Provide permanent affordable housing on-site for casino workers (1,571).
 - c. Provide information about the median salary of the construction workers and the casino workers, so that the appropriate housing affordability can be determined.
 - d. Project alternatives should be evaluated with on-site housing options.
22. The Socioeconomic Study was prepared by Global Market Advisors (GMA) for the Koi Nation of Northern California. As described on page 1, GMA is an international provider of consulting services to the gaming, entertainment, sports, and hospitality industries. The BIA should obtain a peer review of the Socioeconomic assessment by an independent consultant.
23. Page 5 of the study (Income) states that the Sonoma County Average Annual Household Income (AAHI) was \$121,522 in 2021, which may be overstated. Information provided by the California Department of Housing and Community Development indicated that the Sonoma County Area Median Income (AMI) was \$103,300 for a family of four in 2021. Most analyses of housing affordability refer to median income, because the average income is likely to be skewed by a small number of high-income households. The following section on Housing costs reflects median housing costs.
24. Page 6 of the study indicates that only 170 new homes were added to Sonoma County from 2010 to 2020. These data appear to be inaccurate and the statistic is misleading, since nearly 5,600 homes were destroyed in Sonoma County by the 2017 Tubbs Fire.
25. Page 40 of the study (Employment) indicates that construction and operation phases will have a positive effect on the local economy (thereby

reducing the unemployment level). This discussion does not recognize the local labor *shortage* in the area, which this project could exacerbate.

26. The section beginning on Page 40 of the study (Housing and Schools) does not recognize the local housing shortage and continuing recovery from the Tubbs Fire and other wildfire events. Also, as stated above, the assertion that Sonoma County has a sufficient labor force focused on the hospitality industry, and thus could easily absorb the new labor needed by the casino, is likely false. These concerns are supported by the Generation Housing State of Housing in Sonoma County Report, published in April 2023.

Transportation and Circulation

27. Based on reviews conducted for a casino in Rohnert Park, the weekday and Saturday daily trips may be 15 to 25 percent higher than those indicated on this project analysis. Review of the Rohnert Park facility also revealed that the highest daily and afternoon peak trip generation occurs on Sundays, not Saturdays. The project should analyze Sundays as well as Saturday, to ensure that worst-case traffic impacts have been captured.
28. The Traffic Impact Study (TIS) indicates that the project would be fully responsible for implementing the improvements needed under Existing plus Project and Opening Year 2028 plus Project. These minor mitigation efforts include:
- a. Shiloh Road/Old Redwood Highway: Restripe westbound approach with a 200' long left-turn lane and modify signal phasing. This is similar to previously-identified near-term improvements except with a longer turn lane.
 - b. Shiloh Road/Hembree Lane: Optimize signal timing.
 - c. Shiloh Road/US 101 North Off-Ramp: Restripe ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). The proposed mitigation is simply restriping.
 - d. Signalize the project driveways on Shiloh Road and Old Redwood Highway. This is logical but has no broader benefit to the Town since the signals are only needed to accommodate resort traffic.
29. Objections to Existing plus Project and Opening Year 2028 plus Project Findings:
- a. Shiloh Road/Old Redwood Highway: For the queuing analysis the TIS relies on the Town to widen northbound ORH to include dual left-turns, stating that this improvement is included in the traffic impact fee. The north, west, and east legs of the intersection are within the Town of Windsor limits, but the project is not, and therefore no impact fee would be assessed by the Town and no funding would be afforded for this improvement. It is therefore unclear how the Town's impact fee program has any relation to mitigating the impact of the proposed project. The project would not make this improvement as currently proposed, so would not fully address the queuing issue. Note that the dual left-turn lanes also require widening of Shiloh Road to two westbound lanes. Widening of both Old Redwood Highway and Shiloh Road are needed to accommodate the traffic load generated by the project, and no mitigation is proposed for these impacts.

- b. Shiloh Road/US 101 North Off-Ramp: The proposed mitigation is to restripe the ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). This modification is likely to perform poorly since it would "trap" two of the three right-turn lanes in the left-turn pockets at the adjacent Shiloh Road/Hembree Lane intersection. It would not function acceptably without widening Shiloh Road to two eastbound lanes through the Hembree intersection. The TIS's mitigated configuration also limits capacity for left-turn movements on the off-ramp which also have high volumes.

30. Objections to 2040 plus Project Findings:

- a. The TIS indicates Shiloh requires widening to four lanes from Caletti Avenue to the project driveway opposite Gridley Drive; it states that Shiloh widening is planned by the Town but this is incorrect. If traffic is increased by a proposed development, that development would be required to make the necessary improvements to mitigate the impact, including widening of Shiloh Road for additional lanes if needed. The Town does not have a capital project planned for widening Shiloh Road, nor is any proposed development planning to do so. The proposed casino project should be required to mitigate the impacts of the project as would any other development.
- b. Shiloh Road/Old Redwood Highway Intersection: In addition to Shiloh Road widening to four lanes and dual northbound left-turn lanes, the TIS indicates ORH requires two lanes in each direction and that existing northbound and southbound right-turn lanes need to be maintained. However, it does not mention that Shiloh Road would also need to include eastbound and westbound right-turn lanes.
- c. This configuration results in an extremely large intersection including five northbound approach lanes and four southbound, eastbound, and westbound approach lanes. Widening of ORH to two lanes in each direction is contrary to the General Plan and ORH Corridor Plan.
- d. The TIS indicates that the project would be responsible for 39.4% of the traffic growth which seems to imply that the project would not need to contribute funds since it addresses its impact under 2028+Project. Further, a contribution of 39.4% if made would still be illogical since the intersection would undergo far more widening (with associated cost) than the Town would ever have needed without the project.
- e. Shiloh Road/Hembree Lane: The TIS indicates that southbound Hembree Lane requires two additional lanes on the intersection approach. This degree of widening is infeasible (approach would include a left-turn lane, a through lane and two right-turn lanes and there is not sufficient right-of-way to support this configuration).
- f. The TIS indicates a fair share cost of 36.4 percent. This value is unreasonably low due to the fact that the Hembree widening would not have otherwise been needed without the project.

31. Objections to Roadway Segment Analysis

- a. The segment analysis is extremely high-level, particularly with its use of volume to capacity ratios that are based on weekday

Average Daily Traffic (ADT) volumes. The analysis also assumes Shiloh Road's capacities to be based on a 40 mph speed, which is inconsistent with the Town's vision for a "village" oriented walking and biking focused streetscape between Hembree Lane and Old Redwood Highway.

- b. As noted above, the project's ADT trip generation may also be underestimated by 15 to 25 percent, so the project's actual share of roadway segment volumes is likely to be greater than assumed in the TIS.
 - c. The TIS shows that the project would cause (or significantly deteriorate) operation on Shiloh Road to LOS E/F levels under 2028 opening year conditions between Conde Lane and Old Redwood Highway. The TIS then indicates that with the proposed mitigations to be constructed by the project, capacities would increase from 22,000 to 30,000 vehicles per day, offsetting the project's impacts to roadway operation. These capacity increases are not in line with the very minor nature of the proposed mitigating improvements; further, the project's proposed mitigation of creating triple right-turn lanes on the US 101 northbound offramp would be likely to reduce rather than increase capacity between the freeway and Hembree Lane (due to two of the offramp right-turn lanes "trapping" vehicles onto Hembree rather than continuing east on Shiloh).
 - d. The addition of project traffic will severely degrade operation on Shiloh Road upon 2028 opening between the US 101 South Ramp and Old Redwood Highway (and possibly westward to Conde Lane) unless additional improvements are implemented in addition to the minor improvements currently proposed by the project.
32. The Town's General Plan includes the possibility of Shiloh Road expanding to 5 lanes, however widening of the roadway would not be constructed by the Town, but rather the developments that created the increased traffic would be required to fund the improvements to mitigate their impacts to the transportation network. Without a mechanism to ensure that the road widening is completed by the time the Project begins operation, it can be assumed that the Project will have a significant adverse impact to traffic and circulation.
33. The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network on opening day of the proposed casino and should be required to be mitigated by the developer of the project.
34. The 2040 segment analysis capacities are shown to be 49,800 daily vehicles, which is highly unrealistic for an urban four-lane street (particularly in a lower-speed, multimodal environment as envisioned).
35. The TIS estimates a proportional share of 27.4 percent for the interchange but doesn't identify it as a project mitigation; there are also no fair share calculations for the remainder of the Shiloh Road widening (other than intersection improvements). If no mitigation is required for this improvement, the improvement will not be constructed and the project will have higher impacts than disclosed in the EA.
36. As noted above, Shiloh Road and interchange improvements should occur by 2028 opening of the facility and the project should be responsible for funding those improvements.

37. Objections to non-auto modes assessment

- a. The project would significantly increase volumes on Shiloh Road through the Shiloh Village area which the Town plans to be a mixed-use, pedestrian- and bicycle-oriented area. The added traffic from the project would drive the need for Shiloh Road to be widened to a higher-speed four-to-five lane arterial (recent analyses overseen by the Town have indicated that a lower-speed three-lane section would accommodate future growth planned in this area without the casino project).
 - b. The project is currently proposing almost no offsite ped/bike improvements, instead relying on the Town to build facilities as widening on Shiloh and ORH occur through the traffic impact fee program. However, the casino project is not in the Town and no impact fees would be provided to the Town and so these improvements should be built and paid for by the project developer.
 - c. The TIS recommends onsite sidewalk connections to the project driveways, and accessible paths between nearby transit stops and driveways.
 - d. The project needs to construct facilities to accommodate multimodal circulation on Shiloh Road given its significant traffic increases on the corridor.
38. The proposal does not address full pedestrian and bicycle improvements, including Class IV bike routes, needed for the Shiloh area to align with The Old Redwood Highway Corridor Enhancement Plan and The Complete Streets Guidelines.
39. An evaluation of the feasibility of a roundabout has not been included, the Town has identified the roundabout as a preferred intersection type for this area.
40. The traffic analysis should consider the impacts of large events in addition to typical daily operations.
41. It is assumed that eminent domain will be utilized to acquire the necessary right-of-way to widen Shiloh Road. If this land acquisition is done by the Town, the Project should be responsible for all legal costs and land acquisition costs.
42. The traffic impact study considers employee vehicle miles traveled (VMT). Analysis of visitor VMT should also be included.
43. The Shiloh Road Village Vision Plan (SRVVP) outlines a grid street network in this area to disperse traffic volumes, provide for the safe movement of traffic, and minimize negative impacts on Shiloh Road. The traffic analysis for the Project should consider the impact to these east-west street connections between the Project Site and Highway 101 assuming full build-out of the SRVVP.

Land Use

44. The Town of Windsor General Plan land use diagram designates the properties to the north and west of the Project Site for Very Low Density Residential (three to six dwelling units per acre) development with Boulevard Mixed-Use (16 – 32 dwelling units per acre) to the west, fronting Shiloh Road. Additionally, the Town has adopted the Shiloh Road Vision Plan for the Shiloh Road Corridor west of the Project Site. The Shiloh Road

Vision Plan envisions mixed use development that encourages walking and biking. The planning for the density and intensity of these land use designations and for Town infrastructure in the area was done with the assumption that the Project Site would continue to be used for agriculture. The EA does not discuss impacts to the long-range vision of these planning documents particularly regarding circulation, safety, public amenities, and public services.

45. The land use designation for the Project Site in the Sonoma County General Plan is Land Intensive Agriculture, the stated purpose of which is to "enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land." Permitted land uses include keeping of livestock, indoor or outdoor crop production, daycare facilities, telecommunications facilities, and seasonal farmworker housing. Hotels, restaurants, and gaming facilities are not listed as permitted uses with this designation. The EA states the transfer of the Project property into federal trust status would remove it from County land use jurisdiction, but does not resolve potential environmental impacts that were not addressed in the Sonoma County General Plan Environmental Impact Report.
46. The Project Site is part of the Windsor/Larkfield/Santa Rosa Community Separator. The purpose of community separators is to maintain greenbelt areas around and between Sonoma County's cities, towns, and more densely developed communities. The Project Site is currently developed with vineyards, meeting the spirit of the community separator designation. Potential impacts to the Windsor/Larkfield/Santa Rosa Community Separator should be analyzed.

Public Services and Utilities

47. Appendix F, page 8, indicates that the Tribe will use County waste disposal facilities, which are required to divert 50 percent of waste from landfills. In 2021, the County of Sonoma adopted a Zero Waste Resolution establishing a goal of zero waste by 2030, consistent with the Countywide Integrated Waste Management Plan and the Sonoma County Regional Climate Action Plan. The purpose of the zero waste goal is to reduce greenhouse gas emissions and conserve the remaining capacity at County landfills. Diversion rates in the future condition should be analyzed.
48. The EA notes that increases in crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically. Regardless of the cause, the Project Site currently generates virtually zero calls for service presently. Although the proposed Project is in County of Sonoma Jurisdiction, its proximity to the Town of Windsor will impact the Windsor Police Department through increased calls within Town limits and requests for assistance on the Project Site or within County jurisdiction. The Windsor Police Department anticipates an increase in calls related to:
 - a. Traffic, noise, accidents, DUI's, loud exhaust, and speeding.
 - b. Disturbing the peace/Public Intoxication
 - c. Trespassing
 - d. Property Crimes
 - e. Prostitution
 - f. Assaults

- g. Drug activity
- h. Human Trafficking
- i. Violent Crime

A mechanism to mitigate the impact on Windsor Police Department resources should be developed.

49. The EA assumes that induced population growth and visitation by patrons of the Project would not be significant enough to require expansion of Esposti Park or Shiloh Ranch Regional Park. This may be true, but the EA does not consider the potential impact of visitation by patrons and employees of the Project on park resources including parking, restroom facilities, waste receptacles, and maintenance schedules.

Noise

50. Considering the proximity of sensitive receptors to the Project Site, Sundays should be excluded from construction hours to be consistent with the Town of Windsor Municipal Code.

Hazardous Materials and Hazards

51. The EA does not address post wildfire pollutant materials (such as ash) and their potential effects on Pruitt Creek. Mitigation should include on-site treatment of possible contamination and measures to prevent pollutants from continuing downstream.
52. Per the Town's Windsor Resiliency for Emergencies and Disasters Initiative (READII) Plan all transportation infrastructure investments should engage residents during the planning and design process. This plan considers two types of investments: 1) the development of new connections to open alternate routes during emergencies, and 2) the improvement of existing intersections, both for the purposes of improving daily traffic flows and reducing the risk of bottlenecks during evacuations. Old Redwood Highway (ORH), a two-lane roadway, runs parallel to and connects many local roads to US Highway 101, as well as providing a critical alternative route to the north and south when US Highway 101 is closed or temporarily congested. Old Redwood Highway can also serve as a secondary evacuation route if necessary. Windsor's current Local Hazard Mitigation Plan (LHMP) (2018) designates US Highway 101 as the primary evacuation route and Old Redwood Highway as the primary surface street to support evacuations routes and must be identified including "their capacity, safety, and viability under a range of emergency scenarios". If needed, redesign of street geometries, or evacuation signal timing should be considered as methods of increasing adaptive capacity.
53. In an effort to identify which specific neighborhoods and intersections might face the highest risks of bottleneck formation, the READII Plan team developed a "trafflesheds" approach. This approach looks at networks of residential and commercial streets, lanes, courts, other smaller roads that are linked to one another - and the various points at which these self-contained networks are connected to the major roadways and arteries throughout the Town. These points of connection between neighborhoods and the main road network are "exit nodes," also referred to in other state planning documents as "ingress/egress points" and, if unable to handle the traffic loads during evacuation events, have the potential to become severe bottlenecks. The trafflesheds method should be considered for evacuation

planning as traffic will be increased at the intersection of Shiloh Road and ORH.

54. The EA assumes that without the Project, it would take an estimated 4 to 6 hours to evacuate the Town of Windsor during a "No-Notice Event" and with the Project, the evacuation time could increase to 6 to 8 hours. The single mitigation measure related to evacuations offered in the EA is to "develop a project-specific evacuation plan" prior to occupancy. There is no way to ensure that this mitigation measure will adequately reduce the impact of impairment of evacuation plans. The loss of life experienced in recent fires in Paradise, CA and Lahaina, HI demonstrates the importance of impacts to evacuation plans.
55. The above evacuation time is taken from Appendix N Wildfire Evacuation Memorandum (Memo). The Memo does not consider that the mountainous areas (residences/properties such as Shiloh Estates and Mayacama) east of the Town, located in the Wildland-Urban Interface (WUI) area, only have two evacuation routes to US101 (through Pleasant Avenue and Shiloh Road) and has a high structure to exit ratio and could compound the issues at the intersection of Shiloh and ORH.
56. The comments from Losh and Associates found in Appendix N state that the State Responsibility Area (SRA) fire zone maps are out for review and should have been available to the public sometime in calendar year 2023. These updated maps should be evaluated if available.
57. The Project Site is currently developed with a vineyard. In recent wildfire events, vineyard sites have served as buffers to developed urban areas and have been used as staging areas for firefighting activities. The Proposed Project would replace a wildfire mitigating resource with a development of combustible materials (vehicles, structures, landscaping). Potential impacts of this land use change should be analyzed, and appropriate mitigation measures proposed.

Visual Resources

58. Due to the proximity of residential development the following changes should be made to the project:
 - a. Reduce parking light pole height to a maximum of 20 feet, instead of the currently-proposed 25 feet.
 - b. Outdoor lighting should be provided in a warm color range no greater than 3,000 Kelvin.
 - c. Details should be provided on illumination of all outdoor signage and the impacts to sensitive receptors should be analyzed.
59. The Town of Windsor 2040 General Plan designates Highway 101 and Faught Road as scenic corridors. Impacts to these scenic corridors should be analyzed and mitigation measures proposed.

As described in the comments above, there exists the potential for significant adverse impacts in almost every resource area analyzed by the EA. The significant adverse impacts associated with the Project are either not identified in the EA or not adequately mitigated below the threshold of significance. Impacts in the areas of water, traffic, public services and utilities, and hazards may be unmitigable and would therefore be significant and unavoidable. Because of the potential for significant adverse impacts to the Town and the environment, the Town of Windsor is opposed to the Project and finds that only Alternative D, the No Action Alternative, can ensure that there will be no significant adverse

impacts associated with the Project. If the Project is to move forward with any alternative other than Alternative D, an Environmental Impact Statement must be prepared.

The Windsor Town Council considered the EA and received public comment at its October 18, 2023, meeting. Written correspondence received up to and after the meeting is attached hereto.

If you have questions or need additional information, please contact me: Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Streeter', with a long horizontal flourish extending to the right.

Patrick N. Streeter, AICP
Community Development Director

cc: Chad Broussard, Environmental Protection Specialist
Jon Davis, Windsor Town Manager

Attachment: Correspondence received related to the EA

Irene Camacho-Werby

From: BARBARA SACKETT <sackettbarbara@yahoo.com>
Sent: Thursday, January 27, 2022 9:52 AM
To: Town Council
Cc: Barbara Sackett
Subject: New Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to express my strongest opposition to the new casino being built in Windsor. Not only is it completely unnecessary, it will bring an untenable amount of traffic to our small town. It will ruin the quaint atmosphere of our area and will not add to the wholesome ambience of Windsor.

The site is surrounded by residential homes. These home owners do not deserve to have their area devastated by a development of this scope. Building a casino here will not be beneficial to the neighborhood. Instead, it will bring down home values and destroy the peacefulness of the entire area.

We hope that you will take action against using this site for a casino.

Thank You,
Barb and Chuck Sackett

Sent from my iPhone

From: [Mark Linder](#)
To: [Abbie Williams; Town Council](#)
Subject: RE: How dare you
Date: Friday, February 4, 2022 10:10:19 AM

Dear Abbie and Paul Williams,

The Town Council has not approved the proposed Koi casino. The location is not in the Town. It is in the County. Currently, the issue is with the Bureau of Indian Affairs. At some point the Bureau will be conducting community meetings where you will have an opportunity to express your opposition.

Thank you

Mark Linder
Interim Town Manager

-----Original Message-----

From: Abbie Williams <abbie.earthinfofocus@gmail.com>
Sent: Friday, February 4, 2022 9:48 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: How dare you

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear town council, Windsor Ca,

I didn't capitalize town council cause you don't even deserve to be called anything like a council. That would infer that you actually are to be respected.

Correct me if I'm wrong but you've already approved this casino by the Koi tribe? A \$600 million behemoth, similar or exactly like the one that has ruined Rohnert Park already. If you tried to do this in Healdsburg they run you out of town. But here in Windsor because you think of us as less educated, less hip, less cool small town vibe. And we have a mayor who is "build at all costs" greedy sycophant. You think we won't notice that you're building a \$600 million behemoth it will be drugs alcohol prostitution and all sorts of other things to our small town? You don't give a damn about the people of Windsor at all. But you will find out that we are a force to be reckoned with us women.

I hope I've made myself super clear. But let me lay it out for you. There's about 400 of us women who've gotten together and we will protest. We will stand outside and we will scream about it. We will yell, we will protest in our own way with the protection that the first amendment gives us; (which you probably don't even believe in any way anymore). It is going to be very difficult for you to get through the moms that don't want this casino at all, on any level, and anywhere near our children.

So I am starting a coalition with other moms right now. We have about 400 women and families. We ARE A FORCE to be reckoned. This casino must not go through. The next step up is we have the governor's office. We will fight this with all we have.

Abbie and Paul Williams 1194 Eagle Dr., Windsor CA 95492.

Abbie Williams
415-531-7495

From: [Al Storms](#)
To: [Town Council](#)
Subject: No casino
Date: Monday, February 14, 2022 6:10:42 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

A casino will bring nothing good to the community but more traffic crime and violence. I vote no. If this happens i will sell and move shortly after its done

From: David C. Brayton <david.brayton@gmail.com>
Sent: Sunday, April 17, 2022 6:45:36 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: No Casino on Shiloh Road

Hello!

I am writing to encourage you to approve the resolution in opposition to the location of the Casino Resort on Shiloh.

The Casino does not belong anywhere in Windsor, let alone on Shiloh Road. Windsor is a bedroom community and Shiloh Road is simply the wrong place for it.

First, it is aesthetically awful. This is wine country, where agriculture defines the community, not Las Vegas. This Shiloh Road location places a huge, gaudy facility at the entrance to our beautiful town.

Second, the location is utterly wrong because it is surrounded by residential areas. Casinos operate 24 hours a day. Fine for Vegas or the remote hillside in Alexander Valley but the residents in this area need a good place to live. This will bring huge amounts of traffic, noise and bright lights.

Third, there simply isn't the infrastructure needed to support this monstrosity. To accommodate all the traffic, ORH and Shiloh will need to be five lanes. There simply isn't enough water left in the Russian River to support this facility.

The soul of Windsor is in the line. If this monstrosity is approved, the entire character of Windsor will be destroyed. The history of Windsor will be divided into two chapters. BC and AD--Before the Casino and After Development.

Don't let this happen. Vote to approve the resolution in opposition to the casino.

See you on Wednesday evening.

David Brayton


From: Carrie Marvin <caretoride@yahoo.com>
Sent: Saturday, April 16, 2022 7:08:43 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Wednesday's meeting

Please be aware that Carrie, Jon and Theo Marvin of The Foothills in Windsor would like the town council to vote aye in this matter. In that the Town of Windsor supports retaining the existing Sonoma County General Plan land use designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road; and that the Town Council of the Town of Windsor, support the continued use of the land for agricultural purposes; and that the Town Council of the Town of Windsor, SUPPORT the Board of Supervisors of the County of Sonoma in OPPOSING the establishment of the casino.

This land should not be used for a casino. And furthermore we have great concern about water and fire. Please honor Windsor neighbors concerns about this parcel of land. No casinos in neighborhoods.

Thank you.

Carrie, Jon and Theo Marvin


windsor

Sent from my iPhone

From: Janice Sexton <janicesexton46@gmail.com>
Sent: Saturday, April 16, 2022 7:32:41 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Casino at 222 E. Shiloh Rd.

To all members of the Town Council:

I strongly urge your adoption of the proposed Resolution opposing the Koi casino project, and I hope you will follow the lead of the Sonoma County Board of Supervisors in this matter.

Janice Sexton
[REDACTED]
Windsor, CA 95492

From: cd4ques@aim.com <cd4ques@aol.com>

Sent: Saturday, April 16, 2022 11:16:52 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: We are against the proposed Koi casino on East Shiloh Road and Old Redwood Hwy

It doesn't belong in this area and the small Band of Koi Indians have no rights here. Also, fire, water, sewer, traffic, etc. etc, are issues that make it a detriment to all of us. Please oppose it!!

Sent from the all new AOL app for iOS

From: Katherine Schram <schram@sonic.net>
Sent: Sunday, April 17, 2022 5:58:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: 222 E Shiloh Resolution

I would like to urge the Town Council to vote in favor of the Resolution to keep 222 E Shiloh Road as Intensive Agricultural Land and oppose the building of a casino.

Thank you,
Katherine Schram

From: Linda McBride <linda.mcbride@icloud.com>
Sent: Sunday, April 17, 2022 7:54:55 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed casino @ 222 E. Shiloh Road

Dear Council members,

As a long-term member of this community, I wholeheartedly support this resolution as written. Please come together to take a stand against the Koi nation building this casino in a well-established residential neighborhood, across from a park where our community gathers. In addition to the negative impact of a casino, our community has lived through a full-scale evacuation due to fire and the risk of that happening again is high in either Foothill Park or Shiloh Park. Adding that many casino guests and staff to an evacuation route that was already challenged would be irresponsible.

Thank you,

Linda McBride

Windsor, CA


From: Amy Hoover <amychoover@gmail.com>
Sent: Sunday, April 17, 2022 1:15:14 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Resolution regarding casino

Dear Mr Mayor and Town Council Members,

I am writing on behalf of our household in the Foothills area of Windsor. We are very much against the Koi Nation's intent to build a casino with restaurants and hotel on the property at Shiloh Road.

This is a heavily trafficked area, going into and out of Windsor. The idea of yet another casino is abhorrent to us. Our county has more than our share of casinos, we do not need anything more than the agriculture that this property has been zoned for.

Your Resolution is thorough and specific. We wholeheartedly support any and all actions on your part to keep this particular project away from that area. Thank you.

Amy and Chris Hoover


--

Sent from Gmail Mobile

From: jscoppedge@att.net <jscoppedge@att.net>

Sent: Sunday, April 17, 2022 3:55:10 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Proposed Casino Site Location-Residential neighborhoods are inappropriate

Hello Windsor Council Members—

Please take a few moments to review the attached pertaining to the Proposed Casino Site on Shiloh Road. Our opposition is to the location of this Casino—in the middle of a residential neighborhood.

Thank you for your commitment to the safety and well-being of your residents and neighbors.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

- Potential harm and safety to families; potential loss of life

- Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

- Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

- Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

- Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

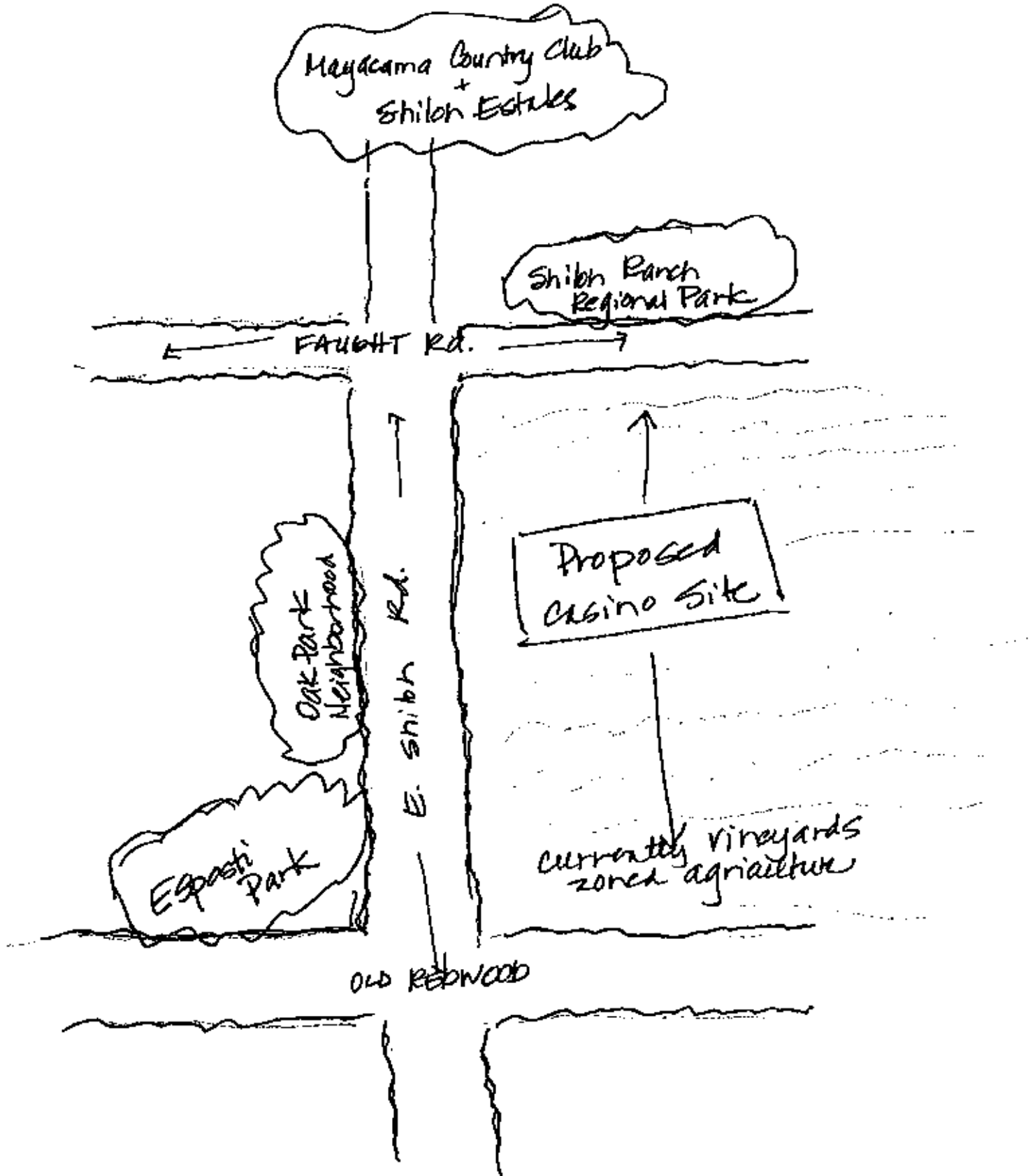
WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



From: Elizabeth Acosta [REDACTED]
Sent: Saturday, April 16, 2022 3:48:25 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: April 20, 2022, Town Council Agenda; item 12.4

Please redact our email address prior to publishing on the Town's website; please forward to Mayor Salmon, Vice Mayor Lemus, and Councilmember Reynoza all of whom currently represent District 4.

We support adoption of item 12.4; we encourage the Town Council to oppose development or uses that are inconsistent with the current land use designation of Land Intensive Agriculture on the property at 222 E. Shiloh Road. Further, we support the Town Council joining the Sonoma County Board of Supervisors in stating its opposition to establishment of a casino at the property named in the Resolution.

Thank you for considering our comments.

Stephen Rios & Elizabeth Acosta
Windsor Residents (D-4)

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Shiloh Casino

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
[REDACTED] Windsor, CA 95492

--

Be yourself, everyone else is taken.

From: Tayler Hockett <hocketttayler@yahoo.com>
Sent: Monday, April 18, 2022 11:09 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: proposed casino on Shilo rd

To whom it may concern,

I am writing to help inform and compel to make sure we do not build a casino on Shilo rd. As a counselor, I work with children and families; and encourage them regularly to get outside and exercise, often trying hiking and cycling. I generally encourage them to go to Shilo as it is often quieter, family-friendly and offers great trails and views. Now more than ever hiking, playing sports, and in general getting exercise and being outside is so important! Our kids and families need parks and outdoor activities made more accessible and friendly, not less. The rise in mental needs and increasing rates of obesity and off the charts since covid. A major deterrent to exercise is accessibility and getting to the parks. Increasing the traffic and likely hood of accidents on Shilo rd by building a casino will directly decrease the safe access and thereby use of the parks.

Secondly, as a cyclist and competitive triathlete I genuinely feel a connection to the trails at Shilo and though a casino would not remove it would greatly diminish the nature Shilo has to offer.

I completely understand it will bring in jobs and capital to the town of Windsor, and agree that is needed right now. However, it is clearly shown casinos increase rates of DUIs nearby, and Shilo rd already being a narrow road with little to no shoulder it will greatly increase possibly and in all likely hood will increase auto, cyclist, and pedestrian accidents. This is a situation where common sense needs to supersede other motivations. Clearly, a casino will increase accidents and drastically change the nature and park dynamics close by, the most concerning factor is that Aposti park is where children, families, sports teams, etc meet and play. Another casino may have its place in Sonoma County (that of course is a matter of opinion), that place is simply not by the family park where children play and a county park where we as a community can enjoy nature.

I am happy to elaborate further about why Shilo in particular is a great park to use, and have stats relating to mental and exercise, rates of accidents near casinos, and more. Please feel free to reach out with any questions.

Sincerely,

Tayler Hockett, MA

-----Original Message-----

From: Lynn Darst <backpackers_darst@sprynet.com>

Sent: Monday, April 18, 2022 1:56 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst


Sent from my I-Pad

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

- Potential harm and safety to families; potential loss of life

- Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

- Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

- Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

- Environmental Impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

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- horseback riding trails
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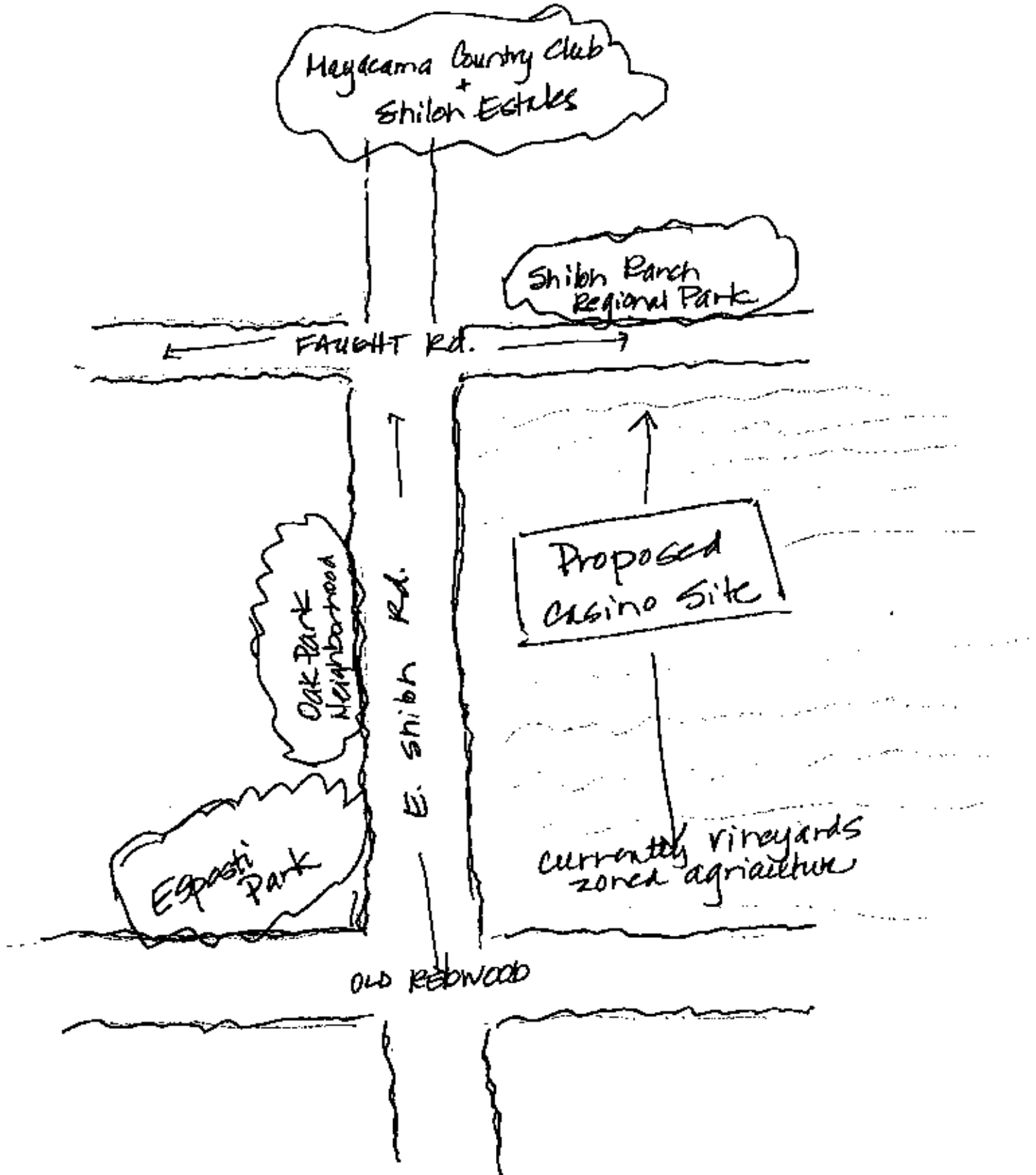
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GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, June 30, 2022 9:39 AM
To: Town Council; Mark Linder; Patrick Streeter
Cc: Irene Camacho-Werby
Subject: Re: Koi Nation Environmental Assessment Scoping -- Town of Windsor Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please provide a copy of the town official public comments submitted to the BIA. You said this would be done 10 days ago, it was due on Monday, and you did say you would post it to the website. A search today turns up nothing. Are you hiding something??

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Monday, June 27, 2022 at 05:48:05 PM PDT, betsy mallace <betsymallace@yahoo.com> wrote:

Could you please direct me to the link to the town website posting the response? The search function comes up empty.

Thanks,

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Tuesday, June 21, 2022 at 04:58:30 PM PDT, Mark Linder <mlinder@townofwindsor.com> wrote:

Thank you, Betsy. We have previous Council action plus our own technical review to guide us. We have developed a response and will be sending it to the appropriate parties tomorrow. I feel our responses incorporate the community issues that have been expressed. We will post our response on the Town's website.

Mark

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Mark Linder <mlinder@townofwindsor.com>; Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace

betsymallace@yahoo.com

Irene Camacho-Werby

From: Deanna Williamson <Deanna.Williamson@jfwmail.com>
Sent: Wednesday, June 7, 2023 11:52 AM
To: Town Council
Cc: icarus062@yahoo.com; D Williamson
Subject: No on Windsor Casino

Dear Town Council,

We are vehemently opposed to a new casino in our small, charming, family-oriented town. I have witnessed firsthand how Graton Casino absolutely destroyed Rohnert Park and Cotati (my place of residence for 20 years.) In fact, it was a major decision to leave Cotati in 2017 after years of watching both neighboring cities change for the worse. Who wants to pay Sonoma County cost of living prices while being accosted weekly by drugged out or homeless people in the local Safeway parking lot?

I feel it will bring in the same devastating external influences that Rohnert Park has experienced such as increased crime, individuals with mental health issues, drug use and miserable traffic—the very things most Windsor residents have been fortunate to escape to this point. Why would you allow this business to strip away what is so very precious about our town?

Please let me know where else we can send our concerns. I am happy to message Senator McGuire and our local legislators as well.

Sincerely,

DEANNA WILLIAMSON | Event Coordinator

o: 707.576.3832 | c: 707.331.2807
deanna.williamson@jfwmail.com
www.JacksonFamilyWines.com



Irene Camacho-Werby

From: Mark Linder
Sent: Monday, February 28, 2022 1:32 PM
To: Nina Cote; Town Council
Subject: RE: Towns Council Meeting March 2nd

Good afternoon, Nina.

As the casino location is not in the Town, we are trying to coordinate community meetings with the Bureau of Indian Affairs. The BIA has authority over what will happen with this project will be conducting community meetings on the project.. We are also in communication with the County as the land is in the County. We believe a community conversation about the impacts of this project is very important. We will work with your organization, the County and the BIA to be sure these conversations happen. When we get an idea of where, when, and how the BIA will be conducting community meetings we will let know.

Thank you.

Mark Linder
Interim Town Manager

-----Original Message-----

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Monday, February 28, 2022 12:00 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Nina Cote <nina.cote@sbcglobal.net>
Subject: Towns Council Meeting March 2nd

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Respectfully, I would like to request that the Opposition to the Location of the proposed casino on 222 East Shiloh Road be added to the agenda of the next town council meeting.

Thank you! Nina

Nina Cote
Our Community Matters
707-293-4919
5828 Mathilde Drive
Nina.cote@sbcglobal.net
Ourcommunitymatters2@gmail.com

Irene Camacho-Werby

From: Lynn Darst <backpackers_darst@sprynet.com>
Sent: Monday, April 18, 2022 1:56 PM
To: Town Council
Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst
707 318-9917

Sent from my I-Pad

Irene Camacho-Werby

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council
Subject: Shiloh Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
224 Lea St, Windsor, CA 95492

--

Be yourself, everyone else is taken.

Irene Camacho-Werby

From: Joan Chance <joanchance@comcast.net>
Sent: Tuesday, April 19, 2022 7:54 PM
To: Town Council
Subject: Opposition of Proposed Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attn: Windsor Town Council -

It was so encouraging to see that The Sonoma County Supervisors passed a Resolution opposing the Casino Resort along Shiloh Road. As a member of Our Community Matters, I highly encourage the Windsor Town Council pass the proposed resolution.

This is not an appropriate place for a casino resort. It is not only zoned for agricultural use, but why would anybody want to build a casino resort near elementary schools, churches, regional parks and established neighborhoods? Apparently the tribe that wants to build this is not even established in this area.

With the fires that have threatened this area in the past few years, evacuation would be impossible with the estimated 23,000 to 52,000 expected guests to attend this proposed resort. Not only that, Sonoma County wants to monitor residential wells. If the casino was built, they would use more water in one day than we would use in a year. The town of Windsor has made it very clear that we are in a severe drought. This is not the appropriate site for a casino resort. It would devastate our community.

Please seriously consider following the lead of the Santa Rosa Supervisors...

Sincerely, Joan Chance

Irene Camacho-Werby

From: suzibill <suzibill@sonic.net>
Sent: Tuesday, April 19, 2022 6:19 PM
To: Town Council
Subject: Proposed Casino Resort on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Council Members,

I have read up on the proposal to build a casino resort, the largest in Sonoma County, at the site on Shiloh Rd and Old Redwood Hwy. I am convinced that such a business would be detrimental to the park and neighborhoods nearby as well as negatively impact our ground water supply and safe evacuation when (not if) it is needed. It's the wrong enterprise for this location.

I urge you all to show solidarity, follow the lead of the Sonoma County Board of Supervisors and put forth a Resolution opposing the Casino Resort. Please do not try to hedge or waffle on this issue-it is too important. Come forth clearly and strongly with a resolution of opposition.

Sincerely,
Suzi Malay
590 Leafhaven Ln. Windsor CA.

Irene Camacho-Werby

From: Laurie <meanlaureen@gmail.com>
Sent: Wednesday, April 20, 2022 9:03 AM
To: Town Council
Subject: Casino opposition

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor and Windsor Town Council,
I'd like to offer my support in the resolution as written to retain the existing Sonoma County General Plan Land Use Designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Rd.
I OPPOSE the Casino Resort.
Sincerely,
Laureen Buettner
Occidental, Ca
Sent from Mail for Windows

Irene Camacho-Werby

From: Todd S <tlcl.sloan@gmail.com>
Sent: Wednesday, April 20, 2022 9:06 AM
To: Town Council
Subject: Resolution regarding Casino on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings Town Council,

I am a nearby resident to the proposed Casino site in Windsor off Shiloh Rd.

Please add me the list of those who strongly oppose this development going forward.

I understand a tribe using a casino to create jobs and income for people, but I question how this development impacts the surrounding area.

Ground water usage, including sewage treatment, the impact on the roadways and nearby services and neighborhoods. It is too much, and does not fit in with the what is already in place. Are there not zoned areas for something this size in another part of Windsor, i.e. a business park?

If these are your concerns, and you don't have concrete solutions to these issues you should vote no on this project.

There is also the concern about evacuation planning in the event of a wildfire.

The Board of Supervisors was unanimous in voting against this development, I hope your votes will be the same.

Thank you,
Todd Sloan

Sent from my iPad

Irene Camacho-Werby

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Wednesday, April 20, 2022 1:04 AM
To: Town Council
Subject: Resolution to Oppose Proposed Location for Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

On April 20th the Windsor Town Council will be voting on a resolution to oppose the proposed Koi casino resort at 222 E. Shiloh Road.

The proposed location is in the midst of residential neighborhoods, parks, churches, and schools. The estimated number of visitors to the casino is over 25,000 per day, which is equivalent to adding the population of Windsor into this area daily.

The location is currently vineyards that have protected this area from fire two times in the last several years. The thought of losing the fire break as well as trying to evacuate with this number of added people is frightening.

This is truly not an appropriate location for a casino resort for so many reasons.

All five of our local Sonoma County tribes unanimously oppose this as well as your Town of Windsor constituents.

Thank you for putting this resolution on your agenda and I appreciate that the Town of Windsor will be going on record in opposition.

Sincerely, Nina Cote'
Windsor Resident

Irene Camacho-Werby

From: carolmartin016@gmail.com
Sent: Wednesday, April 20, 2022 11:55 AM
To: Town Council
Subject: Strongly oppose Casino project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Town Council,

I am a resident of Oak Park (next door to the proposed casino site).

I actually like going to casinos, but I strongly oppose locating a casino in a residential neighborhood.

I urge you to pass a resolution opposing the Casino Resort.

Thank you for your service to our community.

Sincerely,

Carol Martin

707-403-8200

218 Lea Street

Windsor, CA 95492

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Jeanne Powell <jeannehpowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannehpowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

TO:
Chad Broussard @ BIA
Tribal Affairs, Sonoma County
Sn McGuire
City of Windsor Town Council

From: Bob and Nancy Jenkins
June 19, 2022

We were shocked and appalled at the prospect of a third casino in our county. We strongly oppose development of the proposed Koi Casino on East Shiloh Avenue in Santa Rosa, California for the following reasons:

The Sonoma County Board of Supervisors voted unanimously to oppose the proposed casino. The Board said in a statement that the Koi are a "non-Sonoma County tribe." The board said it came to the decision based on letters of opposition from five other Sonoma County tribes: **The Kashia Band of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Cloverdale Rancheria of Pomo Indians, Federated Indians of Graton Rancheria and Lytton Band of Pomo Indians.** All five federally recognized Sonoma County tribes and the County of Sonoma itself, have written letters in opposition to the Koi Nation's application to take lands into trust in Sonoma County, where they have no ancestral ties.

Sonoma County doesn't need another casino. The planned casino would sit only about 18 miles from the River Rock Casino and a mere 13 miles from the Graton Resort and Casino.

The casino will bring **traffic, pollution, crime and lowered property values** to a substantial area of northeast Sonoma County.

The surrounding neighborhoods have been evacuated multiple times each of the past four years. Those evacuations have resulted in total gridlock scenarios due to dense surrounding residential neighborhoods on East Shiloh Road and limited escape routes in the immediate area. Adding the casino users— hotel, spa, 6 restaurants and 2000 employees— would create a **death trap in a wildfire.**

This project will result in huge **water and sewer impacts.** The infrastructure which was not designed for this kind of Use. The area was designed to support residential and agricultural use, and that is how it is currently zoned.

We hope that you will deny this project and/or reconsider its location.

Sincerely,

Bob and Nancy Jenkins
Sebastopol, CA

Irene Camacho-Werby

From: Jeanne Powell <jeannehpowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannehpowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Beverly Hong <bevhongwalsh@gmail.com>
Sent: Thursday, October 26, 2023 9:21 PM
To: singer@singersf.com
Cc: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern:

The Koi Nations casino will be a heartache for many.

1. The invasion by this new casino will create problems for the neighborhoods and kids involved. There are established neighborhoods

In the proposed location. Where as both River Rock and Graton are in more rural areas.

2. The Koi Nation is not even from Sonoma County. If this is allowed what would stop tribes from trying to set up where they are not from? This does not seem right.

3. This will cause much more traffic for this area.

4. Water use. How much water will be needed. We are still trying to recover from the drought.

5. With this, there will be much more in an area that has been quite and safe.

I believe if you asked, you would find many more people will oppose this rather than be for it.

Please reconsider this project and request other land which would be much more suitable.

Sincerely,

Beverly Hong-Walsh

70 Ellie Dr, Santa Rosa, CA 95403

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bia.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

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I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

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Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Thank you for all that participated last night in the BIA Zoom meeting. I presume the town will submit their comments regarding the significant impacts this project will have to Windsor. If you have not already, can you also request an additional 60 days to submit your comments? The BIA has historically agreed to additional time, and that way the town will not have to rush to get all the details compiled and submitted. I presume the town will publish and approve their letter before it is sent to the BIA. The impacts to the town of Windsor and its residents are so great, and it seems to me that the EA skipped over most of them. IE: evacuation, fire concerns, water, creek, wildlife, light pollution, noise pollution, traffic infrastructure, ect. ect, ect.

Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

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Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Casino Opposition - OurCommunityMatters <ourcommunitymatters2@gmail.com>
Sent: Sunday, October 9, 2022 10:13 AM
To: Town Council
Subject: Please Recind and Revise Proclamation
Attachments: OCM Letter to Town Council regarding 10 5 22 proclamtion.docx.pdf

October 9, 2022

Windsor Town Council

9291 Old Redwood Highway #400

Windsor, CA 95492

Dear Honorable Members Windsor Town Council Members,

On April 5th, 2022, the Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Tribes application to build a casino resort on the southeast corner of the intersection of Shiloh Rd and Old Redwood Highway. Their resolution was, in large part, based on the fact that the Koi tribe is not an indigenous, native Sonoma County tribe. Their decision was unanimously supported by the five local indigenous Sonoma County Pomo tribes who provided documentation in support of the Proclamation. Thereafter, the city of Windsor passed a like Resolution opposing the casino project and adopting the County ordinance. The

Resolution also reflected the overwhelming opposition of the neighboring community to the casino project. On October 5th, 2022, the town of Windsor during a town council meeting issued a Proclamation declaring the month of October 2022 shall be Annual Pomo Honoring Month. The proclamation goes on to describe how it is honoring "... Native Pomo people" ... who... "have historically occupied and/or had important relationships with lands of Sonoma County, including lands now occupied by the town of Windsor." The Proclamation goes on to mistakenly identify the Koi tribe as a local Sonoma County tribe. The inclusion of the Koi by name in this Proclamation actually harms the very tribes you are honoring, as well as the citizens of Windsor, in that it supports the Koi's claim of being an indigenous Sonoma County tribe.

Time is of the essence. The Proclamation in its current form does not reflect the town of Windsor's prior Resolution and is detrimental to efforts opposing the casino project. Please notify the Koi Tribe of the error and recall all copies of the Proclamation that have been distributed with appropriate language halting further use or publication. A new corrected Proclamation needs to be issued at your next meeting where you can publicly correct this error.

Best Regards,

Our Community Matters

P.O. Box 1421

Windsor, CA 95492

Ourcommunitymatters2@gmail.com

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

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Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at www.bpm.com

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Irene Camacho-Werby

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 8:33 PM
To: Kimberly Jordan
Cc: Irene Camacho-Werby
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Correction, Shiloh Crossing.

Patty

On Nov 17, 2021, at 7:23 PM, Patty Lundberg <p.lundberg@ymail.com> wrote:

It's Shiloh Apartments and yes it's "Affordable Housing." Not great if you are selling right around the corner.

Patty

On Nov 17, 2021, at 6:44 PM, Kimberly Jordan <kjordan@townofwindsor.com> wrote:

Hi Patty,

The Town does not have the information you are requesting. You would need to contact the developer identified for each of the projects to get the information requested.

Best Regards, Kim J

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 3:58 PM
To: Irene Camacho-Werby <iwerby@townofwindsor.com>
Cc: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for this.

1.) Do you know the names of the business that will be operating under the apartments on Shiloh?

2.) Are any of these Section 8 or for the homeless? Do you know what will this be called?

3.) Which types of homes and price points for Overlook division on Mitchell and Windsor River Road.

I am turning 60 in January and want to put my house on the market in Spring. I doubt these will bring home prices up in Windsor : (Distressing news.

Patty
Birdie Drive

On Nov 17, 2021, at 2:16 PM, Irene Camacho-Werby
<iwerby@townofwindsor.com> wrote:

Hello Patty,

With regards to the inquiry regarding the proposed casino, the property the Koi Nation is proposing to develop a casino on is not within the Town's jurisdiction. There are federal and state approvals that must be secured by the Tribe before construction can proceed. At this time, we do not have a sense of the timing for federal and state review or for construction of the casino should the Tribe receive those approvals.

Sincerely,
Irene

Town Clerk | Town of Windsor
Office (707) 838-5315
iwerby@townofwindsor.com
Office Hours: Mon. – Thurs. 7:00 am to 6:00 pm

-----Original Message-----

From: Kimberly Jordan <kjordan@townofwindsor.com>
Sent: Wednesday, November 17, 2021 1:19 PM
To: Patty Lundberg <p.lundberg@ymail.com>
Cc: Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: RE: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

Good afternoon Patty,

Thank you for contacting the Town regarding the developments below. Attached is the Town's current Major Project List. The project at Mitchell Lane and Windsor Road is the Overlook project. The projects on Shiloh Road and Golf Course Drive are Shiloh Mixed-Use and Shiloh Apartments. Information regarding these projects can be found in the attached list, including the project planner who can answer any questions you may have regarding the individual developments.

I have copied the Town Clerk on this email, since I think questions regarding the possible development of a casino are being answered by the Town Manager's office, but am not sure.

Best Regards, Kim J

Kimberly Jordan | Planner III
Town of Windsor | 9291 Old Redwood Highway Bldg. 400 | Windsor, CA 95492
707-838-1000 Main via Text or Phone | 707-838-5331 Direct | 707 838-

7349 Fax | Monday – Thursday 7am - 6pm www.townofwindsor.com

Due to Public Health Orders, I am working remotely outside of Town offices to avoid person-to-person contact and help prevent the spread of the coronavirus. I am checking my email and voice messages regularly during my work hours, 7:00 a.m. to 6:00 p.m., Monday through Thursday, and will return all messages within one business day.

Your patience and understanding as we work together to keep our community safe is appreciated. Please visit www.townofwindsor.com for more information.

-----Original Message-----

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 12:38 PM
To: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: New construction in Windsor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

I live on Birdie Drive in Windsor. Could you please tell me what is being built on the 3 parcels below and estimate completion dates for each.

1.) North side of Shiloh Road at Golf Course Drive (both East AND West of of Golf Course.

2.) Mitchell Lane and Windsor Road

I also read about the casino coming to 222 E Shiloh Road. Do you know when that will be built and it's estimated completion date.

Are there any other approved construction going on in Windsor?

I couldn't find this information on the Town of Windsor site.

Thank you

Patty

Irene Camacho-Werby

From: Lisa Shatnawi <lisashatnawi@gmail.com>
Sent: Sunday, August 28, 2022 4:55 PM
To: Town Council
Subject: Asphalt plant/ casinos etc

Hi town council,

First of all thank you for all that you do for our town!
I just want to weigh in on the casino and asphalt plant possibilities.
No to both! Let's keep our little town small and a sanctuary for us residents!
Please no smelly asphalt plant and no casino!

Sent from my iPhone

Blessings to you and yours,

Lisa Shatnawi
lisashatnawi@gmail.com

Irene Camacho-Werby

From: walterbrusz@comcast.net
Sent: Wednesday, April 20, 2022 12:00 PM
To: Town Council
Subject: Attached public comment on Casino Resolution
Attachments: Windsor Town Council comment 042022.docx

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please find attached my public comment.
Walter Bruszewski

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bla.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,
Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

WALTER BRUSZEWSKI

219 Lea Street

Windsor CA 95492 USA

707.239.4054

April 20, 2022

The Windsor Town Council

My wife and I have lived in the Oak Park development in Windsor since 1998. Our back yard is directly adjacent to East Shiloh Rd. We can see the vineyard and oak trees from our kitchen and bedroom windows. We walk our dog in Esposti Park daily and hike in the Shiloh Ranch Regional Park about twice a week. We evacuated for both the Tubbs and the Kincaide fires. We are both retired and have hoped that we could live out our days where we are. If the proposed Koi Nation casino is developed on the parcel just behind our backyard, we will need to leave this neighborhood. Living next to 68 acres of parking lot, casinos and a 400-unit hotel is a miserable alternative which we will not entertain. We didn't come to Sonoma County for this.

I expect the Town of Windsor, on behalf of its citizens, to oppose the development using every means possible. The Koi nation has partnered with Global Gaming Solutions (GGS), a business which operates 23 casinos and is wholly owned by the Chickasaw Nation in Oklahoma. This organization, based in Oklahoma would operate the proposed casino. According to the Press Democrat, GGS "modeling shows this area is nowhere near saturation" and that "there is demand for a gambling facility of this size." We are members of Our Community Matters, a group which includes many more people than residents of Oak Park. None of us feels that a casino is needed here. In fact, we don't want it here!

We in California are facing what is essentially a permanent drought. The cause of the drought is Global Climate Change. I was trained to be an academic scientist and I continue to monitor scientific data which indicates that the Earth can tolerate no more heating. The wildfires, shortage of water, and disappearance of plant and animal species will only worsen. Everything about the casino will contribute to production of more greenhouse gasses and more drought. The casino project projects over 57,000 visitors a day. That means that the 68-acre parcel will be mostly parking lot and buildings. It is currently a vineyard with an established stream that drains the Mayacamas Mountains, a well-established riparian corridor and hundreds of old native California trees including oaks, buckeye, and laurels. This landscape consumes and stores greenhouse gasses and prevents warming. Asphalt, covered with thousands of cars adds to warming. Sonoma county, along with much of California is facing critically depleted aquifers. Aquifers are replenished when rain can be absorbed into the soil. Asphalt stops penetration and sends rainwater to the storm drains and into the sea. The water is lost.

If you visit the Graton Casino, you will get an idea of how much light and noise pollution will attend the proposed development, but the plan is for a casino twice the size of Graton. Now our neighborhood is dark at night and the soundscape is a subdued Coyote Symphony. If the project goes forward, the light pollution will be on the order of a large shopping mall.

This neighborhood has proven twice in recent times to be a high wildfire risk. As it is, a lot of people use East Shiloh as the evacuation route. Evacuation of thousands of people with their cars at the casino will endanger everyone.

I hope this letter helps clarify the threat that part of Windsor faces if casino development is not stopped.

With best regards,

Walter Bruszewski

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

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This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council
Cc: Mark Linder; Irene Camacho-Werby
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace
betsymallace@yahoo.com

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at www.bpm.com

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Our Community Matters
An Association of Neighbors in Sonoma County, CA

5828 Matilde Drive
Windsor, California 95492

Telephone: (707) 293-4919
Email: ourcommunitymatters2@gmail.com

October 30, 2021

Via U.S. Mail and Email

Email Address: IndianGaming@bia.gov

Paula Hart, Director
Office of Indian Gaming
U.S. Department of the Interior
1849 C Street, N.W.
MS-3543-MIB
Washington, D.C. 20240

Re: Request for Restored Lands Determination by Koi Nation

Dear Director Hart:

Our Community Matters, a neighborhood association of over 150 Sonoma County residents, submits this letter in opposition to the request for a "restored lands" determination sought by the Koi Nation of Northern California, previously called the Lower Lake Rancheria (the "Tribe"). The Tribe announced that it has recently purchased 68 acres of land in the unincorporated area of Sonoma County for the purpose of building a 1.2 million square foot casino calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center, and a spa. We understand the Tribe is seeking an exception to the prohibition of gaming on newly-acquired lands pursuant to the 1988 Indian Gaming Regulatory Act ("IGRA").

The subject property contains several vineyards and a single grand residence, located at 222 E. Shiloh Road, Santa Rosa, California (the "Shiloh Property"). Sonoma County records reveal that a California limited liability company named Sonoma Rose LLC purchased the Shiloh Property on September 1, 2021. (See Attachment 1.) The Tribe does not currently hold ownership of the land in its own name.

The Shiloh Property directly abuts the Southeast edge of the Town of Windsor (population 27,447) and lies at the corner of two main traffic arteries, Shiloh Road and Old Redwood Highway. Many houses are directly across the street from the property along East Shiloh as well as Old Redwood Highway, including homes in the Oak Park subdivision and the Colonial Park mobile home park.

Neighbors formed *Our Community Matters* for the sole purpose of opposing the Tribe's proposed mega-casino and resort on the Shiloh Property, as we are convinced the project would be devastating to our community, cause health and safety issues, and negatively impact the environment. Put simply, the location is inappropriate for the Tribe's proposed mega-casino and resort project.

For purposes of the Office of Indian Gaming Management's ("OIGM's") review, it is perhaps even more important that the Tribe has no historical connection to the Shiloh Property nor the surrounding community. The Tribe has simply gone shopping for a place to put a casino and, without consulting any neighbors or local government officials, has decided that our backyard is the best place for it. The location, however, is not well-chosen, and construction of the mega-casino and resort will likely have damaging consequences.

Below is a discussion of the issues and what we have discovered.

I. The Tribe's Request for Permission to Game on the Shiloh Property Should Be Denied Under IGRA

A. IGRA's Legal and Regulatory Framework

Indian tribes may operate casinos only on "Indian lands" that are eligible for gaming under the IGRA. To be deemed "Indian lands" per the IGRA (25 U.S.C. § 2703), the land must be located within the limits of a tribe's reservation, be held in trust by the United States for the benefit of the tribe or its members, or be land subject to restrictions against alienation by the United States for the benefit of the tribe or its members. Additionally,

the tribe must have jurisdiction and exercise governmental powers over the gaming site. If the land is not “Indian lands” and fails to meet these other requirements, then it is subject to state gambling laws.¹

Importantly, the IGRA (25 U.S.C. § 2719 (“Section 2719”)) contains a general prohibition against gaming on lands acquired into trust after October 17, 1988. Tribes may game on such after-acquired trust land only if the land meets one of the two exceptions listed in Section 2719:

1. If the Secretary, “after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary’s determination” (25 U.S.C. § 2719(b)(1)(A)); and
2. The lands are “taken into trust as part of— (i) a settlement of a land claim, (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or the restoration of lands for an Indian tribe that is restored to Federal recognition.” (25 U.S.C. § 2719(b)(1)(B)(iii).)

Our Community Matters understands the Tribe is not seeking to utilize the first of these exceptions to obtain permission to build a casino on its newly-acquired land per 25 U.S.C. § 2719(b)(1)(A), as doing so would require it to consult with State and local officials and other nearby tribes. Rather than reaching out to these community groups and officials to gain support for its mega-casino project, the Tribe simply announced it via the press, to the surprise of Federal, State, and local officials.² The Tribe is seeking to circumvent this collaborative process most likely due to the fact that it has used it in the past to no avail: we understand the Tribe’s previous requests to build casinos in Vallejo and Oakland were soundly rejected.

The Tribe is thus currently invoking the second exception, seeking to be deemed a “restored tribe” and for its purchase of the Shiloh Property to be considered a “restoration of lands” under Section 2719(b)(1)(B)(iii). While a District Court has determined the Tribe is a “restored tribe” under IGRA,³ the Tribe’s request for the Shiloh Property to be deemed a “restoration of lands” should be rejected.

Because the IGRA does not define the term “restoration of lands,” and the language is susceptible to multiple meanings, it is subject to interpretation by the Department of Interior (“DOI”) through regulation.⁴ The DOI has adopted regulations to interpret the exception, as well as “[w]hat must be demonstrated to meet the ‘restored lands’ exception” found at 25 U.S.C. § 2719(b)(1)(B)(iii). (25 C.F.R. § 292.7; Gaming on Trust Lands Acquired After October 17, 1988, 73 Fed. Reg. 29,354 (May 20, 2008) (“Part 292”).)

¹ See National Indian Gaming Commission: Definitions Under the Indian Gaming Regulatory Act, 57 Fed. Reg. 12382, 12388 (1992).

² See <https://www.pressdemocrat.com/article/north-bay/koi-indian-tribe-unveils-plans-for-600-million-casino-resort-in-sonoma-county/>.

³ See *Koi Nation of N. California v. United States Dep’t of Interior*, 361 F. Supp. 3d 14 (D.D.C. 2019), *amended sub nom. Koi Nation of N. California v. United States Dep’t of the Interior*, No. CV 17-1718 (BAH), 2019 WL 11555042 (D.D.C. July 15, 2019), and *appeal dismissed sub nom. Koi Nation of N. California v. United States Dep’t of the Interior*, No. 19-5069, 2019 WL 5394631 (D.C. Cir. Oct. 3, 2019). While there may be other challenges to the Tribe’s status as a “restored tribe” under IGRA not addressed in that decision, *Our Community Matters* expresses no opinion on that issue.

⁴ See, e.g., *Grand Traverse Band of Ottawa and Chippewa Indians v. U.S. Attorney for W. Dist. of Mich.*, 198 F. Supp. 2d 920, 928 (W.D. Mich. 2002), *aff’d* 369 F.3d 960 (6th Cir. 2004); *Oregon v. Norton*, 271 F. Supp. 2d 1270, 1277 (D. Or. 2003).

Pursuant to Part 292, to show that lands qualify as “restored,” a tribe must establish:

- (a) a modern connection to the lands;
- (b) a significant historical connection to the lands; and
- (c) a temporal connection between the date of acquisition and the tribe’s restoration.

(25 C.F.R. § 292.12 (“Section 292.12”).)

To demonstrate a “significant historical connection” under Part 292, a tribe can either (a) show that “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty”; or (b) “demonstrate by historical documentation the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” (25 C.F.R. § 292.2.) As the DOI explained in the preamble to Part 292, the word “significant” was used because it “reinforces the notion that the connection must be something more than ‘any’ connection.” (73 Fed. Reg. at 29,366.)

Further, the structure of Section 292.12 indicates that the connection demonstrated must be to the newly-acquired land itself, not simply its surrounding area. As explained in the preamble to the final rule promulgating Part 292, what is required is “something more than evidence that a tribe merely passed through a particular area.” (73 Fed. Reg. at 29,366.)

B. The Shiloh Property is Not the Tribe’s “Restored” Lands

The Tribe’s request for the Shiloh Property to be deemed its “restored” lands does not meet Section 292.12’s second requirement, that the Tribe have a “significant historical connection” to that land, for two reasons.

First, the Shiloh Property is not located within the boundaries of the Tribe’s last reservation under a ratified or unratified treaty. (See 25 C.F.R. § 292.2.) The Tribe’s last reservation was purchased by Congress in 1916: a 140-acre parcel in Lake County between the towns of Lower Lake and Clear Lake Heights known as Purvis Flat. Purvis Flat is approximately 49 miles from the Shiloh Property; the Shiloh Property simply does not fall within the reservation’s boundaries. Further, on its website, the Tribe verifies that after the government sold Purvis Flat to Lake County for a municipal airport, the Tribe became landless.⁵ Accordingly, the Tribe cannot reasonably claim the Shiloh Property is located within the boundaries of the Tribe’s last reservation.

Second, research has revealed no evidence to demonstrate the existence of the Tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the Shiloh Property. (See 25 C.F.R. § 292.2.) In fact, the Tribe’s ancestral home was on an island in Clear Lake in Lake County, approximately 55 miles North of the Shiloh Property.⁶ The distance between the Shiloh Property and the Tribe’s ancestral lands is just too great to demonstrate a “significant historical connection” between the two. In addition, the Tribe’s lack of historical connection to the Shiloh Property area was also recently verified in a Cultural Resources Study focusing on property at the corner of Shiloh Road and Old Redwood Highway, presented to the Town of Windsor’s Planning Commission regarding a proposed residential project at that corner.⁷ While nine tribes were listed as possibly having a historical connection to the area, none of them were the Koi Tribe.

While the Tribe will likely argue that some of its members have resided in Sonoma County over the past hundred years or so, such a factor is insufficient to demonstrate a “significant historical connection” to the Shiloh Property. Indeed, while a tribe’s activities in the vicinity of a property may be used to reasonably infer a

⁵ See <https://www.koinationsonoma.com/history/>.

⁶ See <https://www.koinationsonoma.com/history/>.

⁷ See https://windor-ca.granicus.com/MetaViewer.php?view_id=2&clip_id=1308&meta_id=81164, at pages 10, *et seq.*, and Attachment A.

tribe used the subject property for subsistence use, no such inference can be made by showing tribal members lived within a 10-20 mile radius of the property in modern times. Section 292.12 requires the Tribe to show a connection to the newly-acquired land *itself*, not just the surrounding area, as it provides that “[t]o establish a connection to the newly acquired lands [for the purposes of the restored lands exception] . . . [t]he tribe must demonstrate a significant historical connection to the land.” (emphasis added). Research has revealed no evidence the Tribe or its members have had any connection to the Shiloh Property *itself*, and such a connection is highly unlikely due to the fact the property has been in private hands.

Moreover, the DOI’s past “restored lands” decisions also demonstrate the Shiloh Property should not be declared a “restoration of lands” for the Tribe. For example, on February 7, 2019, the DOI denied a request by another Lake County Indian tribe, the Scotts Valley Band of Pomo Indians (“Scotts Valley”), for a “restored lands” determination for its newly-acquired parcel in the City of Vallejo, California.⁸ In fact, Scotts Valley had a stronger case than the Tribe for a restored lands determination, as it claimed its ancestors collected provisions near the subject land, and that a tribal chief traveled in the region throughout his life, may have been baptized 17 miles from the land, and worked as a ranch hand and migrant laborer in the area of the land. Despite these ties, the DOI determined that Scotts Valley had failed to show a “significant historical connection” to the subject land because the intermittent presence of the Tribe’s ancestors did not indicate a broader presence to the area as a whole, and there was no evidence of ancestral use of the subject land itself. Scotts Valley has sought to overturn that decision via judicial review, and the DOI’s motion papers filed in the case on October 1, 2021, demonstrate its commitment to enforcing current DOI regulations and policies on those issues.⁹

Moreover, the Federated Indians of Graton Rancheria has gone on record opposing the Tribe’s request for a “restored lands” determination for the Shiloh Property. Specifically, Chairman Greg Sarris stated in an article he authored: “This is an egregious attempt at reservation shopping outside the Koi Nation’s traditional territory and within the territory of other federally recognized tribes.”¹⁰ *Our Community Matters* believes this is the heart of the issue, and that the Tribe’s request for the Shiloh Property to be deemed its “restored” lands should be denied.

II. The Shiloh Property is an Inappropriate Location for a Casino and Resort

While not expressly part of the “restored lands” analysis, *Our Community Matters* believes it is also important to consider how inappropriate the Shiloh Property is for the location of a mega-casino and resort, as follows.

A. Proximity to Residences, Parks, and Elementary Schools

As shown on an aerial view of the Shiloh Property (see Attachment 2), it is located across the street from two housing areas on the North side and a mobile home park the West side (there is also a church on the West side). Esposti Park, which is a sports park utilized heavily by Little League teams, is located directly North across the street from the Shiloh Property at the corner of E. Shiloh Road and Old Redwood Highway.

In addition, the attached photo does not show the following: (1) Shiloh Park, a Sonoma County Regional Park which allows for nature-based hiking and horseback riding, is located just 0.4 miles to the West of the Shiloh Property; (2) San Miguel Elementary School, including its surrounding residential neighborhood, is located just 1.4 miles South of the Shiloh Property; (3) Mark West Union Elementary School, including its surrounding residential neighborhood, is located just 1.9 miles from the Shiloh Property; (4) Mattie Washburn Elementary

⁸ See <https://www.timesheraldonline.com/wp-content/uploads/2019/08/DOI-Letter-Scotts-Valley-Restored-Lands-Decision-re-Vallejo-2-7-2019-1.pdf>

⁹ See *Scotts Valley Band of Pomo Indians v. U.S. Dept. of the Interior*, U.S. Dist. Ct., District of Columbia, Case No. 1:19-CV-01544-ABJ, Memorandum in Support of Federal Defendants’ Cross Motion for Summary Judgment and in Opposition to Plaintiff’s Motion for Summary Judgment, Dkt. No. 55, Filed October 1, 2021.

¹⁰ See <https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/>.

School, including its surrounding residential neighborhood, is located just 2.1 miles away from the Shiloh Property; and (5) both Shiloh Road and Old Redwood Highway are major travel arteries for the community.

There is simply insufficient space between the Tribe's proposed mega-casino/resort and these residences, parks and schools to prevent negative effects from noise pollution, light pollution, car exhaust pollution, and traffic from impacting the community. The ecological effects alone in this relatively rural and bucolic area would be substantial. Moreover, the associated negative aspects that ride along with casinos, such as theft, vandalism, drug use, trespassing, etc., would have an overwhelmingly negative impact on our small community.

Further, we are experiencing extreme drought at this time,¹¹ which is expected to be the new normal due to climate change. The Tribe's proposed mega-casino and resort would put tremendous demands on our local resources, including our water table, which we expect will cause water and other conditions to worsen.

B. Lack of Sufficient Wildfire Evacuation Corridors

In the 2017 Tubbs wildfire, over 5,300 homes in Sonoma County burned to the ground. Many of those homes were located just a few minutes' drive to the South of the Shiloh Property. The wildfire came without warning in the night, and there were no emergency messages or evacuations. Since that time, local emergency services aim to provide sufficient warning of wildfires, to enable residents to evacuate with their lives, their pets, and some property.

Attachment 3 to this letter contains a map showing the number and locations of wildfires in the area since 2015 which have ravaged our landscape, both physical and emotional. *Our Community Matters* members have evacuated two to three times in the past four years due to wildfires. For example, in 2019, our members and 50,000 Sonoma County residents were ordered to evacuate to escape the Kincadee Wildfire. Evacuating residents caused traffic jams at the corner of Old Redwood Highway and Shiloh Road, which became almost impassable. Highway 101, the primary North-South artery, was at a standstill Southbound, leading away from the fire.

The Tribe's proposal to develop a mega-casino and resort on the Shiloh Property could very well have life threatening consequences for our community members, as there are simply not enough evacuation routes for us let alone the tens of thousands of people the Tribe expects to host on the property. Further, removing the vast majority of the vineyards on the Shiloh Property will increase the fire threat to our community, as vineyards have proven to be a significant fire break.

C. Lack of Hospitality Workers

The Tribe has indicated it plans on hiring 1,100 employees to work the casino and resort. However, there is a shortage of hospitality workers in our area that has reached the critical stage. In fact, a local restaurant just down the street from the Shiloh Property recently announced it will have to close because it cannot find workers to staff it.¹²

The local newspaper, the Press Democrat, reported in a September 1, 2021, article that "[t]hroughout the country, restaurants are facing a critical shortage of workers... Locally, restaurants have even resorted to

¹¹ See <https://www.drought.gov/states/California/county/Sonoma>.

¹² See <https://www.sonomamag.com/this-is-the-new-reality-popular-santa-rosa-creperie-closes-for-lack-of-staff/?gSlide=1>.

closing on certain days, because of the staffing crunch.”¹³ The workforce shortage is due primarily to the “extremely high cost of living and a shortage of affordable, workforce housing” in our area.¹⁴

Our Community Matters is concerned about the Tribe’s proposed mega-casino and resort taking employees away from our local businesses, causing more of them to close and further decreasing the unique and diverse aspects of our community.

III. Conclusion

Our Community Matters urges the OIGM to reject the Tribe’s request for a “restored lands” exception to the prohibition of gaming on newly-acquired lands. We believe the Shiloh Property is not the Tribe’s restored lands, and that the Tribe has no actual connection to that land from either a modern or historical perspective. Moreover, we believe that the Tribe’s proposed mega-casino and resort would be simply devastating to our community.

We appreciate your consideration of these issues. Should you have any questions, or would like further information, please let me know.

Best regards,

Nina Cote
Steering Committee Chair
Our Community Matters

cc: Robert Pittman, County Counsel, County of Sonoma – Email only: robert.pittman@sonoma-county.org
Jose Sanchez, City Attorney, Town of Windsor – Email only: jsanchez@meyersnave.com
Jared Huffman, U.S. Representative – Fax only: (202) 225-5163
Michael Thompson, U.S. Representative – Fax only: (202) 225-4335
Gavin Newsom, Governor of the State of California – Fax only: (916) 558-3160
Darryl LaCounte, Director of the Bureau of Indian Affairs, DOI

¹³ See <https://www.northbaybusinessjournal.com/article/news/starks-restaurant-group-in-sonoma-county-hosts-party-and-lottery-to-coax-wo/>; see also <https://www.pressdemocrat.com/article/news/sonoma-county-restaurants-still-struggling-in-2021/>; see also <https://www.pressdemocrat.com/article/business/sonoma-county-hospitality-sector-struggles-to-find-workers-despite-high-job/>; see also <https://www.sonomanews.com/article/news/help-wanted-sonoma-valley-businesses-struggle-to-hire/>.

¹⁴ See <https://www.northbaybiz.com/2021/07/19/labor-shortages-in-a-post-pandemic-world/>.

Attachment 1

Page 1 of 3

***This document was electronically submitted
to the County of Sonoma for recording**

2021100185

Official Records of Sonoma County
Deed Page Proofs
09/03/2021 09:11 AM
FIDELITY NATIONAL TITLE | SONOMA COUNTY | EFN
DEED 3 Pgs
Fee: \$10.00
County Tax: \$13,538.00

RECORDING REQUESTED BY:
Fidelity National Title Company

When Recorded Mail Document
and Tax Statement To:
SONOMA ROSE, LLC

Escrow Order No.: FSNX-7052000491CF
Property Address: 222 E. Shiloh Road,
Santa Rosa, CA 95403
APN/Parcel ID(s): 059-300-003-000

SPACE ABOVE THIS LINE FOR RECORDER'S USE
Exempt fee fee per GC 37386.10070. The document is a transfer that is subject to
Documentary Transfer Tax.

GRANT DEED

The undersigned grantor(s) declare(s)

☐ This transfer is exempt from the documentary transfer tax.
☒ The documentary transfer tax is \$13,538.00 and is computed on:
☒ the full value of the interest or property conveyed.
☐ the full value less the liens or encumbrances remaining thereon at the time of sale.
The property is located in ☒ an Unincorporated area.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Randal G. Clifton and Cynthia A. Clifton, Trustees of The Randall G. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

hereby GRANT(S) to SONOMA ROSE, LLC, a California limited liability company

the following described real property in the Unincorporated Area of the County of Sonoma, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PROPERTY COMMONLY KNOWN AS: 222 E. Shiloh Road, Santa Rosa, CA 95403

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Grant Deed
RCN000123.doc Updated: 04/24/05

Per: 040, 09/03/21 09:10:36 AM
CA-TT-FSNX-705-09070-FIDELITY-7052000491

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 059-365-003-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Being a tract of land in Section 20, Township 8 North, Range 8 West, M.D.B. and M. and beginning at a iron pin which marks the 1/4 section corner between Sections 19 and 20, thence East along the Northern line of the Southwest 1/4 of said Section 20, a distance of 40.00 chains, more or less, to the center of Section 20; thence South, along the Easterly line of said Southwest 1/4, 17.61 chains, more or less, to the Northeast corner of a tract of land conveyed by Elsha G. Mayo to Charles T. Mathisen and Cynthia E. Mathisen, his wife, by Deed dated January 28, 1905 in Book 216 of Deeds at Page 298, Sonoma County Records; thence South 76° 18' West, along the Northern boundary of said tract of land conveyed to said Mathisen, 25.69 chains, more or less, to the center of the State Highway leading from Santa Rosa to Healdsburg; thence Northwesterly along the center of said State Highway, 26.65 chains, more or less, to the section line between Section 19 and 20; thence North along said section line, 1.62 chains, more or less, to the point of beginning.

Excepting therefrom that portion thereof conveyed to the County of Sonoma by deed recorded April 25, 1950 in Book 955 at Page 376, Sonoma County Records.

Also excepting therefrom that portion conveyed to the County of Sonoma by Deed recorded October 27, 2006 as Instrument No. 2006132358, of Official Records.

Attachment 2

Aerial Photo of the site of the Casino and Resort proposed by the Tribe, located at 222 E. Shiloh Road, Santa Rosa, CA. The Casino and Resort project is outlined in blue; Esposti Park is outlined in green; the pink line shows the boundaries of the Town of Windsor to the North versus unincorporated Sonoma County to the South.

The proposed Casino and Resort is a 1.2 million-square-foot project calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa. It is expected to employ approximately 1,100 employees.



Photo obtained from the SoCoNews: https://soconews.org/scn_windsor/news/windsor-officials-clarify-town-not-involved-with-koi-nation-casino/article_0e7adef2-2871-11ec-93c3-536857a5e1cf.html and not verified by Our Community Matters.

Attachment 3

Locations of Recent Wildfires (Since 2015)



**Our Community Matters
P.O. Box 1421
Windsor, CA 95492**

February 16, 2022

Mayor Sam Salmon
Town of Windsor
9291 Old Redwood Highway Bldg. 400
Windsor, CA 95492

Dear Mayor Salmon:

Thank you for the opportunity to meet with you and Rosa Espinosa recently via Zoom. We were pleased that we were able to review our Power Point Presentation with you and to help clarify the application process through the BIA (Bureau of Indian Affairs). Upon the follow-up dialog, we were left with the Impression you do not clearly understand the reasons for our strong opposition to the proposed Casino Resort. While this project is not in the town limits of Windsor, it does border our town. It is directly across the street, within 40 feet, to a Windsor residential neighborhood. Whatever happens at this location will have a direct impact on the Town of Windsor. As your constituents, we want to make the reason of our opposition 100% clear.

Our Community Matters is objecting to the **LOCATION** of the proposed Casino Resort! The top reasons include:

- Press Democrat Article 2/14/22: Drought Relief Hopes Fading
Press Democrat Article 2/15/22: Drought Worst in 1200 Years

Documents show six or seven wells that are currently located at 222 E Shiloh are dry and have been for several years. Think about it! How much water does a 200 room hotel, six restaurants, a casino, spa and conference center need? In a recent news release the plans have now changed to a 400 room hotel. How does that impact the rest of us, particularly those on wells?

Drought worries immediately lead us to wildfire risk!

- Wildfire Risk!

We do not have to guess what will happen. We already know! We have the experience of the Tubbs fire in 2017 in which 22 people perished and the 2019 Kinkadee fire which stopped directly across the street from the proposed casino location. As you know, the original prediction was that the entire Town of Windsor was in path of the fire. The evacuation in both cases resulted in gridlock along Shiloh/Old Redwood Highway, up to and along Highway 101.

WHY would anyone invite potentially 20,000 vehicles or over 50,000 people a day to an area surrounded by residential neighborhoods to a fire prone area, where evacuation gridlock is history? It doesn't make sense. The thought of 50,000 people evacuating, along with all the residential neighborhoods that surround 222 E. Shiloh, is chilling. How many people will die?

Mayor Salmon, this is NOT an opportunity to seek economic expansion at the expense of safety. This is NOT an opportunity to negotiate with anyone relating to this property. This is an opportunity for you to take a stand on this matter! 222 E. Shiloh is the **WRONG LOCATION** for a commercial business that draws thousands of visitors and vehicles per day.

We are strongly urging you to place this important/critical matter on the Windsor Town Agenda immediately for discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "L. R. Darst".

Lynn R. Darst, Windsor Resident
Our Community Matters

Cc: Our Community Matters Members

From: Lynda Williams <misslyndalouu@gmail.com>
Sent: Saturday, October 14, 2023 5:56:03 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comments on Letter RE: Koi Nation Shiloh Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

I am writing to comment on the letter on the agenda for approval this Wednesday October 18, 2023, Town Council Meeting commenting on the Environmental Assessment (EA) of the proposed Koi Tribe Vegas Style Casino Resort Hotel.

While I thank you for taking the time to comment on the EA by the deadline, the proposed letter fails to address three critical issues on this matter. The first is Fire and evacuation routes. As you are aware, all evacuation routes out of the Town of Windsor are severely stressed and gridlocked in times of evacuation. As someone who lives directly across the street from this proposed project (less than 40 feet) and who has been evacuated, this issue must be addressed comprehensively in both your letter as well as a new Environmental Impact Statement. This issue risks the lives of residents who are citizens and taxpayers in the Town of Windsor. People like me and my neighbors whom you represent. Please add language addressing this issue.

The second issue is traffic impact, which your letter addresses but fails to tie to the fire and evacuation issue. Specifically, your letter fails to address the proposed traffic light and casino entrance at East Shiloh and Gridley. Gridley is a residential street used by most of the residents of Oak Park (77 homes). Putting a signal here with a casino entrance directly across from Gridley will back up traffic into Oak Park all day and night; it will back up traffic into the Redwood Highway and East Shiloh intersection; this will cause traffic to turn up East Shiloh and speed on Faught Road past San Miguel School; and it will cause traffic to cut through Oak Park to Mathilde backing up traffic at this intersection as well. This will put the life and safety of residents, children on bikes, pets and pedestrians at risk. If intoxicated casino goers become confused when they exit, they could end up roaming the streets of our neighborhood. Additionally, adding 15,000 additional vehicles a day to this area will increase carbon emissions by 25,185,000 metric tons per year (source EPA website). This additional pollution will flow into all our homes.

The third, and most important issue, is that your letter fails to take a stand on the fact that this is the wrong location for this project, for all of the environmental reasons, let alone the fire and evacuation hazard. I would like to see the Town of Windsor take the position that this is the wrong location and recommend that the BIA take plan D, no project and the land is not granted to the Koi. The issue here is not the tribe, it is the location. I personally wish them well and hope they can find an appropriate location for their Vegas Style Casino Hotel. But for the scope of this

EA and this BIA proposal, please support and recommend option D in your letter. Residential neighborhoods are not the place for casinos.

Thank you.

Warmest Regards,

Lynda Williams

[REDACTED]

Windsor, CA 95492

From: Eddie Flayer <eddie.flayer@att.net>
Sent: Saturday, October 14, 2023 6:12:47 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I don't understand the legal jargon...

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I live in Santa Rosa but I love your town. Such a great job with building a downtown, and parks, green spaces. Why kill a fine rural vineyard neighborhood with ANOTHER gambling hall? Find some land close to Walmart on Shiloh near the freeway. Give it to the Indians and let the buses of hoards shop at Walmart...and smoke and play slot machines and smoke some more. Maybe they will even smoke a peace pipe since they can make lots of money to get paid back for what we did to them.

I would like to see the Town of Windsor oppose the location of this project and urge the BIA to support option D, not to grant the land to the Koi Tribe.

**Thank you,
Eddie Flayer**

From: Maisie McCarty <maisiemccarty@hotmail.com>
Sent: Sunday, October 15, 2023 8:14:02 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Proposal for Casino Hotel, etc

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Council Members-

We strongly urge the Town of Windsor to oppose the proposed casino just south and east of our border in its comments to the BIA. It will, if accepted into trust by the BIA become a horrific blight causing traffic, noise and light disturbance to those Town of Windsor occupants living so close to its proposed location. In addition it would cause unlimited problems for those of us forced to evacuate due to fire or other natural disasters. The proposed casino's traffic study does not even take into account the new 300 + units being built at Old Redwood Highway and Shiloh Rd which will already cause increased traffic and parking problems so near to their proposed site.

In addition the Koi Nation's ancestral lands are in Lake County, NOT Sonoma County.

Please direct your comments to the BIA in strong opposition to placing this land into trust for the Koi Nation.

Very truly yours,
Mary M. McCarty
L.W. Harrison

Windsor, CA
Sent from my iPhone

From: Ginna Gillen <ginna.gillen@sbcglobal.net>

Sent: Sunday, October 15, 2023 10:19:40 AM

To: Town Council <TownCouncil@Townofwindsor.com>

Cc: Jim Gillen <jimgillen@sbcglobal.net>; Suzanne Jean Calloway <suzannecalloway@yahoo.com>; Our Community Matters <ourcommunitymatters2@gmail.com>

Subject: Please Oppose the Koi Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

As an almost 20 year resident of Windsor, I urge the Town Council to take a stronger position in opposition to the proposed Koi casino. Having read the Environmental Assessment, I agree that as your agenda states "... the Town finds that several potentially significant adverse impacts associated with the proposed project are not identified or not adequately mitigated below the threshold of significance".

My family was evacuated during the Tubbs Fire and the Kincade Fire and encountered terrifying traffic jams on the escape routes. This situation would become total gridlock if the casino were to be built to the south of us. The only way to mitigate this potential crisis is to prevent the building of this casino.

The Town Council represents the voices of your constituents and we urge you to take a strong stand to protect the lives of the citizens of Windsor!

James and Virginia Gillen

[REDACTED]

Windsor

From: Mary Ann Bainbridge-Krause <mary_ann_bainbridge_krause@yahoo.com>

Sent: Sunday, October 15, 2023 5:52:33 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Item number 12.2 town agenda

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Town Council: I'm writing concerning item # 12.2, submittal on the environmental assessment regarding Koi Nation Shiloh Road and Casino project. Even though you very carefully cover reasons why this should not proceed, you never once in your letter state you are against this development.

I'm disappointed. Your concerns are the same as the citizens of Windsor and yet you fail to back us up. Why? I would really like to know.

Very disappointed

MaryAnn Bainbridge-Krause

[REDACTED], a 28 year member of the Windsor community.

Sent from my iPhone

From: Carrie Marvin <[REDACTED]>
Sent: Sunday, October 15, 2023 5:46:10 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: EA letter for KOI Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please make sure in the letter from the Town Council, to include how incredibly dangerous it would be for them to build a large casino and hotel and parking for thousands of cars when we have to evacuate. People living in Windsor could end up like citizens of Lahaina or the Camp Fire - being burned because there is not the ability to evacuate quickly. Both Tubbs fire (getting out of Coffey Park was difficult) and Kincaide Fire had lots of people driving for a very long time to get out (I heard stories of people in Windsor and Sebastopol) This is a very important point that needs to be stressed and to omit that is an issue.

Also, as a citizen of Windsor and of the state of CA, we have suffered for years with a long term drought. I have personally ripped out all my grass - and to think that this group can come in and use our local water for tourists and gamblers - while I shut the water off while I brush my teeth and take timed showers, seems nonsensical to me. Fire and Drought must be addressed in the letter.

Thank you.
Carrie Marvin
[REDACTED]

From: Debra <d_avanche@yahoo.com>
Sent: Sunday, October 15, 2023 5:33:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation proposed project at 222 E Shiloh Rd., Santa Rosa

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Windsor Town Council members,

I am writing to request that the Windsor Town Council go on record opposing the gaming project at Old Redwood Highway and E Shiloh Rd. by the Koi Nation and Oklahoma Gaming commission.

This property is just outside the Windsor town boundaries but will heavily impact Windsor residents and businesses. This location is designated rural residential agricultural and is **BORDERED BY** Esposti sports park, the Oak Park subdivision, a church, mobile home park for seniors, residences along E Shiloh Rd., The Sonoma County Regional Park at E. Shiloh Rd and Faught Rd and is close to San Miguel Elementary and Mark West Elementary Schools. It is a travesty that a gaming operation is being floated in the middle of this beautiful community.


The Koi Nation is pursuing sovereign status of this property so gambling and 24/7 hoopla can take place. The Koi Nation is from Lake County and should be pursuing their project in that county.

Windsor will not benefit from needing more housing for low paid workers, and will be harmed by plopping a huge operation in an area that is wildfire prone. Serious evacuation problems are obvious. We are already experiencing parking and traffic issues with the new apartment complex that is in the works.

I urge the Council to go on record strongly opposing this operation and designate the land as off limits for this type of project. Its appalling and makes no sense. We have enough casinos already in Sonoma County. There is **NOTHING** to be gained. Please help stop this.

Thank you,

Debra Avanche


Santa Rosa, Ca 95403

From: Chris Thuestad <chris2esta@comcast.net>
Sent: Sunday, October 15, 2023 4:03:23 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Casino Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I just received an email stating that the Town of Windsor is ready to approve the EA Comment Letter to the BIA regarding the Koi Nation's proposed casino. I'm deeply concerned about the casino for many of the same reasons you've already heard. The traffic on Shiloh Road is already problematic. I have had to sit through three turns of the light to try to get past the light near Home Depot. When we had to evacuate during the Kincade fire, my husband was at Home Depot -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! The traffic study submitted by the Koi Nation also didn't take into account all the high-density construction projects that are being built along Shiloh and Old Red. Heading south on Hwy 101 is a nightmare already. We've been told the Graton casino gets 20,000 guests a day. If the Koi casino is even larger, what will that do to the street traffic in Windsor and the freeway traffic heading south?

I'm also concerned about water usage. We've been told that droughts are going to continue to be more frequent and more severe. We were headed to a real disaster until the rains finally came last rainy season. I've heard that the proposed casino will put in a 700' well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought, there could be problems with ground subsidence. Once the land is taken into trust, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns every other day, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water? Does the Town of Windsor have a plan for this?

The Koi Nation is a Lake County tribe yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes. How is it fair to the SoCo tribes to have the Koi Nation come in and cannibalize their business?

Finally, the additional traffic, crime, noise, and light pollution will ruin the property values of all Windsor residents, especially those near the casino. No one wants to live by a casino!!

I urge you to oppose the casino, support option D, and not allow the Koi Tribe to destroy the lives of so many people in Sonoma County.

Thank you,
Chris Thuestad

From: BELVA MITCHELL <mmitchellbc@aol.com>
Sent: Sunday, October 15, 2023 11:25:30 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Fwd: EA Comments,Koi Nation Shiloh Resort and Casino

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Sent from my iPad

Begin forwarded message:

From: BELVA MITCHELL <mmitchellbc@aol.com>
Date: October 11, 2023 at 10:42:09 AM PDT
To: chad.broussard@bia.gov
Subject: Re: EA Comments,Koi Nation Shiloh Resort and Casino

Sent from my iPad

On Sep 28, 2023, at 6:39 PM, BELVA MITCHELL <mmitchellbc@aol.com> wrote:

I am strongly opposed to the proposed Casino due to many factors. I live within [REDACTED] of the Shiloh road entrance/ exit as proposed. This surface street infrastructure at Old Redwood highway and at 101 experience heavy traffic volumes at peak travel times. This will only worsen in coming years due to more population resulting from projects under construction now. The Casino project is indicating some improvements to address infrastructure but I can't foresee this will address the highway 101 approaches and exit ramps.

All of the concerns do not begin to reflect an emergency evacuation situation. I see no indication that noise will be addressed once operations are underway and complete. Over the last several years commercial and private vehicles with loud exhaust systems create an extremely undesirable situation that continues into late at night. There does not seem to be any effort to patrol for this situation.

There is also a great concern that safety will be compromised due to the influx of people that will be present and those looking for an opportunity to traffic drugs and sex if this project becomes a reality . Finally this is a

residential community not a commercial or business location.

From: Tisha Zolnowsky <Tisha.Zolnowsky@kp.org>
Sent: Monday, October 16, 2023 7:22:01 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Windsor Town Council - Safety. - Please oppose!

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to provide comments on the proposed **Koi Nation Shiloh Resort and Casino** Project. I can't believe this is even an option. Really, why is putting a GIANT casino in a neighborhood even an option! 50' from backyards where families, animals, and children play.

That vineyard saved the surrounding neighborhoods by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go? I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons. **Why do us citizens continue to get pushed around by organizations that put their profit before population safety.** Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.

So sad 😞

Tisha Zolnowsky

No Casinos near homes, schools, churches,

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From: MEREDITH STROM <mandmstrom@comcast.net>
Sent: Monday, October 16, 2023 11:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Tribe request to build casino on East Shiloh Road in Windsor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing with regard to your upcoming council agenda item regarding a request by the KOI Tribe to build a casino on East Shiloh Road in Windsor.

I live on [REDACTED] and this project would have an immediate and potential disastrous affect on my life. During the recent fires when I had to evacuate my home twice all roads getting out were blocked because of traffic, including Faught Rd., Old Redwood Highway and the 101 freeway. Adding the numbers of cars this project would involve would create a situation that could result in not only property losses but possibly lives, especially for seniors like myself who cannot evacuate easily. Just the increased daily traffic on these country roads will certainly complicate my life immensely.

The noise and parking are also definite concerns for me, especially weekends and evenings. Esposti Park is on the corner of Old Redwood Highway and East Shiloh Park. This is a very well used park during evenings and weekends for many youth athletic leagues with the parking lot full and overflowing onto side streets and neighborhoods. This situation will increase when the huge low income housing unit on the opposite corner is occupied which I fear does not allow enough parking for its projected occupancy. Numerous bike rides commence at this park contributing to traffic and parking issues almost daily during many months of the year.

This is not just a small neighborhood issue. Traffic on and off the freeway, noise, parking, huge increases in water and power usage will affect all Windsor residents.

I urge you to officially oppose this project and recommend the KOI Tribe be denied their request to build a casino at this site.

meredith strom
[REDACTED]
Windsor, CA

From: Joanne Hamilton <jahamil@pacbell.net>
Sent: Monday, October 16, 2023 10:28 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino item 12.2

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The Draft responds does a very good point by point assessment of the EA. However, IMO, I feel it could be strengthened with a strong opening that the Town is against this location for the Koi project. Also, perhaps, a strong close to the same affect.

JoAnn Hamilton

From: Judith Coppedge <judithcoppedge727@gmail.com>
Sent: Monday, October 16, 2023 4:52 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comment for Proposed Koi Casino Mtg 10-18-23

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see the attached documents for your upcoming Town Council Meeting on the Proposed Koi Nation Casino.

October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, [REDACTED] Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental. Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.**
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE. (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).**
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Kol Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

- Potential harm and safety to families; potential loss of life

- Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

- Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

- Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

- Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

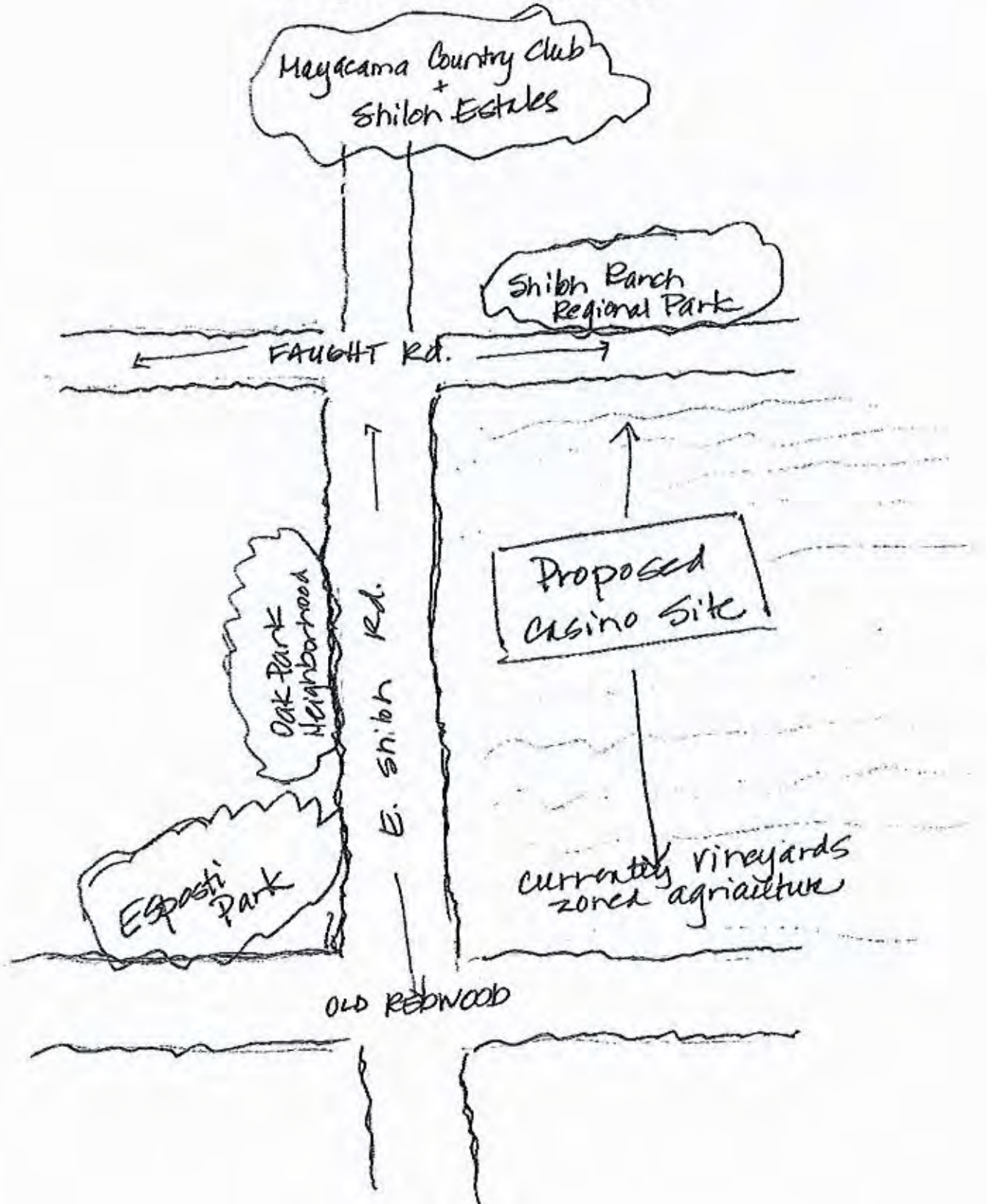


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site



From: C Plaxco <cplaxco143@gmail.com>
Sent: Monday, October 16, 2023 5:06:49 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I do not want Shiloh Casino in my residential neighborhood

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

- I have lived on [REDACTED] for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on [REDACTED] I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

Christine & Richard Plaxco
[REDACTED]

From: Don Ziskin <donziskinlaw@comcast.net>
Sent: Tuesday, October 17, 2023 8:06 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino Environmental Statement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

Thank you for the opportunity to comment on the letter from the City of Windsor to Amy Dutschke with the Bureau of Indian Affairs concerning the Environmental Statement. My (and my neighbors) chief concern is the impact the Koi Casino Resort will have during the next evacuation as well as on day-to-day life.

1. Transportation and Circulation/ Fire/Evacuation

My family and I are 31 years residents of [REDACTED], the development directly across the street from the proposed hotel/casino complex. We have been through the Tubbs and Kincaid fires and experienced gridlock during evacuations.

There is no information in the Environmental Statement referencing the results of the traffic study done over two wet, cold days in January 2022, nor was there any information concerning the basis for the estimated 11,213 to 15,579 trips a day to and from the casino. While their traffic study does acknowledge that the casino will cause a loss of services (LOS) they utilize a common phrase throughout the report. "Mitigation would reduce impacts to a less than significant level". Changing lane striping and signal phasing is not going to alleviate the LOS. There is no information in the TIS on how signal installation will impact traffic. Conclusory statements at the end of the Transportation and Circulation section simply state that "mitigation would reduce impacts". Further detailed analysis incorporating actual conditions is needed.

There is no substantive information on what their plan is or how their plan would impact the community in the event of an evacuation from fire or earthquake. The only time evacuation is mentioned is at the very end in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. Nowhere in the bullet points do they reference the single lane exit routes or the other surrounding community members trying to evacuate. There is no substantive information on what their plan is or how their plan would impact the community.

How will 5,000+ vehicles leaving the casino at one time during an emergency impact resident in Oak Park and east of the casino Shiloh entrance trying to evacuate?

How will morning and evening commutes be impacted by people traveling to and from the casino?

How will traffic signals at Gridley and Shiloh casino entrance impact traffic congestion on East Shiloh?

How will Casino and residential evacuation impact responding emergency services?

2. Other Casinos in Residential Communities

In response to scoping concerns over casinos in residential areas, the Environmental Statement references three casinos in California that are in residential communities; however, there are significant differences between the Yaamava, Pechanga and San Pablo casinos in the ES and the proposed Koi Casino Resort.

None have housing as close to the casino as does the Koi Casino. All have material differences in ingress and egress. None share a common entry/exit with private residences.

Pechanga is separated from homes by a four-lane parkway and a nature trail. The casino is over ¼ mile from residences. It was built on historical lands belonging to the Pechanga tribe for over 10,000 years in Temecula.

Yaamava casino, like the Pechanga Casino is built on the San Miguel Band of Indians historical land in San Bernardino. It was designed so that the casino entry way faced an unoccupied hillside on their reservation lands. The homes in the area all face the unlit, backside of the casino and are separated by open space and a service road. Driveways and roadways entering and exiting the casino are removed from any residential areas.

Like Pechanga and Yaamava, San Pablo casino does not share a common entrance with any residential community. Like Yaamava, homes around San Pablo Casino only face the backside of the casino area and residences are separated by trees and a creek. Also, the general area is mostly industrial and retail.

The Koi Casino Shiloh entrance will share a common intersection with the residents of Oak Park. Homes will be located on the corner of the intersection of Gridley and the East Shiloh entrance.

3. Acorn Environmental Statement

The neutrality of the report prepared by Acorn should be challenged . Their website identifies Tribal Fee to Trust Applications as one of their specialties. Acorn Environmental provides environmental studies for Native American Indian tribes. Acorn Environmental has a vested interest in minimizing environmental impact for their clients. Their ES utilizes numerous technical standards and regulations but fails to provide factual or substantive information of the impact the casino will actually have on the environment and community. The concerns raised in the scoping questions and

addressed by Acorn were determined to be insignificant after evaluation. Examples of common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.

Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

Compensating someone with money over the loss of well water is not insignificant or an adequate remedy.

Lastly, while I appreciate the City of Windsor's thorough analysis of multiple topics in the comment letter, I feel it is important that the city take a stronger position concerning the project. There is no question that this project will materially change every aspect of this community. In lieu of suggesting "an alternative project be investigated; it is important to address the four alternatives in the ES. It is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. This is not about the who, it is about the what! It will change from a residential, recreational community to a 24 hour a day commercial center.

Because the Environmental Assessment report is lacking any substantive detailed information on how the proposed casino project would impact the environment and local residents is imperative that a more detailed Environmental Impact Study be done unless Alternative D is adopted.

Thank you,

Donald Ziskin

Windsor, CA 95492

phone

From: betsy mallace [REDACTED]
Sent: Tuesday, October 17, 2023 7:16:07 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: public comments on Koi EA #12.2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to give feedback on your very detailed comment letter to the BIA regarding the on the Koi Casino Project's EA.

I have found, in my personal experience, that comment letters to the BIA have to be very direct. I think most of the comments should be strengthen by specifically calling out every instance of significant adverse impact. Please consider the following suggestions to be added to the letter.

It should be stated clearly that the town only supports option D. Options A, B, and C could/would all create a SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACTS to the town of Windsor. If they move forward with Option A, B, or C then the EA (as written) is incomplete/insufficient and an EIS must be required.

For the items you have stated are "inadequate", "unrealistic", "not-approve", "not-indicated" (missing), "not demonstrated", "could potential jeopardize", need "analysis", "inaccurate", "assume", "overstates", "misleading", "does not recognize", "not addressed" you need to clearly state that the EA as written has and/or could have a SIGNIFICANT ADVERSE IMPACT to the Town of Windsor. They have not proven that there is not significant impact to the Town of Windsor.

Where you have listed "objections", you again need to clearly state that this is or could be SIGNIFICANT ADVERSE IMPACT to the Town of Windsor.

Where any cost, fee, fund or improvement that will and/or could be assigned to the town of Windsor, it will create a SIGNIFICANT ADVERSE IMPACT to the town of Windsor.

I am surprised that you barely mentioned evacuation issues, but where you have stated that evacuation times will increase you must also clearly state this is a SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACT to the town of Windsor (and the entire community). Will any Windsor zones "safe route" be impacted by the proposed project? If so, please have this added to the comment letter.

Also, removing a natural fire break and replacing it with combustibles creates an UN-MITIGATABLE SIGNIFICANT ADVERSE IMPACT to the town of Windsor (and the entire community).

I hope you will consider my suggestions (bolding is mine, for emphasis only). Would you please remove all my contact information on this email, before you publish it?

Many thanks for your consideration,

Betsy Mallace

From: sandra george <bailey011@att.net>
Sent: Tuesday, October 17, 2023 8:00:31 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

October 17, 2023


Dear Honorable Mayor Reynoza, Vice Chair Salmon, Council members Wall, Fudge, And Potter,

We live across the street from the proposed casino, on Shiloh Road. We write to you to urge you at the extremist level. In your letter to the BIA, to OPPOSE the LOCATION of the proposed Koi Nation Shiloh Resort and Casino. To URGE the BIA to support option D, and not grant the land to the KOI Tribe.

In addition to all of your points of opposition in your letter. The proposed location is BORDERED ON 3 SIDES BY RESIDENTIAL HOUSING! In checking with our relator, we were advised that our property value would drop \$200,000 if a Casino is built on the proposed site. This would lead to loss of home values that could be in the Hundreds of millions of dollars. This would not only be a loss to each homeowner. But reduce property taxes to the Cities and County.

Every Town, City, County, and State official that spoke to the proposed site, were in opposition.

The only support is by the Carpenters Union, who are looking at a short term gain in work, while the rest of the community suffers long term losses.

Dave and Sandra George


October 16, 2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, Shiloh Vista, Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental. Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.**
- 3) The existing Environmental Assessment completely ignores the number one Issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE. (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).**
- 4) Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Kol Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

- Potential harm and safety to families; potential loss of life

- Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

- Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

- Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

- Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

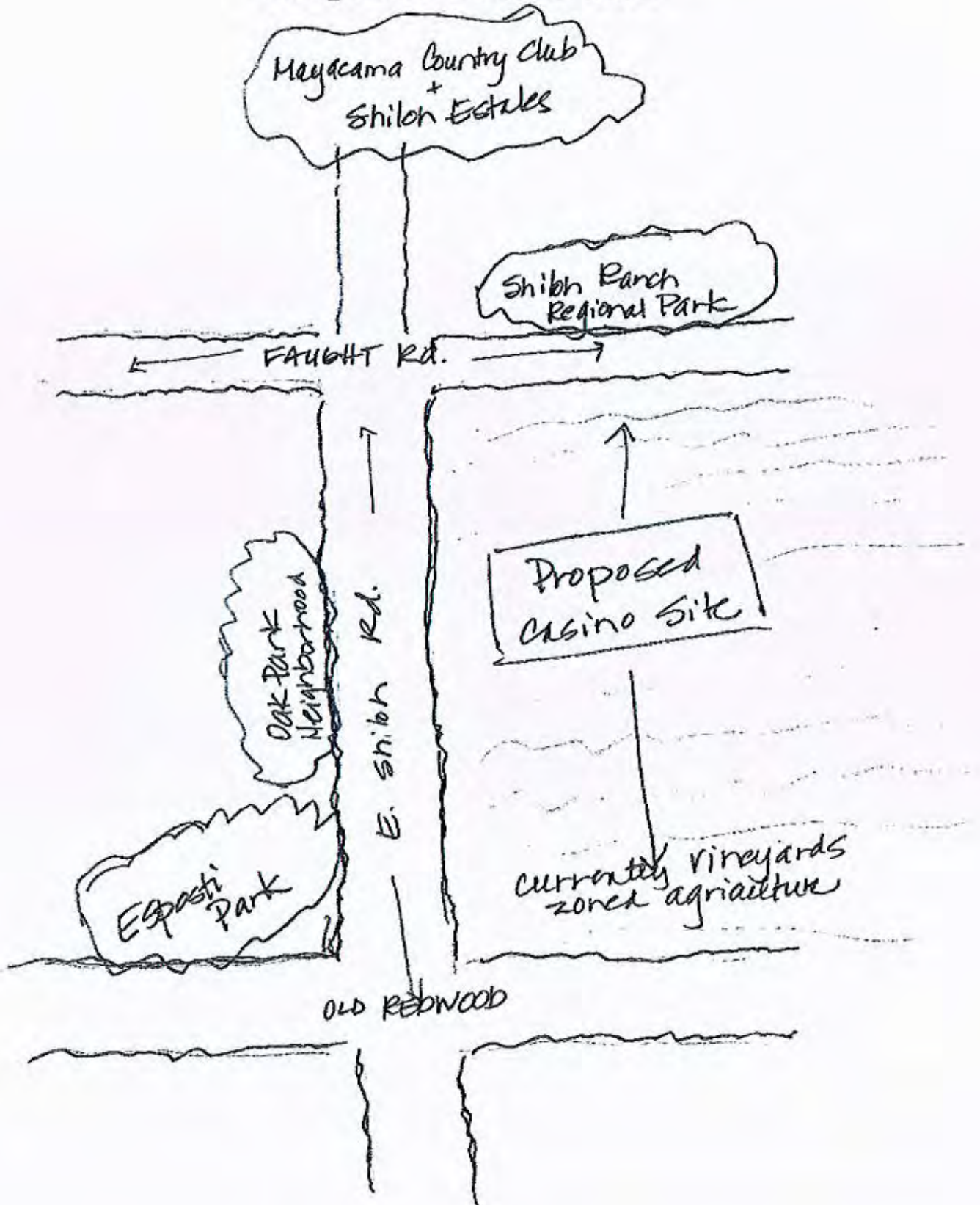


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site





County of Sonoma
State of California

Noolle Francis

Date: April 5, 2022

Item Number: 13

Resolution Number: 22-0121

☐ 4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Opposing the Establishment of a Casino By The Koi Nation, a Non-Sonoma County Tribe,
Within the County**

Whereas, the Sonoma County Board of Supervisors has consistently opposed the establishment of Nevada-style casino gaming in Sonoma County;

Whereas, within the geographic boundaries of the County of Sonoma, lies the historic and ancestral territory of five federally recognized Southern and Southwestern Pomo tribes: the Cloverdale Rancheria of Pomo Indians; the Dry Creek Rancheria Band of Pomo Indians; the Federated Indians of the Graton Rancheria, the Kashia Band of Pomo Indians of the Stewarts Point Reservation; and the Lytton Rancheria Band of Pomo Indians;

Whereas, within the geographic boundaries of Lake County, lies the historic and ancestral territory of seven federally recognized Southeastern Pomo tribes: Elem Indian Colony; Habematolel Pomo of Upper Lake; Big Valley Band of Pomo Indians; Scotts Valley Band of Pomo Indians; Robinson Rancheria; Koi Nation of Northern California (Lower Lake Rancheria); and Middletown Rancheria of Pomo Indians of California;

Whereas, in the 1950s and 1960s the federal government passed a series of laws including the California Rancheria Termination Acts, which among other things ended the federal government's relationship with, recognition of, and benefits to numerous tribes in California, including the Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County, and the Lower Lake Rancheria (Koi Nation) in Lake County;

Whereas, several tribes have been restored to federal recognition through legislation or litigation, including the Cloverdale Rancheria, Graton Rancheria, and Lylton Rancheria in Sonoma County, and most recently the Lower Lake Rancheria (Koi Nation) in Lake County;

Whereas, around 2005, after changing its name, the Koi Nation unsuccessfully sought to acquire a site for a Las Vegas-style casino outside of Lake County, near the Oakland International Airport; and in 2014 the Koi Nation unsuccessful sought to establish a reservation and casino on Mare Island in the City of Vallejo;

Whereas, in 2019, the United States District Court for the District of Columbia, issued a decision declaring that the Koi Nation, as a reaffirmed tribe, was an Indian tribe restored to federal recognition; see *The Koi Nation of Northern California v. United States Dept. of the Interior* (D.C. Dist. Ct, Jan. 2019) 361 F. Supp. 3d 14;

Whereas, in September 2021, the Koi Nation, through its LLC, Sonoma Rose, purchased a ± 68.60 acre parcel (Subject Land), located at 222 E. Shiloh Road, on the southeast corner of the intersection of Shiloh Road and Old Redwood Highway, in the unincorporated area of the County;

Whereas, Shiloh Ranch Regional Park is to the east, residential development is north and south, the Town of Windsor is to the north and northwest, and the Sonoma County Airport is to the southwest of the Subject Land which is largely agricultural;

Whereas, in September 2021, the Koi Nation submitted an application to the federal government requesting that the United States Department of the Interior accept the Subject Land into trust for casino gaming and resort purposes under Part 151 of Title 25 of the Federal Code of Regulations;

Whereas, Federal law requires that a tribe restored to federal recognition have a "significant historical connection" to the land on which it proposes to game, 25 C.F.R. 292.12(b);

Whereas, the Koi Nation intends to operate its own gaming facility on the Subject Lands

to the exclusion of Sonoma County tribes;

Whereas, the Board of Supervisors strongly opposes tribes from outside Sonoma County attempting to use their tribal status to place lands within the County in trust and/or to otherwise establish gaming operations within the County;

Whereas, the Board of Supervisors strongly opposes tribes that do not have a clear significant historical connection to a specific property, or do not have authority to exercise jurisdiction in Sonoma County, from taking such property into trust or using such trust property for gaming purposes;

Whereas, the Board of Supervisors continues to encourage Sonoma County tribes to establish boundaries to assist in the determination of trust applications and other tribal issues;

Whereas, the five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) each sent the Board of Supervisors a letter or tribal resolution expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior to accept the Subject Land into trust for gaming purposes due to the Koi Nation's lack of significant historical connection to the Subject Land;

Whereas, gaming projects have significant environmental impacts and other effects on a community, particularly in an area that is predominantly agricultural and residential; and the County's infrastructure may not be able to adequately accommodate the proposed facility and its accompanying traffic, water, wastewater or other impacts;

Whereas, the Board of Supervisors respects tribal sovereignty and takes seriously its government-to-government relationship with tribes, and has worked in good faith with Sonoma County tribes towards a variety of shared goals, including the mitigation of off-reservation impacts stemming from on-reservation development;

Whereas, the Board of Supervisors supports and joins with Sonoma County tribes in opposing the Koi Nation's efforts at obtaining trust lands and establishing a resort

casino in Sonoma County; and

Whereas, allowing a tribe without a significant historical connection to the Subject Land, the area in the vicinity of the Subject Land, or the County of Sonoma generally, sets a significant negative regional precedent:

Now, Therefore, Be It Resolved, that the Board of Supervisors opposes any tribe attempting to establish trust property, exercise jurisdiction, or establish a gaming facility within the historical territory of other tribes without those tribes' explicit permission and partnership and supports an interpretation by the Governor of California, National Indian Gaming Commission, Bureau of Indian Affairs, and Department of the Interior of existing compacts and federal law to that effect; and

Be It Further Resolved, that the Board of Supervisors opposes efforts by any tribe to take land into trust or operate a casino unless it can demonstrate, to the satisfaction of the County of Sonoma, the State of California, and the Department of the Interior, compelling and significant historical ties to the specific designated property at issue and the right to exercise jurisdiction over that land.

Supervisors:

Gorin: Aye

Rabbitt: Aye

Coursey: Aye

Hopkins: Aye

Gore: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

So Ordered.

RESOLUTION NO. 3743-22

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
IN SUPPORT OF RETAINING THE EXISTING SONOMA COUNTY GENERAL PLAN
LAND USE DESIGNATION OF LAND INTENSIVE AGRICULTURE FOR THE
PROPERTY LOCATED AT 222 E. SHILOH ROAD, ALSO IDENTIFIED AS
ASSESSOR'S PARCEL NUMBER 059-300-003**

WHEREAS, in September 2021, an application was submitted by a federally recognized tribe, the Koi Nation (formerly Lower Lake Rancheria), to the federal government requesting that the United States Department of the Interior accept a 68-acre parcel in unincorporated Sonoma County located at 222 E. Shiloh Road (Project Site) into trust for casino gaming and resort purposes under Part 151 of Title 25 of the Federal Code of Regulations; and

WHEREAS, while the Project Site is not within the Town of Windsor, the Town boundary is immediately adjacent to the north, the property to the west is within the Town's sphere of influence, and the Project Site is primarily accessed by Shiloh Road and Old Redwood Highway, portions of which are located wholly within the Town of Windsor; and

WHEREAS, the Sonoma County General Plan land use designation for the Project Site is Land Intensive Agriculture, the purpose of which is "to enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land"; and

WHEREAS, the Project Site is within the Windsor/Larkfield/Santa Rosa Community Separator, the purpose of which is to maintain a greenbelt between the more densely developed areas of Sonoma County; and

WHEREAS, properties adjacent to the Project Site have been designated for Very Low Density Residential and Boulevard Mixed Use land uses in the Town of Windsor General Plan; and

WHEREAS, the Project Site is at the eastern boundary of the Shiloh Road Vision Plan, which envisions development of the corridor in such a way as to promote walking and biking; and

WHEREAS, the planning for the density and intensity of these land use designations and for Town infrastructure in the area was done with the assumption that the Project Site would continue to be used for agriculture; and

WHEREAS, in February 2022, the County of Sonoma Board of Supervisors received letters or tribal resolutions from the five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior to accept the Project Site into trust for gaming purposes due to the Koi Nation's lack of significant historical connection to the Project Site; and

WHEREAS, on April 5, 2022, the Board of Supervisors of the County of Sonoma unanimously voted to adopt a resolution opposing the establishment of a casino by the Koi Nation within the County.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor supports retaining the existing Sonoma County General Plan land use designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road; and

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Windsor, support the continued use of the land for agricultural purposes; and

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Windsor, support the Board of Supervisors of the County of Sonoma in opposing the establishment of a casino on the project site.


PASSED, APPROVED, AND ADOPTED this 20th day of April 2022, by the following vote:

AYES: COUNCILMEMBERS FUDGE, REYNOZA, VICE MAYOR LEMUS
AND MAYOR SALMON

NOES: NONE


ABSTAIN: NONE

ABSENT: NONE



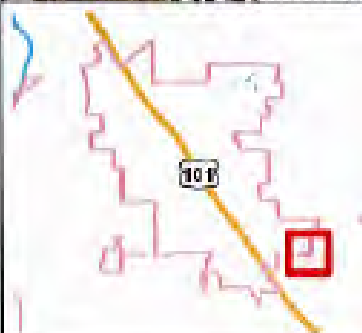
SAM SALMON, MAYOR

ATTEST:



IRENE CAMACHO-WERBY, TOWN CLERK

Attachment 4 - Project Vicinity Map



1/13/2024

Scale 1:4,800

0 Miles 0.08

rom: Verne Ball <Verne.Ball@sonoma-county.org>

Sent: Friday, April 5, 2024 1:59 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] NOI Comments, Koi Nation Fee- to-Trust and Casino Project'

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

Attached please find the County of Sonoma's scoping comments on the Environmental Impacts Statement for the Koi Nation casino project. A hard copy will follow in the U.S. Mail. We would request confirmation of receipt.

Best regards,

Verne Ball
Office of Sonoma County Counsel
575 Administration Drive, Rm. 105A
Santa Rosa, CA 95403
(707) 565-2495

...

[Message clipped] [View entire message](#)

One attachment • Scanned by Gmail



ROBERT H. PITTMAN, COUNTY COUNSEL

575 Administration Drive, Room 105A
Santa Rosa, CA 95403

P: (707) 565-2421

F: (707) 565-2624

Assistant County Counsel
DEBBIE F. LATHAM

Chief Deputy County Counsels

JENNIFER C. KLEIN
CORY W. O'DONNELL
ADAM L. BRAND
JOSHUA A. MYERS
TASHAWN C. SANDERS

Deputies

TAMBRA CURTIS
LISA PHEATT
HOLLY RICKETT
VERNE BALL
IAN TRUEBLOOD
ELIZABETH COLEMAN
PETRA BRUGGESSER
CHRISTA SHAW
MICHAEL KING
KARA ABELSON
DIANA GOMEZ
ALDO MERCADO
SITA KUTEIRA
JEREMY FONSECA
LUKE BOWMAN
MATTHEW LILLIGREN
MAILE DUNLAP
KRISTIN HORRELL
IVAN JIMENEZ
SHARMALEE RAJAKUMARAN
NATHANIEL RAFF
ETHAN PAWSON
JOSEPH ZAPATA
ALEXANDRA APODACA
DAVID LUSBY

April 5, 2024

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, California 95825

RE: NOI Comments, Koi Nation Fee- to-Trust and Casino Project

VIA U.S. MAIL AND EMAIL

Dear Regional Director Dutschke:

The County appreciates the opportunity to comment on the scoping of the Environmental Impact Statement for the Koi Nation's Proposed Shiloh Resort and Casino Project. The County previously submitted comments on the Environmental Assessment that are relevant to scoping. These comments are attached to this letter for your convenience.

In addition, Congress recently amended the National Environmental Policy Act (NEPA) to explicitly codify the following requirements for Environmental Impact Statements:

- (D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document;
- (E) make use of reliable data and resources in carrying out [NEPA];
- (F) consistent with the provisions of [NEPA], study, develop, and describe technically and economically feasible alternatives;
- (42 U.S.C. § 4332.)

Consistent with these recent amendments, the County requests that the Bureau implement independent peer review for any work that is produced by consultants who are under contract with the applicant. The County further requests that this peer review process be transparently discussed in the Environmental Impact Statement.

The County also requests that alternatives, including alternatives to the proposed location for the project, be "developed" at a level of detail that provides the Bureau with useful information and realistic options.

Finally, the County requests that the Bureau discuss its own role in ensuring mitigation measures are not illusory, and if the Bureau envisions reliance on mitigation measures that involve agreements, actions, and/or cooperation with non-tribal parties, how this would work both legally and practically.

Sincerely yours,



Verne Ball

cc: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs,
chad.broussard@bia.gov

Attachment





ROBERT H. PITTMAN, COUNTY COUNSEL

575 Administration Drive, Room 105A
Santa Rosa, CA 95403

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ALDO MERCADO
SITA KUTEIRA
JEREMY FONSECA
LUKE BOWMAN
MATTHEW LILLIGREN
MAILE DUNLAP
KRISTIN HORRELL
IVAN JIMENEZ
SHARMALEE RAJAKUMARAN
ETHAN PAWSON
JOSEPH ZAPATA
ALEXANDRA APODACA

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Rm W-2820
Sacramento, CA 95825

Chad Broussard (via email)
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
Chad.broussard@bia.gov

RE: EA Comments, Koi Nation Shiloh Resort and Casino

November 13, 2023

Dear Ms. Dutschke and Mr. Broussard:

On behalf of the County of Sonoma, thank you for considering these comments on the Environmental Assessment (EA) prepared for the Koi Nation's proposed fee-to-trust application for its Shiloh Resort and Casino Project. The County is mindful of the Bureau of Indian Affairs' (Bureau) roles in reviewing and deciding on the application made by the Koi Nation and its role as a trustee for lands already held in trust for tribes in Sonoma County. The County is respectful of tribal sovereignty and understands the need for tribal self-determination and economic development to provide for tribal members. At the same time, Sonoma County objects to any attempt on the part of the federal government to take the present 68 acres of land located east of the Town of Windsor into trust for the benefit of the tribe for gaming in a manner that violates federal law.

Given the significant impacts of the project, and the controlling law that requires an Environmental Impact Statement (EIS) on these facts, the County of Sonoma respectfully urges the Bureau to forego any attempt to use this document to support a Finding of No Significant Impact (FONSI). This is not supportable. The County of Sonoma objects to the inadequate analysis and mitigation in the EA, and the failure of the Bureau to take a "hard look" at the environmental consequences of this proposal, as required by the National Environmental Policy Act (NEPA).

The Bureau should stop, think, and prepare the EIS that NEPA requires.

I. The EA contains inadequate analysis of the significant impacts of the project and an EIS must be prepared.

The Bureau has prepared a complete EIS for other very similar casino projects within Sonoma County, as well as elsewhere in California. By way of example, in Sonoma County, the Cloverdale Rancheria Band of Pomo Indians' fee-to-trust application sought 69.77 acres of land in trust for gaming about 25 miles north of the subject site. An EIS was prepared for the Cloverdale project.¹ The Bureau's action on the Cloverdale site was for a resort casino and hotel, including a tribal government building and 3,400 parking spaces, for a total non-parking square footage of 595,600 square feet. By way of comparison, the Koi Nation's project is for a similar project without a government building, and totals 807,067 square feet for non-parking coverage, and 5,119 parking spaces in addition (1,689,380 square feet in addition). For a similarly sized proposed land area, the Koi casino square footage is 135.5% of that proposed by Cloverdale, its hotel rooms are 164% of that proposed by Cloverdale, and the number of parking spaces is 150.5% of that proposed by Cloverdale. Even if the current project were to be reduced in size to what Cloverdale proposed, common sense would dictate an EIA. While an EA may be appropriate for some projects, the Koi Nation's destination casino project is not one of them.

The EA concedes that the project will have numerous significant impacts, but then backs away from the obviously required significance findings based on regulatory requirements that do not exist, inadequate baseline information to inform analysis, inadequate environmental analysis of direct and indirect impacts, inadequate analysis of cumulative impacts, inadequate and unenforceable mitigation requirements, the strategic mischaracterization of mitigation as "part of the project" to avoid accountability, vague and unenforceable project assumptions, and in many cases, a refusal to implement all the recommendations of the consultants that the EA itself relies upon.

The decision not to prepare an EIS for this project reflects a conscious refusal to take a hard look at the impacts of the project and indicates that NEPA review is improperly being used to paper over a decision that has already been made.

II. The EA is affirmatively misleading with respect to the "regulatory setting," contains no discussion of mitigation efficacy, and no evidence that key mitigation will be effective.

The EA is filled with references to California state law and State and local regulatory standards. State law is discussed in most of the "Regulatory Setting" sections of the impact discussions, and also in Appendix E. However, the project may only be

¹ <http://www.cloverdalerancheria.com/eis/deis.htm>

built if the land is in trust and hence not within the civil regulatory jurisdiction of the State of California or County of Sonoma. Each reference is misleading because the referenced State legal requirements and local regulatory requirements do not apply to the project. The EA avoids providing a description and discussion of the actual regulatory setting (and associated issues with mitigation implementation that this setting presents). Tribal sovereign immunity is not mentioned in the EA, much less in the context of mitigation measures.

There is no discussion of what mechanism will be available or used by the Bureau as the decisionmaker on the Koi Nation's fee to trust application to impose enforceable mitigation on the Tribe. It is one thing to discuss how environmental impacts are addressed by existing, enforceable requirements, but it is quite another to pretend that impacts are addressed by background regulations that do not exist.

In places, the EA's impressionistic discussion of State law and tribal requirements is about as far from a "hard look" as one can get. Section 2.1.9 states:

The proposed facilities would conform to applicable tribal building code requirements, which would be generally consistent with the CBC and California Public Safety Code, including building, electrical, energy, mechanical, plumbing, fire protection, and safety. An indoor sprinkler system would be installed to provide fire protection.

There is no indication that the Tribe currently has tribal building codes with "applicable" requirements, but if they existed, they would apparently only be "generally" consistent with the "California Public Safety Code" – a California statute that does not exist. The analysis appears to be based on an imaginary code that is based on an imaginary code. If there are tribal codes that apply, their text should be provided in the NEPA process such that their adequacy can be commented upon and evaluated.

It is also clear on the face of the EA that cited regulatory standards are being ignored. As noted by West Yost (Exhibit A), a great deal of emphasis is placed on compliance with Title 22 of the California Code of Regulations in the EA's discussion of recycled water (EA, Appendix B, 2-16, 4-2 and 4-3), but the whole dual plumbing design (using non-potable water within a building with food facilities, 22 Cal. Code Regs. § 60313), squarely violates Title 22.²

² Assuming compliance with Title 22 and non-compliance at the same time makes the EA fundamentally unclear. A project that complies with Title 22 would require a different water balance analysis than is found in the EA.

Compounding the problem is the fact that the EA discusses critical mitigation measures as “Best Management Practices” (Table 2.1-3) raising the issue of whether these purported “practices” will actually occur absent monitoring and enforcement. The Bureau’s own NEPA guidance (59 IAM 3-H) is clear that mitigation measures must be enforceable to justify a FONSI. Simultaneously, the Bureau’s analysis in the EA is clear that compliance with Table 2.1-3 is critical to the impact conclusions in the EA. The analysis returns to Table 2.1-3 for these conclusions repeatedly. There must, at a minimum, be a mitigation measure that requires compliance with Table 2.1-3 or, alternatively an explanation of how these critical requirements (which are not at all part of background legal requirements for the project) will be monitored and enforced. The entirety of Table 2.1-3 must be rewritten to allow the evaluation of the efficacy of the mitigation and remove the escape clauses – by way of example, “[e]xhaust stack and vents will be positioned to limit odor exposure to sensitive receptors *to the extent feasible*.” Characterizing critical “mitigation” as “practices” to avoid environmental accountability hides the ball in terms of impact analysis and subverts NEPA’s basic purpose.

The failure to discuss the actual “regulatory setting,” and the related failure to discuss why the “practices” and “measures” will be effective within that regulatory setting, is a fatal omission for NEPA compliance. The EA fails to provide the “reasonably complete discussion of possible mitigation measures” that is necessary to facilitate the “‘action forcing’ function of NEPA.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989); *S. Fork Band Council of W. Shoshone v. United States DOI*, 588 F.3d 718, 727 (9th Cir. 2009). Credible information on the efficacy of “practices” or “measures” must be provided, and enforcement and monitoring must be implemented. Where “measures” or “practices” are illusory, they cannot legally provide the basis for a FONSI.

III. The EA’s discussion of groundwater and water quality impacts is inaccurate and utterly inadequate.

The EA assumes that Pacific salmonids are not present in Pruitt Creek, stating “[l]isted Pacific salmonids are assumed to be absent from Pruitt Creek based on observations from the February 23, 2022, site assessment coupled with background research and lack of historic occurrences. The potential for Pacific salmonids to occur and use habitat in this far east portion of the Russian River Basin is temporally and physically limited.” In reality, federally listed steelhead, *Oncorhynchus mykiss*, 79 Fed. Reg. 20802, 20807 (2014), are known to exist in Pruitt Creek, and the attached memorandum by Jeff Church, a Sonoma County Water Agency biologist, documents observations both upstream and downstream from the project location. (Exhibit B.) Steelhead use this location, and the location is designated critical habitat. 70 Fed. Reg. 52488 (2005).

It is true that the reach of Pruitt Creek at the project site is intermittent, but the Bureau reaches the exact wrong conclusion based on this fact. The Bureau should recognize that this fish habitat is exceedingly sensitive to dewatering and pollution impacts, rather than justifying a truncated investigation based on an incorrect assumption that federally listed fish species are not present. As discussed by West Yost (Exhibit A), dewatering impacts need to be evaluated based on an evaluation of the baseline conditions that is sufficient to inform the impact analysis, and the EA makes conclusions that are entirely unwarranted based on the evidence. The Bureau may not rely on its own lack of investigation into hydrologic conditions to justify discounting environmental impacts. *S. Fork Band Council of W. Shoshone*, 588 F.3d at 727. The current cursory investigation and analysis is not adequate to determine that the project will not adversely modify critical habitat³ and result in significant impacts to salmonids. The project may well result in both significant impacts and violations of section 9 of the Endangered Species Act.

Further, the actual local flows in Pruitt Creek need to be evaluated to understand the baseline conditions; the EA's chosen proxy site 5.5 miles away on a different creek is not representative. (Exhibits A, C.) In addition, the analysis must include future projections given the changing climate. There is no evidence that the proposed wastewater discharge solution is feasible given actual streamflows, meaning that the EA's analysis of what will actually occur is dubious at very best. Robert Pennington, a Professional Geologist with the County of Sonoma, explains:

During the wet season, stored and treated wastewater would be discharged to Pruitt Creek. This has the potential to impact water quality and instream habitat for listed threatened and endangered species. [¶] The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. The EA assumes that streamflow of Pruitt Creek at the site is consistent with a U.S. Geological Survey (USGS) gauging station #11466800 located 5.5 miles downstream. USGS gauge #11466800 has a contributing watershed area of 251 square miles. The

³ The Bureau cannot take the position that taking this land into trust removes the protections of critical habitat under the applicable designation (70 Fed. Reg. 52488), because the habitat benefits from the existing designation.

contributing watershed area of Pruitt Creek at the Old Redwood Highway is 2.1 square miles, approximately 120 times smaller than the watershed area of the gauge used to estimate flow. Thus, the EA's analysis significantly overestimates streamflow of the site and the capacity for Pruitt Creek to dilute discharged wastewater. Similarly, the EA's analysis using overestimated streamflow vastly underestimates the required storage for recycled water. (Exhibit C)

Inadequate storage will lead to environmentally harmful discharges, and there is no enforceable mitigation that requires compliance with all aspects Title 22 in California Code of Regulations, and there is no mitigation that addresses the related issues addressed by California's recently adopted Recycled Water Policy.⁴ The study on which the EA is based admits that "contingency plans should be developed for low flow conditions" (EA, Appendix C, 2-21), but these have not been developed, disclosed, and analyzed. Similarly, crucial components of the recycled water system have not been disclosed, including a feasible plan to expand it. Absent trucking out of wastewater, which has significant impacts that are unanalyzed, it is foreseeable that the project will be forced to discharge recycled water at rates far above the agronomic rate of uptake for the recycled water discharge locations, leading to discharges to groundwater, and in turn, potential plant death that further exacerbates groundwater discharges.

Mitigation is necessary to avoid groundwater and surface water contamination, and a hand wave about Clean Water Act compliance is insufficient to excuse substantive analysis given emerging contaminants and the foreseeability of discharges to both groundwater and surface water. An inadequate initial design will lead to "upsets" and "bypasses," and claims that these harmful discharges are permitted. (40 CFR § 122.41(m) and (n).) In addition to nutrients, contaminants of concern that will exist in discharges to groundwater and stormwater include pharmaceuticals and related hormones, metals, microplastics, and PFAS. These contaminants will also be present in the project's biosolids.⁵ In the stormwater context, given the automobile-centric nature of the project, the Bureau also must evaluate emerging contaminants like 6PPD from tires, as these chemicals have recently been identified as a major driver in

⁴ State Water Resources Control Board, Water Quality Control Policy for Recycled Water, (2019)
https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/121118_7_final_amendment_oal.pdf.

⁵ Pozzebon, E.A., Seifert, L. Emerging environmental health risks associated with the land application of biosolids: a scoping review. *Environ Health* 22, 57 (2023).
<https://doi.org/10.1186/s12940-023-01008-4>.

salmonid extinction.⁶ The required good faith analysis must be based on the fact that the project is proximate to salmonid habitat, not on convenient but incorrect factual assumptions to the contrary.

Additionally, the Bureau must evaluate the cumulative impacts of the planned groundwater pumping in light of the other existing and readily foreseeable wells in the immediate area, and also evaluate the cumulative impacts of extraction on the larger groundwater basin. The Bureau has not done so. The project would pump groundwater from the Santa Rosa Plain groundwater subbasin – a basin that requires special planning under California’s Sustainable Groundwater Management Act (SGMA) to avoid adverse impacts. The groundwater in this basin is relied on for rural residential, agricultural, and municipal water supply. The EA fails to recognize – let alone analyze the impacts on – groundwater conditions and uses, and the EA lacks any analysis of long-term groundwater impacts. Mitigation measures are necessary to address groundwater impacts, and these are simply missing.

The current EA raises many more questions than it answers about whether and how the significant impacts of the project can feasibly be addressed. The current discussion only serves to document that they are not addressed. The EA cannot be used to support a FONSI for water quality and groundwater impacts. The groundwater “monitoring” mitigation measure merely documents that crucial information is missing from the EA that should have already been developed. The proposed “compensation” mitigation measure for groundwater depletion is not remotely adequate, and violates 40 CFR § 1508.20. The purported mitigation does not substitute for the environmental impacts that the EA ignores, and the EA similarly ignores the significant impacts of the mitigation itself.

In short, the EA is grossly deficient with respect to groundwater and water quality impacts.

IV. The EA fails to provide adequate analysis and mitigation for reasonably foreseeable impacts to law enforcement services.

The EA includes an analysis of Social Effects (e.g., gambling addiction, crime, drunk driving). Appendix B provides additional information on crime. The EA notes that increasing crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically, and concludes that the development, due

⁶ John Ramos, “Tire additive could push California salmon to extinction, study says,” CBS Bay Area, August 23, 2023, <https://www.cbsnews.com/sanfrancisco/news/tire-additive-could-push-california-salmon-to-extinction-study-says/>; Tian et al., “A ubiquitous tire rubber–derived chemical induces acute mortality in coho salmon,” *Science* 371, 185–189 (2021).

to its large gatherings of people, may result in increased calls to law enforcement. The EA then claims that “the addition of the Proposed Project is not expected to lead to a material increase in crime rates in the area.” The EA concludes the proposal would increase total calls for service by 2.2% and increase total arrests by 1.4% (1,433 calls and 33 arrests).

This discussion is misleading. Contrary to the conclusions of the EA, the causal link to crime from casinos is clear, and there is no evidence that the project would not require additional law enforcement facilities. In 2012, before the opening of the Graton Casino, the area surrounding that location (288 Golf Course Drive) was very similar to the proposed project area, and it generated two calls for service. (In the calendar year 2022, the area surrounding the proposed site generated one call for service.) However, upon the opening of Graton Casino in 2013, the location generated 1,757 calls for service, an increase of 1,755 calls. Last fiscal year (22/23), Graton Casino generated 529 of the 6,680 calls for service in Sheriff’s Office Zone 5 (a very large Patrol Zone that includes the unincorporated areas surrounding Petaluma, Rohnert Park, and Cotati, stretching from the northern city limits of Rohnert Park to the Sonoma/Marin County border). The calls for service included, but were not limited to, assaults, trespassing, multiple types of theft, stolen vehicles, public intoxication, and drug activity. The decline from opening to fiscal year 22/23 in the case of the Graton Casino is not necessarily good news, as deputies are no longer specifically assigned to the casino and some crime previously reported by the assigned deputies themselves is possibly going unreported.

The proposed mitigation measure (EA, 4-7) to make “good faith efforts” to enter into a service agreement is inadequate, and provides no information regarding the contents of the agreement. The EA’s attempt to discount the impacts is discouraging. The requirement that the proposed agreement be based on “quantifiable direct and indirect costs” does not adequately mitigate the impact (1) without a description of how those costs will be determined and (2) without an enforcement mechanism, which together would demonstrate that the mitigation is not illusory.

V. The EA fails to provide adequate analysis and mitigation for foreseeable environmental impacts that will result from the economic impact of this casino.

The EA concludes that the project would not result in significant impacts due to the economic effects of the project. This conclusion is unsupported by the facts and evidence. The socio-economic report (EA, Appendix B) concludes that existing Sonoma County casinos would experience a possible business loss of 11% and 24% but concedes that none of the estimates hold any water if other casinos (such as the approved Cloverdale casino) are constructed. Completely elided from the EA is a discussion of the foreseeable *environmental* impacts of very foreseeable business

failures that may well occur as a result of this approval. These impacts bear on both the Bureau's NEPA and the Bureau's federal trust obligations.

The Global Market Advisors impact study (Appendix B) estimates that 95% of the proposed project's estimated revenues (\$473 million) will be diverted from existing local casinos (\$449.4 million). Appendix B then dilutes this local impact by saying this is only 13.7% of a much larger, non-local gaming market. However, the analysis concedes that the existing Dry Creek Rancheria's River Rock casino will face no less than a 24.4% decline in revenue, and Global Market Advisors further concedes that this is not a conservative assumption given the fact that other casinos could also be constructed. No analysis is provided of the economic effects if this assumption is incorrect.

The over-saturation of the gaming market has physical impacts on the environment and on other tribes. The introduction of this casino to the local casino market would not only negatively impact existing gaming casinos in the area but would likely cause the total closure of more remote facilities like the Dry Creek Rancheria's River Rock casino. The Bureau stands to be the proximate cause of this closure, and the proposed action is contrary to the federal government's trust responsibilities. It is entirely foreseeable that the Bureau's proposed action will result in a closure.

The EA fails to evaluate these readily foreseeable impacts. The economic context for the Dry Creek Rancheria Band's River Rock Casino, and other tribal casinos in the area, is particularly precarious given the opening of the Graton Casino in 2013. In 2014, the Dry Creek Rancheria Band defaulted on millions in bonded indebtedness (\$150 million) to its casino investors, and in contractual obligations (\$50 million) to the County of Sonoma pursuant to an enforceable intergovernmental mitigation agreement. (Exhibit D.) The Graton Casino broke ground on a \$1 billion expansion this year.

The EA is incomplete without a factual analysis of the continued economic viability of the proximate competitors, and an analysis of environmental impacts associated with closures of existing tribal casinos and resultant blight, deterioration, and loss of function of tribal infrastructure and services. The Bureau should conduct a good faith analysis of the economic and environmental consequences of its action, and stress test the assumptions based on all the facts that are relevant to the local context. This includes, but is not limited to, economic uncertainties and the effects of natural disasters on the gaming market.

In a context of foreseeable failures, perhaps most troubling in Global Market Advisors' analysis is the analogy to "gravity" (notably, without any disclosure of the actual math), as it strongly suggests a dynamic where the Bureau's fiduciary solution to failing casinos may be the expansion of larger and larger casinos to attract more visitors from greater distances. The Bureau must evaluate not only the foreseeable impacts of casino failures, but the growth inducing response to those failures that naturally will follow.

The current analysis of the economic and environmental consequences of the proposal is wholly inadequate for purposes of NEPA and raises serious questions about how the Bureau, as trustee, exercises its responsibilities when holding existing lands in trust for the benefit of distinct tribes, when presented with a proposed fee-to-trust application for another tribe.

VI. The EA's discussion of the project's significant greenhouse gas emissions and Vehicle Miles Travelled is inaccurate and incoherent, and the significant greenhouse gas impacts of the project are not mitigated.

The estimated greenhouse emissions from this project are extremely high, especially for this type of project. They are, disturbingly, much higher than they need to be. The estimates of operational emissions for Alternatives A, B, and C are respectively 69,862, 55,932, and 7,100 annual metric tons of CO₂ equivalent (MTCO₂E). (EA 3-138.) The Bay Area Air Quality Management District's (BAAQMD's) former significance threshold based on California's science-based emissions targets for 2020 was 1,100 MTCO₂E. California's targets have been reduced. A straight-line reduction of the former threshold based on current science-based targets for 2030 in California results in a 40% reduction, or 660 MTCO₂E.⁷ Likewise, the EA discloses extraordinarily high social costs related to the greenhouse gas emissions for this project: \$129,479,003 for Alternative A, \$103,352,963 for Alternative B, and \$13,374,218 for Alternative C. (EA 3-139.) These social costs alone indicate that the project's greenhouse gas impacts are significant. But rather than mitigating the very significant greenhouse gas emissions of the project, or finding that they are significant in a good faith analysis in an EIS, the EA attempts to hide the ball and assert that the project is compliant with BAAQMD's recently revised guidance. (EA, 3-140.) It is not.

In 2022, BAAQMD revised its threshold to be based on the absence of the build out of any new natural gas infrastructure, and on a 15% reduction in vehicle miles travelled (VMT) below the regional average per capita. (Exhibit E.) The EA purports to rely on this threshold. The threshold is an aggressive ratcheting down of the prior threshold based on the severity of the climate crisis. The goal of the threshold is to evaluate the design elements that are necessary to facilitate achieving *complete carbon neutrality* in California by 2045. (Exhibit E.) The natural gas component is based on the

⁷ Under Health and Safety Code section 38566, SB 32 (2016), California's emissions reduction mandate for 2030 is 40% below its prior goal for 2020. Thus, many agencies have used 660 MTCO₂E as an extrapolation of BAAQMD's 2020 threshold for this type of project (1,100 MTCO₂E), as BAAQMD's threshold was based on California's 2020 targets. The alternatives in the EA are 105 times, 65 times, and 10 times this significance threshold.

judgment that global climate goals cannot be met with the expansion of natural gas infrastructure, given the need for major emissions reductions from existing infrastructure. The VMT component is based on guidance from the State's Office of Planning and Research, which the EA acknowledges.

The EA states:

The Bay Area Air Quality Management District (BAAQMD) provided guidance in 2022 to determine the significance of climate impacts from land use projects (BAAQMD, 2022c). If a project will not include natural gas appliances, will not result in wasteful, inefficient or unnecessary energy use, will reduce project-generated vehicle miles traveled (VMT) below the regional average, and will provide EV facilities consistent with current California building standards, then a project's climate change impact is considered less than significant. The BMPs described in Table 2.1-3 provide for the use of electric boilers and appliances, avoidance of inefficient energy use, and installation of EV facilities consistent with current California building standards. As presented in Section 4 of Appendix I, Alternatives A, B and C would result in over a 15 percent reduction in VMT compared to the Sonoma County region. Therefore, with the implementation of BMPs, implementation of the project alternatives would not result in a significant adverse cumulative impact associated with climate change. (EA 3-140.)

In reality, neither of BAAQMD's referenced criteria are met. The project is not foregoing all natural gas as BAAQMD's threshold requires for a finding of "less than significant." Instead, Table 2.1-3 states: "The Tribe will use electric boilers and appliances in lieu of natural gas or propane units *to the greatest extent practicable*," whatever that means. The only thing this language clearly suggests is that the Tribe has considered the BAAQMD guidance regarding natural gas and rejected it.

Worse, the EA's statement that the project will result in "a 15 percent reduction in VMT compared to the Sonoma County region" has no basis whatsoever. Very clearly, this is not a VMT reduction project. The project's sponsors hope to draw customers from a very wide region, and have proposed no less than 5,110 parking spaces for the project. The study relied upon only looks at vehicle miles travelled associated with employees, not project visitors, which is to say that most VMT associated with the project is being ignored. This is the case even as the economic analysis in Appendix E, pages 65 and 66, describes a very large geographic market for visitors to the project, with the bulk of visitors not coming from Sonoma County. The purported "logic" of the EA is that: "The project's Home-Based VMT per employee value of 10.20 is lower than

the 85% VMT threshold for the Sonoma County region (10.53 VMT per employee). Thus, the proposed project at full buildout is expected to have a less-than-significant impact on VMT.” These numbers do not elucidate the project’s impacts. *Even after* improperly ignoring the visitor VMT completely, the VMT numbers cited reveal significant impacts. The EA deliberately evaluates the employee VMT average against the Sonoma County average rather than the regional average (which is significantly lower, because the region includes the metropolitan areas of the Bay Area),⁸ and then, by a thin margin, finds the outcome to be less than significant. To the extent that any component of the math is credible at all, it has been subjected to outcome-oriented manipulation.

Nor do the practices in Table 2.1-3 address the greenhouse gas impacts as the EA claims. The Bureau has deliberately chosen mitigation language in Table 2.1-3 that is utterly vague and unenforceable: “Shuttle service to and from population centers will be provided *as feasible*, which would reduce CAPs and GHGs.” The fleet mitigation is similarly vague and unenforceable, and has no standard through which efficacy can be evaluated. At the same time, as discussed more fully below, *all* of the recommendations of the traffic consultant concerning transit and pedestrian infrastructure have been summarily rejected without any explanation in the EA.

On top of these problems, the modeling assumptions in Appendix F do not hold up for very potent greenhouse gases like methane. Appendix F assumes “mitigation” that is not applied. While an unenforceable recycling “practice” has been proposed, no mitigation is imposed on the project requiring the source separation of organic waste such that it can be diverted from landfills. The lack of a feasible plan for organics diversion (including for biosolids), and the lack of any discussion of the project’s integration with related landfill diversion processes under SB 1383 (2016), means the landfill diversion estimates are not credible. This in turn means that the assumptions about project emissions for potent gases like methane are not credible. Landfill diversion cannot be assumed if the project actively thwarts diversion.

The only way to reach the conclusion that the project’s greenhouse gas impacts will be less than significant is by systematically ignoring the data, which the EA does. Perhaps the Bureau could use a different science-based analytical framework than BAAQMD and California’s Office of Planning and Research have used, but it is arbitrary and capricious to manipulate data and say that cited significance criteria are met when they are not. A good faith analysis of the greenhouse gas impacts must be conducted, and if the analysis is based on an EA, the strategy of avoiding accountability by placing

⁸ In the context of similar attempts to dilute required VMT reductions, the California Office of Planning and Research (on whose guidance the EA purports to rely) has made clear that “regional average” means the average in the applicable Metropolitan Planning Organization, not the lower average within a county. (Exhibit F.)

mitigation with extensive escape clauses in the project description must be jettisoned. Given the project's high level of emissions, an EIS should be prepared. Absent an EIS, adequate and enforceable mitigation must be adopted for the project's emissions related to the project's energy sources, the project's energy consumption, transportation, and waste.

VII. The EA's traffic analysis ignores the recommendations of the underlying studies, and is based on inadequate and ineffective mitigation measures.

The EA reaches the logical conclusion that the project will have significant impacts on traffic without mitigation. However, the EA does not provide for enforceable mitigation that ensures that these impacts will be avoided.

The EA divides transportation into opening day mitigation and "cumulative" mitigation for 2040. For opening day, the mitigation measure states:

While the timing for the off-site roadway improvements is not within the jurisdiction or ability to control of the Tribe, the Tribe shall make *good faith efforts to assist* with implementation of the opening year improvements prior to opening day. (EA 4-8, emphasis added)

The Tribe does have the ability to enter into enforceable contracts to construct the improvements (with local government assent), but the language in the EA scrupulously avoids anything concrete or enforceable. As written, the mitigation measure would allow for mere cheerleading, even as the traffic study (EA, Appendix I) assumes that the Tribe or Bureau will be responsible for the entire cost. What is needed to avoid significant impacts is the improvements, not "good faith efforts" that the Bureau declines to specify. Further, the analysis does not confirm there are no constraints for the improvements (environmental, real property, etc.), and does not analyze the improvements themselves. Ultimately, the measure does not commit the Tribe and/or Bureau to the improvements. The structural problem with the analysis is therefore that the EA provides no actual evidence that the improvements will occur, which on its own requires an EIS given the fact that impacts to be mitigated are significant.

The same issues arise for the "cumulative" improvements. The EA says:

The Tribe shall make fair share contributions to the cumulative 2040 traffic mitigation measures. Funding shall be for design standards consistent with those required for similar facilities in the region. (EA, 4-8.)

First, the amount and timing of the payments is unspecified, and no evidence is provided that the cumulative improvements will actually be constructed on the timeline required to avoid significant cumulative impacts. There is no discussion of feasibility and constraints, and no discussion of any environmental issues that may exist with the improvements. Incredibly, the widening of Shiloh Road from 2 to 4 lanes is simply “assumed” without any substantive analysis (Appendix I, 168), and it is not required as mitigation – even as it is absolutely critical for the EA’s conclusions about impacts.

Second, critical details are omitted from the mitigation measure, such as the nature of the fair share calculation (Table 33 in the traffic study is not mandated), the timing of project cost determinations, and the timing of payments. This information is crucial to evaluate the efficacy of the mitigation. Cost determinations must be based on actual facilities that meet County design standards, not hypothetically “similar” facilities, to ensure the improvements can actually be constructed. Effective mitigation measures will require enforceable agreements with the County.

Worse, without explanation, the EA inexplicably declines to impose mitigation recommended in the traffic study (EA, Appendix I) that could help address the project’s transportation impacts. These recommendations include:

- “The proposed project should provide adequate pedestrian and bicycle facilities on its site (particularly at its planned driveways) to facilitate pedestrian and bicycle traffic to and from the project site.” (EA, Appendix I, 6-7.)
- “Provide concrete sidewalks, and marked crosswalks at the proposed project driveways to connect with existing and planned pedestrian facilities along Shiloh Road and Old Redwood Highway.” (EA, Appendix I, 6-7; section 15.4.)
- “Provide continuous, accessible pedestrian pathways between the nearby transit stops and project entrances.” (EA, Appendix I, section 15.4.)
- “Provide pedestrian and bicycle facilities between the proposed project’s driveways and the project’s main facilities to improve on-site pedestrian and bicycle circulation” (EA, Appendix I, section 15.4.)
- “The site is not proposing sidewalks along its frontages. However, pedestrian facilities should be provided at the two new traffic signals to provide a connection with the sidewalks on the north side of Shiloh and the urban features on the west side of Old Redwood Highway near the future signals at the church. TJKM also recommends constructing continuous, accessible pedestrian paths between the nearest bus stops, the project access points closest to Shiloh Road & Old Redwood Highway, and the nearest project entrances.” (EA, Appendix I, section 15.2.)
- “Sonoma County Transit (SCT) serves the project area. Route 60 mostly travels along Old Redwood Highway between Cloverdale and Santa Rosa on headways varying between one to two hours. There is an existing pair of stops adjacent to the corner of Shiloh Road and Old Redwood Highway. With the addition of

accessible pedestrian pathways between the stops and the project entrances, this route has the potential to serve employees and patrons in the Old Redwood Highway corridor.” (EA, Appendix I, 15.2.)

The failure to adopt these recommendations is unexplained. All of these mitigation measures would at least contribute to mitigating the very high VMT for the project. The EA’s departure from these recommendations is neither explained nor justifiable.

Similarly, without the “hard look” required by NEPA, the EA does not impose the queueing mitigations that the traffic study recommends. These omissions leave significant traffic impacts, including on safety, unmitigated. The mitigation section of the EA contains no mention of the mitigations recommended in the traffic study (Appendix I) in section 4.5 (p. 42, 43), section 8.0 (p. 89), section 12.2 (p. 129-132), section 5.5 (p. 57-58), section 9.2 (p. 99, 100), section 6.5 (p. 72), section 10.2 (p. 109, 110), or section 14.2 (p. 159-162).

Finally, the EA also modifies the mitigations in the traffic study without justification or explanation. There are, for example, discrepancies between turn lane mitigations in the traffic study and in the EA, as well as lane “storage length” recommendations, where mitigation has been reduced in the EA relative to the traffic study without explanation. Whatever the reason for these changes, there is no evidence that these changes are appropriate.

In sum, the proposed traffic mitigation is not adequate, and the discussion of traffic impacts does not constitute a “reasonably complete” discussion of the direct and indirect traffic impacts of the project.

VIII. The EA’s discussion of wildfire risks and mitigation is inadequate.

In the last decade, the project area has been the site of some of the worst wildfires in United States history. The project is very near to the burn areas of both the 2017 Tubbs Fire and the 2019 Kincade Fire. The EA acknowledges that the project is in a designated high fire risk area. (EA, figure 3.12-2.) The EA concedes that the elimination of fire barriers is a significant impact. Missing from the EA, however, is any recognition of the fact that the EA eliminates agricultural land that acts as a fire break (for the City of Windsor as well as for surrounding areas) and replaces it with flammable structures. This creates a potential ignition linkage from populated areas to a *very high* fire risk area. It is not as though the County has no experience with how this works. The EA contains a conclusory statement that no fire barriers will be eliminated. This is an odd mix of silly and irresponsible.

The EA cites State building standards relative to wildfire, and Former Chief Vern Losh recommends compliance with the wildfire (or “Wildland Urban Interface”) provisions of the California Building Code. (EA, Appendix N1.) The EA does not

discuss the fact that these codes are inapplicable, and the EA does not require that they be imposed. The EA fails to discuss the fact that even a single ember in a poorly placed vent can defeat the protections provided by (already inapplicable) fire codes. Hurricane-force winds can transport these embers long distances at high velocities. It is understandable that, beyond the California code requirements, Former Fire Chief Losh recommends “special care” with locations where embers could intrude. No mitigation that implements and requires this care is imposed. No third-party plan checks are required. No substantive post-construction reviews are required. Indeed, no mitigation measures have been imposed to ensure that Chief Losh’s generic assumptions about how projects should be built are true. Fire sprinklers are mentioned, but there is no discussion of the adequacy of water supplies and infrastructure to address firefighting. There is no discussion of the potential loss of water pressure or the frequent loss of power during fire weather, which can eliminate water supply. There is no discussion of the feasibility and impacts associated with the “back up” fire station that is proposed.

The outcome-oriented carelessness of the EA applied to very significant risks is unfortunate. Yet, the EA’s failure to substantively examine evacuation risks is even more troubling. Evacuation risks are environmental risks with which Sonoma County has far too much familiarity. Evacuations have not always gone well, and timing has been crucial for the evacuations that have mitigated broader disasters. Very recent wildfires have required massive evacuations of the entire area in which the project is situated, including the complete evacuation of the adjacent Town of Windsor. The timely, total evacuation of the Town in 2019 was a key factor in allowing firefighters to save the Town and stop the further spread of the fire, as it allowed firefighters to battle flames without committing resources to rescues. (Exhibit G.) Evacuation requires sufficient infrastructure to allow occupants to leave and firefighters to enter without mutual interference. Experience has shown that the consequences of insufficient resources for evacuation can be dire.

Evacuation issues cannot be lightly treated as insignificant in Sonoma County. But that is exactly what the EA does. The CAS Safety Consulting LLC report makes numerous recommendations that have not been implemented in evacuation mitigation measures. Most problematically, these recommendations include traffic modeling that has not been completed. As the California Attorney General observes, “evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project’s design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process.”⁹ The “wait and see” approach

⁹ California Attorney General, “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act,” October, 10, 2022, <https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>.

which might suffice in some cases is completely inappropriate in this situation. The only thing close to modelling that has been disclosed is an implausible conclusion that a 6-8 hour estimate to evacuate the casino and the Town is adequate. The basis of the estimate is not provided, but the conclusion that this is possible is based on various assumptions. The assumptions include the questionable assumption that Shiloh Road will be expanded at opening, even as no mitigation is proposed to require this expansion prior to opening. The EA does not provide a plausible basis for concluding that the estimated time required for evacuation is sufficient, it does not state the range of cases where that conclusion would be true, and it does not stress test all assumptions – in terms of infrastructure, in terms of disaster response operations, and in terms of the increasing wildfire risks presented by climate change. The lack of adequate traffic mitigation greatly exacerbates the deficient analysis. The EA does not provide evidence that the impacts are less than significant.

Finally, and unfortunately, given the location and nature of the project, mitigation should be adopted to address the cleanup of the project if it does burn. It is well understood that commercial buildings that burn in wildfires present toxic hazards to the community,¹⁰ and the surrounding community will not be able to ensure these hazards are abated without the imposition of mitigation that addresses these risks. Federal assistance is generally not available for commercial projects. Where cleanups are not financially convenient, they do not occur without mandatory requirements. This will result in a significant impact without mitigation.

¹⁰ California EPA, Guidance for Conducting Emergency Debris, Waste and Hazardous Material Removal Actions Pursuant to a State or Local Emergency Proclamation, October 7, 2011, <https://calepa.ca.gov/wp-content/uploads/sites/6/2019/06/Disaster-Documents-2011yr-GuideRemoval.pdf>

IX. The EA fails to evaluate a reasonable range of alternatives.

Part of the reason why there is insufficient infrastructure for the project is the fact that the site is within an area where this type of project would never be permitted by existing local government planning. The location is zoned for agriculture,¹¹ but that is far from the only issue. Sonoma County local governments have each adopted Urban Growth Boundaries to contain auto-dependent sprawl and plan for city-centered growth. The County and the cities have voter approved Urban Growth Boundaries and Community Separators to preserve open space and protect Sonoma County's environment. The Community Separator areas are voter-approved districts that were created to preserve open space, retain rural visual character, limit new development in scale and intensity, and *specifically avoid commercial development*. The project is outside the Town of Windsor's Urban Growth Boundary and inside the County's Community Separator. The existing infrastructure does not support this type of project because inter-governmental planning has sought to avoid this type of development in this area.¹² The Bureau's Scoping Memo partially acknowledges this fact in discussing the utility limitations that flow from the Town of Windsor's Urban Growth Boundary, but does not acknowledge or discuss the larger planning context.

The EA lacks a reasonable range of alternatives, and reading the Bureau's EA is torturous, like watching a fly in a bottle. Given the site constraints in terms of resources and infrastructure, it is illogical and absurd not to include off-site alternatives in the analysis. The EA asserts that the availability of other sites is economically "speculative" but this conclusory assertion flies in the face of the other casinos that have already been developed in the Tribe's territory (as the EA defines it). It also ignores the known economic resources of the Tribe's backers in this project. (Exhibit H.) It is foundational NEPA law that "[r]easonable alternatives include those that are *practical* or *feasible* from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." 46 Fed. Reg. 18026, 18027 (1981) (emphasis in original); *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 669 (7th Cir. 1997) (federal agency has the "duty under NEPA to exercise a degree of

¹¹ Approximately 47 acres of the parcel consist of Farmland of Statewide Importance; 8 acres are designated Farmland of Local Importance; and 13 acres are Prime Farmland.

¹² The relevant policies in the County's General Plan include, but are not limited to: "Objective OSRC-1.1: Preserve important open space areas in the Community Separators shown on Figures OSRC-5a through OSRC-5i of the Open Space and Resource Conservation Element"; "Objective OSRC-1.2: Retain a rural character and promote low intensities of development in Community Separators. Avoid their inclusion in City Urban Growth Boundaries or Spheres of Influence. Avoid their inclusion within Urbans Service Areas for unincorporated communities"; "Policy OSRC-1b: Avoid commercial or industrial uses in Community Separators other than those that are permitted by the agricultural or resource land use categories."

skepticism in dealing with self-serving statements from a prime beneficiary of the project” regarding alternatives). Further, constraining the analysis of reasonable alternatives (and the “purpose and need”) to those that could be permitted under 25 CFR § 151.12 is contrary to longstanding Council of Environmental Quality guidance. 46 Fed. Reg. at 18027 (alternatives outside of lead agency jurisdiction must be analyzed; “A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered.”)

Picking a site for commercial development that is only available because local planning prevents commercial development of that site comes with multiple environmental and infrastructural challenges and costs. At bottom, it is hard to make this project work on this site without causing significant environmental impacts. The evaluation of off-site alternatives would allow the consideration of better sites, where the impacts could be better mitigated. If the site had better access to existing transportation (including multi-modal transportation) and utility infrastructure, the direct, indirect, and cumulative impacts would be easier to address. There is no need to site this project in a SGMA basin with water and wastewater constraints, or to site it in critical habitat for salmonids. The purpose and need and screening criteria have been engineered to screen out reasonable alternatives, and this is a completely unnecessary NEPA violation.

X. Conclusion.

The EA falls woefully short of providing “high quality” information and “accurate scientific analysis.” *350 Mont. v. Haaland*, 29 F.4th 1158, 1176 (9th Cir. 2022). “An EIS is required of an agency in order that it explore, more thoroughly than an EA, the environmental consequences of a proposed action whenever substantial questions are raised as to whether a project *may* cause significant environmental degradation. That is exactly the circumstances of this case.” *Blue Mts. Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 (9th Cir. 1998) (emphasis in original, citation and internal punctuation omitted). The County looks forward to reviewing an EIS for this project, and will be happy to provide additional information.

Sincerely yours,

Verne Ball
Deputy County Counsel

EXHIBIT A

November 9, 2023

Project No.: 782-60-23-02

SENT VIA: EMAIL

Verne Ball
Office of County Counsel County of Sonoma
575 Administration Drive
Santa Rosa, CA 95403
verne.ball@sonoma-county.org

SUBJECT: Koi Nation Shiloh Resort and Casino Project Environmental Assessment, Comments on Water Resources Assessment

Dear Mr. Ball:

The County of Sonoma has retained West Yost to review the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project, Sonoma County, California, prepared by Bureau of Indian Affairs, as Lead Agency. West Yost staff reviewed the EA evaluation of proposed water supply, stormwater, and wastewater facilities. The following documents were reviewed:

- Environmental Assessment for the Koi Nation of Northern California Shiloh Resort and Casino Project (September 2023)
- Appendix C - Water and Wastewater Feasibility Study
- Appendix D - Grading and Hydrology Study

West Yost staff prepared these comments and recommendations based on information provided in materials provided by the County and relevant documents referenced in the EA.

PROPOSED PROJECT SUMMARY

The EA analyzes the Koi Nation of Northern California (Tribe) construction of a casino, hotel, spa, conference and event center, restaurants, parking, and support infrastructure (Alternative A and referred to here as the Proposed Project), which includes construction of a drinking water supply system, as well as wastewater treatment and disposal. The EA states that the average potable water demand for the site will be 170,000 gallons per day (gpd) with a peak demand of 294,000 gpd to be provided by on-site production wells (up to 700 feet deep). The estimated average wastewater generation is 232,000 gpd with an average weekend peak estimated at 335,000 gpd. Wastewater treatment is proposed using a package immersed membrane bioreactor (MBR) producing 108,000 gpd of tertiary treated recycled water for toilet flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup. Tertiary treated wastewater would be seasonally discharged on-site to Pruitt Creek.

COMMENT OVERVIEW

The project will have significant impacts related to surface and groundwater resources as described in Section 3.3.3.2 of the EA. Unless otherwise indicated, all comments are in response to “Alternative A” which is identified as the Proposed Project. Alternative A represents the most intense development considered for the site and is therefore associated with the greatest potential impacts to water resources.

While the EA provides some useful information about the Proposed Project and alternatives, the analysis presented lacks critical information that is needed to evaluate the severity of the Proposed Project’s impacts. In general, the EA relies on regional rather than site specific data, its conclusions are often not supported by evidence, and the potential cumulative impacts of the Proposed Project are not considered. Additionally, some mitigation measures identified in the EA lack details needed to evaluate their feasibility and effectiveness, for example:

- **The EA lacks analysis and basic data needed to reach conclusions about likely impacts of the Proposed Project.** The potential impacts have not been fully analyzed and the EA lacks essential information needed to evaluate the project and alternatives.
- **Assumptions used in the analysis may be inappropriate and yield inaccurate results.** The water demand, wastewater production, and recycled water reuse values are based on assumptions that are not validated based on local conditions, without discussion of project-specific or site-specific conditions. For this reason, impacts appear to be underestimated.
- **The EA fails to consider the project’s impacts in the context of cumulative, reasonably foreseeable future development.** Nor does the analysis consider climate change affects projected to occur over the life of the project.
- **Mitigation Measures outlined in the EA are inadequate.** Because the mitigation measures lack specifics relating to monitoring, criteria for success, and modes of enforcement, there is no certainty that mitigation measures will be effective in reducing potential environmental impacts.

Each of these topics are detailed further below and presented in the following categories as ordered in impact analysis Section 3.3.3.2 of the EA:

1. *Surface Water* – New Structures and Impervious Surfaces in Flood-Prone Areas
2. *Groundwater*– Groundwater Pumping Impacts on Neighboring Wells
3. *Groundwater*– Proposed Groundwater Pumping Impacts on Sustainability Under the Sustainable Groundwater Management Act (SGMA)
4. *Wastewater Treatment and Disposal* – Effluent Discharge to Pruitt Creek
5. *Wastewater Treatment and Disposal* – Impacts to Laguna de Santa Rosa
6. *Wastewater Treatment and Disposal* – Wastewater Treatment and Recycled Water Use

SPECIFIC COMMENTS

The Water Resources Regulatory Setting identifies Federal and State Water Resource Regulations in Table 3.3-1. State regulations listed include Porter-Cologne Water Quality Act, Sustainable Groundwater Management Act, and Title 2 California Code of Regulations. However, it is unclear how these regulations and related policies would apply to the proposed project. California standards for wastewater treatment and disposal should be explicitly applied in technical assumptions, project description, impact analysis, and mitigation measure enforceability.

The EA lacks a discussion of climate change impacts and does not consider increased rainfall and higher temperatures in water and wastewater calculations. As noted in the North Bay Climate Adaptation Initiative's *Climate Ready Sonoma County*, Sonoma County is expected to experience more very hot days than in the past, and overall higher temperatures over a longer period of dry weather, even under forecasts that predict overall wetter conditions. Spring will come earlier and fall will come later, and these extended periods of hotter, drier weather will impact regional water availability. Heat will increase soil moisture deficit and reduce groundwater recharge, meaning that less water will be available even in futures with more precipitation. Heat will also increase the demand for water, exacerbating pressures on limited water resources in periods of drought (NBCAI, 2014).

1. Surface Water – New Structures and Impervious Surfaces in Flood-Prone Areas

The southwest portion of the site is within the Federal Emergency Management Agency (FEMA) regulated flood area and additional areas of the site are shown in The Town of Windsor's Storm Drainage Master Plan (2020) to be flood-prone.

Impervious Surfaces

The proposed action would increase impervious surfaces on the Project Site by up to 35.51 acres through the construction of buildings, circulation, parking, and infrastructure. Increased impervious surfaces would result in increased peak flows and increased total discharge from the Project Site during precipitation events. The Proposed Project will need to consider flood mitigations, to address potential downstream flooding and sediment transport impacts.

The EA states that the Proposed Project would limit post-development peak flow and stormwater volume to pre-development levels during a 100-year probability, 24-hour duration storm event. However, the plan to achieve this is not fully described or analyzed. Additional calculations and site planning are needed to demonstrate the feasibility of mitigating impacts from the significant addition of impervious surface area.

Floodplain Storage Capacity

Development on the site would displace agricultural land and floodplain area that currently provides floodwater storage and may exacerbate on-site and downstream flooding. Climate models forecast that the frequency and intensity of flooding will continue to increase beyond historical levels.

The environmental analysis should be expanded to consider impacts of climate change to the mapped limits of the 100-year flood and to the intensity of future flooding at the site. Additionally, the EA does not demonstrate how impacts to all floodplain functions would be mitigated to a less than significant level.

2. Groundwater – Groundwater Pumping Impacts on Neighboring Wells

The Proposed Project would pump groundwater from the Santa Rosa Plain groundwater subbasin. The Project Description estimates daily pumping of 170,000 gpd with a peak pumping of 294,000 gpd. Potable water would be sourced from on-site production wells, drilled up to 700 feet deep. Several existing wells are located in proximity to the site, including shallow residential wells at the Mobile Home Estate and two Windsor Water District municipal wells at Esposti Park, north of and in proximity to the Proposed Project site. The municipal wells are located within about 250 feet of the northwest project site boundary and about 2,200 feet from the "treatment area" as identified in Appendix C of the EA, the area tentatively designated for water and wastewater infrastructure.

The EA does not present a conceptual groundwater model of the site and limits the discussion of potential impact to the deep aquifer (300 to 600 feet deep). The geology of the Santa Rosa Plain is complex and groundwater pumping could adversely affect surface water flow and groundwater dependent ecosystems. An analysis of existing groundwater conditions and impacts of project pumping on nearby Pruitt Creek and potential cumulative impacts downstream in the Laguna de Santa Rosa is needed.

Water quality in the wells currently limits water use to irrigation. One of the wells at Esposti Park is used to irrigate the park. The other well, currently inactive, is identified in the Town of Windsor's Water Master Plan for future development of municipal drinking water and would include a water treatment process to remove contaminants.

Impacts to Neighboring Wells

The average and peak pumping of the Proposed Project could result in groundwater drawdown in neighboring wells and could significantly decrease the Esposti well output and potentially affect water quality. The Town of Windsor Water Master Plan (Woodard and Curran, 2019) estimates the sustainable yield of the municipal to be 400 gpm (0.6 million gallons per day) or 350 acre feet per year (AFY). Proposed Project pumping could significantly decrease the previously analyzed estimated yield. Groundwater pumping at the site could also result in adverse impact to domestic wells in the vicinity. This would include reducing production of neighboring wells and/or lowering groundwater levels below well pumps altogether, rendering neighboring wells unusable.

The EA cites a Town of Windsor 2017 aquifer test at the Esposti well as evidence that pumping from the aquifer deeper than 300 feet would not result in a decline in water level. However, although no drawdown occurred during that test, the test lasted only 28 hours. The aquifer test at the Esposti municipal well was over a short duration and is not an appropriate basis for assessing impacts of continuous groundwater pumping proposed as part of the Proposed Project. The EA further concludes, based on very limited data, that the Proposed Project would not affect groundwater levels or water availability in wells drilled to a depth of less than 370 feet. The EA lacks critical hydrogeologic data to reach this conclusion.

Additional groundwater monitoring is needed to confirm hydraulic separation between the upper and lower aquifers underlying the site and surrounding area. This monitoring should be conducted as part of the environmental evaluation and prior to project approval. Additional studies, including a well interference study and hydrogeologic testing, are needed to provide adequate information to allow for a reasonable evaluation of alternative development scenarios and impacts to neighboring wells.

Project wells should be located away from adjacent wells and outside the zone of influence around the existing Esposti wells. Pumping rates should be limited to amounts that avoid impacts to neighboring wells and ensure sustainable yield for the project wells and wells in the vicinity. Additional investigation and groundwater pump tests should be completed to determine the impact to nearby wells. Assessment of the impact to the municipal well, both the current use of the well for irrigation and future use as identified in the Town of Windsor Water Master Plan (2019), is needed to address cumulative impact.

Groundwater Mitigation Measure

Proposed Project groundwater pumping could adversely affect groundwater levels and well production. Mitigation measures listed in the EA include monitoring and compensation; however, the EA does not include metrics for determining when adverse impact has occurred, compensation actions that would be required should adverse impacts result, or an enforcement mechanism. The EA should clarify that both shallow and deep wells will be monitored and eligible for mitigation compensation.

The proposed mitigation measure to reimburse well owners should their well become unusable within five years of project pumping is not mitigation, let alone appropriate mitigation. The effects of environmental harm are more than monetary, and there are reasonably foreseeable indirect effects of unusable wells, such as impacts related to water hauling from traffic and associated GHG emissions, health and safety issues from lack of potable water, and impacts of extending municipal water service, that have not even been discussed.

Adequate data from both the shallow and deep aquifer should be collected prior to initiating groundwater pumping to fully evaluate the impact. Actions should be identified to avoid impacts to neighboring wells. The proposed mitigation measures further indicate that the Tribe, at its discretion and cost, could provide an alternative water supply. However, the EA does not identify the source of these alternative water supplies and it does not provide an evaluation of potential impacts associated with the buildout of alternative supplies. The buildout of alternative water supply infrastructure would likely have significant impacts that need to be analyzed.

3. Groundwater – Groundwater Pumping Impacts on Sustainability Under the Sustainable Groundwater Management Act

With the Sustainable Groundwater Management Act (SGMA), California has identified groundwater basins that require special planning to avoid adverse impacts. The project is in one of these basins. The Santa Rosa Plain Groundwater Subbasin (basin number 1-55.01) is categorized as a medium priority basin by the California Department of Water Resources (DWR) and is, therefore, subject to special regulation and planning efforts. The Santa Rosa Plain groundwater basin is regulated under SGMA because the basin is densely populated, and groundwater use is relied on for rural residential, agricultural, commercial, and municipal water supply. Groundwater management is needed to avoid adverse impacts to the groundwater basin, but there is no discussion in the EA of the unique relationship of this project to groundwater management.

DWR approved a Groundwater Sustainability Plan (GSP) for the basin in January 2023 and the Groundwater Sustainability Agency (GSA) has prepared and will continue to prepare annual reports that provide updates about current groundwater conditions. The GSP states that the groundwater stored in the shallow and deep aquifer systems is declining on average by about 2,100 AFY. The 2022 Annual Report indicated that groundwater levels and groundwater storage capacity are stable but, importantly, future declines are projected. The Annual Report further indicates that more data are needed to assess the health of groundwater to interconnected surface waters and the impact of pumping on groundwater-dependent ecosystems.

Consistency with Santa Rosa Plain Groundwater Sustainability Plan (GSP)

The EA is significantly flawed by not considering cumulative impacts of groundwater extraction. While the analysis mentions the Santa Rosa Plain GSA, it provides no analysis of the Proposed Project's compatibility with the adopted GSP. The EA should include analysis of long-term pumping of 300,000 gpd on potential undesirable results as defined in the GSP, including for water quality. Groundwater pumped from the deeper aquifer in the northern portion of the Santa Rosa Plain subbasin underlying the Project Site is documented to contain elevated concentrations of arsenic and manganese. These constituents have been a constraint for the Town of Windsor's Esposti Park wells and the effects of additional pumping on groundwater water quality is crucial information that is missing from the EA. Additional analysis should consider planned future pumping from the Esposti well, as discussed above.

Long-Term Municipal Water Supply

Proposed Project groundwater pumping may adversely impact Windsor Water District's ability to meet water demands with supplemental groundwater supply and may reduce water supply resiliency during a drought. The EA lacks an analysis of long-term groundwater supply and fails to acknowledge the current and future use of groundwater to meet water demands. The EA should include a water supply assessment that evaluates long-term water supply sustainability using a 45-year time horizon and consider future drought conditions and climate scenarios.

Current developments regarding local water supplies cannot be ignored in the analysis. The decommissioning of the Potter Valley hydroelectric facility and likely reductions in Eel River flows into the Russian River system, could result in reduction of surface water deliveries to the Town of Windsor, resulting in the need for future increased groundwater extraction from municipal wells.

Groundwater Quality

The EA indicates that wellhead treatment would be needed but does not describe the nature of waste products that would result from water treatment to attain potable water, nor is a disposal location identified. Improper disposal will result in, for example, soil and water contamination. The EA should include an analysis of the potentially significant impacts from removing contaminants from wells where groundwater does not meet drinking water standards.

4. Wastewater Treatment and Disposal – Effluent discharge to Pruitt Creek

The EA states that the project will produce and estimated average wastewater flow of 232,000 gpd and a peak weekend flow of 335,000 gpd. For the purposes of design, an average daily flow of 300,000 gpd and average weekend flow of 400,000 gpd was assumed, which is equivalent to about 110 million gallons/year. During the dry season, tertiary treated recycled water would be used onsite for toilet flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup. An additional 11-acres of off-site vineyard could also be irrigated. Appendix C presents several options for use and storage of recycled water in ponds and tanks. During the wet season, tertiary treated wastewater would be seasonally discharged onsite to Pruitt Creek.

The information presented in the EA does not fully analyze potential environmental impacts from proposed discharge of tertiary treated wastewater to Pruitt Creek. Additional analysis is needed to evaluate water-related impacts and support the EAs conclusion that there will not be significant impacts.

Seasonal Discharge Volume Estimate

The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants (WWTPs) to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. Pruitt Creek is an ephemeral drainage with highly variable flow volume. Appendix C relies on streamflow statistics from a U.S. Geological Survey (USGS) gauging station located 5.5 miles downstream of the site, which significantly overestimates the capacity for discharge to Pruitt Creek. Appropriate discharge volumes must be calculated based on local stream flow data for the analysis to be reasonable.

Streamflow statistics at the downstream gauging station indicate that discharges immediately before and after the summertime months (May and October) may be limiting for the Proposed Project, and that streamflow rates are highly variable from year to year. Appendix C indicates that for any discharge scenario developed for the Proposed Project, backup contingency plans should be developed for low-flow conditions. However, the EA does not present this contingency plan, nor does it analyze potential on-site or secondary impacts of such discharge contingency.

The EA does not demonstrate the feasibility of seasonal discharge of anticipated wastewater flows to Pruitt Creek under all climate conditions, even though extremely varied climate conditions are foreseeable. The environmental assessment for the Proposed Project should include an analysis of seasonal discharge options to ensure capacity under all foreseeable climate scenarios.

Treatment Process Vulnerability

The Proposed Project includes construction of a self-contained package (immersed MBR) treatment plant to produce tertiary treated recycled water. The volume of influent will vary with casino usage, weather conditions, and infrastructure functioning. Any WWTP may be subject to “upset conditions”, when a sudden and unexpected event prevents the facility from operating properly. There is no indication that the Tribe has considered coordination or mutual aid agreement with other sanitary service providers to provide backup or support in the event of a WWTP upset. The Proposed Project should establish enforceable agreements to engage in mutual aid with one or more sanitary service areas.

Construction of Outfall in Pruitt Creek

Installation of a wastewater outfall structure in Pruitt Creek will adversely affect riparian habitat without appropriate mitigation. Operation of the outfall could alter the flow and hydrology of the Pruitt Creek, resulting in erosion and exacerbated flooding. Information is needed to evaluate the foreseeable impacts of the outfall structure on Pruitt Creek in all flow conditions.

5. Wastewater Treatment and Disposal – Impacts to Laguna de Santa Rosa

Discharge of tertiary treated effluent to Pruitt Creek, a tributary to Mark West Creek which flows into the Laguna de Santa Rosa, could have significant impacts on water quality in the Laguna de Santa Rosa. The Regional Board and the State Water Resources Control Board (State Board) have designated the Russian River and its tributaries, including the Laguna de Santa Rosa, as impaired waterbodies. The Regional Board has adopted policies and Total Maximum Daily Loads (TMDL) (some adopted and some under development) for a range of parameters, including sediment, temperature, pathogens, nutrients (nitrogen and phosphorus), dissolved oxygen, and sedimentation/siltation. The Water Quality Trading Framework for the Laguna de Santa Rosa Watershed adopted by the Regional Board in 2021 sets a “no net loading” effluent limitation for total phosphorus in National Pollutant Discharge Elimination System (NPDES) permits for WWTP discharge to the Laguna de Santa Rosa and provides a mechanism to offset total phosphorus inputs to the system. These regulatory tools recognize WWTPs as potential pollutant sources and provide the mechanisms to address water quality impairment.

The Proposed Project discharge of recycled water would add sediment, nutrients, and phosphorous to the Laguna de Santa Rosa watershed, undermining regional efforts to address existing water quality impairment. No analysis of the impact of project discharge on the Laguna de Santa Rosa watershed is provided. The Proposed Project could contribute to cumulative impacts in the Laguna de Santa Rosa that have not been analyzed. More evidence is needed to support the assertion the proposed discharge would comply with all current and reasonably foreseeable future policies, water quality trading framework, TMDLs, and implementation plans that support the Basin Plan.

The EA concludes that “surface water and groundwater resources from wastewater treatment and disposal activities associated with Alternative A would be less than significant,” but fails to demonstrate ability to meet nutrient limitations for discharge to Mark West Creek and its tributaries. The environmental assessment for the Proposed Project must include an analysis demonstrating how the Proposed Project would meet the no net phosphorous discharge required under the Nutrient Trading Framework and a full analysis of the proposed discharge in the context of adopted and future TMDLs. Standards for effluent phosphorous loads and for a phosphorus offset program should be identified and mitigation measures to reduce impacts of phosphorous discharge and secondary impacts of offset projects should be evaluated.

6. Wastewater Treatment and Disposal – Wastewater Treatment and Recycled Water Use

The information presented in the EA does not fully analyze potential environmental impacts from proposed use and storage of recycled water on-site and off-site. Additional analysis is needed to demonstrate the feasibility of on-site wastewater treatment, recycled water storage and reuse, and potential use of recycled water off-site.

Storage Tank Capacity

The proposed on-site recycled water storage ponds and tanks would be located in the “Treatment Area” in the southeastern portion of the site. Several options for recycled water disposal are presented in Appendix C, including construction of 12- to 16-million gallon recycled water storage tanks. This would provide adequate storage for about 40 to 50 days. Since discharge will not occur between May 15 and September 30 (138 days) significantly more storage, on the order of 40 million gallons, would be needed. Proposed facilities are not shown on the site plan and more information is needed to ensure that there is adequate space to accommodate needed storage, applying site-specific evapotranspiration (ET) rates and discharge volumes.

Evapotranspiration Rates

The landscape and crop ET calculation used in the EA are substantially different from the recycled water applications rates set for the Windsor Water district, the nearest permitted recycled water producer to the site. Site-specific and ET rates should be used to recalculate, together, for a more realistic estimate of the volume of effluent that could be discharged to Pruitt Creek to fully evaluate impacts related to onsite recycled water use and storage.

Recycled Water Reuse

The Proposed Project relies on dry season use and disposal of recycled water, but has not demonstrated adequate opportunities to reuse the volume of wastewater projected to be produced at the site. Eleven acres of off-site vineyards are an optional component of the recycled water balance; however, the proposed irrigation sites have not been identified. The Proposed Project includes use of recycled water for dual plumbing and toilet flushing, however the State Division of Drinking Water (DDW) and applicable regulations do not permit recycled water use in food service buildings, such as restaurants and bars. The stated reliance on State standards is misleading. The recycling of water should be a concrete mitigation measure, with an analysis of the impacts of that mitigation. The analysis should include a realistic estimate of recycled water production, reasonable estimates for recycled water reuse based on acceptable ET rates, and identification of all on-site and off-site recycled water use and disposal options consistent with Title 24.

Biosolids and Brine

Proposed wastewater treatment would produce biosolids and brine that would require disposal. The EA indicates that biosolids produced by the WWTP would be dewatered on-site and periodically hauled to a Class III landfill. In the very near term, State landfill diversion targets (per SB 1383) will require the diversion of biosolids from landfills, and recent CalRecycle regulations have already clarified that biosolids cannot be exempted from diversion targets as alternative daily cover. State law requires a 75 percent reduction in the landfilling of organic wastes by 2025. In addition, biosolids from WWTPs contain constituents of concern, including PFAS (per- and polyfluoroalkyl substances), and both direct and lifecycle impacts of these contaminants should be analyzed. Pyrolysis and disposal that does not involve land application has other foreseeable impacts. Proposed disposal sites that can accept biosolids and brine may be located at great distance for the Proposed Project site so associated transport greenhouse gas emissions and secondary impacts should be evaluated.

CONCLUSION

In conclusion, the Proposed Project may have significant impacts that have not been fully analyzed and additional investigation is needed. The EA does not present adequate evidence to support the conclusion that there will not be significant water resource impacts. Potential project and secondary impacts have not been fully analyzed and the EA lacks information essential for a reasoned choice of alternative development proposals for the site. In light of these deficiencies, we recommend preparation of an Environmental Impact Statement.

Sincerely,
WEST YOST

A handwritten signature in black ink, appearing to read "S. Potter", with a stylized flourish at the end.

Sandi Potter, PG, CEG
Senior Technical Specialist I

PG No. 5610
CEG No. 2170

EXHIBIT B



**Sonoma
Water**

MEMORANDUM

DATE: October 27, 2023

TO: Verne Ball, Deputy County Counsel

FROM: **Jeff Church, Senior Environmental Specialist at Sonoma Water**

PROJECT: Koi Nation Casino Environmental Assessment

SUBJECT: Documentation of observations of steelhead salmon (*Oncorhynchus mykiss*) in Pruitt Creek, Windsor California.

A few notes on observations of both resident rainbow trout and anadromous steelhead salmon (*Oncorhynchus mykiss*) in Pruitt Creek near Windsor, California.

The monitoring site was located in a reach of Pruitt Creek that crosses Faught Road, southeast of Windsor California. Observations were made on the upstream and downstream sides of Faught Road, including upstream to the creek culvert at Shiloh Ridge Road (approximately 450 linear feet of stream length). Pruitt Creek is perennial in pools immediately downstream of Faught Road and upstream of Faught Road approximately 0.5 miles as observed. Pruitt Creek transitions to an intermittent and ephemeral stream approximately 100 feet downstream of Faught Road during the dry season.

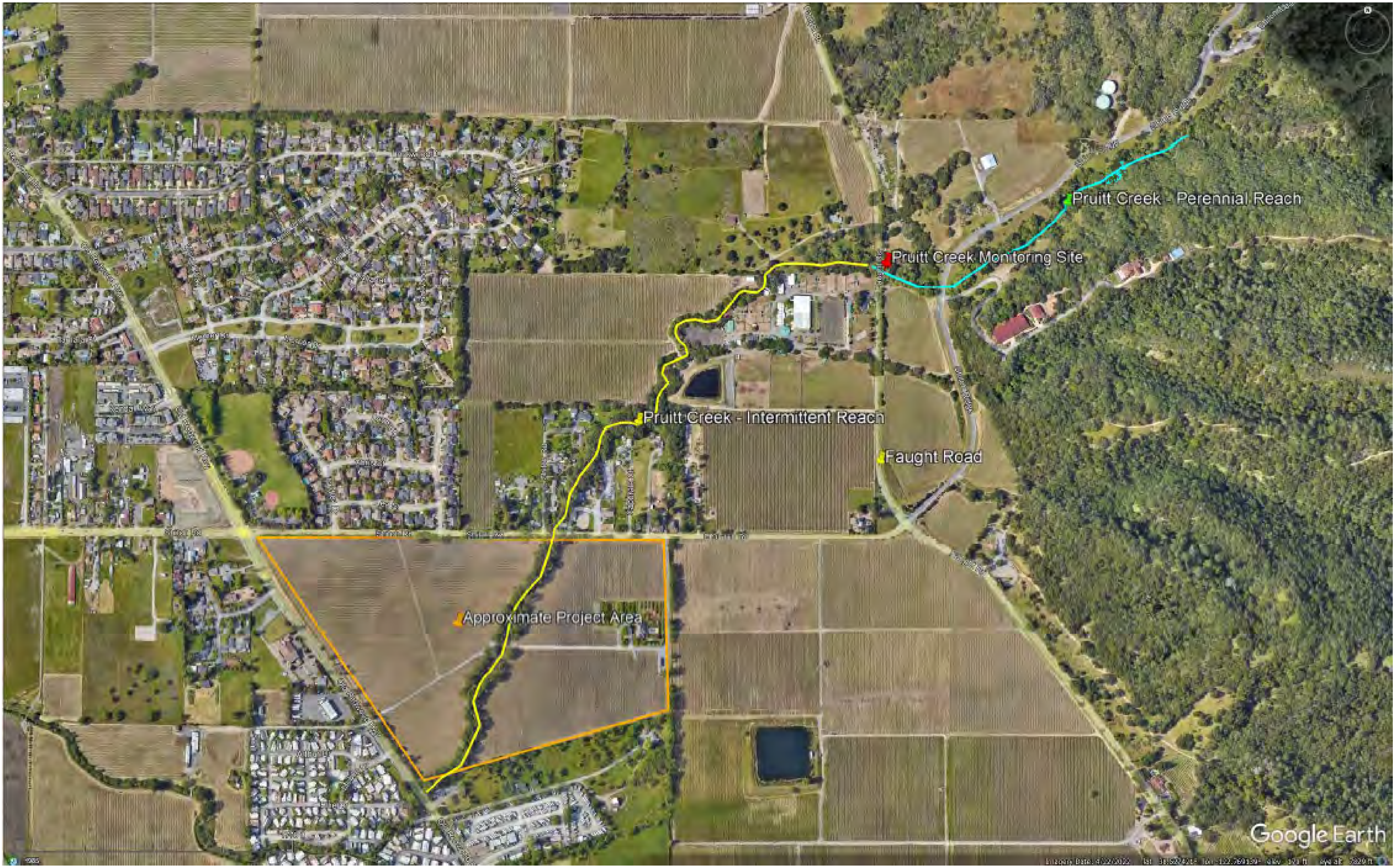
Monitoring began on December 7, 2001 and continued through July 28, 2016. Monitoring began as an effort to record water temperature measurements to determine whether Pruitt Creek could serve as a potential reference stream in the Russian River Watershed. As a reference stream it could provide information on natural water temperature patterns and ranges that could be expected to occur in similar sub-watersheds within the Russian River basin. Monitoring also included observations for the presence of steelhead salmon. Positive observations of the presence of steelhead coupled with water temperature data could be used to determine if water temperature regimes in Pruitt Creek (and similar sub-watersheds) are suitable for steelhead long-term survivability.

Monitoring frequency varied, with monitoring occurring as frequently as several times a day to as little as once or twice a week or monthly.

Steelhead were observed in all years of monitoring except during the beginning of the effort in December 2001 and winter/spring 2002 due to high turbidity (and low visibility) from a failed culvert and earthen creek crossing upstream of the monitoring location. The culvert and earthen crossing were removed and the site restored in late 2002 to early 2003. The majority of observations included resident rainbow trout of several age classes including fry and young of the year. Adult anadromous steelhead were observed migrating upstream on two different

occasions. The first observation occurred on February 3, 2008 and included one adult steelhead (approximately 18-20 inches in length) in a pool upstream of Faught Road but carried downstream to a pool below the Faught Road crossing. The second observation occurred on February 13, 2008 and included one adult steelhead (approximately 24 inches in length) under the Faught Road Bridge that also moved into the pool downstream of the crossing. This observation included a second smaller fish, approximately 10 to 12 inches in length.

Adult steelhead were also observed in Pool Creek downstream of the confluence with Pruitt Creek in a pool underneath the pedestrian bridge at Windsor Golf Course. Two separate observations of individual adult steelhead were made while golfing in the late 2000s or early 2010s. Observations were not part of a monitoring effort but were happenstance while golfing and so the dates are not exact, but the time period is accurate. Time of year was spring.



Pruitt Creek - Perennial Reach

Pruitt Creek Monitoring Site

Pruitt Creek - Intermittent Reach

Faught Road

Approximate Project Area

EXHIBIT C



MEMORANDUM

To: Verne Ball, Deputy County Counsel
From: Robert Pennington, Professional Geologist
Date: November 07, 2023
Subject: Koi Nation Casino Environmental Assessment, Pruitt Creek Observations

Dear Verne,

I reviewed the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project, Sonoma County, California, prepared by Bureau of Indian Affairs. I found the EA to be lacking in site specific analysis, particularly in regard to water supply and wastewater. This memo documents observed conditions in Pruitt Creek and discusses limitation to discharge of treated effluent to this waterway.

The National Hydrography Dataset identifies Pruitt Creek as intermittent, meaning that it has little or no flow for a substantial duration of the year. Local hydrologists and fish biologist know the Pruitt Creek near the project site to be dry for much of the year, even during the winter wet season, unless there have been substantial rains in the preceding months.

To verify stream conditions, I conducted a site visit on the morning of October 27th, 2023, and observed Pruitt Creek at the bridge crossing at Old Redwood Highway located immediately downstream of the project site. The creek was observed to be dry with no residual pools or standing water visible within 30 feet upstream or downstream of the bridge. See Figures 1 and 2. Note, the site visit was conducted on October 27, within what is considered the wet season.

The fact that Pruitt Creek in the vicinity of the project site is dry for much of the year presents a substantial limitation for the discharge of treated wastewater. The estimated average wastewater generation is 232,000 gallons per day (gpd) with an average weekend peak estimated at 335,000 gpd. During the dry season, wastewater would be used for vineyard irrigation and the remainder would be stored. During the wet season, stored and treated wastewater would be discharged to Pruitt Creek. This has the potential to impact water quality and instream habitat for listed threatened and endangered species.

The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. The EA assumes that streamflow of Pruitt Creek at the site is consistent with a U.S. Geological Survey (USGS) gauging station #11466800 located 5.5 miles downstream. USGS gauge



#11466800 has a contributing watershed area of 251 square miles. The contributing watershed area of Pruitt Creek at the Old Redwood Highway is 2.1 square miles, approximately 120 times smaller than the watershed area of the gauge used to estimate flow. Thus, the EA's analysis significantly overestimates streamflow of the site and the capacity for Pruitt Creek to dilute discharged wastewater. Similarly, the EA's analysis using overestimated streamflow vastly underestimates the required storage for recycled water. Recycled water storage volumes must be sized for worst case drought conditions when flows in Pruitt Creek are lowest and dry or very low streamflow conditions may extend into much of the wet season.

It is recommended that multiple years of continuous streamflow data be collected at the site, including during at least one year of severe drought. These data could then be regressed with gauge records from nearby gauging stations with longer records to reconstruct a defensible streamflow hydrograph for the site on which to design wastewater disposal systems and analyze potential impacts.

In addition to streamflow, it is recommended that water quality be sampled including temperature, pH, dissolved oxygen, nitrates, and phosphates. These data are necessary to design and assess the feasibility of the proposed wastewater treatment and disposal system, and to evaluate potential impacts to water quality, aquatic habitat, and beneficial uses of Pruitt Creek and the Laguna de Santa Rosa.



Figure 1. Image looking upstream of Pruitt Creek at Old Redwood Highway on October 27, 2023.



Figure 2. Image looking downstream of Pruitt Creek at Old Redwood Highway on October 27, 2023.

EXHIBIT D

RIVER ROCK TO DEFAULT ON BONDS: TRIBE TO MISS INTEREST PAYMENT, SAYS CASINO WILL REMAIN OPEN

The business arm of the Dry Creek Rancheria Band of Pomo Indians notified investors Wednesday that it will default on millions of dollars in bonds used to build River Rock Casino near Geyserville. | 

ROBERT DIGITALE AND CLARK MASON / THE PRESS DEMOCRAT

BY ROBERT DIGITALE AND CLARK MASON / THE PRESS DEMOCRAT

May 29, 2014

The business arm of the Dry Creek Rancheria Band of Pomo Indians notified investors Wednesday that it will default on millions of dollars in bonds used to build River Rock Casino near Geyserville.

The River Rock Entertainment Authority announced it will not be making the May interest payment due Saturday on two outstanding notes, automatically triggering a default on the bonds.

The tribe emphasized the Alexander Valley casino will remain open for business. But it remains to be seen how the default may impact investors and tribal members who receive payments from the casino's profits.

"Although the scheduled interest payment will not be made, we want to assure our customers, vendors and employees that we are generating sufficient funds to operate our business and provide the excellent customer service that our patrons expect," David Fendrick, the casino's CEO and general manager, said in a statement.

The default comes just six months after the opening of a rival casino adjacent to Rohnert Park, which has cut into River Rock's revenues and drawn away gamblers that once flocked to the Alexander Valley casino.

"Our immediate focus is identifying cost savings opportunities to adjust to the challenges of our new competitive environment," Fendrick said.

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The tribe also has brought in consultants to help analyze the casino's marketing efforts, Dry Creek Tribal Chairman Harvey Hopkins said Wednesday. Tribal leaders are "looking at all options," he said in a brief interview.

"We've been constantly meeting with management of the casino, attorneys and financial advisers," Hopkins said. "It's been a long road to get here."

The River Rock Entertainment Authority, an unincorporated governmental arm of the tribe, on May 1 announced that it had failed to make the scheduled interest payment for the month. The authority said it would use a 30-day grace period to reduce costs and to have what Fendrick then characterized as "significant dialogue with our bondholders."

River Rock opened in 2002 as Sonoma County's first tribal casino. To finance construction, the tribe sold \$200 million in senior notes to investors at 9.75 percent interest.

In 2011, the tribe restructured the debt after two rating agencies warned that the business otherwise faced a high risk of default. About \$50 million of that debt since has been repaid, Hopkins said in March.

But Hopkins also acknowledged that River Rock's revenues had declined by more than 30 percent since the Graton Resort & Casino opened in Rohnert Park in November. The new casino is closer to Bay Area gamblers and has roughly five times the space of the 61,000-square-foot River Rock facility.

As a result of the drop in revenues, the Dry Creek tribe has cut per capita payments to its 640 members over the age of 18, Hopkins said in March. In total, the tribe has nearly 1,040 members.

On Saturday, the tribe will default on two bonds: its 9 percent Series A Senior Notes and its 8 percent Series B Tax-Exempt Senior Notes, both due in 2018.

The tribe's announcement did not disclose the size of the interest payment that is due Saturday or the amount of outstanding debt it owes to bondholders.

The default will trigger a "waterfall agreement" that dictates the use of the authority's cash flow, according to the announcement.

Analysts who follow the Indian gaming market have noted that creditors of tribal casinos can't seize assets as might be done under a normal loan default. Instead, they suggested that River Rock may once more seek to restructure its debt, possibly by winning concessions from creditors in regard to the repayment of both principal and interest.

A bondholder on Wednesday seemed to take the default in stride.

"I'm not happy about it," said Mike Hudson, an Indiana man who has owned River Rock bonds for more than five years. "There are many options on the table. This is just the beginning of the next chapter. It's not gloom and doom."

Hudson said that by missing the interest payment, the tribe will be subject to having the casino revenues overseen by a trustee for the bondholders.

"Instead of a democracy, it will be more of a dictatorship," Hudson said. "A professional manager will come and manage the way they see best for the benefit of creditors, not the tribe. Essentially, they've conceded control of the casino."

"It will probably work out. Most of these things usually do," he concluded.

The River Rock Entertainment Authority has retained the law firm Holland & Knight LLP as its legal adviser and will use Stuyvesant Square Advisors Inc. as its financial adviser.

You can reach Staff Writer Robert Digitale at 521-5285 or robert.digitale@pressdemocrat.com. You can reach Staff Writer Clark Mason at 521-5214 or clark.mason@pressdemocrat.com.

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EXHIBIT E

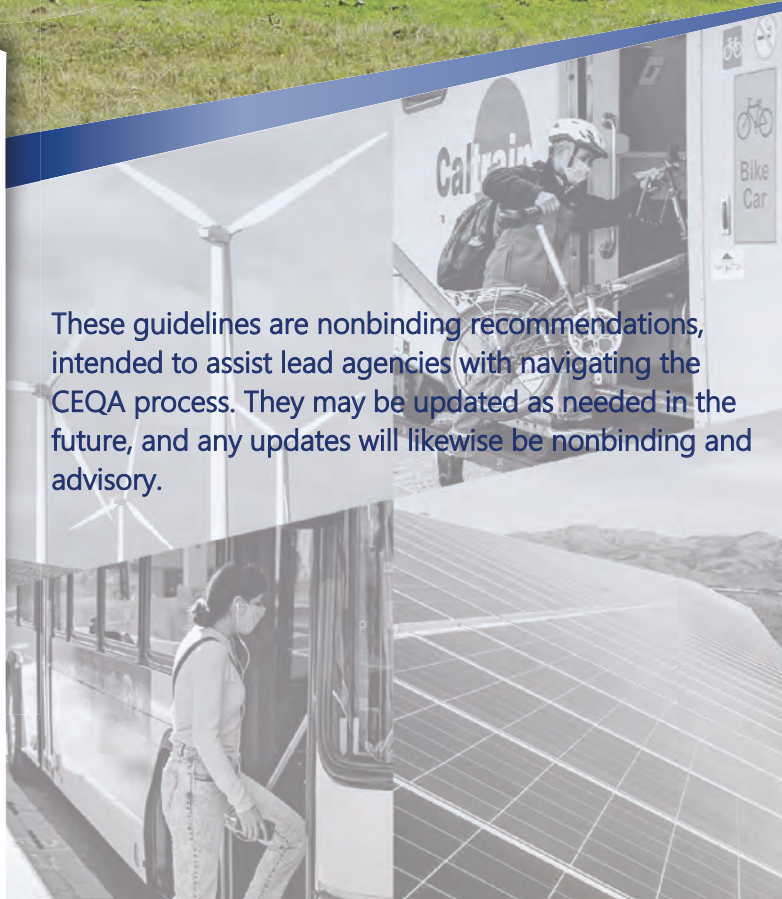


**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

California Environmental Quality Act
Air Quality Guidelines
Appendix B:
**CEQA Thresholds for Evaluating
the Significance of Climate Impacts
From Land Use Projects and Plans**

April 2022

These guidelines are nonbinding recommendations, intended to assist lead agencies with navigating the CEQA process. They may be updated as needed in the future, and any updates will likewise be nonbinding and advisory.



1 INTRODUCTION AND EXECUTIVE SUMMARY

This report presents the Bay Area Air Quality Management District's (Air District's) recommended thresholds of significance for use in determining whether a proposed project will have a significant impact on climate change. The Air District recommends that these thresholds of significance be used by public agencies to comply with the California Environmental Quality Act (CEQA).

Evaluating climate impacts under CEQA can be challenging because global climate change is inherently a cumulative problem. Climate change is not caused by any individual emissions source but by a large number of sources around the world emitting greenhouse gases (GHGs) that collectively create a significant cumulative impact. CEQA requires agencies in California to analyze such impacts by evaluating whether a proposed project would make a "cumulatively considerable" contribution to the significant cumulative impact on climate change. (See CEQA Guidelines Sections 15064[h] and 15064.4[b].)¹ But CEQA does not provide any further definition of what constitutes a cumulatively considerable contribution in this context. These thresholds of significance are intended to assist public agencies in determining whether proposed projects they are considering would make a cumulatively considerable contribution to global climate change, as required by CEQA.

The Air District's recommended thresholds of significance are summarized below, with a detailed discussion of the basis for the thresholds presented in the remainder of this report. The information provided in this report is intended to provide the substantial evidence that lead agencies will need to support their determinations about significance using these thresholds. This information also provides the substantial evidence to support adoption of these thresholds by the Air District's Board of Directors. (See CEQA Guidelines Section 15064.7 [thresholds must be adopted by the Board of Directors through a public review process and be supported by substantial evidence].)

1.1 THRESHOLDS FOR LAND USE PROJECTS

For land use development projects, the Air District recommends using the approach endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223).

¹ The 2021 State CEQA Guidelines, including Appendices F and G, can be found at the following website: https://www.califaep.org/docs/CEQA_Handbook_2021.pdf.



Applying this approach, the Air District has analyzed what will be required of new land use development projects to achieve California’s long-term climate goal of carbon neutrality² by 2045. The Air District has found, based on this analysis, that a new land use development project being built today needs to incorporate the following design elements to do its “fair share” of implementing the goal of carbon neutrality by 2045:

Thresholds for Land Use Projects (Must Include A or B)

A. Projects must include, at a minimum, the following project design elements:

1. Buildings

- a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
- b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

2. Transportation

- a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT
- b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

If a project is designed and built to incorporate these design elements, then it will contribute its portion of what is necessary to achieve California’s long-term climate goals—its “fair share”—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. If the project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California’s efforts to address climate change. These recommended thresholds for land use projects are discussed in more detail in Section 4.

² “Carbon neutrality” is defined in Executive Order B-55-18 as the point at which the removal of carbon pollution from the atmosphere meets or exceeds carbon emissions. Carbon neutrality is achieved when carbon dioxide and other GHGs generated by sources such as transportation, power plants, and industrial processes are less than or equal to the amount of carbon dioxide that is stored, both in natural sinks and mechanical sequestration.

EXHIBIT F



The County of San Diego

Planning Commission Hearing Report

Date:	July 22, 2022	Project:	Transportation Study Guide to Implement Vehicle Miles Traveled Analysis
Place:	County Operations Center (COC) Hearing Room 5520 Overland Avenue San Diego, CA 92123	Case/File No.:	N/A
Time:	9:00 a.m.	Location:	All Districts
Agenda Item:	#7	General Plan:	Various
Appeal Status:	Not applicable; Approval by the Board of Supervisors	Zoning:	Various
Applicant/Owner:	County of San Diego	Communities:	All unincorporated communities
Environmental:	Notice of Exemption; CEQA Section 15378 and 15060(c)(3)	APNs:	Various

A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to make a recommendation to the Board of Supervisors (Board) to adopt, adopt with modifications, or not adopt the proposed Transportation Study Guide (TSG). The revised TSG aligns with State guidance and establishes a threshold based on the regional average Vehicle Miles Traveled (VMT), which includes the entire San Diego region. The TSG also identifies Infill Areas where no VMT analysis or mitigation would be required for future development projects. The TSG also includes other standards and criteria that would be used to evaluate projects, including small projects, locally serving projects and public facilities. The TSG describes the process and procedures for project applicants to use when preparing transportation analyses for projects in the unincorporated area. If adopted, projects could use the TSG immediately as the basis to address the transportation effects of projects.

B. RECOMMENDATIONS

This is a request for the Planning Commission to consider the proposed Transportation Study Guide (TSG) and make recommendations to the Board. Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

1. Find that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065

and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution implements existing law and therefore it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

2. Recommend that the Board of Supervisors adopt the Resolution:

RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE
TRANSPORTATION STUDY GUIDE INCLUDING TRANSPORTATION THRESHOLD OF
SIGNIFICANCE FOR VEHICLE MILES TRAVELED

C. BACKGROUND

In 2013, the State of California (State) passed Senate Bill 743 (SB 743), which changes how jurisdictions, including the County of San Diego (County), are required to analyze transportation impacts from projects under the California Environmental Quality Act (CEQA). CEQA was signed into law in 1970 to provide standards for regulating pollution and preserving the natural environment. CEQA requires California's public agencies and local governments to measure the environmental impacts of development projects or other major land use decisions and to limit or avoid those impacts when possible. State CEQA Guidelines encourage lead agencies, like the County, to develop and publish guidelines to describe the level at which the environmental impacts become significant and therefore need to be reduced and/ or mitigated, or offset. These are called thresholds of significance. SB 743 required local jurisdictions to shift their environmental impact analysis for transportation from using traffic congestion or "level of service" (LOS) to Vehicle Miles Traveled (VMT) starting July 1, 2020. VMT replaces motorist delay and associated level of service (LOS) as the metric for analysis of transportation impacts under CEQA.

Although traffic congestion measured the impact on the driver, VMT is intended to balance the needs of congestion management with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation, such as walking and biking. VMT is calculated by determining the distance and number of vehicle trips generated from a home or business. When analyzing a project's impact on the environment from VMT, a lead agency can provide guidance on impacts from VMT by comparing the estimated VMT from the project to the average VMT in a defined area.

SB 743 does not require local agencies to adopt guidelines or to establish a threshold for VMT; however, agencies may adopt guidelines and thresholds after public review, and these guidelines and thresholds must be supported by substantial evidence. If an agency does not adopt guidelines or thresholds, each project must develop a specific threshold to determine whether the project's impacts will be significant under CEQA.

When analyzing a project's impact on the environment from VMT, the estimated VMT from the project is compared to the average VMT in a defined area. If a project decreases VMT from existing conditions within the defined area, it may be considered to have a less than significant impact on transportation, depending on the decrease. A project can also be considered to have a less than significant impact on VMT if it generates less than a specified number of average daily trips. Other criteria can also be used

to determine if a project has a less than significant impact from transportation on the environment, such as projects that are adjacent to existing major transit facilities.

Projects found to have a significant impact on the environment under CEQA are required to mitigate for, or offset, those impacts where feasible. Mitigation includes projects that reduce VMT like installing bike lanes and sidewalks, which reduce driving and vehicle trips. Because a project's VMT is largely based on the location of the project, which cannot easily be changed, mitigating for significant VMT impacts can be difficult to accomplish without a defined mitigation program in place. Mitigation for transportation impacts can also be costly. Therefore, using VMT as the metric for analyzing transportation impacts under CEQA incentivizes development in higher density areas near transit with a diverse mix of uses, and disincentivizes it in lower density areas that are more distant from jobs, services, and transit.

A transportation analysis involves determining the project's VMT using nationally adopted traffic standards and modeling and comparing those to something like a regional VMT average. Then for a project to be considered efficient, it is compared to a threshold that is also adopted by a jurisdiction, such as 15 percent below the regional VMT average, which is the threshold recommended by the Governor's Office of Planning and Research (OPR). If the average VMT is below the threshold, the project does not have a significant VMT impact and can move forward, without further VMT analysis.

If the average VMT for the project exceeds the threshold, the project must propose mitigation to reduce the project's VMT to below the threshold (i.e., by providing multimodal or transit infrastructure or other measures to reduce or offset VMT). If the project cannot reduce their VMT to below the threshold, an Environmental Impact Report (EIR) is required with a statement of overriding considerations for the project's significant and unavoidable transportation impacts. VMT is one of multiple subject matter areas analyzed under CEQA. Even if a project does not have a VMT impact, the project still requires environmental review for other CEQA environmental subject matters like biology, cultural resources, and fire hazards.

OPR prepared a Technical Advisory document to assist local agencies when developing their own guidelines for the assessment of VMT, thresholds of significance, and mitigation measures. OPR stated that lead agencies have the discretion to set or apply their own thresholds of significance. Based on staff's research, jurisdictions across the state have taken different approaches to implement VMT. Of the 58 counties in the state, 16 adopted their own VMT guidelines, nine chose to rely on OPR guidance and not adopt their own guidelines, and 33 have no guidance, so projects develop their own VMT analysis on a case-by-case basis. Of the 16 counties that adopted their own VMT guidelines, eight counties adopted a threshold based on the unincorporated area average, six adopted a threshold based on the regional average, and two counties chose other alternatives.

On June 24, 2020 (6), the Board of Supervisors (Board) adopted a Transportation Study Guide (TSG) for the unincorporated area, a technical guide for analyzing transportation impacts for projects using VMT. The TSG described the process and procedures for project applicants and their consultants to use when preparing transportation analyses. The TSG also included a methodology referred to as Local Mobility Analysis (LMA) to meet the County's General Plan requirement for a Level of Service (LOS) D (which is considered a stable flow of traffic with an acceptable level of delay) or better and to ensure the safe operations of the roads for all users including bicyclists and pedestrians. In September 2020, Cleveland National Forest Foundation, Coastal Environmental Rights Foundation, and the Sierra Club filed suit against the County, alleging adoption of the TSG violated CEQA and SB 743.

On May 19, 2021 (1), the Board received an overview of how VMT implementation was progressing nearly a year after adoption of the County's TSG. Staff also requested the Board to provide direction on potential updates to the VMT thresholds used to evaluate the significance of a project's transportation impacts, including options for using an unincorporated area average, sub-areas average, or a regional average to measure existing average VMT, and the screening level threshold for "small" projects that should be exempt from performing additional transportation analysis. A project is considered "small" if it generates less than 110 Average Daily Trips (ADT). The Board was also given the option to leave the existing TSG in place.

After receiving the update, the Board provided direction to explore 13 items related to VMT:

1. Assess and explore the process by which infill development can be done in a manner to ensure no VMT mitigation is necessary.
2. Explore the potential creation of transit accessible areas and look at the intersection between VMT efficient areas or lower thresholds in accordance with the areas that do not require further analysis. Explore the potential transit corridors and look at the SANDAG Regional Transportation Plan (RTP), Metropolitan Transit System (MTS), North County Transit District (NCTD), and other possible areas and how that may impact VMT efficient areas or areas covered by the exemption.
3. Explore programmatic or plan-level mitigation opportunities for VMT, including the concept of a regional mitigation bank.
4. By-right process for development in VMT efficient areas.
5. Further exploration of exceptions to the VMT thresholds for affordable housing projects at less than 100 percent affordable, including mixed income and various components of Area Median Income (AMI), along with exploring the possibility of exceptions for middle income or workforce housing, local hire, and agriculture type projects that might have a net impact of lowering VMT.
6. Explore land use density of land that is in VMT efficient areas.
7. Continue to track guidance from the California Office of Planning and Research (OPR), along with other governing body efforts, including the SANDAG RTP.
8. Monitor the progress of other jurisdictions as it relates to their adoption, along with what unique programs, exemptions, or opportunities they may be exploring that the County may want to consider.
9. Consider a phase-in timeline to allow for a transition into a regional geography.
10. Consider compliance options for projects that have already been proposed or are in the process now.
11. Conduct an analysis of the options to remove the Local Mobility Analysis.
12. Inform the Board regarding updates on development of the Smart Growth component of the Climate Action Plan (CAP) Update and Supplemental EIR to ensure it is integrated and aligned with efforts around VMT.
13. Conduct an analysis of proposed housing projects designated for individuals under 60 percent AMI and under 80 percent AMI and the potential cost impact of switching to a regional geography.

After the May 19, 2021 Board meeting, OPR clarified that "regional" is defined as the full geography within the jurisdictional borders of a Metropolitan Planning Organization (MPO) or a Regional Transportation Planning Agency (RTPA). For San Diego County, this is the San Diego Association of Governments (SANDAG) region, which includes the entire county. Previously, in its 2018 guidance, OPR recommended that for projects in the unincorporated area, the lead agency compare a project's VMT to

a “citywide” average VMT or the “region’s” average VMT. For example, the City of San Diego could evaluate a project’s VMT compared to the citywide average or the overall region’s average. For comparison, the VMT threshold using the unincorporated average is 23.4 miles and the threshold using a regional average is 16.9 miles (average reduced by 15 percent as recommended by OPR).

Although the OPR Technical Advisory is intended to provide advice and recommendations and is not mandatory, as directed by item 7 above, staff returned to the Board on September 15, 2021 (1) with this new guidance, and the Board adopted a resolution to rescind the County’s TSG based on OPR’s updated guidance that the County should use the regional average VMT for projects in the unincorporated area.


On February 9, 2022 (7), the Board received the presentation and overview of the 13 items and provided direction on options to implement analysis of transportation impacts of proposed projects under CEQA using VMT in two phases.

Phase one included the following:

1. Prepare a revised TSG using a regional geography, circulate it for a 30-day public review, and return to the Board within six months for consideration with a cost of \$100,000. The revised TSG should also include the following:
 - a. Develop new VMT screening criteria for projects within Infill Areas and any surrounding “Village” as identified in the General Plan, excluding areas outside of existing or planned transit and areas mapped as High and Very High Fire Hazard Severity Zones. The screening criteria will allow projects located in Infill Areas and any surrounding “village” to move forward without VMT analysis or mitigation. This option would allow up to 5,870 homes to move forward without VMT analysis based on the General Plan (Infill Areas combined with VMT efficient areas). Projects located outside these areas will need to conduct a VMT analysis and propose mitigation to reduce their impacts.
 - b. Adopt the 110 average daily trips small project screening criteria.
 - c. Adopt OPR recommendation to screen out projects with 100 percent affordable housing from VMT analysis.
 - d. Require an LMA. The LMA for discretionary projects would be used to evaluate road operations, traffic safety, and access. The study scope of LMA has been reduced when compared to the previous CEQA required traffic analysis based solely on Level of Service prior to the implementation of SB 743 in that the area evaluated is limited to intersections located near the project with the primary focus on traffic safety and not roadway capacity.
2. Directed staff to return with options for a sustainable land use framework (Option 6-D). Staff also recommends the Board direct staff to prepare options for further direction to inform the development of a sustainable land use framework for Board consideration and return to the Board in 120 days. Options would include the following: identification of principles for sustainable development that could inform future land use decisions; and comparison of planning mechanisms to implement Board directed principles, including zoning overlays, specific plans, community plan updates, or a general plan update and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.

EXHIBIT G

Inside the fight to save Windsor from the Kincade fire

Officials were told Windsor would almost certainly lose homes to the Kincade fire, but not a single house was lost, thanks to hundreds of firefighters who braved great peril to face down a surging wildfire on Oct. 27. | 



SLIDE 1 OF 30

Santa Monica Fire Department firefighters Armando Reyes, left, and Andrew Klein quickly bundle their fire engine's hose to move to protect a different structure during the Kincade fire on Los Amigos Road in Windsor on Sunday, Oct. 27, 2019. (ALVIN JORNADA/ PD)

MARY CALLAHAN
THE PRESS DEMOCRAT
November 9, 2019

Flames were sweeping down the grassy slopes of Foothill Regional Park toward the near-empty town of Windsor when Sonoma County Fire District Battalion Chief Mike Elson drove up Cayetano Court and realized the moment they had all been bracing for had come.

Two-story flames and glowing firebrands whirled through the smoke-darkened skies, setting fences and trees ablaze, lighting landscaping and, soon, sparking fires at several homes in the neighborhood, as well.

The marauding Kincade fire had been bearing down on Windsor all morning, burning its way through a rural landscape across a wide area north of town, where an army of firefighting forces stood ready to face it late in the morning of Oct. 27.

But it would be northeast Windsor, in and around hundreds of homes in the Foothill Oaks Estates, where they confronted the biggest threat - a near-overwhelming battle to keep the blaze from taking the neighborhood and the town.

Scores of firefighters took part in the initial attack, making a stand amid the chaos, barely daring to hope they would prevent the fire from ripping through town, let alone sweeping across Highway 101 and burning a trail of destruction all the way to the coast.

"That fire coming off of Foothill Park, that fire was coming off that hill very quickly, and it was massive," said Elson, who was leading a nine-engine task force but eventually took command of the Foothills campaign. "It was a massive firefight. There were flames up over the tops of houses ... and those are mostly two-story houses, so they were 30, 40 feet in the air."

But in what became a pivotal juncture in the two-week effort to beat back Sonoma County's largest wildfire ever, the battle for Windsor spared every single home in the town of 27,000 people and substantially curbed the fire's spread.

Sonoma County fire officials credit 200 firefighters or more, both local and from outside the area, who jammed into the neighborhood and simply refused to give way to the flames.

They fought house-to-house, confronting the blaze so aggressively they pushed the boundaries of personal safety to the very limit - to the point Sonoma County Fire District Chief Mark Heine said he came close to ordering crews to fall back in a few cases.

"That was very dangerous firefighting in there," Heine said. "To enter someone's backyard, where everything in their backyard was on fire, meant they didn't know if they could get themselves back out. There was just that spirit of, 'We're not letting this fire come to our town.'"

It came frighteningly close, making innumerable forays into the Foothills area, a neighborhood of several hundred homes tucked up against the hills of the regional park east of Arata and Hembree lanes in the northeast section of Windsor.

Particularly vulnerable were about 150 homes arrayed around cul-de-sacs, many of which had backyards exposed to the park or connected landscape, often separated from the parklands only by wire fencing.

But ferocious winds that sent sparks and flaming debris well ahead of the fire front that day meant anywhere in the neighborhood or even within a mile or two was at risk of blown embers and fire starts.

Were the fire to get established in even two or three homes, generating intense heat, large flames and embers, "We were likely to lose that whole neighborhood," Heine and others said.

Residents who returned to the area days later found singed trees and burned gardens, lengths of fencing turned to charcoal, ash-covered ground where the flames had spread directly from the blackened hills of Foothill park into their backyards. There were scores of places - outdoor sofa cushions, patches of grass, Halloween decorations - that had caught fire and been put out.

Firefighters had to kick down doors in a few cases to douse attic fires after embers ignited rooftops or burned fencing up to exterior walls like they did at Michelle and Brad Stibi's place on Valle Vista Court.

"We were the loop on national TV," Michelle Stibi, 50, said, her expression suggesting she was none too impressed with the celebrity brought by widely shared footage of the firefight in her yard. "This is going to be a concrete jungle when Brad gets done with it."

Fire officials say it would have been worse if it weren't for the stucco and tile or concrete roof construction that dominates the Spanish-styled Foothill Oaks Estates subdivision that makes up most of the area between Hembree Lane and Vinecrest Road, where the firefight took place.

"Some of those embers were still getting up into those eaves," Elson said, "but construction features that they built into those neighborhoods definitely helped."

A far more critical factor was the early evacuation of residents, clearing the way for firefighters to battle flames and defend property without the need to commit time and attention to rescue efforts. Saving lives and getting people out had completely consumed public safety personnel during the early phase of the 2017

Tubbs fire, which swept across Sonoma County from Calistoga by night with such speed that hundreds were trapped in their homes and neighborhoods and forced to flee through the flames.

"If people had stayed in those homes in Foothill, they would have died," Heine said starkly, "and if not, it would have created such a complex issue for us that we wouldn't have been able to fight the fire. It allowed us to focus on the fire and not life-safety and rescue."

The 77,758-acre Kincadee fire, now 100% contained, started many miles north of Windsor, atop The Geysers, during extremely strong winds the night of Oct. 23. It had burned virtually unchecked for four days along a mostly southerly path before it rushed toward Windsor during a period of rapid, wind-driven growth around midday Oct. 27.

Sonoma County Sheriff Mark Essick had ordered all Windsor residents to leave home a day earlier in what would be a succession of evacuations that cleared out a huge swath of Sonoma County. More than a third of the county's population was under mandatory evacuation order, from Geyserville and Alexander Valley down to north Santa Rosa, and west to Jenner and Bodega Bay.

Hurricane-force winds coming out of the northeast and fire forecast modeling had contributed to the same terrifying prediction: that an unstoppable firestorm could burn through Windsor and jump the freeway into the thickly forested Russian River Valley, where flames fed by dense fuels unburned for decades would run all the way to the Pacific Ocean.

Public safety officials alerted the public to this "worst-case scenario" when evacuation orders were issued.

But it's not clear how many civilians appreciated the very real possibility of it coming to pass.

Most Californians are certainly aware of the increasing intensity of and destruction wrought by recent wildfires, experienced close to home in October 2017, when a series of fires rampaged through the region, killing 24 people in Sonoma County and destroying more than 5,300 homes.

But even Windsor Mayor Dominic Foppoli, during a celebration of the town's endurance last weekend, felt compelled to ensure his constituents understood the gravity of what they had faced a week earlier.

Foppoli, 37, said top fire brass briefed him and other town officials a short time before Essick ordered Windsor and Healdsburg to evacuate the morning of Oct. 26 and told them at least part of their community would likely be lost to fire before the flames continued westward.

"This was not an 'if,' but it was a 'when,'" Foppoli told an estimated 4,500 who gathered in the town square to salute firefighters.

But there was positive side, too, Sonoma County Fire District Battalion Chief Marshal Cyndi Foreman said.

All the mapping, modeling and intelligence put Windsor squarely in the bull's-eye of the wildfire, Foreman said, so "we knew that we were not going to dodge this one, but we also knew it was coming."

While the Tubbs fire and last year's deadly Camp fire in Paradise continue to inform firefighters' expectations in an age of extreme fire behavior, the siege on Windsor came with the luxury of time to plan ahead.

"I'll take a disaster that we know is coming all day long, rather than something that's going to wake me up out of a dead sleep that I don't know is coming," Foreman said.

The Kincade fire was fought under the unified command of Cal Fire, the Sonoma County Sheriff's Department, the Sonoma County Fire District and several other agencies.

But the planning for Windsor was turned over largely to the Sonoma County Fire District and to Battalion Chief Mark Dunn, with the aid of Heine and other top officials, and support from many others, including fire personnel from other agencies who happen to live in northeast Windsor and offered to help.

Nothing less than the fate of the town hung in the balance, and many thought that even if the town were saved, hundreds of homes would be lost first.

Dunn, for instance, thought substantial residential losses were inevitable if the fire got established at Foothill Regional Park, as it did.

"When people have talked to me, I've been so emotional about it," Dunn said. "It's one thing to have a plan and to ask strike team leaders and strike teams and my own department, 'I need you to do this; you're going to go to this neighborhood and try to hold your ground.'

"That's one thing. But they actually did it, and they did it perfectly. So many individual engines from different agencies doing all that," he said. "It was amazing."

The firefighting force had to be ready to meet the blaze coming in from the north or the east - or both, which is how it transpired - and be prepared to hold Highway 101, whatever it might take, Dunn said.

They had to figure out where they might lose control of the fire and identify contingency plans that included lines which, once crossed, would trigger crews to fall back several blocks to preset points. There was even the potential for the fire to take successive neighborhoods, forcing the entire firefighting force to seek refuge across the freeway if it got bad enough.

Dozens of engines were moved into the area by Saturday night, Oct. 26, some staged at the Luther Burbank Center for the Arts in Santa Rosa. Three strike teams of five engines were prepositioned in Windsor, a number of them redeployed directly from the 4,615-acre Tick fire that was winding down in Southern California.

Sonoma County Fire District personnel and a fleet of bulldozers also were deployed around Windsor, many of them around Arata Lane and Highway 101/Los Amigos Road, near the command post.

As restless fire officials patrolled rural areas north of town late Sunday morning, around 11 a.m., the fire made a drive for Windsor, sweeping off the hills from Chalk Hill Road in several directions once, fire officials said. One head of the fire was veering past Hillview Road toward Limerick Lane and the highway, while another came down Hillview south toward Brooks Road and Arata Lane, and a third came down Chalk Hill Road toward the area of Vinecrest Road, though eventually the biggest threat came from edges of wildfire that merged in Foothill Park and spread swiftly through the grasses of the 211-acre open space.

Roberto Pardo, 54, and his family, meanwhile, were safely ensconced in a Napa hotel, anxiously monitoring news of the Kincade fire as they had through the night, when security cameras from his Windsor home began sending snippets of grainy footage to his cellphone.

Just before noon, he saw two fire engines pull into Miramar Court near the west side of Foothill park and observed firefighters go into his neighbors' backyards and his own - ensuring they had access in the event it was necessary, was Pardo's guess. He could see the wind whipping so fiercely it bent one of his palm trees nearly in half.

Then the six firefighters, apparently satisfied, lined up side by side in the road facing east and waited - watching, bracing, for the coming siege.

When he saw a law enforcement vehicle take a last, hasty spin around the court before speeding away - as if checking to make sure everybody was gone - he knew "that the fire was here," Pardo said.

Firefighters were frantically canvassing neighborhoods, moving propane tanks, lawn furniture, umbrellas and whatever flammable items they found away from homes, or kicking down fences to improve access or avoid creating fuses that might help ignite homes.

Sonoma County Fire District Capt. Mike Stornetta, whose own home is mere blocks away, had by then gone looking for the fire, dragging a fire hose into Foothill park with Capt. Fred Leuenberger and confronting it there amid the oak trees. They sounded the alarm in the moments before flames hit Cayetano Court and made entry into the neighborhood behind a number of homes at once.

His report marked the beginning of an epic battle, marked by what Dunn said was suddenly one report after another of the fire's arrival in neighboring cul-de-sacs and the response of dozens of fire crews into the area.

Foreman said, "It was like somebody blew the bugle and the cavalry arrived. You couldn't run 10 or 20 feet without running into another firefighter. There were so many resources that saturated that community."

Even so, it was daunting.

Elson said he thought for a second about the personal vehicle he had left at the Hembree Lane fire station more than a mile to the south and whether he would have time to move it before the fire got there.

"My gut reaction was that we were going to lose that whole neighborhood," he said.

Foreman remembers a point when the fire came down to Vinecrest Road toward the east edge of town when the whole sky went dark - "like somebody turned the lights off" - perhaps as the fire took three homes up a steep, narrow tail of Vinecrest, just outside the town limits.

In the Foothills neighborhood, the firefight lasted an hour, perhaps 90 minutes, a relentless attack in which each strike team and engine leader was authorized to exercise his or her own discretion as to what was needed to advance the cause.

Many neighborhood residents saw the battle unfold on TV or social media, including a widely watched video shared in real-time where they watched firefighters in their own yards and saw their properties in flames.

"We created a whole text group before we evacuated on Saturday, and we all talked to each other the whole time," said Beverly Madden, who retired to a home at the end of Valle Vista Court a few years ago and was alarmed by the video someone passed her way.

She now has ash across part of her backyard and new landscaping, now probably ruined. But "when we saw the video, compared to when we got here? We feel super, super great."

The fire came within yards of Mike Hoesly's home up a long drive way atop a hill at the north end of Cayetano Court, after "toasting" about two-thirds his vineyard and burning through a good deal of landscaping at the edge of his backyard just off Three Lakes Trail in the regional park.

But he's grateful that firefighters saved his heritage oak - the only thing growing on the property, when he and his wife, Kate, moved there in 1990.

"This could have been so tragic, you know?" said Hoesly, 70. "We just feel kind of like if the home construction had been different, it could have been a domino effect."

There would be more firefighting to do later that day and in the days to come, as the wildfire swept up toward Shiloh Ridge and the Mark West Creek watershed.

But for Elson and others from the district who fought the 2017 Tubbs fire and struggled fruitlessly to try to protect homes they instead watched burn, defending Windsor proved a watershed - a badly needed save, a source of redemption, he said.

"You know," said Stornetta, "with the winds that we were having and, with the experiences that we've had in this area and all over California, I was really not holding out a ton of hope that we were going to be able to save it. However, the mentality that everyone had was, 'Hey, we're not letting this happen again.'"

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CALIFORNIA WILDFIRES

Sonoma County under siege: Kincade Fire forces 90,000 evacuations

Kurtis Alexander, Steve Rubenstein, Alexei Koseff, Demian Bulwa
Oct. 26, 2019 | Updated: Feb. 24, 2020 4:20 p.m.

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1 of 13

Firefighters light back-fires along Pine Flat Road near Geyserville, Calif. on Saturday, October 26, 2019 to head off the Kincade Fire, which has grown to more than 25,000 acres and triggered mandatory evacuations in Windsor, Geyserville and Healdsburg.
Kurtis Alexander/Kurtis Alexander / The Chronicle

Read the latest on the Kincade Fire here.

Two years after being scarred by the deadly Wine Country wildfires, Sonoma County was under siege again early Sunday as thousands of firefighters battled to keep powerful winds from pushing the massive Kincade Fire southwest through dense cities and towns toward the Pacific Ocean.

As of midnight, the county resembled a disaster zone from end to end. Some 90,000 residents has been ordered to flee their homes — including those in the touristy wine capital of Healdsburg, with its boutique hotels and tasting rooms, and the community of Larkfield-Wikiup, which saw whole subdivisions flattened by the Tubbs Fire of October 2017.

In the Santa Rosa neighborhoods of Coffey Park and Fountaingrove, meanwhile, residents in brand-new homes just rising from the ashes were warned they might be next to evacuate. Just about everyone else in the county was either under an evacuation order, an evacuation warning, or a power outage imposed by Pacific Gas and Electric Co. to keep additional blazes from sparking.

“We’re kind of at the mercy of Mother Nature right now,” said Jonathan Cox, spokesman for the state’s Cal Fire agency. “Batten down the hatches and hope the storm passes.”

As of midnight, the Kincade Fire in and around Geyserville — possibly sparked Wednesday by PG&E equipment that had been left on despite the outage — had blackened 26,000 acres and destroyed 31 homes and 46 other structures, according to Cal Fire.

The fire was just 11% contained, or surrounded. More than 2,800 firefighters and upward of 250 engines worked in rugged hills and canyons seeking to boost that figure as they prepared for winds from the northeast forecast to reach 40 mph — with gusts up to 80 mph.

No deaths had been reported. Two civilians and one firefighter sustained non-life-threatening injuries Friday after the firefighter deployed his personal fire shelter to save himself and the two fleeing residents.

Saturday had been a day of preparation and worry. Authorities continually expanded evacuations, while opening shelters for evacuees. Fleeing residents jammed Highway 101, and lined up to fill their tanks at gas stations. Stores in Sonoma County and well beyond sold out of ice, batteries, portable generators and other supplies.

Evacuated areas included Windsor and Mark West Springs as well as Guerneville, Forestville, Occidental, Bodega Bay and other spots along the Russian River and the coast. Among those who had to move on were roughly 100 patients at Sutter Santa Rosa Regional Hospital, who were transferred to medical facilities in Novato and San Francisco. Sonoma County officials had to empty a jail as well, just in case.



A police officer leaves a home after placing an evacuation order in the mailbox on Saturday, Oct. 26, 2019, in Geyserville, Calif.

Paul Kuroda / Special to The Chronicle

National Weather Service meteorologist Drew Peterson said the area was expected to see “extreme, extreme conditions.” The strongest gusts were expected to pick up early Sunday in the hills and ridges and continue into Monday — a more intense and longer-lasting windstorm than the one that pushed the 2017 fires in Wine Country.

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Fires, fears, outages — the new normal of Autumn

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Healdsburg and Windsor residents get the word: It's time to evacuate

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On Saturday, in a last-ditch effort to halt the progress of the fire before the winds picked up, hundreds of firefighters aided by airplanes and helicopters pre-emptively burned vast stretches of grassland to create a fire break. The back-fires, many set along Pine Flat Road east of Geyserville as the sun went down, were designed to create a buffer zone between the fire and the many towns of the Sonoma Valley.

“We want to make sure it doesn’t go down any farther,” said Capt. Mike Tompkins of the Tiburon Fire Department.

His crew was part of a team using drip torches to light dry brush and grass on fire. Another team, high on a ridge above, was lighting fires back toward Tompkins’ team so that the flames from both sides would merge and create one big fuel break. Asked if it would work, Tompkins raised crossed fingers and said, “We’ll find out.”



Fifth & Mission

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Chris Markell momentarily stops his car on the 101 on ramp to photograph the Kincade Fire on Friday, Oct. 25, 2019, in Healdsburg, Calif.
Paul Kuroda / Special to The Chronicle

In Healdsburg and Windsor early Saturday, residents and businesses rushed to pack up and get out of town. Danielle Kuller, the manager at Amy's Wicked Slush ice cream store in Healdsburg, said the store shut down and sent employees home.

"We're just trying to make sure everyone's safe," Kuller said.

At KC's American Kitchen in Windsor, dozens of breakfast customers watched the sheriff's press conference on the restaurant TV and found out the town was being evacuated.

"They all paid their checks and left," said Sheryl Farmer, the restaurant manager. "The restaurant is empty now. Our staff is worried and frantic. They're all trying to get home to be with their families. It's a little stressful."

By afternoon, the only people still allowed in Windsor were law enforcement personnel putting barriers on roads, driving through neighborhoods with loudspeakers and sirens, and going door to door to reach residents.

"It was nuts," said Brian Benn, who waited 15 minutes to fill up at a gas station in north Santa Rosa, just outside the evacuation area, where he said the lines for each pump were six cars deep. "You can tell people are feeling a little panicked, and trying to get their stuff together."

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From left: Cal Fire Healdsburg's Daniel Frazee, Andrew Rush and Cassidy Harms watch as helicopters pass by and dump water down to the Kincade Fire off of Pine Flat Road on Friday, Oct. 25, 2019, east outside of Geyserville, Calif.
Santiago Mejia / The Chronicle

About 90 people under a previous mandatory evacuation order from the Geyserville area spent Friday night at an emergency shelter at the Healdsburg Community Center, Red Cross spokeswoman Barbara Wood said. Half a dozen new arrivals joined other residents at the former elementary school. Restaurants provided meals and concerned citizens dropped off books, toothbrushes and fresh chrysanthemums for the dining hall tables. But by Saturday, the shelter was itself evacuated.

Down the road, Jorge Vazquez, 31, who works in the maintenance department at the Best Western Dry Creek Inn in Healdsburg, was tasked with going door to door telling guests to leave. Each was given 30 minutes. Many there were also evacuees from the Geyserville area, forced to make their second evacuation in three days.

"It took some convincing to get them to leave," Vazquez said. In one case, he said, he had to threaten to call the police.

New evacuation centers were opened at the veterans halls in Santa Rosa and Petaluma, and at the Petaluma Fairgrounds.



Fire-friendly weather conditions affected much of Northern California, where as many as 940,000 customers were expected to lose electricity in planned Pacific Gas & Electric Co. power outages designed to prevent the outbreak of additional fires.

With what forecasters called a “potentially historic” windstorm expected Saturday night into Sunday, PG&E began shutting off power to as many as 2.8 million people across huge swaths of the state in an attempt to avert wildfires. The utility said homes and businesses could lose power in portions of 38 counties across the Bay Area and throughout Northern and Central California.

“The next 72 hours will be challenging,” Gov. Gavin Newsom said at a Napa event Saturday. “I could sugarcoat it, but I will not.”



Roilene picks up last items before evacuating from her house with her husband Wolfgang on Saturday, Oct. 26, 2019, in Geyserville, Calif.

Paul Kuroda / Special to The Chronicle

The planned outages were unprecedented, affecting far more people than two previous shutoffs. In the last widespread round of planned outages this month, 738,000 residences and businesses in Northern and Central California had their electricity cut off.

The first blackouts began Saturday afternoon, affecting portions of counties in Northern California and the Sierra foothills — Amador, Butte, Colusa, El Dorado, Glenn, Nevada, Placer, Plumas, San Joaquin, Sierra, Siskiyou, Shasta, Tehama and Yuba counties. They later spread to the Bay Area, affecting Alameda, Contra Costa, Marin, Napa, Solano and Sonoma counties.

The Marin County Sheriff's Office said it expected the outages to affect 99% of the county.

"It almost feels like an apocalypse," said Armand Quintana, manager at Jackson's Hardware in San Rafael. "There are lines at the gas station, people are buying ice from grocery stores, they're out of ice. I'm looking for zombies."

The store ran out of its stock of 50 generators, which sell for \$1,100 to \$5,000. Just hours before the expected power outages Saturday, it ran out of flashlights, batteries, candles and other power-outage supplies.

Smoke from the blaze was wafting through the Bay Area and could be sniffed on Saturday in downtown San Francisco. Air quality experts advised that buying masks and filters is no substitute for finding clean-air spaces, such as libraries and shopping malls.



Helicopters dump water down to the Kincade Fire off of Pine Flat Road on Friday, Oct. 25, 2019, east outside of Geyserville, Calif.
Santiago Mejia / The Chronicle

“Masks may not be the answer for a lot of people,” said Dr. Jan Gurley of the San Francisco Department of Public Health. “Sometimes they make you feel a little better. But there are no substitutes for getting to where the air is clean.”

Air quality throughout the Bay Area was expected to be “unhealthy for sensitive groups” and a Spare the Air Day was declared by the Bay Area Air Quality Management District. It was the 20th of 2019, compared with 13 days in all of 2018, 18 days in 2017 and 27 days in 2016. Residents were advised to limit outdoor activity and avoid driving and wood burning.

On Saturday, the Kincade Fire was burning in a southwesterly direction on the east side of Highway 128 and eastern Geyserville. Firefighters built containment lines on the edge of Geyserville, where 735 structures were under threat.

Newsom toured the fire area Friday, visiting residents, meeting local officials and praising firefighters for their “extraordinary heroism.” The governor also stepped up his criticism of PG&E, as state regulators looked into whether the utility company’s equipment played a role in the fire.

The company reported Thursday that equipment on one of its transmission towers broke near the origin point shortly before the Kincade Fire was reported at about 9:27 p.m. Wednesday. Power had been shut off in the area, but not on that specific transmission line, in an effort to prevent such an event.

Chronicle staff writers John King and Catherine Ho contributed to this report.

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EXHIBIT H

Brings Chickasaw's unparalleled gaming expertise and shared values to project to support Koi's economic independence on tribal lands in Sonoma

Santa Rosa, Calif. (24 January 2022)— The **Koi Nation of Northern California**, one of California's historic federally recognized Native American tribes, has executed a predevelopment agreement with **Global Gaming Solutions (GGS)**, a wholly-owned business of the **Chickasaw Nation of Oklahoma**, to engage as the Koi's development partner for its planned **Shiloh Casino & Resort in Sonoma County**. GGS will also act as the manager and operator of the establishment when completed.

"We are honored to build this important business relationship with our brothers and sisters of the Chickasaw Nation, one of the most experienced Native American tribes in the gaming industry," said Darin Beltran, Koi Nation's Tribal Chair.

"Not only does the Chickasaw Nation have great expertise in gaming and resorts, but they also share the same values as the Koi Nation. Chickasaw leaders understand the importance of this project to the restoration of our economic self-reliance because they have walked the same path many times in support of their own people's future," said Dino Beltran, Koi Nation Vice Chair and Director of Development.

The Chickasaw Nation, with its tribal headquarters in Ada, Oklahoma, has an exemplary track record in developing and operating tribal gaming operations and related resort properties. It operates 23 gaming establishments around the nation, including Winstar World Casino and Resort, the largest casino in the world. The Chickasaw Nation also operates nearly 200 additional highly successful businesses, giving it a broad range of commercial expertise that makes it the ideal partner to develop and manage the Shiloh Resort & Casino.

"The Chickasaw Nation is pleased to play a role in this project, and we look forward to a successful collaboration," Chickasaw Nation Governor Bill Anoatubby said. "The prosperity of our citizens and a commitment to working together with our partners in the Koi Nation as well as local, state and



community of officials are key components to our mission. We look forward to witnessing new jobs, additional businesses and increased tourism to this region.”

“We are excited by the opportunity to use our expertise to help the Koi Nation realize this project and establish the economic self-sufficiency that is the inherent right of all Native American tribes,” said Bill Lance, Commerce Secretary of the Chickasaw Nation. “We look forward to beginning a successful long-term economic partnership with the Koi.”

About the project

The Shiloh Casino & Resort will be built on the Koi Nation’s property at 222 E. Shiloh Road in unincorporated Sonoma County. The tribe purchased the 68-acre site late last year to re-establish its tribal land base more than a century after the Koi’s ancestors were forced to relocate to the Santa Rosa/Sebastopol area.

The non-smoking Shiloh Casino & Resort will include a 2,500 Class III gaming machine facility, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa, as well as a state-of-the-art live entertainment venue. The design for the low-rise facility integrates with the natural beauty of the region and will be energy-efficient and respectful of the environment, in keeping with the Tribe’s historic relationship with the land.

The Shiloh Casino & Resort will employ more than 1,100 full-time workers when fully operational. The project also will create hundreds of jobs for workers in the construction trades and other skilled laborers. The Koi Nation anticipates that a portion of the resort’s revenues will be shared with the broader community through the support of local organizations as well as collaborating with local governments to address their needs.

About the Koi Nation

The Koi Nation’s mission is to empower our people to achieve a better way of life and to maintain tribal integrity and honor through responsive government. We are committed to protecting and exercising our inherent sovereign rights as a federally recognized tribe to their fullest extent,



including obtaining land to re-establish a permanent land base for our people who have lived in this region for thousands of years, and creating self-sustaining economic activity to support the tribal government and its people, and the entire community of Sonoma County. For more information visit <https://www.koinationsonoma.com>

About the Chickasaw Nation

With more than 73,000 citizens, the Chickasaw Nation is a democratic republic with executive, legislative and judicial departments elected by its citizens. The treaty territory of the tribe includes 7,648 square miles of south-central Oklahoma and encompasses all or parts of 13 Oklahoma counties. The Chickasaw Nation contributes billions to the Oklahoma economy annually and employs nearly 13,500 workers.

For more information, visit <https://www.chickasaw.net>



From: Patrick Streeter <pstreeter@townofwindsor.com>
Sent: Sunday, April 7, 2024 2:20 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Jon Davis <jdavis@townofwindsor.com>; Irene Camacho-Werby <iwerby@townofwindsor.com>; Jose M Sanchez <jose.sanchez@redwoodpubliclaw.com>
Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project - Town of Windsor

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad Broussard,

Attached please find comments from the Town of Windsor, California regarding the NOI for preparation of the Koi Nation Shiloh Resort and Casino Environmental Impact Statement.

Please acknowledge receipt and contact me if you have any questions.

Thank you,

Patrick N. Streeter, AICP | Community Development Director

Town of Windsor | 9291 Old Redwood Highway, Bldg. 400 | Windsor, CA 95492
707 838-1000 Main via Text or Phone | 707 838-5313 Direct | 707 838-7349 Fax
www.townofwindsor.com

One attachment • Scanned by Gmail



Town of Windsor
CALIFORNIA

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Rosa Reynoza

Vice Mayor, District 4
Tanya Potter

Councilmember District 1
Mike Wall

Councilmember District 3
Debora Fudge

Councilmember District 2
Sam Salmon

Town Manager
Jon Davis

April 7, 2024

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Rm. W-2820
Sacramento, CA 95825

Chad Broussard (via email)
Environment Protection Specialist
Bureau of Indian Affairs, Pacific Region
chad.broussard@bia.gov

SUBJECT: Koi Nation Shiloh Resort and Casino Project - Town of Windsor
Comments on Scoping of Environmental Impact Statement

Dear Ms. Dutschke and Mr. Broussard:

The Town of Windsor appreciates the opportunity to provide comments to the Bureau of Indian Affairs (BIA) on the preparation of an Environmental Impact Statement (EIS) for the proposed Koi Nation Shiloh Resort and Casino Project. As stated in the Town's previous letter dated November 13, 2023, providing comments on the Environmental Assessment (EA) for this project (attached), the Town found the EA to be inadequate, particularly in failing to identify significant environmental impacts and in proposing mitigations that would not bring impacts below the threshold of significance.

The preparation of an EIS is necessary to thoroughly evaluate the environmental impacts of the proposed casino resort project. Based on the Town's review of the EA, the Town strongly recommends that the EIS provide a comprehensive analysis that includes but is not limited to the following major resource areas and issues:

Water Resources

- Groundwater impacts, including well interference and water quality effects
- Stormwater drainage capacity and flooding risks, particularly resulting from changes to storm flow in Pruitt Creek to the east and west of Highway 101
- Recycled water use, storage needs, and permitting

Transportation & Circulation

- Traffic congestion and roadway/intersection capacity impacts
- Establishing the responsible party, financing, and the timing for widening Shiloh Road and improving the Shiloh Road/Old Redwood Highway intersection and Shiloh Road/Highway 101 interchange

- Emergency evacuation route capacity and evacuation modeling, specifically analyzing evacuations of the communities off of Gridley Drive and Mathilde Drive, Merner Drive, Tamara Way, and larger Town-wide and regional evacuation events.
- Pedestrian, bicycle, and public transit accessibility, including consistency with the Town's Complete Streets Guidelines, the Old Redwood Highway Corridor Enhancement Plan, and the Shiloh Road Village Vision Plan

Land Use and Planning

- The Shiloh Road Village Vision Plan (SRVVP) had been adopted for the lands west of the project site.
- The grid street network of the SRVVP and the anticipated east-west connections must be considered.
- The density and intensity of the Town's comprehensive planning documents anticipated the continued agricultural use of the project site.

Public Services & Utilities

- Increased demands on police, fire, parks, and public infrastructure
- Solid waste generation and landfill capacity

Air Quality & Greenhouse Gas Emissions

- Construction and operational air emissions, including health risk impacts
- Determination of threshold of significance for cancer risk for hazardous air pollutants based on future traffic volumes along Shiloh Road and Old Redwood Highway, not existing traffic volumes.
- Vehicle miles traveled (VMT) and greenhouse gas emissions

The list of resource areas and issues above is not exhaustive. The EIS must consider each of the concerns detailed in the Town's EA comment letter, dated November 13, 2023, as well as the public comments attached thereto. The Town is also in agreement with the issues and concerns raised in the EA comment letter submitted by the Sonoma County Counsel on behalf of the County of Sonoma, dated November 13, 2023. The Town strongly recommends that the issues and concerns outlined in the Sonoma County Counsel's letter be considered and analyzed in the EIS.

Sonoma County Counsel's letter also mentions that the EA inadequately considered impacts to other tribes. The Town shares these concerns not only regarding the continued economic viability of tribes with gaming facilities but also regarding fairness to all tribes with homeland in the area. In 2019, U.S. Senate Bill S.1790 was signed into law and includes provisions for taking approximately 511 acres of tribal land into trust as part of the reservation of the Lytton Rancheria of California. S.1790 also stipulates that no gaming shall be conducted on any lands taken into trust on behalf of the Tribe in Sonoma County

in perpetuity. The proposed Shiloh Resort and Casino project is located less than three miles from the established homeland of the Lytton Rancheria of California tribe.

The EIS should clearly identify impacts and provide appropriate, enforceable mitigation measures, including fair-share contributions to improvements necessitated by the project. The EIS analysis should also consider the timing of proposed mitigations, since the full magnitude of impacts will exist at the start of the project's operation. The conclusions in the EA regarding less-than-significant impacts in many of these areas were inaccurate or not adequately supported by evidence. The Town expects the EIS analysis to use up-to-date data, local policies/plans, reasonable assumptions, and technical best practices.

Importantly, the EIS must include a thorough evaluation of an alternative project location. One of the major concerns with the currently proposed location is its proximity to existing low-intensity residential neighborhoods in Windsor. An alternative location further removed from residential areas should be analyzed in the EIS. The proposed casino resort of this size and operational capacity would be incompatible with, and detrimental to, the quiet residential character of the surrounding neighborhoods at the current site. Potential land use conflicts and impacts to quality of life for residents should be avoided by considering an alternative site location that provides an appropriate separation from residential neighborhoods and pedestrian/bicycle-scale development. In addition to being more compatible with surrounding uses, an alternative location may reduce impacts related to traffic congestion, infrastructure demands, emergency evacuation routes, and other environmental issues of concern identified in the Town's previous EA comments. At this time, the Town is unable to identify an appropriate location in or around Windsor that would be suitable in this regard.

With the information and analysis currently available, the Town finds that only the no project alternative guarantees that no significant adverse impacts will occur. Beyond the proposed project and alternative location, the EIS must include the no project alternative in its analysis. Additionally, the Town recommends the EIS evaluate any other potentially feasible alternatives that could reduce the intensity and scale of the project to minimize environmental impacts and impacts to community character.

If you have questions or require additional information, please contact me: Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313.

Sincerely,



Patrick N. Streeter, AICP
Community Development Director

cc: Jon Davis, Windsor Town Manager;
Windsor Town Council

Enclosure: Town of Windsor Comments on Koi Nation Shiloh Resort and Casino
Project EA, dated November 13, 2023



Town of Windsor
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Councilmember District 1
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Councilmember District 3
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Councilmember District 4
Tanya Potter

Town Manager
Jon Davis

Sent via Email
November 13, 2023

Amy Dutschke, Regional Director
2800 Cottage Way
Sacramento, CA 95825

SUBJECT: Koi Nation Shiloh Resort and Casino Project
Town of Windsor Comments on Environmental Assessment
Published September 2023

Dear Ms. Dutschke:

The Town of Windsor, which includes the Windsor Water District, hereby submits comments in response to the Environmental Assessment (EA) that was prepared for the Koi Nation Shiloh Resort and Casino Project. Unless otherwise indicated, all comments are in response to “Alternative A” which is identified as the Proposed Project.

Proposed Project and Alternatives

1. Reliance on the Best Management Practices (BMPs) in Table 2.1-3 is inadequate for environmental protection. The BMPs are not measurable or monitorable, described as, “when feasible” and “when practicable.” Instead, the project description should be amended to incorporate measurable standards to address the relevant concerns. Without these standards there is potential for the project to have significant adverse impacts on the environment.

Water Resources

2. Between 6 and 17 acres of vineyards will remain for recycled water irrigation. At an average daily flow of .3 MGD (2.1.4), this equates to 110 MG / Yr. A 20-acre vineyard would be allocated 4.9 MG per year under current ETC requirements set for the Windsor Water District by the State. Although the project may be held to a lesser standard of environmental protection, the substantial differential in the application rate indicates that the proposed rate is unrealistic.
3. Proposed 12-16 MG reservoirs / tanks would equate to 40 to 50 days of storage. The EA proposes not discharging between May 15 and September 30 (138 days) – storage should be closer to 40 MG to meet that discharge target. As proposed, the storage capacity is likely too small and discharge events, that have not been considered in the EA, are likely to occur.
4. The State Division of Drinking Water (DDW) does not / has not approved all of the proposed recycled water uses in this configuration as described in the project description. For example, recycled water is not allowed inside any food service buildings.
5. 3-20 references Mark West Creek for flow monitoring during discharge, which is significantly downstream of the point of discharge on Pruitt Creek. Pruitt Creek is also ephemeral, meaning it does not flow year-round, discharging wastewater into a creek that does not flow year round will significantly affect surfaces in the area. Significant adverse impacts

due to erosion, loss of habitat, flooding, movement of sediment, and destabilizing of banks could occur. Monitoring should be required at the point of discharge on Pruitt Creek.

6. There are four existing wells on the Project site, the Project proposes to construct up to two additional wells on site for potable water use. The Town of Windsor has two wells at Esposti Park to the north and in close proximity to the Project property. One is used for irrigating Esposti Park, and the other will be used as a replacement municipal drinking water well. The Project well(s) and Project wastewater treatment plant should not be constructed within the zone of influence around the existing Town wells.
7. The reported peak-day pumping for the project is 402,000 gpd, which equals approximately 275 gpm (Table 2-2). If that pumping were to occur close to the Esposti Well, drawdown at the Town's Esposti drinking water well could be significant, which could significantly decrease the Esposti well output rate and possibly water quality. Prior testing of the Esposti drinking water well was over short durations and should not be used to extrapolate the level of impact from the proposed project wells without further testing. The potential impacts to the groundwater aquifer and groundwater wells have not been sufficiently evaluated. At a minimum, a well interference study should be completed as part of the Project to ensure proper placement of the proposed Project well(s) and Hydrogeologic testing should be completed to ensure Project well(s) will not adversely affect the groundwater levels nor the water quality of the existing Town wells or other domestic wells. Mitigation measures should be required for any impacts identified once sufficient analysis has been conducted. As currently proposed the Project may have a significant adverse impact to water resources.
8. As stated in the 2020 Urban Water Management Plan, the Town is moving toward installing arsenic and manganese treatment on the Esposti well in order to meet the drinking water demands. Any analysis of wells on the proposed project should consider increased future pumping from the Esposti well.
9. The project proposes to repurpose or install up to 4 groundwater wells and estimates 100-300 gpm groundwater flow for daily use. The report does not indicate how much the existing wells on-site are currently being used. The proposed mitigation measure for groundwater is insufficient to address the risk to drinking water supplies. The proposed mitigation measure to reimburse the owners of nearby wells that become unusable within five years of the onset of project pumping is not sufficient to mitigate the level of impact. Payment to owners of nearby wells does not increase the total available water supply in the area and the loss of function of existing wells will have significant effects to the area's water system as new sources of water supply will need to be developed.
10. The EA cites the 2017 aquifer test at the Esposti well as evidence that pumping from aquifers deeper than 300 feet would not affect water levels in shallow wells (less than 200 ft deep). No drawdown was observed in shallow wells during the Esposti test. However, that test lasted only 28 hours. The EA should consider the potential for sustained pumping (months) at the Esposti well and the Project supply wells that may lower water levels in the shallow aquifers and could potentially jeopardize output of nearby domestic and municipal drinking water wells.

11. The proposed design takes away from floodplain storage, an adequate amount of stormwater detention is not demonstrated by calculation to address the detracting of floodplain. Sub areas A,C, and E have footprints directly in the floodplain.
12. The Town of Windsor completed a [Storm Drainage Master Plan](#) where the 100-year flood zones were mapped. The Project location shows potential flooding during the 100-year floods. The Project will need to consider flood mitigations, so it does not affect the downstream neighborhoods with additional flooding or sediment transport.
13. Analysis is needed of the existing Pruitt Creek box culvert under Highway 101 to determine the ability to convey the anticipated storm flow from a full buildout condition and mitigation measure should be required for any negative impacts identified in the analysis.
14. The north bound offramp from Highway 101 is periodically closed due to flooding, and the analysis should determine if increased flows from the project negatively impact this condition. Several such closures occurred in December 2022 and January 2023.

Air Quality

15. The EA states that traffic volumes on a surface street would need to exceed 40,000 daily trips to exceed the significance threshold for cancer risk for hazardous air pollutants. It reasons that “these traffic levels do not exist on local roadways serving the Project Site, including Shiloh Road and Old Redwood Highway” and therefore impacts would not be significant. The project would include road widening and itself would generate between 11,213 and 15,779 daily trips. Significance should be determined in the future full build-out scenario, not based on existing conditions. As currently proposed the Project may have a significant adverse impact to air quality.
16. The air quality modeling as detailed in Appendix F-1 makes a number of inaccurate assumptions including that Windsor is located in Climate Zone 4, that the project is in a rural setting, and that the average trip length for non-work trips should be based on the distance from Santa Rosa. It is unlikely that there are no potential significant impacts for any air quality or green house gas emissions other than for CO. A peer review of the air quality study and modeling is recommended. According to the California Department of Energy, Windsor is in Climate Zone 2 and according to the [Generation Housing State of Housing in Sonoma County Report](#), 31.4% of the local work force commutes from outside of Sonoma County.
17. To reduce potential air quality impacts, Tier IV construction equipment for equipment greater than 50 horsepower should be required, instead of Tier III as proposed.
18. “Clean fuel fleet vehicles” should be defined, and a standard should be set to determine when use of clean vehicles is impracticable. In this scenario, what is the alternative to address the potential air quality impacts?

Cultural Resources

19. Due to the presence of Pruitt Creek, the presence of scattered obsidian, and the and the results of Native American Consultation, the EA determined that there is a potential for significant subsurface cultural resources on the Project Site, however monitoring is only prescribed within 150 feet of Pruitt Creek. A qualified archaeologist and Native

American Tribal Monitor should be present for ground-disturbing activities across the entirety of the Project Site. As currently proposed the Project may have a significant adverse impact to cultural resources.

Socioeconomic Conditions and Environmental Justice

20. The growth-inducing effects section indicates that the project would result in pressure for new commercial development in the area, such as additional gas stations. Consider the gas station bans in the Town of Windsor and the County of Sonoma. This section concludes that indirect and induced demand for commercial growth would be diffused across the State and therefore there would be no significant regional commercial growth inducing impacts. Provide data to justify this conclusion, considering local growth management policies and urban growth boundaries.
21. The housing section assumes there would be no significant impact without sufficient local data. It assumes most employees will come from the existing pool of casino and hospitality workers, however due to housing costs, many of these workers are commuting to Sonoma County from other parts of the Bay Area.
 - a. Provide temporary housing facilities on-site for the construction workers (2,196).
 - b. Provide permanent affordable housing on-site for casino workers (1,571).
 - c. Provide information about the median salary of the construction workers and the casino workers, so that the appropriate housing affordability can be determined.
 - d. Project alternatives should be evaluated with on-site housing options.
22. The Socioeconomic Study was prepared by Global Market Advisors (GMA) for the Koi Nation of Northern California. As described on page 1, GMA is an international provider of consulting services to the gaming, entertainment, sports, and hospitality industries. The BIA should obtain a peer review of the Socioeconomic assessment by an independent consultant.
23. Page 5 of the study (Income) states that the Sonoma County Average Annual Household Income (AAHI) was \$121,522 in 2021, which may be overstated. Information provided by the California Department of Housing and Community Development indicated that the Sonoma County Area Median Income (AMI) was \$103,300 for a family of four in 2021. Most analyses of housing affordability refer to median income, because the average income is likely to be skewed by a small number of high-income households. The following section on Housing costs reflects median housing costs.
24. Page 6 of the study indicates that only 170 new homes were added to Sonoma County from 2010 to 2020. These data appear to be inaccurate and the statistic is misleading, since nearly 5,600 homes were destroyed in Sonoma County by the 2017 Tubbs Fire.
25. Page 40 of the study (Employment) indicates that construction and operation phases will have a positive effect on the local economy (thereby

reducing the unemployment level). This discussion does not recognize the local labor *shortage* in the area, which this project could exacerbate.

26. The section beginning on Page 40 of the study (Housing and Schools) does not recognize the local housing shortage and continuing recovery from the Tubbs Fire and other wildfire events. Also, as stated above, the assertion that Sonoma County has a sufficient labor force focused on the hospitality industry, and thus could easily absorb the new labor needed by the casino, is likely false. These concerns are supported by the [Generation Housing State of Housing in Sonoma County Report](#), published in April 2023.

Transportation and Circulation

27. Based on reviews conducted for a casino in Rohnert Park, the weekday and Saturday daily trips may be 15 to 25 percent higher than those indicated on this project analysis. Review of the Rohnert Park facility also revealed that the highest daily and afternoon peak trip generation occurs on Sundays, not Saturdays. The project should analyze Sundays as well as Saturday, to ensure that worst-case traffic impacts have been captured.
28. The Traffic Impact Study (TIS) indicates that the project would be fully responsible for implementing the improvements needed under Existing plus Project and Opening Year 2028 plus Project. These minor mitigation efforts include:

- a. Shiloh Road/Old Redwood Highway: Restripe westbound approach with a 200' long left-turn lane and modify signal phasing. This is similar to previously-identified near-term improvements except with a longer turn lane.
- b. Shiloh Road/Hembree Lane: Optimize signal timing.
- c. Shiloh Road/US 101 North Off-Ramp: Restripe ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). The proposed mitigation is simply restriping.
- d. Signalize the project driveways on Shiloh Road and Old Redwood Highway. This is logical but has no broader benefit to the Town since the signals are only needed to accommodate resort traffic.

29. Objections to Existing plus Project and Opening Year 2028 plus Project Findings:

- a. Shiloh Road/Old Redwood Highway: For the queuing analysis the TIS relies on the Town to widen northbound ORH to include dual left-turns, stating that this improvement is included in the traffic impact fee. The north, west, and east legs of the intersection are within the Town of Windsor limits, but the project is not, and therefore no impact fee would be assessed by the Town and no funding would be afforded for this improvement. It is therefore unclear how the Town's impact fee program has any relation to mitigating the impact of the proposed project. The project would not make this improvement as currently proposed, so would not fully address the queuing issue. Note that the dual left-turn lanes also require widening of Shiloh Road to two westbound lanes. Widening of both Old Redwood Highway and Shiloh Road are needed to accommodate the traffic load generated by the project, and no mitigation is proposed for these impacts.

- b. Shiloh Road/US 101 North Off-Ramp: The proposed mitigation is to restripe the ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). This modification is likely to perform poorly since it would “trap” two of the three right-turn lanes in the left-turn pockets at the adjacent Shiloh Road/Hembree Lane intersection. It would not function acceptably without widening Shiloh Road to two eastbound lanes through the Hembree intersection. The TIS’s mitigated configuration also limits capacity for left-turn movements on the off-ramp which also have high volumes.

30. Objections to 2040 plus Project Findings:

- a. The TIS indicates Shiloh requires widening to four lanes from Caletti Avenue to the project driveway opposite Gridley Drive; it states that Shiloh widening is planned by the Town but this is incorrect. If traffic is increased by a proposed development, that development would be required to make the necessary improvements to mitigate the impact, including widening of Shiloh Road for additional lanes if needed. The Town does not have a capital project planned for widening Shiloh Road, nor is any proposed development planning to do so. The proposed casino project should be required to mitigate the impacts of the project as would any other development.
- b. Shiloh Road/Old Redwood Highway Intersection: In addition to Shiloh Road widening to four lanes and dual northbound left-turn lanes, the TIS indicates ORH requires two lanes in each direction and that existing northbound and southbound right-turn lanes need to be maintained. However, it does not mention that Shiloh Road would also need to include eastbound and westbound right-turn lanes.
- c. This configuration results in an extremely large intersection including five northbound approach lanes and four southbound, eastbound, and westbound approach lanes. Widening of ORH to two lanes in each direction is contrary to the General Plan and ORH Corridor Plan.
- d. The TIS indicates that the project would be responsible for 39.4% of the traffic growth which seems to imply that the project would not need to contribute funds since it addresses its impact under 2028+Project. Further, a contribution of 39.4% if made would still be illogical since the intersection would undergo far more widening (with associated cost) than the Town would ever have needed without the project.
- e. Shiloh Road/Hembree Lane: The TIS indicates that southbound Hembree Lane requires two additional lanes on the intersection approach. This degree of widening is infeasible (approach would include a left-turn lane, a through lane and two right-turn lanes and there is not sufficient right-of-way to support this configuration).
- f. The TIS indicates a fair share cost of 36.4 percent. This value is unreasonably low due to the fact that the Hembree widening would not have otherwise been needed without the project.

31. Objections to Roadway Segment Analysis

- a. The segment analysis is extremely high-level, particularly with its use of volume to capacity ratios that are based on weekday

Average Daily Traffic (ADT) volumes. The analysis also assumes Shiloh Road's capacities to be based on a 40 mph speed, which is inconsistent with the Town's vision for a "village" oriented walking and biking focused streetscape between Hembree Lane and Old Redwood Highway.

- b. As noted above, the project's ADT trip generation may also be underestimated by 15 to 25 percent, so the project's actual share of roadway segment volumes is likely to be greater than assumed in the TIS.
 - c. The TIS shows that the project would cause (or significantly deteriorate) operation on Shiloh Road to LOS E/F levels under 2028 opening year conditions between Conde Lane and Old Redwood Highway. The TIS then indicates that with the proposed mitigations to be constructed by the project, capacities would increase from 22,000 to 30,000 vehicles per day, offsetting the project's impacts to roadway operation. These capacity increases are not in line with the very minor nature of the proposed mitigating improvements; further, the project's proposed mitigation of creating triple right-turn lanes on the US 101 northbound offramp would be likely to reduce rather than increase capacity between the freeway and Hembree Lane (due to two of the offramp right-turn lanes "trapping" vehicles onto Hembree rather than continuing east on Shiloh).
 - d. The addition of project traffic will severely degrade operation on Shiloh Road upon 2028 opening between the US 101 South Ramp and Old Redwood Highway (and possibly westward to Conde Lane) unless additional improvements are implemented in addition to the minor improvements currently proposed by the project.
32. The Town's General Plan includes the possibility of Shiloh Road expanding to 5 lanes, however widening of the roadway would not be constructed by the Town, but rather the developments that created the increased traffic would be required to fund the improvements to mitigate their impacts to the transportation network. Without a mechanism to ensure that the road widening is completed by the time the Project begins operation, it can be assumed that the Project will have a significant adverse impact to traffic and circulation.
33. The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network on opening day of the proposed casino and should be required to be mitigated by the developer of the project.
34. The 2040 segment analysis capacities are shown to be 49,800 daily vehicles, which is highly unrealistic for an urban four-lane street (particularly in a lower-speed, multimodal environment as envisioned).
35. The TIS estimates a proportional share of 27.4 percent for the interchange but doesn't identify it as a project mitigation; there are also no fair share calculations for the remainder of the Shiloh Road widening (other than intersection improvements). If no mitigation is required for this improvement, the improvement will not be constructed and the project will have higher impacts than disclosed in the EA.
36. As noted above, Shiloh Road and interchange improvements should occur by 2028 opening of the facility and the project should be responsible for funding those improvements.

37. Objections to non-auto modes assessment

- a. The project would significantly increase volumes on Shiloh Road through the Shiloh Village area which the Town plans to be a mixed-use, pedestrian- and bicycle-oriented area. The added traffic from the project would drive the need for Shiloh Road to be widened to a higher-speed four-to-five lane arterial (recent analyses overseen by the Town have indicated that a lower-speed three-lane section would accommodate future growth planned in this area without the casino project).
 - b. The project is currently proposing almost no offsite ped/bike improvements, instead relying on the Town to build facilities as widening on Shiloh and ORH occur through the traffic impact fee program. However, the casino project is not in the Town and no impact fees would be provided to the Town and so these improvements should be built and paid for by the project developer.
 - c. The TIS recommends onsite sidewalk connections to the project driveways, and accessible paths between nearby transit stops and driveways.
 - d. The project needs to construct facilities to accommodate multimodal circulation on Shiloh Road given its significant traffic increases on the corridor.
38. The proposal does not address full pedestrian and bicycle improvements, including Class IV bike routes, needed for the Shiloh area to align with The Old Redwood Highway Corridor Enhancement Plan and The Complete Streets Guidelines.
39. An evaluation of the feasibility of a roundabout has not been included, the Town has identified the roundabout as a preferred intersection type for this area.
40. The traffic analysis should consider the impacts of large events in addition to typical daily operations.
41. It is assumed that eminent domain will be utilized to acquire the necessary right-of-way to widen Shiloh Road. If this land acquisition is done by the Town, the Project should be responsible for all legal costs and land acquisition costs.
42. The traffic impact study considers employee vehicle miles traveled (VMT). Analysis of visitor VMT should also be included.
43. The Shiloh Road Village Vision Plan (SRVVP) outlines a grid street network in this area to disperse traffic volumes, provide for the safe movement of traffic, and minimize negative impacts on Shiloh Road. The traffic analysis for the Project should consider the impact to these east-west street connections between the Project Site and Highway 101 assuming full build-out of the SRVVP.

Land Use

44. The Town of Windsor General Plan land use diagram designates the properties to the north and west of the Project Site for Very Low Density Residential (three to six dwelling units per acre) development with Boulevard Mixed-Use (16 – 32 dwelling units per acre) to the west, fronting Shiloh Road. Additionally, the Town has adopted the Shiloh Road Vision Plan for the Shiloh Road Corridor west of the Project Site. The Shiloh Road

Vision Plan envisions mixed use development that encourages walking and biking. The planning for the density and intensity of these land use designations and for Town infrastructure in the area was done with the assumption that the Project Site would continue to be used for agriculture. The EA does not discuss impacts to the long-range vision of these planning documents particularly regarding circulation, safety, public amenities, and public services.

45. The land use designation for the Project Site in the Sonoma County General Plan is Land Intensive Agriculture, the stated purpose of which is to “enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land.” Permitted land uses include keeping of livestock, indoor or outdoor crop production, daycare facilities, telecommunications facilities, and seasonal farmworker housing. Hotels, restaurants, and gaming facilities are not listed as permitted uses with this designation. The EA states the transfer of the Project property into federal trust status would remove it from County land use jurisdiction, but does not resolve potential environmental impacts that were not addressed in the Sonoma County General Plan Environmental Impact Report.
46. The Project Site is part of the Windsor/Larkfield/Santa Rosa Community Separator. The purpose of community separators is to maintain greenbelt areas around and between Sonoma County’s cities, towns, and more densely developed communities. The Project Site is currently developed with vineyards, meeting the spirit of the community separator designation. Potential impacts to the Windsor/Larkfield/Santa Rosa Community Separator should be analyzed.

Public Services and Utilities

47. Appendix F, page 8, indicates that the Tribe will use County waste disposal facilities, which are required to divert 50 percent of waste from landfills. In 2021, the County of Sonoma adopted a Zero Waste Resolution establishing a goal of zero waste by 2030, consistent with the Countywide Integrated Waste Management Plan and the Sonoma County Regional Climate Action Plan. The purpose of the zero waste goal is to reduce greenhouse gas emissions and conserve the remaining capacity at County landfills. Diversion rates in the future condition should be analyzed.
48. The EA notes that increases in crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically. Regardless of the cause, the Project Site currently generates virtually zero calls for service presently. Although the proposed Project is in County of Sonoma Jurisdiction, its proximity to the Town of Windsor will impact the Windsor Police Department through increased calls within Town limits and requests for assistance on the Project Site or within County jurisdiction. The Windsor Police Department anticipates an increase in calls related to:
 - a. Traffic, noise, accidents, DUI’s, loud exhaust, and speeding.
 - b. Disturbing the peace/Public Intoxication
 - c. Trespassing
 - d. Property Crimes
 - e. Prostitution
 - f. Assaults

- g. Drug activity
- h. Human Trafficking
- i. Violent Crime

A mechanism to mitigate the impact on Windsor Police Department resources should be developed.

- 49. The EA assumes that induced population growth and visitation by patrons of the Project would not be significant enough to require expansion of Esposti Park or Shiloh Ranch Regional Park. This may be true, but the EA does not consider the potential impact of visitation by patrons and employees of the Project on park resources including parking, restroom facilities, waste receptacles, and maintenance schedules.

Noise

- 50. Considering the proximity of sensitive receptors to the Project Site, Sundays should be excluded from construction hours to be consistent with the Town of Windsor Municipal Code.

Hazardous Materials and Hazards

- 51. The EA does not address post wildfire pollutant materials (such as ash) and their potential effects on Pruitt Creek. Mitigation should include on-site treatment of possible contamination and measures to prevent pollutants from continuing downstream.
- 52. Per the Town's Windsor Resiliency for Emergencies and Disasters Initiative (READII) Plan all transportation infrastructure investments should engage residents during the planning and design process. This plan considers two types of investments: 1) the development of new connections to open alternate routes during emergencies, and 2) the improvement of existing intersections, both for the purposes of improving daily traffic flows and reducing the risk of bottlenecks during evacuations. Old Redwood Highway (ORH), a two-lane roadway, runs parallel to and connects many local roads to US Highway 101, as well as providing a critical alternative route to the north and south when US Highway 101 is closed or temporarily congested. Old Redwood Highway can also serve as a secondary evacuation route if necessary. Windsor's current Local Hazard Mitigation Plan (LHMP) (2018) designates US Highway 101 as the primary evacuation route and Old Redwood Highway as the primary surface street to support evacuations routes and must be identified including "their capacity, safety, and viability under a range of emergency scenarios". If needed, redesign of street geometries, or evacuation signal timing should be considered as methods of increasing adaptive capacity.
- 53. In an effort to identify which specific neighborhoods and intersections might face the highest risks of bottleneck formation, the READII Plan team developed a "trafficheds" approach. This approach looks at networks of residential and commercial streets, lanes, courts, other smaller roads that are linked to one another - and the various points at which these self-contained networks are connected to the major roadways and arteries throughout the Town. These points of connection between neighborhoods and the main road network are "exit nodes," also referred to in other state planning documents as "ingress/egress points" and, if unable to handle the traffic loads during evacuation events, have the potential to become severe bottlenecks. The trafficheds method should be considered for evacuation

planning as traffic will be increased at the intersection of Shiloh Road and ORH.

54. The EA assumes that without the Project, it would take an estimated 4 to 6 hours to evacuate the Town of Windsor during a “No-Notice Event” and with the Project, the evacuation time could increase to 6 to 8 hours. The single mitigation measure related to evacuations offered in the EA is to “develop a project-specific evacuation plan” prior to occupancy. There is no way to ensure that this mitigation measure will adequately reduce the impact of impairment of evacuation plans. The loss of life experienced in recent fires in Paradise, CA and Lahaina, HI demonstrates the importance of impacts to evacuation plans.
55. The above evacuation time is taken from Appendix N Wildfire Evacuation Memorandum (Memo). The Memo does not consider that the mountainous areas (residences/properties such as Shiloh Estates and Mayacama) east of the Town, located in the Wildland-Urban Interface (WUI) area, only have two evacuation routes to US101 (through Pleasant Avenue and Shiloh Road) and has a high structure to exit ratio and could compound the issues at the intersection of Shiloh and ORH.
56. The comments from Losh and Associates found in Appendix N state that the State Responsibility Area (SRA) fire zone maps are out for review and should have been available to the public sometime in calendar year 2023. These updated maps should be evaluated if available.
57. The Project Site is currently developed with a vineyard. In recent wildfire events, vineyard sites have served as buffers to developed urban areas and have been used as staging areas for firefighting activities. The Proposed Project would replace a wildfire mitigating resource with a development of combustible materials (vehicles, structures, landscaping). Potential impacts of this land use change should be analyzed, and appropriate mitigation measures proposed.

Visual Resources

58. Due to the proximity of residential development the following changes should be made to the project:
 - a. Reduce parking light pole height to a maximum of 20 feet, instead of the currently-proposed 25 feet.
 - b. Outdoor lighting should be provided in a warm color range no greater than 3,000 Kelvin.
 - c. Details should be provided on illumination of all outdoor signage and the impacts to sensitive receptors should be analyzed.
59. The Town of Windsor 2040 General Plan designates Highway 101 and Faught Road as scenic corridors. Impacts to these scenic corridors should be analyzed and mitigation measures proposed.

As described in the comments above, there exists the potential for significant adverse impacts in almost every resource area analyzed by the EA. The significant adverse impacts associated with the Project are either not identified in the EA or not adequately mitigated below the threshold of significance. Impacts in the areas of water, traffic, public services and utilities, and hazards may be unmitigable and would therefore be significant and unavoidable. Because of the potential for significant adverse impacts to the Town and the environment, the Town of Windsor is opposed to the Project and finds that only Alternative D, the No Action Alternative, can ensure that there will be no significant adverse

impacts associated with the Project. If the Project is to move forward with any alternative other than Alternative D, an Environmental Impact Statement must be prepared.

The Windsor Town Council considered the EA and received public comment at its October 18, 2023, meeting. Written correspondence received up to and after the meeting is attached hereto.

If you have questions or need additional information, please contact me: Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313.

Sincerely,



Patrick N. Streeter, AICP
Community Development Director

cc: Chad Broussard, Environmental Protection Specialist
Jon Davis, Windsor Town Manager

Attachment: Correspondence received related to the EA

Irene Camacho-Werby

From: BARBARA SACKETT <sackettbarbara@yahoo.com>
Sent: Thursday, January 27, 2022 9:52 AM
To: Town Council
Cc: Barbara Sackett
Subject: New Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to express my strongest opposition to the new casino being built in Windsor. Not only is it completely unnecessary, it will bring an untenable amount of traffic to our small town. It will ruin the quaint atmosphere of our area and will not add to the wholesome ambience of Windsor.

The site is surrounded by residential homes. These home owners do not deserve to have their area devastated by a development of this scope. Building a casino here will not be beneficial to the neighborhood. Instead , it will bring down home values and destroy the peacefulness of the entire area.

We hope that you will take action against using this site for a casino.

Thank You,
Barb and Chuck Sackett

Sent from my iPhone

From: [Mark Linder](#)
To: [Abbie Williams](#); [Town Council](#)
Subject: RE: How dare you
Date: Friday, February 4, 2022 10:10:19 AM

Dear Abbie and Paul Williams,

The Town Council has not approved the proposed Koi casino. The location is not in the Town. It is in the County. Currently, the issue is with the Bureau of Indian Affairs. At some point the Bureau will be conducting community meetings where you will have an opportunity to express your opposition.

Thank you

Mark Linder
Interim Town Manager

-----Original Message-----

From: Abbie Williams <abbie.earthinfofocus@gmail.com>
Sent: Friday, February 4, 2022 9:48 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: How dare you

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear town council, Windsor Ca,

I didn't capitalize town council cause you don't even deserve to be called anything like a council. That would infer that you actually are to be respected.

Correct me if I'm wrong but you've already approved this casino by the Koi tribe? A \$600 million behemoth, similar or exactly like the one that has ruined Rohnert Park already. If you tried to do this in Healdsburg they run you out of town. But here in Windsor because you think of us as less educated, less hip, less cool small town vibe. And we have a mayor who is "build at all costs" greedy sycophant. You think we won't notice that you're building a \$600 million behemoth it will be drugs alcohol prostitution and all sorts of other things to our small town? You don't give a damn about the people of Windsor at all. But you will find out that we are a force to be reckoned with us women.

I hope I've made myself super clear. But let me lay it out for you. There's about 400 of us women who've gotten together and we will protest. We will stand outside and we will scream about it. We will yell, we will protest in our own way with the protection that the first amendment gives us; (which you probably don't even believe in any way anymore). It is going to be very difficult for you to get through the moms that don't want this casino at all, on any level, and anywhere near our children.

So I am starting a coalition with other moms right now. We have about 400 women and families. We ARE A FORCE to be reckoned. This casino must not go through. The next step up is we have the governor's office. We will fight this with all we have.

Abbie and Paul Williams 1194 Eagle Dr., Windsor CA 95492.

Abbie Williams
415-531-7495

From: [Al Storms](#)
To: [Town Council](#)
Subject: No casino
Date: Monday, February 14, 2022 6:10:42 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

A casino will bring nothing good to the community but more traffic crime and violence. I vote no. If this happens i will sell and move shortly after its done

From: David C. Brayton <david.brayton@gmail.com>
Sent: Sunday, April 17, 2022 6:45:36 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: No Casino on Shiloh Road

Hello!

I am writing to encourage you to approve the resolution in opposition to the location of the Casino Resort on Shiloh.

The Casino does not belong anywhere in Windsor, let alone on Shiloh Road. Windsor is a bedroom community and Shiloh Road is simply the wrong place for it.

First, it is aesthetically awful. This is wine country, where agriculture defines the community, not Las Vegas. This Shiloh Road location places a huge, gaudy facility at the entrance to our beautiful town.

Second, the location is utterly wrong because it is surrounded by residential areas. Casinos operate 24 hours a day. Fine for Vegas or the remote hillside in Alexander Valley but the residents in this area need a good place to live. This will bring huge amounts of traffic, noise and bright lights.

Third, there simply isn't the infrastructure needed to support this monstrosity. To accommodate all the traffic, ORH and Shiloh will need to be five lanes. There simply isn't enough water left in the Russian River to support this facility.

The soul of Windsor is in the line. If this monstrosity is approved, the entire character of Windsor will be destroyed. The history of Windsor will be divided into two chapters. BC and AD--Before the Casino and After Development.

Don't let this happen. Vote to approve the resolution in opposition to the casino.

See you on Wednesday evening.

David Brayton

From: Carrie Marvin <caretoride@yahoo.com>
Sent: Saturday, April 16, 2022 7:08:43 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Wednesday's meeting

Please be aware that Carrie, Jon and Theo Marvin of The Foothills in Windsor would like the town council to vote aye in this matter. In that the Town of Windsor supports retaining the existing Sonoma County General Plan land use designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road; and that the Town Council of the Town of Windsor, support the continued use of the land for agricultural purposes; and that the Town Council of the Town of Windsor, SUPPORT the Board of Supervisors of the County of Sonoma in OPPOSING the establishment of the casino.

This land should not be used for a casino. And furthermore we have great concern about water and fire. Please honor Windsor neighbors concerns about this parcel of land. No casinos in neighborhoods.

Thank you.

Carrie, Jon and Theo Marvin



windsor

Sent from my iPhone

From: Janice Sexton <janicesexton46@gmail.com>
Sent: Saturday, April 16, 2022 7:32:41 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Casino at 222 E. Shiloh Rd.

To all members of the Town Council:

I strongly urge your adoption of the proposed Resolution opposing the Koi casino project, and I hope you will follow the lead of the Sonoma County Board of Supervisors in this matter.

Janice Sexton

[REDACTED]

Windsor, CA 95492

From: cd4ques@aim.com <cd4ques@aol.com>

Sent: Saturday, April 16, 2022 11:16:52 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: We are against the proposed Koi casino on East Shiloh Road and Old Redwood Hwy

It doesn't belong in this area and the small Band of Koi Indians have no rights here. Also, fire, water, sewer, traffic, etc. etc, are issues that make it a detriment to all of us. Please oppose it!!

Sent from the all new AOL app for iOS

From: Katherine Schram <schram@sonic.net>
Sent: Sunday, April 17, 2022 5:58:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: 222 E Shiloh Resolution

I would like to urge the Town Council to vote in favor of the Resolution to keep 222 E Shiloh Road as Intensive Agricultural Land and oppose the building of a casino.

Thank you,
Katherine Schram

From: Linda McBride <linda.mcbride@icloud.com>
Sent: Sunday, April 17, 2022 7:54:55 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed casino @ 222 E. Shiloh Road

Dear Council members,

As a long-term member of this community, I wholeheartedly support this resolution as written. Please come together to take a stand against the Koi nation building this casino in a well-established residential neighborhood, across from a park where our community gathers. In addition to the negative impact of a casino, our community has lived through a full-scale evacuation due to fire and the risk of that happening again is high in either Foothill Park or Shiloh Park. Adding that many casino guests and staff to an evacuation route that was already challenged would be irresponsible.

Thank you,

Linda McBride

[REDACTED]

Windsor, CA

[REDACTED]

From: Amy Hoover <amychoover@gmail.com>
Sent: Sunday, April 17, 2022 1:15:14 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Resolution regarding casino

Dear Mr Mayor and Town Council Members,

I am writing on behalf of our household in the Foothills area of Windsor. We are very much against the Koi Nation's intent to build a casino with restaurants and hotel on the property at Shiloh Road.

This is a heavily trafficked area, going into and out of Windsor. The idea of yet another casino is abhorrent to us. Our county has more than our share of casinos, we do not need anything more than the agriculture that this property has been zoned for.

Your Resolution is thorough and specific. We wholeheartedly support any and all actions on your part to keep this particular project away from that area. Thank you.

Amy and Chris Hoover



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Sent from Gmail Mobile

From: jscoppedge@att.net <jscoppedge@att.net>

Sent: Sunday, April 17, 2022 3:55:10 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Proposed Casino Site Location-Residential neighborhoods are inappropriate

Hello Windsor Council Members—

Please take a few moments to review the attached pertaining to the Proposed Casino Site on Shiloh Road. Our opposition is to the location of this Casino—in the middle of a residential neighborhood.

Thank you for your commitment to the safety and well-being of your residents and neighbors.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Depart of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

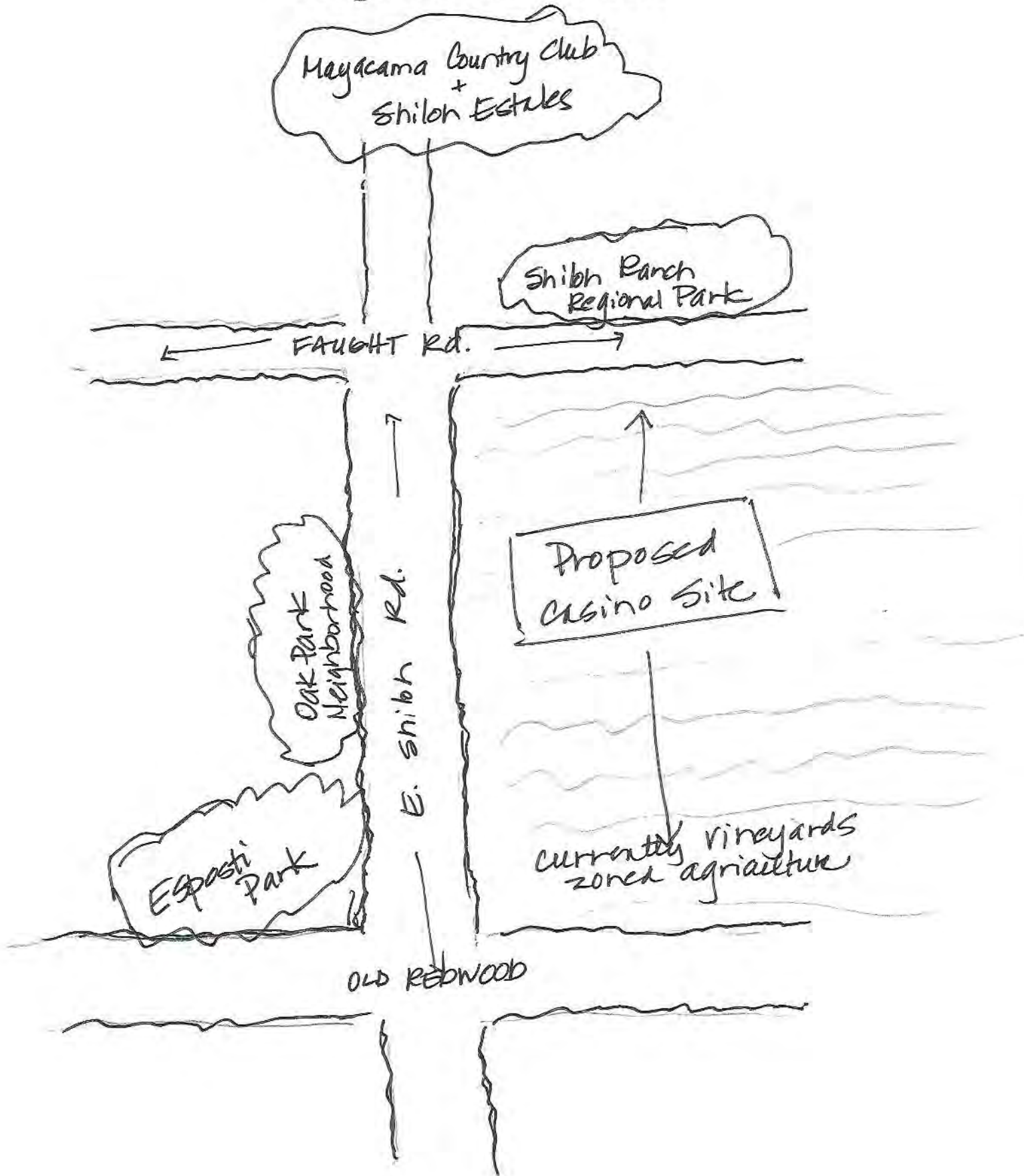
WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



From: Elizabeth Acosta [REDACTED]
Sent: Saturday, April 16, 2022 3:48:25 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: April 20, 2022, Town Council Agenda; item 12.4

Please redact our email address prior to publishing on the Town's website; please forward to Mayor Salmon, Vice Mayor Lemus, and Councilmember Reynoza all of whom currently represent District 4.

We support adoption of item 12.4; we encourage the Town Council to oppose development or uses that are inconsistent with the current land use designation of Land Intensive Agriculture on the property at 222 E. Shiloh Road. Further, we support the Town Council joining the Sonoma County Board of Supervisors in stating its opposition to establishment of a casino at the property named in the Resolution.

Thank you for considering our comments.

Stephen Rios & Elizabeth Acosta
Windsor Residents (D-4)

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Shiloh Casino

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
[REDACTED] Windsor, CA 95492

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Be yourself, everyone else is taken.

From: Tayler Hockett <hocketttayler@yahoo.com>
Sent: Monday, April 18, 2022 11:09 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: proposed casino on Shilo rd

To whom it may concern,

I am writing to help inform and compel to make sure we do not build a casino on Shilo rd. As a counselor, I work with children and families; and encourage them regularly to get outside and exercise, often trying hiking and cycling. I generally encourage them to go to Shilo as it is often quieter, family-friendly and offers great trails and views. Now more than ever hiking, playing sports, and in general getting exercise and being outside is so important! Our kids and families need parks and outdoor activities made more accessible and friendly, not less. The rise in mental needs and increasing rates of obesity and off the charts since covid. A major deterrent to exercise is accessibility and getting to the parks. Increasing the traffic and likely hood of accidents on Shilo rd by building a casino will directly decrease the safe access and thereby use of the parks.

Secondly, as a cyclist and competitive triathlete I genuinely feel a connection to the trails at Shilo and though a casino would not remove it would greatly diminish the nature Shilo has to offer.

I completely understand it will bring in jobs and capital to the town of Windsor, and agree that is needed right now. However, it is clearly shown casinos increase rates of DUIs nearby, and Shilo rd already being a narrow road with little to no shoulder it will greatly increase possibly and in all likely hood will increase auto, cyclist, and pedestrian accidents. This is a situation where common sense needs to supersede other motivations. Clearly, a casino will increase accidents and drastically change the nature and park dynamics close by, the most concerning factor is that Aposti park is where children, families, sports teams, etc meet and play. Another casino may have its place in Sonoma County (that of course is a matter of opinion), that place is simply not by the family park where children play and a county park where we as a community can enjoy nature.

I am happy to elaborate further about why Shilo in particular is a great park to use, and have stats relating to mental and exercise, rates of accidents near casinos, and more. Please feel free to reach out with any questions.

Sincerely,

Tayler Hockett, MA

-----Original Message-----

From: Lynn Darst <backpackers_darst@sprynet.com>

Sent: Monday, April 18, 2022 1:56 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst



Sent from my I-Pad

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Depart of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

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- private Country Club
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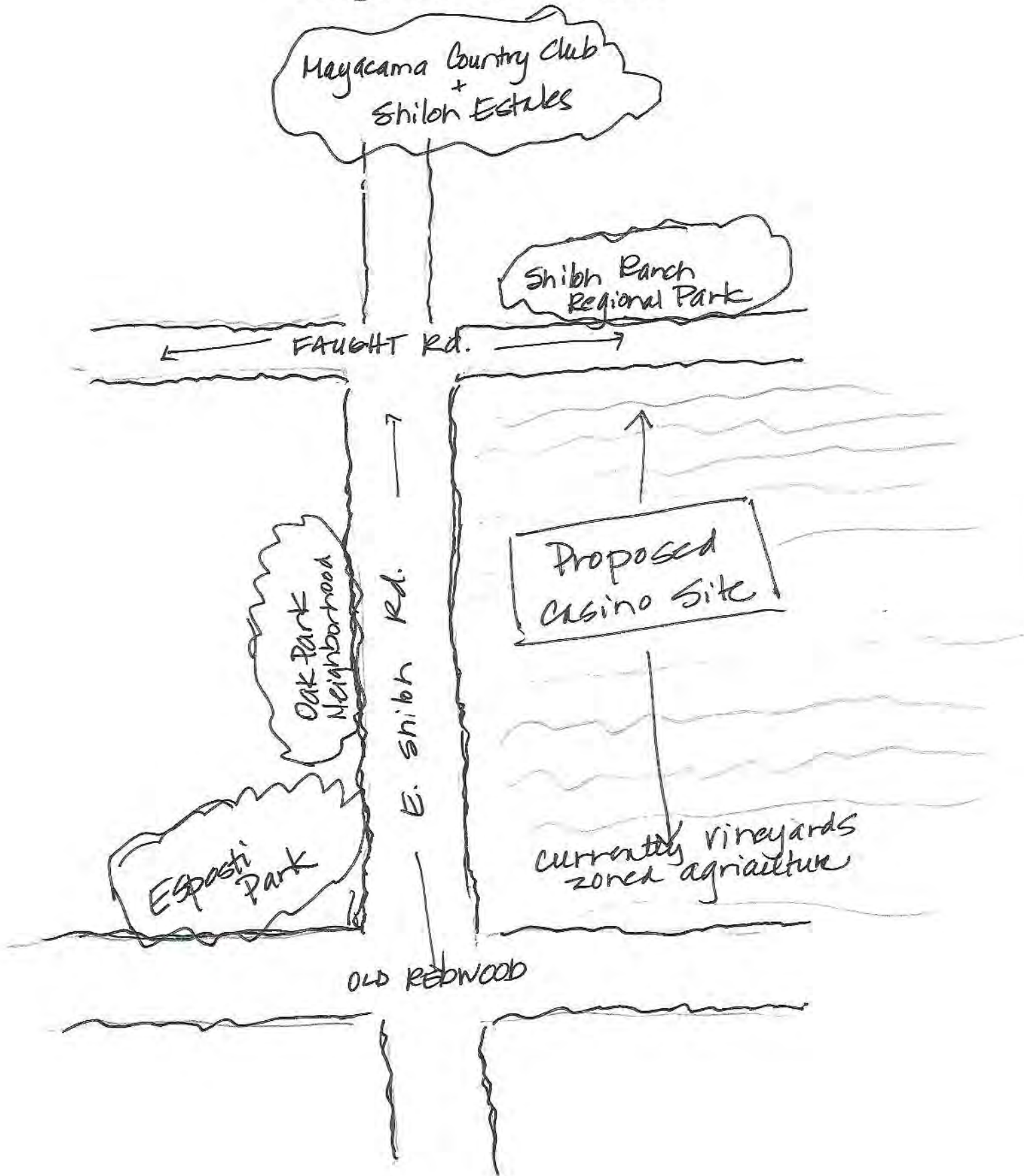
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- buildings destroyed—1,555
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Proposed Casino Site



Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, June 30, 2022 9:39 AM
To: Town Council; Mark Linder; Patrick Streeter
Cc: Irene Camacho-Werby
Subject: Re: Koi Nation Environmental Assessment Scoping -- Town of Windsor Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please provide a copy of the town official public comments submitted to the BIA. You said this would be done 10 days ago, it was due on Monday, and you did say you would post it to the website. A search today turns up nothing. Are you hiding something??

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Monday, June 27, 2022 at 05:48:05 PM PDT, betsy mallace <betsymallace@yahoo.com> wrote:

Could you please direct me to the link to the town website posting the response? The search function comes up empty.

Thanks,

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Tuesday, June 21, 2022 at 04:58:30 PM PDT, Mark Linder <mlinder@townofwindsor.com> wrote:

Thank you, Betsy. We have previous Council action plus our own technical review to guide us. We have developed a response and will be sending it to the appropriate parties tomorrow. I feel our responses incorporate the community issues that have been expressed. We will post our response on the Town's website.

Mark

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Mark Linder <mlinder@townofwindsor.com>; Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace

betsymallace@yahoo.com

Irene Camacho-Werby

From: Deanna Williamson <Deanna.Williamson@jfwmail.com>
Sent: Wednesday, June 7, 2023 11:52 AM
To: Town Council
Cc: icarus062@yahoo.com; D Williamson
Subject: No on Windsor Casino

Dear Town Council,

We are vehemently opposed to a new casino in our small, charming, family-oriented town. I have witnessed firsthand how Graton Casino absolutely destroyed Rohnert Park and Cotati (my place of residence for 20 years.) In fact, it was a major decision to leave Cotati in 2017 after years of watching both neighboring cities change for the worse. Who wants to pay Sonoma County cost of living prices while being accosted weekly by drugged out or homeless people in the local Safeway parking lot?

I feel it will bring in the same devastating external influences that Rohnert Park has experienced such as increased crime, individuals with mental health issues, drug use and miserable traffic—the very things most Windsor residents have been fortunate to escape to this point. Why would you allow this business to strip away what is so very precious about our town?

Please let me know where else we can send our concerns. I am happy to message Senator McGuire and our local legislators as well.

Sincerely,

DEANNA WILLIAMSON | Event Coordinator

o: 707.576.3832 | c: 707.331.2807
deanna.williamson@jfwmail.com
www.JacksonFamilyWines.com



Irene Camacho-Werby

From: Mark Linder
Sent: Monday, February 28, 2022 1:32 PM
To: Nina Cote; Town Council
Subject: RE: Towns Council Meeting March 2nd

Good afternoon, Nina.

As the casino location is not in the Town, we are trying to coordinate community meetings with the Bureau of Indian Affairs. The BIA has authority over what will happen with this project will be conducting community meetings on the project.. We are also in communication with the County as the land is in the County. We believe a community conversation about the impacts of this project is very important. We will work with your organization, the County and the BIA to be sure these conversations happen. When we get an idea of where, when, and how the BIA will be conducting community meetings we will let know.

Thank you.

Mark Linder
Interim Town Manager

-----Original Message-----

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Monday, February 28, 2022 12:00 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Nina Cote <nina.cote@sbcglobal.net>
Subject: Towns Council Meeting March 2nd

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Respectfully, I would like to request that the Opposition to the Location of the proposed casino on 222 East Shiloh Road be added to the agenda of the next town council meeting.

Thank you! Nina

Nina Cote'
Our Community Matters
707-293-4919
5828 Mathilde Drive
Nina.cote@sbcglobal.net
Our communitymatters2@gmail.com

Irene Camacho-Werby

From: Lynn Darst <backpackers_darst@sprynet.com>
Sent: Monday, April 18, 2022 1:56 PM
To: Town Council
Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst
707 318-9917

Sent from my I-Pad

Irene Camacho-Werby

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council
Subject: Shiloh Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
224 Lea St, Windsor, CA 95492

--

Be yourself, everyone else is taken.

Irene Camacho-Werby

From: Joan Chance <joanchance@comcast.net>
Sent: Tuesday, April 19, 2022 7:54 PM
To: Town Council
Subject: Opposition of Proposed Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attn: Windsor Town Council -

It was so encouraging to see that The Sonoma County Supervisors passed a Resolution opposing the Casino Resort along Shiloh Road. As a member of Our Community Matters, I highly encourage the Windsor Town Council pass the proposed resolution.

This is not an appropriate place for a casino resort. It is not only zoned for agricultural use, but why would anybody want to build a casino resort near elementary schools, churches, regional parks and established neighborhoods? Apparently the tribe that wants to build this is not even established in this area.

With the fires that have threatened this area in the past few years, evacuation would be impossible with the estimated 23,000 to 52,000 expected guests to attend this proposed resort. Not only that, Sonoma County wants to monitor residential wells. If the casino was built, they would use more water in one day than we would use in a year. The town of Windsor has made it very clear that we are in a severe drought. This is not the appropriate site for a casino resort. It would devastate our community.

Please seriously consider following the lead of the Santa Rosa Supervisors...

Sincerely, Joan Chance

Irene Camacho-Werby

From: suzibill <suzibill@sonic.net>
Sent: Tuesday, April 19, 2022 6:19 PM
To: Town Council
Subject: Proposed Casino Resort on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Council Members,

I have read up on the proposal to build a casino resort, the largest in Sonoma County, at the site on Shiloh Rd and Old Redwood Hwy. I am convinced that such a business would be detrimental to the park and neighborhoods nearby as well as negatively impact our ground water supply and safe evacuation when (not if) it is needed. It's the wrong enterprise for this location.

I urge you all to show solidarity, follow the lead of the Sonoma County Board of Supervisors and put forth a Resolution opposing the Casino Resort. Please do not try to hedge or waffle on this issue-it is too important. Come forth clearly and strongly with a resolution of opposition.

Sincerely,
Suzi Malay
590 Leafhaven Ln. Windsor CA.

Irene Camacho-Werby

From: Laurie <meanlaureen@gmail.com>
Sent: Wednesday, April 20, 2022 9:03 AM
To: Town Council
Subject: Casino opposition

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor and Windsor Town Council,

I'd like to offer my support in the resolution as written to retain the existing Sonoma County General Plan Land Use Designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Rd.

I OPPOSE the Casino Resort.

Sincerely,

Laureen Buettner

Occidental, Ca

Sent from [Mail](#) for Windows

Irene Camacho-Werby

From: Todd S <tlcl.sloan@gmail.com>
Sent: Wednesday, April 20, 2022 9:06 AM
To: Town Council
Subject: Resolution regarding Casino on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings Town Council,

I am a nearby resident to the proposed Casino site in Windsor off Shiloh Rd.

Please add me the list of those who strongly oppose this development going forward.

I understand a tribe using a casino to create jobs and income for people, but I question how this development impacts the surrounding area.

Ground water usage, including sewage treatment, the impact on the roadways and nearby services and neighborhoods. It is too much, and does not fit in with the what is already in place. Are there not zoned areas for something this size in another part of Windsor, i.e. a business park?

If these are your concerns, and you don't have concrete solutions to these issues you should vote no on this project.

There is also the concern about evacuation planning in the event of a wildfire.

The Board of Supervisors was unanimous in voting against this development, I hope your votes will be the same.

Thank you,

Todd Sloan

Sent from my iPad

Irene Camacho-Werby

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Wednesday, April 20, 2022 1:04 AM
To: Town Council
Subject: Resolution to Oppose Proposed Location for Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

On April 20th the Windsor Town Council will be voting on a resolution to oppose the proposed Koi casino resort at 222 E. Shiloh Road.

The proposed location is in the midst of residential neighborhoods, parks, churches, and schools. The estimated number of visitors to the casino is over 25,000 per day, which is equivalent to adding the population of Windsor into this area daily.

The location is currently vineyards that have protected this area from fire two times in the last several years. The thought of losing the fire break as well as trying to evacuate with this number of added people is frightening.

This is truly not an appropriate location for a casino resort for so many reasons.

All five of our local Sonoma County tribes unanimously oppose this as well as your Town of Windsor constituents.

Thank you for putting this resolution on your agenda and I appreciate that the Town of Windsor will be going on record in opposition.

Sincerely, Nina Cote'
Windsor Resident

Irene Camacho-Werby

From: carolmartin016@gmail.com
Sent: Wednesday, April 20, 2022 11:55 AM
To: Town Council
Subject: Strongly oppose Casino project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Town Council,

I am a resident of Oak Park (next door to the proposed casino site).

I actually like going to casinos, but I strongly oppose locating a casino in a residential neighborhood.

I urge you to pass a resolution opposing the Casino Resort.

Thank you for your service to our community.

Sincerely,

Carol Martin

707-403-8200

218 Lea Street

Windsor, CA 95492

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with creed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Jeanne Powell <jeannehpowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannehpowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

TO:

Chad Broussard @ BIA
Tribal Affairs, Sonoma County
Sn McGuire
City of Windsor Town Council

From: Bob and Nancy Jenkins
June 19, 2022

We were shocked and appalled at the prospect of a third casino in our county. We strongly oppose development of the proposed Koi Casino on East Shiloh Avenue in Santa Rosa, California for the following reasons:

The Sonoma County Board of Supervisors voted unanimously to oppose the proposed casino. The Board said in a statement that the Koi are a "non-Sonoma County tribe." The board said it came to the decision based on letters of **opposition from five other Sonoma County tribes: The Kashia Band of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Cloverdale Rancheria of Pomo Indians, Federated Indians of Graton Rancheria and Lytton Band of Pomo Indians.** All five federally recognized Sonoma County tribes and the County of Sonoma itself, have written letters in opposition to the Koi Nation's application to take lands into trust in Sonoma County, where they have no ancestral ties.

Sonoma County doesn't need another casino. The planned **casino** would sit only about 18 miles from the River Rock Casino and a mere 13 miles from the Graton Resort and Casino.

The casino will bring **traffic, pollution, crime and lowered property values** to a substantial area of northeast Sonoma County.

The surrounding neighborhoods have been evacuated multiple times each of the past four years. Those evacuations have resulted in total gridlock scenarios due to dense surrounding residential neighborhoods on East Shiloh Road and limited escape routes in the immediate area. Adding the casino users— hotel, spa, 6 restaurants and 2000 employees— would create a **death trap in a wildfire.**

This project will result in huge **water and sewer impacts.** The infrastructure which was not designed for this kind of Use. The area was designed to support residential and agricultural use, and that is how it is currently zoned.

We hope that you will deny this project and/or reconsider its location.

Sincerely,

Bob and Nancy Jenkins
Sebastopol, CA

Irene Camacho-Werby

From: Jeanne Powell <jeannehpowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannehpowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Beverly Hong <bevhongwalsh@gmail.com>
Sent: Thursday, October 26, 2023 9:21 PM
To: singer@singersf.com
Cc: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern:

The Koi Nations casino will be a heartache for many.

1. The invasion by this new casino will create problems for the neighborhoods and kids involved. There are established neighborhoods

In the proposed location. Where as both River Rock and Graton are in more rural areas.

2. The Koi Nation is not even from Sonoma County. If this is allowed what would stop tribes from trying to set up where they are not from? This does not seem right.

3. This will cause much more traffic for this area.

4. Water use. How much water will be needed. We are still trying to recover from the drought.

5. With this, there will be much more in an area that has been quite and safe.

I believe if you asked, you would find many more people will oppose this rather than be for it.

Please reconsider this project and request other land which would be much more suitable.

Sincerely,

Beverly Hong-Walsh

70 Ellie Dr, Santa Rosa, CA 95403

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bia.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

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Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

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I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Thank you for all that participated last night in the BIA Zoom meeting. I presume the town will submit their comments regarding the significant impacts this project will have to Windsor. If you have not already, can you also request an additional 60 days to submit your comments? The BIA has historically agreed to additional time, and that way the town will not have to rush to get all the details compiled and submitted. I presume the town will publish and approve their letter before it is sent to the BIA. The impacts to the town of Windsor and its residents are so great, and it seems to me that the EA skipped over most of them. IE: evacuation, fire concerns, water, creek, wildlife, light pollution, noise pollution, traffic infrastructure, ect. ect, ect.

Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with creed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Casino Opposition - OurCommunityMatters <ourcommunitymatters2@gmail.com>
Sent: Sunday, October 9, 2022 10:13 AM
To: Town Council
Subject: Please Recind and Revise Proclamation
Attachments: OCM Letter to Town Council regarding 10 5 22 proclamtion.docx.pdf

October 9, 2022

Windsor Town Council
9291 Old Redwood Highway #400
Windsor, CA 95492

Dear Honorable Members Windsor Town Council Members,

On April 5th, 2022, the Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Tribes application to build a casino resort on the southeast corner of the intersection of Shiloh Rd and Old Redwood Highway. Their resolution was, in large part, based on the fact that the Koi tribe is not an indigenous, native Sonoma County tribe. Their decision was unanimously supported by the five local indigenous Sonoma County Pomo tribes who provided documentation in support of the Proclamation. Thereafter, the city of Windsor passed a like Resolution opposing the casino project and adopting the County ordinance. The

Resolution also reflected the overwhelming opposition of the neighboring community to the casino project. On October 5th, 2022, the town of Windsor during a town council meeting issued a Proclamation declaring the month of October 2022 shall be Annual Pomo Honoring Month. The proclamation goes on to describe how it is honoring ..." Native Pomo people" ... who... "have historically occupied and/or had important relationships with lands of Sonoma County, including lands now occupied by the town of Windsor." The Proclamation goes on to mistakenly identify the Koi tribe as a local Sonoma County tribe. The inclusion of the Koi by name in this Proclamation actually harms the very tribes you are honoring, as well as the citizens of Windsor, in that it supports the Koi's claim of being an indigenous Sonoma County tribe.

Time is of the essence. The Proclamation in its current form does not reflect the town of Windsor's prior Resolution and is detrimental to efforts opposing the casino project. Please notify the Koi Tribe of the error and recall all copies of the Proclamation that have been distributed with appropriate language halting further use or publication. A new corrected Proclamation needs to be issued at your next meeting where you can publicly correct this error.

Best Regards,

Our Community Matters

P.O. Box 1421

Windsor, CA 95492

Ourcommunitymatters2@gmail.com

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

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Hello,

Thank you for all that participated last night in the BIA Zoom meeting. I presume the town will submit their comments regarding the significant impacts this project will have to Windsor. If you have not already, can you also request an additional 60 days to submit your comments? The BIA has historically agreed to additional time, and that way the town will not have to rush to get all the details compiled and submitted. I presume the town will publish and approve their letter before it is sent to the BIA. The impacts to the town of Windsor and its residents are so great, and it seems to me that the EA skipped over most of them. IE: evacuation, fire concerns, water, creek, wildlife, light pollution, noise pollution, traffic infrastructure, ect. ect, ect.

Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at www.bpm.com

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Irene Camacho-Werby

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 8:33 PM
To: Kimberly Jordan
Cc: Irene Camacho-Werby
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

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Correction, Shiloh Crossing.

Patty

On Nov 17, 2021, at 7:23 PM, Patty Lundberg <p.lundberg@ymail.com> wrote:

It's Shiloh Apartments and yes it's "Affordable Housing." Not great if you are selling right around the corner.

Patty

On Nov 17, 2021, at 6:44 PM, Kimberly Jordan <kjordan@townofwindsor.com> wrote:

Hi Patty,
The Town does not have the information you are requesting. You would need to contact the developer identified for each of the projects to get the information requested.
Best Regards, Kim J

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 3:58 PM
To: Irene Camacho-Werby <iwerby@townofwindsor.com>
Cc: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for this.

- 1.) Do you know the names of the business that will be operating under the apartments on Shiloh?
- 2.) Are any of these Section 8 or for the homeless? Do you know what will this be called?
- 3.) Which types of homes and price points for Overlook division on Mitchell and Windsor River Road.

I am turning 60 in January and want to put my house on the market in Spring. I doubt these will bring home prices up in Windsor : (Distressing news.

Patty
Birdie Drive

On Nov 17, 2021, at 2:16 PM, Irene Camacho-Werby
<iwerby@townofwindsor.com> wrote:

Hello Patty,

With regards to the inquiry regarding the proposed casino, the property the Koi Nation is proposing to develop a casino on is not within the Town's jurisdiction. There are federal and state approvals that must be secured by the Tribe before construction can proceed. At this time, we do not have a sense of the timing for federal and state review or for construction of the casino should the Tribe receive those approvals.

Sincerely,
Irene

Town Clerk | Town of Windsor
Office (707) 838-5315
iwerby@townofwindsor.com
Office Hours: Mon. – Thurs. 7:00 am to 6:00 pm

-----Original Message-----

From: Kimberly Jordan <kjordan@townofwindsor.com>
Sent: Wednesday, November 17, 2021 1:19 PM
To: Patty Lundberg <p.lundberg@ymail.com>
Cc: Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: RE: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

Good afternoon Patty,

Thank you for contacting the Town regarding the developments below. Attached is the Town's current Major Project List. The project at Mitchell Lane and Windsor Road is the Overlook project. The projects on Shiloh Road and Golf Course Drive are Shiloh Mixed-Use and Shiloh Apartments. Information regarding these projects can be found in the attached list, including the project planner who can answer any questions you may have regarding the individual developments.

I have copied the Town Clerk on this email, since I think questions regarding the possible development of a casino are being answered by the Town Manager's office, but am not sure.

Best Regards, Kim J

Kimberly Jordan | Planner III
Town of Windsor | 9291 Old Redwood Highway Bldg. 400 | Windsor, CA 95492
707-838-1000 Main via Text or Phone | 707-838-5331 Direct | 707 838-

Due to Public Health Orders, I am working remotely outside of Town offices to avoid person-to-person contact and help prevent the spread of the coronavirus. I am checking my email and voice messages regularly during my work hours, 7:00 a.m. to 6:00 p.m., Monday through Thursday, and will return all messages within one business day.

Your patience and understanding as we work together to keep our community safe is appreciated. Please visit www.townofwindsor.com for more information.

-----Original Message-----

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 12:38 PM
To: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: New construction in Windsor

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Hello,

I live on Birdie Drive in Windsor. Could you please tell me what is being built on the 3 parcels below and estimate completion dates for each.

1.) North side of Shiloh Road at Golf Course Drive (both East AND West of of Golf Course.

2.) Mitchell Lane and Windsor Road

I also read about the casino coming to 222 E Shiloh Road. Do you know when that will be built and it's estimated completion date.

Are there any other approved construction going on in Windsor?

I couldn't find this information on the Town of Windsor site.

Thank you

Patty

Irene Camacho-Werby

From: Lisa Shatnawi <lisashatnawi@gmail.com>
Sent: Sunday, August 28, 2022 4:55 PM
To: Town Council
Subject: Asphalt plant/ casinos etc

Hi town council,

First of all thank you for all that you do for our town!
I just want to weigh in on the casino and asphalt plant possibilities.
No to both! Let's keep our little town small and a sanctuary for us residents!
Please no smelly asphalt plant and no casino!

Sent from my iPhone

Blessings to you and yours,

Lisa Shatnawi
lisashatnawi@gmail.com

Irene Camacho-Werby

From: walterbrusz@comcast.net
Sent: Wednesday, April 20, 2022 12:00 PM
To: Town Council
Subject: Attached public comment on Casino Resolution
Attachments: Windsor Town Council comment 042022.docx

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Please find attached my public comment.

Walter Bruszewski

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bia.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

WALTER BRUSZEWSKI

219 Lea Street

Windsor CA 95492 USA

707.239.4054

April 20, 2022

The Windsor Town Council

My wife and I have lived in the Oak Park development in Windsor since 1998. Our back yard is directly adjacent to East Shiloh Rd. We can see the vineyard and oak trees from our kitchen and bedroom windows. We walk our dog in Esposti Park daily and hike in the Shiloh Ranch Regional Park about twice a week. We evacuated for both the Tubbs and the Kincaide fires. We are both retired and have hoped that we could live out our days where we are. If the proposed Koi Nation casino is developed on the parcel just behind our backyard, we will need to leave this neighborhood. Living next to 68 acres of parking lot, casinos and a 400-unit hotel is a miserable alternative which we will not entertain. We didn't come to Sonoma County for this.

I expect the Town of Windsor, on behalf of its citizens, to oppose the development using every means possible. The Koi nation has partnered with Global Gaming Solutions (GGS), a business which operates 23 casinos and is wholly owned by the Chickasaw Nation in Oklahoma. This organization, based in Oklahoma would operate the proposed casino. According to the Press Democrat, GGS "modeling shows this area is nowhere near saturation" and that "there is demand for a gambling facility of this size." We are members of Our Community Matters, a group which includes many more people than residents of Oak Park. None of us feels that a casino is needed here. In fact, we don't want it here!

We in California are facing what is essentially a permanent drought. The cause of the drought is Global Climate Change. I was trained to be an academic scientist and I continue to monitor scientific data which indicates that the Earth can tolerate no more heating. The wildfires, shortage of water, and disappearance of plant and animal species will only worsen. Everything about the casino will contribute to production of more greenhouse gasses and more drought. The casino project projects over 57,000 visitors a day. That means that the 68-acre parcel will be mostly parking lot and buildings. It is currently a vineyard with an established stream that drains the Mayacamas Mountains, a well-established riparian corridor and hundreds of old native California trees including oaks, buckeye, and laurels. This landscape consumes and stores greenhouse gasses and prevents warming. Asphalt, covered with thousands of cars adds to warming. Sonoma county, along with much of California is facing critically depleted aquifers. Aquifers are replenished when rain can be absorbed into the soil. Asphalt stops penetration and sends rainwater to the storm drains and into the sea. The water is lost.

If you visit the Graton Casino, you will get an idea of how much light and noise pollution will attend the proposed development, but the plan is for a casino twice the size of Graton. Now our neighborhood is dark at night and the soundscape is a subdued Coyote Symphony. If the project goes forward, the light pollution will be on the order of a large shopping mall.

This neighborhood has proven twice in recent times to be a high wildfire risk. As it is, a lot of people use East Shiloh as the evacuation route. Evacuation of thousands of people with their cars at the casino will endanger everyone.

I hope this letter helps clarify the threat that part of Windsor faces if casino development is not stopped.

With best regards,

Walter Bruszewski

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

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Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

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Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council
Cc: Mark Linder; Irene Camacho-Werby
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

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Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace
betsymallace@yahoo.com

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

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Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at www.bpm.com

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Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with creed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Our Community Matters
An Association of Neighbors in Sonoma County, CA

5828 Matilde Drive
Windsor, California 95492

Telephone: (707) 293-4919
Email: ourcommunitymatters2@gmail.com

October 30, 2021

Via U.S. Mail and Email

Email Address: IndianGaming@bia.gov

Paula Hart, Director
Office of Indian Gaming
U.S. Department of the Interior
1849 C Street, N.W.
MS-3543-MIB
Washington, D.C. 20240

Re: Request for Restored Lands Determination by Koi Nation

Dear Director Hart:

Our Community Matters, a neighborhood association of over 150 Sonoma County residents, submits this letter in opposition to the request for a “restored lands” determination sought by the Koi Nation of Northern California, previously called the Lower Lake Rancheria (the “Tribe”). The Tribe announced that it has recently purchased 68 acres of land in the unincorporated area of Sonoma County for the purpose of building a 1.2 million square foot casino calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center, and a spa. We understand the Tribe is seeking an exception to the prohibition of gaming on newly-acquired lands pursuant to the 1988 Indian Gaming Regulatory Act (“IGRA”).

The subject property contains several vineyards and a single grand residence, located at 222 E. Shiloh Road, Santa Rosa, California (the “Shiloh Property”). Sonoma County records reveal that a California limited liability company named Sonoma Rose LLC purchased the Shiloh Property on September 1, 2021. (See Attachment 1.) The Tribe does not currently hold ownership of the land in its own name.

The Shiloh Property directly abuts the Southeast edge of the Town of Windsor (population 27,447) and lies at the corner of two main traffic arteries, Shiloh Road and Old Redwood Highway. Many houses are directly across the street from the property along East Shiloh as well as Old Redwood Highway, including homes in the Oak Park subdivision and the Colonial Park mobile home park.

Neighbors formed *Our Community Matters* for the sole purpose of opposing the Tribe’s proposed mega-casino and resort on the Shiloh Property, as we are convinced the project would be devastating to our community, cause health and safety issues, and negatively impact the environment. Put simply, the location is inappropriate for the Tribe’s proposed mega-casino and resort project.

For purposes of the Office of Indian Gaming Management’s (“OIGM’s”) review, it is perhaps even more important that the Tribe has no historical connection to the Shiloh Property nor the surrounding community. The Tribe has simply gone shopping for a place to put a casino and, without consulting any neighbors or local government officials, has decided that our backyard is the best place for it. The location, however, is not well-chosen, and construction of the mega-casino and resort will likely have damaging consequences.

Below is a discussion of the issues and what we have discovered.

I. The Tribe’s Request for Permission to Game on the Shiloh Property Should Be Denied Under IGRA

A. IGRA’s Legal and Regulatory Framework

Indian tribes may operate casinos only on “Indian lands” that are eligible for gaming under the IGRA. To be deemed “Indian lands” per the IGRA (25 U.S.C. § 2703), the land must be located within the limits of a tribe’s reservation, be held in trust by the United States for the benefit of the tribe or its members, or be land subject to restrictions against alienation by the United States for the benefit of the tribe or its members. Additionally,

the tribe must have jurisdiction and exercise governmental powers over the gaming site. If the land is not “Indian lands” and fails to meet these other requirements, then it is subject to state gambling laws.¹

Importantly, the IGRA (25 U.S.C. § 2719 (“Section 2719”)) contains a general prohibition against gaming on lands acquired into trust after October 17, 1988. Tribes may game on such after-acquired trust land only if the land meets one of the two exceptions listed in Section 2719:

1. If the Secretary, “after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination” (25 U.S.C. § 2719(b)(1)(A)); and
2. The lands are “taken into trust as part of— (i) a settlement of a land claim, (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or the restoration of lands for an Indian tribe that is restored to Federal recognition.” (25 U.S.C. § 2719(b)(1)(B)(iii).)

Our Community Matters understands the Tribe is not seeking to utilize the first of these exceptions to obtain permission to build a casino on its newly-acquired land per 25 U.S.C. § 2719(b)(1)(A), as doing so would require it to consult with State and local officials and other nearby tribes. Rather than reaching out to these community groups and officials to gain support for its mega-casino project, the Tribe simply announced it via the press, to the surprise of Federal, State, and local officials.² The Tribe is seeking to circumvent this collaborative process most likely due to the fact that it has used it in the past to no avail: we understand the Tribe’s previous requests to build casinos in Vallejo and Oakland were soundly rejected.

The Tribe is thus currently invoking the second exception, seeking to be deemed a “restored tribe” and for its purchase of the Shiloh Property to be considered a “restoration of lands” under Section 2719(b)(1)(B)(iii). While a District Court has determined the Tribe is a “restored tribe” under IGRA,³ the Tribe’s request for the Shiloh Property to be deemed a “restoration of lands” should be rejected.

Because the IGRA does not define the term “restoration of lands,” and the language is susceptible to multiple meanings, it is subject to interpretation by the Department of Interior (“DOI”) through regulation.⁴ The DOI has adopted regulations to interpret the exception, as well as “[w]hat must be demonstrated to meet the ‘restored lands’ exception” found at 25 U.S.C. § 2719(b)(1)(B)(iii). (25 C.F.R. § 292.7; Gaming on Trust Lands Acquired After October 17, 1988, 73 Fed. Reg. 29,354 (May 20, 2008) (“Part 292”).)

¹ See National Indian Gaming Commission: Definitions Under the Indian Gaming Regulatory Act, 57 Fed. Reg. 12382, 12388 (1992).

² See <https://www.pressdemocrat.com/article/north-bay/koi-indian-tribe-unveils-plans-for-600-million-casino-resort-in-sonoma-cou/>.

³ See *Koi Nation of N. California v. United States Dep't of Interior*, 361 F. Supp. 3d 14 (D.D.C. 2019), *amended sub nom. Koi Nation of N. California v. United States Dep't of the Interior*, No. CV 17-1718 (BAH), 2019 WL 11555042 (D.D.C. July 15, 2019), and *appeal dismissed sub nom. Koi Nation of N. California v. United States Dep't of the Interior*, No. 19-5069, 2019 WL 5394631 (D.C. Cir. Oct. 3, 2019). While there may be other challenges to the Tribe’s status as a “restored tribe” under IGRA not addressed in that decision, *Our Community Matters* expresses no opinion on that issue.

⁴ See, e.g., *Grand Traverse Band of Ottawa and Chippewa Indians v. U.S. Attorney for W. Dist. of Mich.*, 198 F. Supp. 2d 920, 928 (W.D. Mich. 2002), *aff'd* 369 F.3d 960 (6th Cir. 2004); *Oregon v. Norton*, 271 F. Supp. 2d 1270, 1277 (D. Or. 2003).

Pursuant to Part 292, to show that lands qualify as “restored,” a tribe must establish:

- (a) a modern connection to the lands;
- (b) a significant historical connection to the lands; and
- (c) a temporal connection between the date of acquisition and the tribe’s restoration.

(25 C.F.R. § 292.12 (“Section 292.12”).)

To demonstrate a “significant historical connection” under Part 292, a tribe can either (a) show that “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty”; or (b) “demonstrate by historical documentation the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” (25 C.F.R. § 292.2.) As the DOI explained in the preamble to Part 292, the word “significant” was used because it “reinforces the notion that the connection must be something more than ‘any’ connection.” (73 Fed. Reg. at 29,366.)

Further, the structure of Section 292.12 indicates that the connection demonstrated must be to the newly-acquired land itself, not simply its surrounding area. As explained in the preamble to the final rule promulgating Part 292, what is required is “something more than evidence that a tribe merely passed through a particular area.” (73 Fed. Reg. at 29,366.)

B. The Shiloh Property is Not the Tribe’s “Restored” Lands

The Tribe’s request for the Shiloh Property to be deemed its “restored” lands does not meet Section 292.12’s second requirement, that the Tribe have a “significant historical connection” to that land, for two reasons.

First, the Shiloh Property is not located within the boundaries of the Tribe’s last reservation under a ratified or unratified treaty. (See 25 C.F.R. § 292.2.) The Tribe’s last reservation was purchased by Congress in 1916: a 140-acre parcel in Lake County between the towns of Lower Lake and Clear Lake Heights known as Purvis Flat. Purvis Flat is approximately 49 miles from the Shiloh Property; the Shiloh Property simply does not fall within the reservation’s boundaries. Further, on its website, the Tribe verifies that after the government sold Purvis Flat to Lake County for a municipal airport, the Tribe became landless.⁵ Accordingly, the Tribe cannot reasonably claim the Shiloh Property is located within the boundaries of the Tribe’s last reservation.

Second, research has revealed no evidence to demonstrate the existence of the Tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the Shiloh Property. (See 25 C.F.R. § 292.2.) In fact, the Tribe’s ancestral home was on an island in Clear Lake in Lake County, approximately 55 miles North of the Shiloh Property.⁶ The distance between the Shiloh Property and the Tribe’s ancestral lands is just too great to demonstrate a “significant historical connection” between the two. In addition, the Tribe’s lack of historical connection to the Shiloh Property area was also recently verified in a Cultural Resources Study focusing on property at the corner of Shiloh Road and Old Redwood Highway, presented to the Town of Windsor’s Planning Commission regarding a proposed residential project at that corner.⁷ While nine tribes were listed as possibly having a historical connection to the area, none of them were the Koi Tribe.

While the Tribe will likely argue that some of its members have resided in Sonoma County over the past hundred years or so, such a factor is insufficient to demonstrate a “significant historical connection” to the Shiloh Property. Indeed, while a tribe’s activities in the vicinity of a property may be used to reasonably infer a

⁵ See <https://www.koinationsonoma.com/history/>.

⁶ See <https://www.koinationsonoma.com/history/>.

⁷ See https://windsor-ca.granicus.com/MetaViewer.php?view_id=2&clip_id=1308&meta_id=81164, at pages 10, *et seq.*, and Attachment A.

tribe used the subject property for subsistence use, no such inference can be made by showing tribal members lived within a 10-20 mile radius of the property in modern times. Section 292.12 requires the Tribe to show a connection to the newly-acquired land *itself*, not just the surrounding area, as it provides that “[t]o establish a connection to the newly acquired lands [for the purposes of the restored lands exception] . . . [t]he tribe must demonstrate a significant historical connection *to the land*.” (emphasis added). Research has revealed no evidence the Tribe or its members have had any connection to the Shiloh Property *itself*, and such a connection is highly unlikely due to the fact the property has been in private hands.

Moreover, the DOI’s past “restored lands” decisions also demonstrate the Shiloh Property should not be declared a “restoration of lands” for the Tribe. For example, on February 7, 2019, the DOI denied a request by another Lake County Indian tribe, the Scotts Valley Band of Pomo Indians (“Scotts Valley”), for a “restored lands” determination for its newly-acquired parcel in the City of Vallejo, California.⁸ In fact, Scotts Valley had a stronger case than the Tribe for a restored lands determination, as it claimed its ancestors collected provisions near the subject land, and that a tribal chief traveled in the region throughout his life, may have been baptized 17 miles from the land, and worked as a ranch hand and migrant laborer in the area of the land. Despite these ties, the DOI determined that Scotts Valley had failed to show a “significant historical connection” to the subject land because the intermittent presence of the Tribe’s ancestors did not indicate a broader presence to the area as a whole, and there was no evidence of ancestral use of the subject land itself. Scotts Valley has sought to overturn that decision via judicial review, and the DOI’s motion papers filed in the case on October 1, 2021, demonstrate its commitment to enforcing current DOI regulations and policies on those issues.⁹

Moreover, the Federated Indians of Graton Rancheria has gone on record opposing the Tribe’s request for a “restored lands” determination for the Shiloh Property. Specifically, Chairman Greg Sarris stated in an article he authored: “This is an egregious attempt at reservation shopping outside the Koi Nation’s traditional territory and within the territory of other federally recognized tribes.”¹⁰ *Our Community Matters* believes this is the heart of the issue, and that the Tribe’s request for the Shiloh Property to be deemed its “restored” lands should be denied.

II. The Shiloh Property is an Inappropriate Location for a Casino and Resort

While not expressly part of the “restored lands” analysis, *Our Community Matters* believes it is also important to consider how inappropriate the Shiloh Property is for the location of a mega-casino and resort, as follows.

A. Proximity to Residences, Parks, and Elementary Schools

As shown on an aerial view of the Shiloh Property (see Attachment 2), it is located across the street from two housing areas on the North side and a mobile home park the West side (there is also a church on the West side). Esposti Park, which is a sports park utilized heavily by Little League teams, is located directly North across the street from the Shiloh Property at the corner of E. Shiloh Road and Old Redwood Highway.

In addition, the attached photo does not show the following: (1) Shiloh Park, a Sonoma County Regional Park which allows for nature-based hiking and horseback riding, is located just 0.4 miles to the West of the Shiloh Property; (2) San Miguel Elementary School, including its surrounding residential neighborhood, is located just 1.4 miles South of the Shiloh Property; (3) Mark West Union Elementary School, including its surrounding residential neighborhood, is located just 1.9 miles from the Shiloh Property; (4) Mattie Washburn Elementary

⁸ See <https://www.timesheraldonline.com/wp-content/uploads/2019/08/DOI-Letter-Scotts-Valley-Restored-Lands-Decision-re-Vallejo-2-7-2019-1.pdf>

⁹ See *Scotts Valley Band of Pomo Indians v. U.S. Dept. of the Interior*, U.S. Dist. Ct., District of Columbia, Case No. 1:19-CV-01544-ABJ, Memorandum in Support of Federal Defendants’ Cross Motion for Summary Judgment and in Opposition to Plaintiff’s Motion for Summary Judgment, Dkt. No. 55, Filed October 1, 2021.

¹⁰ See <https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/>.

School, including its surrounding residential neighborhood, is located just 2.1 miles away from the Shiloh Property; and (5) both Shiloh Road and Old Redwood Highway are major travel arteries for the community.

There is simply insufficient space between the Tribe's proposed mega-casino/resort and these residences, parks and schools to prevent negative effects from noise pollution, light pollution, car exhaust pollution, and traffic from impacting the community. The ecological effects alone in this relatively rural and bucolic area would be substantial. Moreover, the associated negative aspects that ride along with casinos, such as theft, vandalism, drug use, trespassing, etc., would have an overwhelmingly negative impact on our small community.

Further, we are experiencing extreme drought at this time,¹¹ which is expected to be the new normal due to climate change. The Tribe's proposed mega-casino and resort would put tremendous demands on our local resources, including our water table, which we expect will cause water and other conditions to worsen.

B. Lack of Sufficient Wildfire Evacuation Corridors

In the 2017 Tubbs wildfire, over 5,300 homes in Sonoma County burned to the ground. Many of those homes were located just a few minutes' drive to the South of the Shiloh Property. The wildfire came without warning in the night, and there were no emergency messages or evacuations. Since that time, local emergency services aim to provide sufficient warning of wildfires, to enable residents to evacuate with their lives, their pets, and some property.

Attachment 3 to this letter contains a map showing the number and locations of wildfires in the area since 2015 which have ravaged our landscape, both physical and emotional. *Our Community Matters* members have evacuated two to three times in the past four years due to wildfires. For example, in 2019, our members and 50,000 Sonoma County residents were ordered to evacuate to escape the Kincadee Wildfire. Evacuating residents caused traffic jams at the corner of Old Redwood Highway and Shiloh Road, which became almost impassable. Highway 101, the primary North-South artery, was at a standstill Southbound, leading away from the fire.

The Tribe's proposal to develop a mega-casino and resort on the Shiloh Property could very well have life threatening consequences for our community members, as there are simply not enough evacuation routes for us let alone the tens of thousands of people the Tribe expects to host on the property. Further, removing the vast majority of the vineyards on the Shiloh Property will increase the fire threat to our community, as vineyards have proven to be a significant fire break.

C. Lack of Hospitality Workers

The Tribe has indicated it plans on hiring 1,100 employees to work the casino and resort. However, there is a shortage of hospitality workers in our area that has reached the critical stage. In fact, a local restaurant just down the street from the Shiloh Property recently announced it will have to close because it cannot find workers to staff it.¹²

The local newspaper, the Press Democrat, reported in a September 1, 2021, article that "[t]hroughout the country, restaurants are facing a critical shortage of workers... Locally, restaurants have even resorted to

¹¹ See <https://www.drought.gov/states/California/county/Sonoma>.

¹² See <https://www.sonomamag.com/this-is-the-new-reality-popular-santa-rosa-creperie-closes-for-lack-of-staff/?gSlide=1>.

closing on certain days, because of the staffing crunch.”¹³ The workforce shortage is due primarily to the “extremely high cost of living and a shortage of affordable, workforce housing” in our area.¹⁴

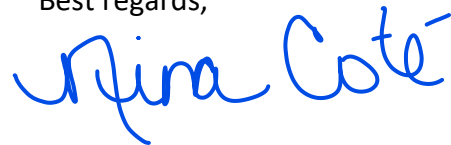
Our Community Matters is concerned about the Tribe’s proposed mega-casino and resort taking employees away from our local businesses, causing more of them to close and further decreasing the unique and diverse aspects of our community.

III. Conclusion

Our Community Matters urges the OIGM to reject the Tribe’s request for a “restored lands” exception to the prohibition of gaming on newly-acquired lands. We believe the Shiloh Property is not the Tribe’s restored lands, and that the Tribe has no actual connection to that land from either a modern or historical perspective. Moreover, we believe that the Tribe’s proposed mega-casino and resort would be simply devastating to our community.

We appreciate your consideration of these issues. Should you have any questions, or would like further information, please let me know.

Best regards,



Nina Cote
Steering Committee Chair
Our Community Matters

cc: Robert Pittman, County Counsel, County of Sonoma – Email only: robert.pittman@sonoma-county.org
Jose Sanchez, City Attorney, Town of Windsor – Email only: jsanchez@meyersnave.com
Jared Huffman, U.S. Representative – Fax only: (202) 225-5163
Michael Thompson, U.S. Representative – Fax only: (202) 225-4335
Gavin Newsom, Governor of the State of California – Fax only: (916) 558-3160
Darryl LaCounte, Director of the Bureau of Indian Affairs, DOI

¹³ See <https://www.northbaybusinessjournal.com/article/news/starks-restaurant-group-in-sonoma-county-hosts-party-and-lottery-to-coax-wo/>; see also <https://www.pressdemocrat.com/article/news/sonoma-county-restaurants-still-struggling-in-2021/>; see also <https://www.pressdemocrat.com/article/business/sonoma-county-hospitality-sector-struggles-to-find-workers-despite-high-job/>; see also <https://www.sonomanews.com/article/news/help-wanted-sonoma-valley-businesses-struggle-to-hire/>.

¹⁴ See <https://www.northbaybiz.com/2021/07/19/labor-shortages-in-a-post-pandemic-world/>.

Attachment 1

Page 1 of 3

RECORDING REQUESTED BY:
Fidelity National Title Company

**When Recorded Mail Document
and Tax Statement To:**
SONOMA ROSE, LLC

2021100185

Official Records of Sonoma County
Deva Marie Proto
09/03/2023 09:11 AM
FIDELITY NATIONAL TITLE | SONOMA NAPA | EFN
DEED 3 Pgs
Fee: \$50.00
County Tax: \$13,530.00

Escrow Order No.: FSNX-7052000491CF

Property Address: 222 E. Shiloh Road,
Santa Rosa, CA 95403
APN/Parcel ID(s): 059-300-003-000

SPACE ABOVE THIS LINE FOR RECORDERS USE
Exempt from fee per GC 27388.1(a)(2). This document is a transfer that is subject to
Documentary Transfer Tax.

GRANT DEED

The undersigned grantor(s) declare(s)

☐ This transfer is exempt from the documentary transfer tax.
☒ The documentary transfer tax is \$13,530.00 and is computed on:
☒ the full value of the interest or property conveyed.
☐ the full value less the liens or encumbrances remaining thereon at the time of sale.
The property is located in ☒ an Unincorporated area.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Randall C. Clifton and Cynthia A. Clifton, Trustees of The Randall C. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

hereby GRANT(S) to SONOMA ROSE, LLC, a California limited liability company

the following described real property in the Unincorporated Area of the County of Sonoma, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PROPERTY COMMONLY KNOWN AS: 222 E. Shiloh Road, Santa Rosa, CA 95403

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Grant Deed
SCAD000129.doc / Updated: 04.08.20

Printed: 09/01/23 @ 10:56 AM
CA-FT-FSNX/1500 090725-FSNX7052000491

GRANT DEED
(continued)

APN/Parcel ID(s): 059-300-003-000

Dated: September 1, 2021

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Randall C. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

BY: Randall C. Clifton
Randall C. Clifton, Trustee

BY: Cynthia A. Clifton
Cynthia A. Clifton, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On September 1, 2021 before me, Conrad Fernandez, Notary Public,
(here insert name and title of the officer)

personally appeared Randall C. Clifton and Cynthia A. Clifton
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Conrad Fernandez



EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 059-303-003-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Being a tract of land in Section 20, Township 8 North, Range 8 West, M.D.B. and M. and beginning at a iron pin which marks the 1/4 section corner between Sections 19 and 20; thence East along the Northerly line of the Southwest 1/4 of said Section 20, a distance of 40.00 chains, more or less, to the center of Section 20; thence South, along the Easterly line of said Southwest 1/4, 17.81 chains, more or less, to the Northeast corner of a tract of land conveyed by Elisha C. Mayo to Charles T. Mathisen and Cynthia E. Mathisen, his wife, by Deed dated January 28, 1905 in Book 216 of Deeds at Page 298, Sonoma County Records; thence South 76° 15' West, along the Northerly boundary of said tract of land conveyed to said Mathisen, 25.69 chains, more or less, to the center of the State Highway leading from Santa Rosa to Healdsburg; thence Northwesterly along the center of said State Highway, 26.85 chains, more or less, to the section line between Section 19 and 20; thence North along said section line, 1.62 chains, more or less, to the point of beginning.

Excepting therefrom that portion thereof conveyed to the County of Sonoma by deed recorded April 25, 1950 in Book 955 at Page 376, Sonoma County Records.

Also excepting therefrom that portion conveyed to the County of Sonoma by Deed recorded October 27, 2006 as Instrument No. 2006132956, of Official Records.

Attachment 2

Aerial Photo of the site of the Casino and Resort proposed by the Tribe, located at 222 E. Shiloh Road, Santa Rosa, CA. The Casino and Resort project is outlined in blue; Esposti Park is outlined in green; the pink line shows the boundaries of the Town of Windsor to the North versus unincorporated Sonoma County to the South.

The proposed Casino and Resort is a 1.2 million-square-foot project calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa. It is expected to employ approximately 1,100 employees.



Photo obtained from the SoCoNews: https://soconews.org/scn_windsor/news/windsor-officials-clarify-town-not-involved-with-koi-nation-casino/article_0e7adef2-2871-11ec-93c3-536857a5e1cf.html and not verified by Our Community Matters.

Attachment 3

Locations of Recent Wildfires (Since 2015)



Our Community Matters
P.O. Box 1421
Windsor, CA 95492

February 16, 2022

Mayor Sam Salmon
Town of Windsor
9291 Old Redwood Highway Bldg. 400
Windsor, CA 95492

Dear Mayor Salmon:

Thank you for the opportunity to meet with you and Rosa Espinosa recently via Zoom. We were pleased that we were able to review our Power Point Presentation with you and to help clarify the application process through the BIA (Bureau of Indian Affairs). Upon the follow-up dialog, we were left with the impression you do not clearly understand the reasons for our strong opposition to the proposed Casino Resort. While this project is not in the town limits of Windsor, it does border our town. It is directly across the street, within 40 feet, to a Windsor residential neighborhood. Whatever happens at this location will have a direct impact on the Town of Windsor. As your constituents, we want to make the reason of our opposition 100% clear.

Our Community Matters is objecting to the **LOCATION** of the proposed Casino Resort! The top reasons include:

- Press Democrat Article 2/14/22: Drought Relief Hopes Fading
Press Democrat Article 2/15/22: Drought Worst in 1200 Years

Documents show six or seven wells that are currently located at 222 E Shiloh are dry and have been for several years. Think about it! How much water does a 200 room hotel, six restaurants, a casino, spa and conference center need? In a recent news release the plans have now changed to a 400 room hotel. How does that impact the rest of us, particularly those on wells?

Drought worries immediately lead us to wildfire risk!

- Wildfire Risk!

We do not have to guess what will happen. We already know! We have the experience of the Tubbs fire in 2017 in which 22 people perished and the 2019 Kinkaide fire which stopped directly across the street from the proposed casino location. As you know, the original prediction was that the entire Town of Windsor was in path of the fire. The evacuation in both cases resulted in gridlock along Shiloh/Old Redwood Highway, up to and along Highway 101.

WHY would anyone invite potentially 20,000 vehicles or over 50,000 people a day to an area surrounded by residential neighborhoods to a fire prone area, where evacuation gridlock is history? It doesn't make sense. The thought of 50,000 people evacuating, along with all the residential neighborhoods that surround 222 E. Shiloh, is chilling. How many people will die?.

Mayor Salmon, this is **NOT** an opportunity to seek economic expansion at the expense of safety. This is **NOT** an opportunity to negotiate with anyone relating to this property. This is an opportunity for you to take a stand on this matter! 222 E. Shiloh is the **WRONG LOCATION** for a commercial business that draws thousands of visitors and vehicles per day.

We are strongly urging you to place this important/critical matter on the Windsor Town Agenda immediately for discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "L. R. Darst". The signature is fluid and cursive, with the first name "Lynn" and last name "Darst" clearly distinguishable.

Lynn R. Darst, Windsor Resident
Our Community Matters

Cc: Our Community Matters Members

From: Lynda Williams <misslyndalouu@gmail.com>
Sent: Saturday, October 14, 2023 5:56:03 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comments on Letter RE: Koi Nation Shiloh Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

I am writing to comment on the letter on the agenda for approval this Wednesday October 18, 2023, Town Council Meeting commenting on the Environmental Assessment (EA) of the proposed Koi Tribe Vegas Style Casino Resort Hotel.

While I thank you for taking the time to comment on the EA by the deadline, the proposed letter fails to address three critical issues on this matter. The first is Fire and evacuation routes. As you are aware, all evacuation routes out of the Town of Windsor are severely stressed and gridlocked in times of evacuation. As someone who lives directly across the street from this proposed project (less than 40 feet) and who has been evacuated, this issue must be addressed comprehensively in both your letter as well as a new Environmental Impact Statement. This issue risks the lives of residents who are citizens and taxpayers in the Town of Windsor. People like me and my neighbors whom you represent. Please add language addressing this issue.

The second issue is traffic impact, which your letter addresses but fails to tie to the fire and evacuation issue. Specifically, your letter fails to address the proposed traffic light and casino entrance at East Shiloh and Gridley. Gridley is a residential street used by most of the residents of Oak Park (77 homes). Putting a signal here with a casino entrance directly across from Gridley will back up traffic into Oak Park all day and night; it will back up traffic into the Redwood Highway and East Shiloh intersection; this will cause traffic to turn up East Shiloh and speed on Faught Road past San Miguel School; and it will cause traffic to cut through Oak Park to Mathilde backing up traffic at this intersection as well. This will put the life and safety of residents, children on bikes, pets and pedestrians at risk. If intoxicated casino goers become confused when they exit, they could end up roaming the streets of our neighborhood. Additionally, adding 15,000 additional vehicles a day to this area will increase carbon emissions by 25,185,000 metric tons per year (source EPA website). This additional pollution will flow into all our homes.

The third, and most important issue, is that your letter fails to take a stand on the fact that this is the wrong location for this project, for all of the environmental reasons, let alone the fire and evacuation hazard. I would like to see the Town of Windsor take the position that this is the wrong location and recommend that the BIA take plan D, no project and the land is not granted to the Koi. The issue here is not the tribe, it is the location. I personally wish them well and hope they can find an appropriate location for their Vegas Style Casino Hotel. But for the scope of this

EA and this BIA proposal, please support and recommend option D in your letter. Residential neighborhoods are not the place for casinos.

Thank you.

Warmest Regards,

Lynda Williams

[REDACTED]

Windsor, CA 95492

From: Eddie Flayer <eddie.flayer@att.net>
Sent: Saturday, October 14, 2023 6:12:47 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I don't understand the legal jargon...

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I live in Santa Rosa but I love your town. Such a great job with building a downtown, and parks, green spaces. Why kill a fine rural vineyard neighborhood with ANOTHER gambling hall? Find some land close to Walmart on Shiloh near the freeway. Give it to the Indians and let the buses of hoards shop at Walmart...and smoke and play slot machines and smoke some more. Maybe they will even smoke a peace pipe since they can make lots of money to get paid back for what we did to them.

I would like to see the Town of Windsor oppose the location of this project and urge the BIA to support option D, not to grant the land to the Koi Tribe.

**Thank you,
Eddie Flayer**

From: Maisie McCarty <maisiemccarty@hotmail.com>
Sent: Sunday, October 15, 2023 8:14:02 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Proposal for Casino Hotel, etc

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Council Members-

We strongly urge the Town of Windsor to oppose the proposed casino just south and east of our border in its comments to the BIA. It will, if accepted into trust by the BIA become a horrific blight causing traffic, noise and light disturbance to those Town of Windsor occupants living so close to its proposed location. In addition it would cause unlimited problems for those of us forced to evacuate due to fire or other natural disasters. The proposed casino's traffic study does not even take into account the new 300 + units being built at Old Redwood Highway and Shiloh Rd which will already cause increased traffic and parking problems so near to their proposed site.

In addition the Koi Nation's ancestral lands are in Lake County, NOT Sonoma County.

Please direct your comments to the BIA in strong opposition to placing this land into trust for the Koi Nation.

Very truly yours,
Mary M.McCarty
L.W. Harrison



Windsor,CA
Sent from my iPhone

From: Ginna Gillen <ginnagillen@sbcglobal.net>

Sent: Sunday, October 15, 2023 10:19:40 AM

To: Town Council <TownCouncil@Townofwindsor.com>

Cc: Jim Gillen <jimgillen@sbcglobal.net>; Suzanne Jean Calloway <suzannecalloway@yahoo.com>; Our Community Matters <ourcommunitymatters2@gmail.com>

Subject: Please Oppose the Koi Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

As an almost 20 year resident of Windsor, I urge the Town Council to take a stronger position in opposition to the proposed Koi casino. Having read the Environmental Assessment, I agree that as your agenda states "... the Town finds that several potentially significant adverse impacts associated with the proposed project are not identified or not adequately mitigated below the threshold of significance".

My family was evacuated during the Tubbs Fire and the Kincade Fire and encountered terrifying traffic jams on the escape routes. This situation would become total gridlock if the casino were to be built to the south of us. The only way to mitigate this potential crisis is to prevent the building of this casino.

The Town Council represents the voices of your constituents and we urge you to take a strong stand to protect the lives of the citizens of Windsor!

James and Virginia Gillen

[REDACTED]

Windsor

From: Mary Ann Bainbridge-Krause <mary_ann_bainbridge_krause@yahoo.com>
Sent: Sunday, October 15, 2023 5:52:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Item number 12.2 town agenda


CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Town Council: I'm writing concerning item # 12.2, submittal on the environmental assessment regarding Koi Nation Shiloh Road and Casino project. Even though you very carefully cover reasons why this should not proceed, you never once in your letter state you are against this development.

I'm disappointed. Your concerns are the same as the citizens of Windsor and yet you fail to back us up. Why? I would really like to know.

Very disappointed

MaryAnn Bainbridge-Krause

, a 28 year member of the Windsor community.

Sent from my iPhone

From: Carrie Marvin <[REDACTED]>
Sent: Sunday, October 15, 2023 5:46:10 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: EA letter for KOI Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please make sure in the letter from the Town Council, to include how incredibly dangerous it would be for them to build a large casino and hotel and parking for thousands of cars when we have to evacuate. People living in Windsor could end up like citizens of Lahaina or the Camp Fire - being burned because there is not the ability to evacuate quickly. Both Tubbs fire (getting out of Coffey Park was difficult) and Kincaide Fire had lots of people driving for a very long time to get out (I heard stories of people in Windsor and Sebastopol) This is a very important point that needs to be stressed and to omit that is an issue.

Also, as a citizen of Windsor and of the state of CA, we have suffered for years with a long term drought. I have personally ripped out all my grass - and to think that this group can come in and use our local water for tourists and gamblers - while I shut the water off while I brush my teeth and take timed showers, seems nonsensical to me. Fire and Drought must be addressed in the letter.

Thank you.
Carrie Marvin
[REDACTED]

From: Debra <d_avanche@yahoo.com>
Sent: Sunday, October 15, 2023 5:33:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation proposed project at 222 E Shiloh Rd., Santa Rosa

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Windsor Town Council members,

I am writing to request that the Windsor Town Council go on record opposing the gaming project at Old Redwood Highway and E Shiloh Rd. by the Koi Nation and Oklahoma Gaming commission.

This property is just outside the Windsor town boundaries but will heavily impact Windsor residents and businesses. This location is designated rural residential agricultural and is **BORDERED BY** Esposti sports park, the Oak Park subdivision, a church, mobile home park for seniors, residences along E Shiloh Rd., The Sonoma County Regional Park at E. Shiloh Rd and Faught Rd and is close to San Miguel Elementary and Mark West Elementary Schools. It is a travesty that a gaming operation is being floated in the middle of this beautiful community.

The Koi Nation is pursuing sovereign status of this property so gambling and 24/7 hoopla can take place. The Koi Nation is from Lake County and should be pursuing their project in that county.

Windsor will not benefit from needing more housing for low paid workers, and will be harmed by plopping a hugh operation in an area that is wildfire prone. Serious evacuation problems are obvious. We are already experiencing parking and traffic issues with the new apartment complex that is in the works.

I urge the Council to go on record strongly opposing this operation and designate the land as off limits for this type of project. Its appalling and makes no sense. We have enough casinos already in Sonoma County. There is **NOTHING** to be gained. Please help stop this.

Thank you,

Debra Avanche



Santa Rosa, Ca 95403

From: Chris Thuestad <chris2esta@comcast.net>
Sent: Sunday, October 15, 2023 4:03:23 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Casino Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I just received an email stating that the Town of Windsor is ready to approve the EA Comment Letter to the BIA regarding the Koi Nation's proposed casino. I'm deeply concerned about the casino for many of the same reasons you've already heard. The traffic on Shiloh Road is already problematic. I have had to sit through three turns of the light to try to get past the light near Home Depot. When we had to evacuate during the Kincadee fire, my husband was at Home Depot -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! The traffic study submitted by the Koi Nation also didn't take into account all the high-density construction projects that are being built along Shiloh and Old Red. Heading south on Hwy 101 is a nightmare already. We've been told the Graton casino gets 20,000 guests a day. If the Koi casino is even larger, what will that do to the street traffic in Windsor and the freeway traffic heading south?

I'm also concerned about water usage. We've been told that droughts are going to continue to be more frequent and more severe. We were headed to a real disaster until the rains finally came last rainy season. I've heard that the proposed casino will put in a 700' well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought, there could be problems with ground subsidence. Once the land is taken into trust, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns every other day, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water? Does the Town of Windsor have a plan for this?

The Koi Nation is a Lake County tribe yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes. How is it fair to the SoCo tribes to have the Koi Nation come in and cannibalize their business?

Finally, the additional traffic, crime, noise, and light pollution will ruin the property values of all Windsor residents, especially those near the casino. No one wants to live by a casino!!

I urge you to oppose the casino, support option D, and not allow the Koi Tribe to destroy the lives of so many people in Sonoma County.

Thank you,
Chris Thuestad

From: BELVA MITCHELL <mmitchellbc@aol.com>
Sent: Sunday, October 15, 2023 11:25:30 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Fwd: EA Comments,Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sent from my iPad

Begin forwarded message:

From: BELVA MITCHELL <mmitchellbc@aol.com>
Date: October 11, 2023 at 10:42:09 AM PDT
To: chad.broussard@bia.gov
Subject: Re: EA Comments,Koi Nation Shiloh Resort and Casino

Sent from my iPad

On Sep 28, 2023, at 6:39 PM, BELVA MITCHELL <mmitchellbc@aol.com> wrote:

I am strongly opposed to the proposed Casino due to many factors. I live within [REDACTED] of the Shiloh road entrance/ exit as proposed. This surface street infrastructure at Old Redwood highway and at 101 experience heavy traffic volumes at peak travel times. This will only worsen in coming years due to more population resulting from projects under construction now. The Casino project is indicating some improvements to address infrastructure but I can't foresee this will address the highway 101 approaches and exit ramps.

All of the concerns do not begin to reflect an emergency evacuation situation. I see no indication that noise will be addressed once operations are underway and complete. Over the last several years commercial and private vehicles with loud exhaust systems create an extremely undesirable situation that continues into late at night. There does not seem to be any effort to patrol for this situation.

There is also a great concern that safety will be compromised due to the influx of people that will be present and those looking for an opportunity to traffic drugs and sex if this project becomes a reality . Finally this is a

residential community not a commercial or business location.

From: Tisha Zolnowsky <Tisha.Zolnowsky@kp.org>
Sent: Monday, October 16, 2023 7:22:01 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Windsor Town Council - Safety. - Please oppose!

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to provide comments on the proposed **Koi Nation Shiloh Resort and Casino** Project. **I can't believe this is even an option. Really, why is putting a GIANT casino in a neighborhood even an option! 50'** from backyards where families, animals, and children play.

That vineyard saved the surrounding neighborhoods by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go? I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons. **Why do us citizens continue to get pushed around by organizations that put their profit before population safety.** Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.

So sad 😞

Tisha Zolnowsky

No Casinos near homes, schools, churches,

NOTICE TO RECIPIENT: If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. v.173.295 Thank you.

From: MEREDITH STROM <mandmstrom@comcast.net>
Sent: Monday, October 16, 2023 11:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Tribe request to build casino on East Shiloh Road in Windsor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing with regard to your upcoming council agenda item regarding a request by the KOI Tribe to build a casino on East Shiloh Road in Windsor.

I live on [REDACTED] and this project would have an immediate and potential disastrous affect on my life. During the recent fires when I had to evacuate my home twice all roads getting out were blocked because of traffic, including Faught Rd., Old Redwood Highway and the 101 freeway. Adding the numbers of cars this project would involve would create a situation that could result in not only property losses but possibly lives, especially for seniors like myself who cannot evacuate easily. Just the increased daily traffic on these country roads will certainly complicate my life immensely.

The noise and parking are also definite concerns for me, especially weekends and evenings. Esposti Park is on the corner of Old Redwood Highway and East Shiloh Park. This is a very well used park during evenings and weekends for many youth athletic leagues with the parking lot full and overflowing onto side streets and neighborhoods. This situation will increase when the huge low income housing unit on the opposite corner is occupied which I fear does not allow enough parking for its projected occupancy. Numerous bike rides commence at this park contributing to traffic and parking issues almost daily during many months of the year.

This is not just a small neighborhood issue. Traffic on and off the freeway, noise, parking, huge increases in water and power usage will affect all Windsor residents.

I urge you to officially oppose this project and recommend the KOI Tribe be denied their request to build a casino at this site.

meredith strom

[REDACTED]

Windsor, CA

From: Joanne Hamilton <jahamil@pacbell.net>
Sent: Monday, October 16, 2023 10:28 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino item 12.2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The Draft responds does a very good point by point assessment of the EA. However, IMO, I feel it could be strengthened with a strong opening that the Town is against this location for the Koi project. Also, perhaps, a strong close to the same affect.

JoAnn Hamilton

From: Judith Coppedge <judithcoppedge727@gmail.com>
Sent: Monday, October 16, 2023 4:52 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comment for Proposed Koi Casino Mtg 10-18-23

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see the attached documents for your upcoming Town Council Meeting on the Proposed Koi Nation Casino.

October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, [REDACTED] Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

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- size—77,800 acres
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- deaths—6; -size—363,200 acres
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- size—67,500 acres
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ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

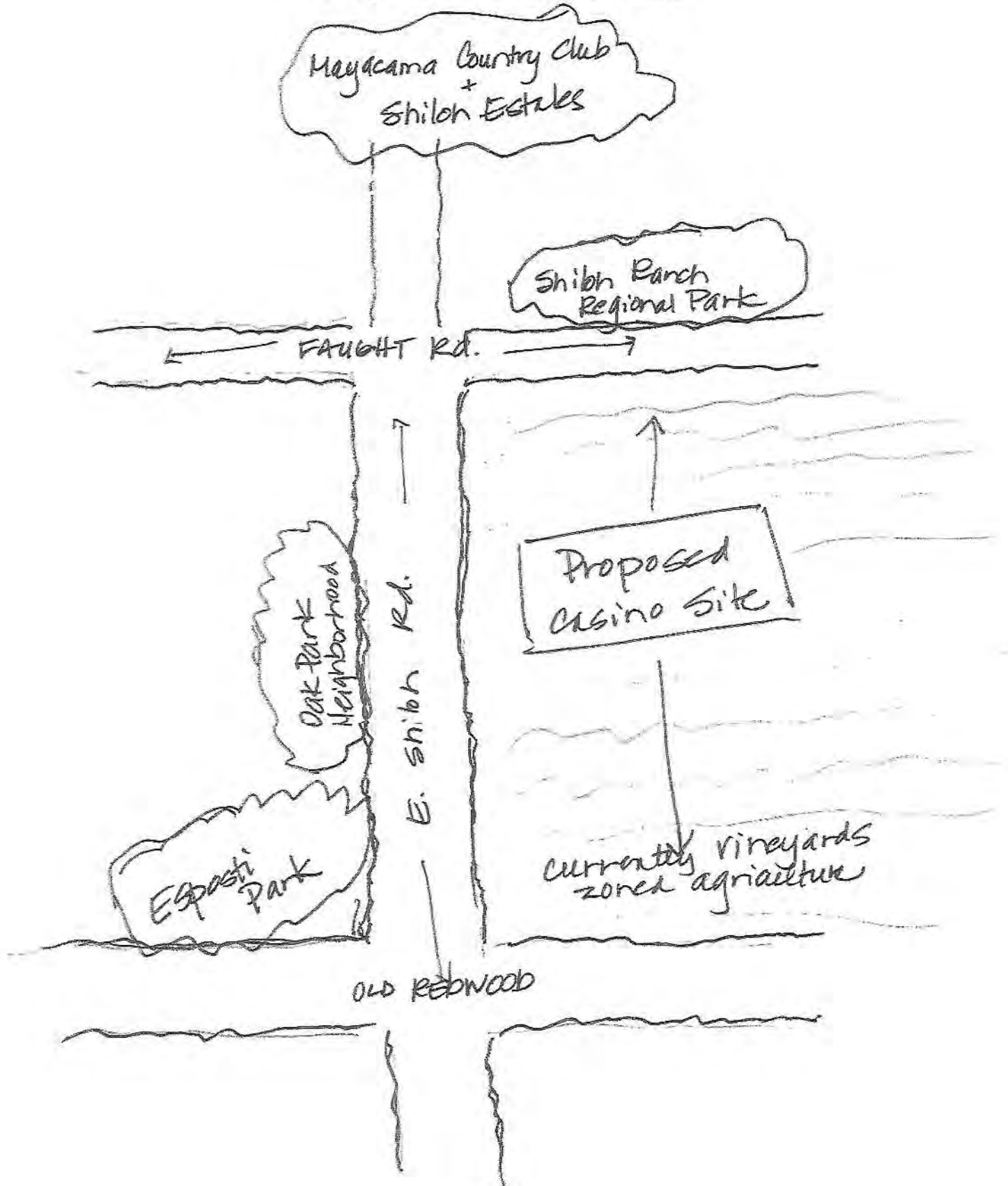


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site



From: C Plaxco <cplaxco143@gmail.com>

Sent: Monday, October 16, 2023 5:06:49 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: I do not want Shiloh Casino in my residential neighborhood

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

- I have lived on [REDACTED] for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on [REDACTED] I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

Christine & Richard Plaxco

[REDACTED]

From: Don Ziskin <donziskinlaw@comcast.net>
Sent: Tuesday, October 17, 2023 8:06 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino Environmental Statement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

Thank you for the opportunity to comment on the letter from the City of Windsor to Amy Dutschke with the Bureau of Indian Affairs concerning the Environmental Statement. My (and my neighbors) chief concern is the impact the Koi Casino Resort will have during the next evacuation as well as on day-to-day life.

1. Transportation and Circulation/ Fire/Evacuation

My family and I are 31 years residents of [REDACTED], the development directly across the street from the proposed hotel/casino complex. We have been through the Tubbs and Kincaid fires and experienced gridlock during evacuations.

There is no information in the Environmental Statement referencing the results of the traffic study done over two wet, cold days in January 2022, nor was there any information concerning the basis for the estimated 11,213 to 15,579 trips a day to and from the casino. While their traffic study does acknowledge that the casino will cause a loss of services (LOS) they utilize a common phrase throughout the report. "Mitigation would reduce impacts to a less than significant level". Changing lane striping and signal phasing is not going to alleviate the LOS. There is no information in the TIS on how signal installation will impact traffic. Conclusory statements at the end of the Transportation and Circulation section simply state that "mitigation would reduce impacts". Further detailed analysis incorporating actual conditions is needed.

There is no substantive information on what their plan is or how their plan would impact the community in the event of an evacuation from fire or earthquake. The only time evacuation is mentioned is at the very end in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. Nowhere in the bullet points do they reference the single lane exit routes or the other surrounding community members trying to evacuate. There is no substantive information on what their plan is or how their plan would impact the community.

How will 5,000+ vehicles leaving the casino at one time during an emergency impact resident in Oak Park and east of the casino Shiloh entrance trying to evacuate?

How will morning and evening commutes be impacted by people traveling to and from the casino?

How will traffic signals at Gridley and Shiloh casino entrance impact traffic congestion on East Shiloh?

How will Casino and residential evacuation impact responding emergency services?

2. Other Casinos in Residential Communities

In response to scoping concerns over casinos in residential areas, the Environmental Statement references three casinos in California that are in residential communities; however, there are significant differences between the Yaamava, Pechanga and San Pablo casinos in the ES and the proposed Koi Casino Resort.

None have housing as close to the casino as does the Koi Casino. All have material differences in ingress and egress. None share a common entry/exit with private residences.

Pechanga is separated from homes by a four-lane parkway and a nature trail. The casino is over ¼ mile from residences. It was built on historical lands belonging to the Pechanga tribe for over 10,000 years in Temecula.

Yaamava casino, like the Pechanga Casino is built on the San Miguel Band of Indians historical land in San Bernardino. It was designed so that the casino entry way faced an unoccupied hillside on their reservation lands. The homes in the area all face the unlit, backside of the casino and are separated by open space and a service road. Driveways and roadways entering and exiting the casino are removed from any residential areas.

Like Pechanga and Yaamava, San Pablo casino does not share a common entrance with any residential community. Like Yaamava, homes around San Pablo Casino only face the backside of the casino area and residences are separated by trees and a creek. Also, the general area is mostly industrial and retail.

The Koi Casino Shiloh entrance will share a common intersection with the residents of Oak Park. Homes will be located on the corner of the intersection of Gridley and the East Shiloh entrance.

3. Acorn Environmental Statement

The neutrality of the report prepared by Acorn should be challenged. Their website identifies Tribal Fee to Trust Applications as one of their specialties. Acorn Environmental provides environmental studies for Native American Indian tribes. Acorn Environmental has a vested interest in minimizing environmental impact for their clients. Their ES utilizes numerous technical standards and regulations but fails to provide factual or substantive information of the impact the casino will actually have on the environment and community. The concerns raised in the scoping questions and

addressed by Acorn were determined to be insignificant after evaluation. Examples of common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.

Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

Compensating someone with money over the loss of well water is not insignificant or an adequate remedy.

Lastly, while I appreciate the City of Windsor's thorough analysis of multiple topics in the comment letter, I feel it is important that the city take a stronger position concerning the project. There is no question that this project will materially change every aspect of this community. In lieu of suggesting "an alternative project be investigated; it is important to address the four alternatives in the ES. It is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. This is not about the who, it is about the what! It will change from a residential, recreational community to a 24 hour a day commercial center.

Because the Environmental Assessment report is lacking any substantive detailed information on how the proposed casino project would impact the environment and local residents is imperative that a more detailed Environmental Impact Study be done unless Alternative D is adopted.

Thank you,

Donald Ziskin

[REDACTED]

Windsor, CA 95492

phone [REDACTED]

From: betsy mallace [REDACTED]
Sent: Tuesday, October 17, 2023 7:16:07 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: public comments on Koi EA #12.2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to give feedback on your very detailed comment letter to the BIA regarding the on the Koi Casino Project's EA.

I have found, in my personal experience, that comment letters to the BIA have to be very direct. I think most of the comments should be strengthen by specifically calling out every instance of significant adverse impact. Please consider the following suggestions to be added to the letter.

It should be stated clearly that the town only supports option D. Options A, B, and C could/would all create a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACTS** to the town of Windsor. If they move forward with Option A, B, or C then the EA (as written) is incomplete/insufficient and an EIS must be required.

For the items you have stated are "inadequate", "unrealistic", "not-approve", "not-indicated" (missing), "not demonstrated", "could potential jeopardize", need "analysis", "inaccurate", "assume", "overstates", "misleading", "does not recognize", "not addressed" you need to clearly state that the EA as written has and/or could have a **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor. They have not proven that there is **not** significant impact to the Town of Windsor.

Where you have listed "objections", you again need to clearly state that this is or could be **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor.

Where any cost, fee, fund or improvement that will and/or could be assigned to the town of Windsor, it will create a **SIGNIFICANT ADVERSE IMPACT** to the town of Windsor.

I am surprised that you barely mentioned evacuation issues, but where you have stated that evacuation times will increase you must also clearly state this is a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACT** to the town of Windsor (and the entire community). Will any Windsor zones "safe route" be impacted by the proposed project? If so, please have this added to the comment letter.

Also, removing a natural fire break and replacing it with combustibles creates an **UN-MITIGATABLE SIGNIFICANT ADVERSE IMPACT** to the town of Windsor (and the entire community).

I hope you will consider my suggestions (bolding is mine, for emphasis only). Would you please remove all my contact information on this email, before you publish it?

Many thanks for your consideration,

Betsy Mallace

From: sandra george <bailey011@att.net>
Sent: Tuesday, October 17, 2023 8:00:31 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

October 17, 2023

Dear Honorable Mayor Reynoza, Vice Chair Salmon, Council members Wall, Fudge, And Potter,

We live across the street from the proposed casino, on Shiloh Road. We write to you to urge you at the extremist level. In your letter to the BIA, to OPPOSE the LOCATION of the proposed Koi Nation Shiloh Resort and Casino. To URGE the BIA to support option D, and not grant the land to the KOI Tribe.

In addition to all of your points of opposition in your letter. The proposed location is BORDERED ON 3 SIDES BY RESIDENTIAL HOUSING! In checking with our relator, we were advised that our property value would drop \$200,000 if a Casino is built on the proposed site. This would lead to loss of home values that could be in the Hundreds of millions of dollars. This would not only be a loss to each homeowner. But reduce property taxes to the Cities and County.

Every Town, City, County, and State official that spoke to the proposed site, were in opposition.

The only support is by the Carpenters Union, who are looking at a short term gain in work, while the rest of the community suffers long term losses.

Dave and Sandra George

[REDACTED]

October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, Shiloh Vista, Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

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We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
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- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

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- private Country Club
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- 95+ single family, multi-million dollar homes

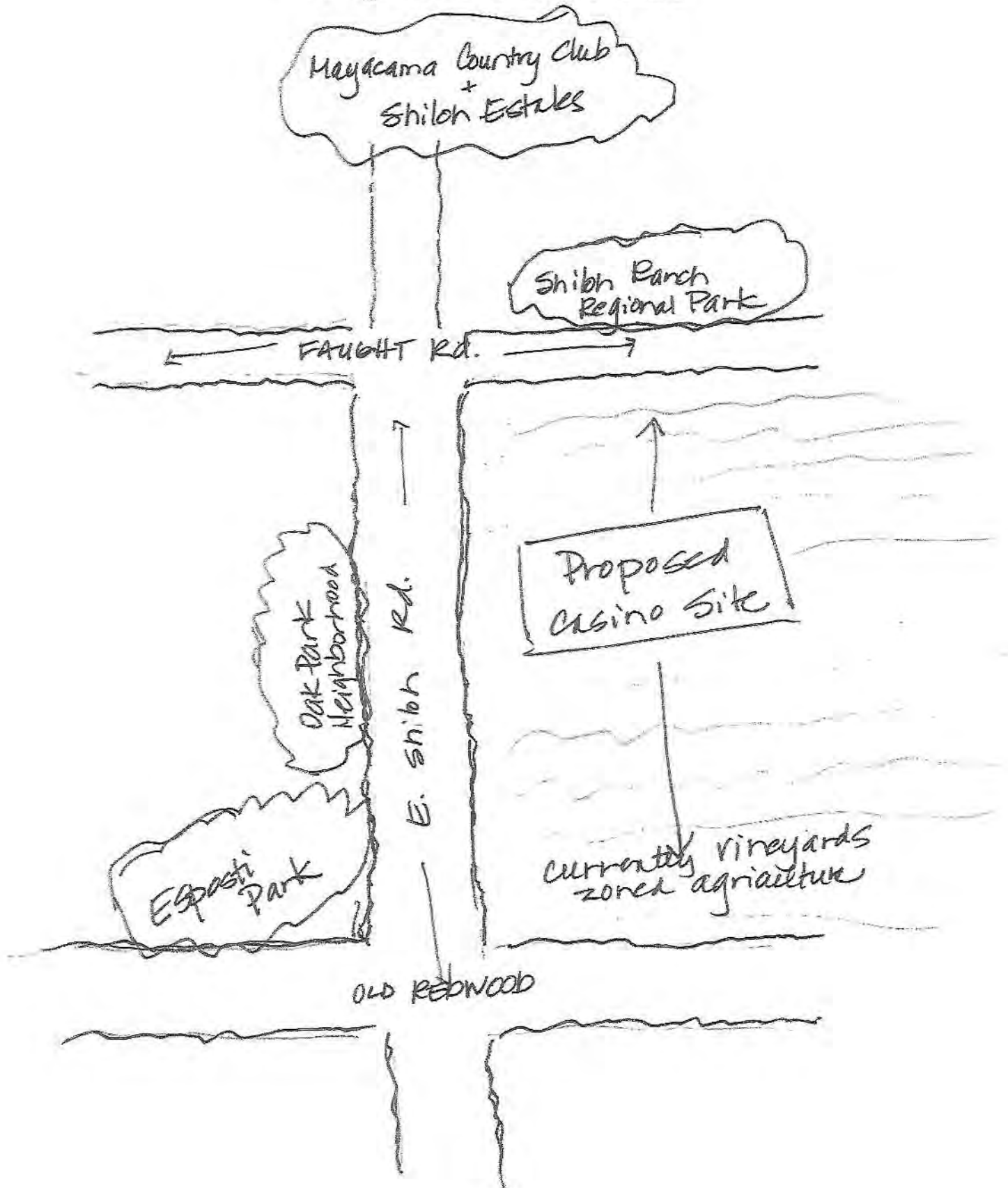


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site





Town of Windsor
CALIFORNIA

Town of Windsor
9291 Old Redwood Hwy
P.O. Box 100
Windsor, CA 95492

Mayor
Rosa Reynoza

Vice Mayor, District 4
Tanya Potter

Councilmember District 1
Mike Wall

Councilmember District 3
Debora Fudge

Councilmember District 2
Sam Salmon

Town Manager
Jon Davis

April 7, 2024

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Rm. W-2820
Sacramento, CA 95825

Chad Broussard (via email)
Environment Protection Specialist
Bureau of Indian Affairs, Pacific Region
chad.broussard@bia.gov

PACIFIC REGIONAL OFFICE
BUREAU OF INDIAN AFFAIRS
2024 APR 11 AM 10:57

SUBJECT: Koi Nation Shiloh Resort and Casino Project - Town of Windsor
Comments on Scoping of Environmental Impact Statement

Dear Ms. Dutschke and Mr. Broussard:

The Town of Windsor appreciates the opportunity to provide comments to the Bureau of Indian Affairs (BIA) on the preparation of an Environmental Impact Statement (EIS) for the proposed Koi Nation Shiloh Resort and Casino Project. As stated in the Town's previous letter dated November 13, 2023, providing comments on the Environmental Assessment (EA) for this project (attached), the Town found the EA to be inadequate, particularly in failing to identify significant environmental impacts and in proposing mitigations that would not bring impacts below the threshold of significance.

The preparation of an EIS is necessary to thoroughly evaluate the environmental impacts of the proposed casino resort project. Based on the Town's review of the EA, the Town strongly recommends that the EIS provide a comprehensive analysis that includes but is not limited to the following major resource areas and issues:

Water Resources

- Groundwater impacts, including well interference and water quality effects
- Stormwater drainage capacity and flooding risks, particularly resulting from changes to storm flow in Pruitt Creek to the east and west of Highway 101
- Recycled water use, storage needs, and permitting

Transportation & Circulation

- Traffic congestion and roadway/intersection capacity impacts
- Establishing the responsible party, financing, and the timing for widening Shiloh Road and improving the Shiloh Road/Old Redwood Highway intersection and Shiloh Road/Highway 101 interchange

- Emergency evacuation route capacity and evacuation modeling, specifically analyzing evacuations of the communities off of Gridley Drive and Mathilde Drive, Merner Drive, Tamara Way, and larger Town-wide and regional evacuation events.
- Pedestrian, bicycle, and public transit accessibility, including consistency with the Town's Complete Streets Guidelines, the Old Redwood Highway Corridor Enhancement Plan, and the Shiloh Road Village Vision Plan

Land Use and Planning

- The Shiloh Road Village Vision Plan (SRVVP) had been adopted for the lands west of the project site.
- The grid street network of the SRVVP and the anticipated east-west connections must be considered.
- The density and intensity of the Town's comprehensive planning documents anticipated the continued agricultural use of the project site.

Public Services & Utilities

- Increased demands on police, fire, parks, and public infrastructure
- Solid waste generation and landfill capacity

Air Quality & Greenhouse Gas Emissions

- Construction and operational air emissions, including health risk impacts
- Determination of threshold of significance for cancer risk for hazardous air pollutants based on future traffic volumes along Shiloh Road and Old Redwood Highway, not existing traffic volumes.
- Vehicle miles traveled (VMT) and greenhouse gas emissions

The list of resource areas and issues above is not exhaustive. The EIS must consider each of the concerns detailed in the Town's EA comment letter, dated November 13, 2023, as well as the public comments attached thereto. The Town is also in agreement with the issues and concerns raised in the EA comment letter submitted by the Sonoma County Counsel on behalf of the County of Sonoma, dated November 13, 2023. The Town strongly recommends that the issues and concerns outlined in the Sonoma County Counsel's letter be considered and analyzed in the EIS.

Sonoma County Counsel's letter also mentions that the EA inadequately considered impacts to other tribes. The Town shares these concerns not only regarding the continued economic viability of tribes with gaming facilities but also regarding fairness to all tribes with homeland in the area. In 2019, U.S. Senate Bill S.1790 was signed into law and includes provisions for taking approximately 511 acres of tribal land into trust as part of the reservation of the Lytton Rancheria of California. S.1790 also stipulates that no gaming shall be conducted on any lands taken into trust on behalf of the Tribe in Sonoma County

in perpetuity. The proposed Shiloh Resort and Casino project is located less than three miles from the established homeland of the Lytton Rancheria of California tribe.

The EIS should clearly identify impacts and provide appropriate, enforceable mitigation measures, including fair-share contributions to improvements necessitated by the project. The EIS analysis should also consider the timing of proposed mitigations, since the full magnitude of impacts will exist at the start of the project's operation. The conclusions in the EA regarding less-than-significant impacts in many of these areas were inaccurate or not adequately supported by evidence. The Town expects the EIS analysis to use up-to-date data, local policies/plans, reasonable assumptions, and technical best practices.

Importantly, the EIS must include a thorough evaluation of an alternative project location. One of the major concerns with the currently proposed location is its proximity to existing low-intensity residential neighborhoods in Windsor. An alternative location further removed from residential areas should be analyzed in the EIS. The proposed casino resort of this size and operational capacity would be incompatible with, and detrimental to, the quiet residential character of the surrounding neighborhoods at the current site. Potential land use conflicts and impacts to quality of life for residents should be avoided by considering an alternative site location that provides an appropriate separation from residential neighborhoods and pedestrian/bicycle-scale development. In addition to being more compatible with surrounding uses, an alternative location may reduce impacts related to traffic congestion, infrastructure demands, emergency evacuation routes, and other environmental issues of concern identified in the Town's previous EA comments. At this time, the Town is unable to identify an appropriate location in or around Windsor that would be suitable in this regard.

With the information and analysis currently available, the Town finds that only the no project alternative guarantees that no significant adverse impacts will occur. Beyond the proposed project and alternative location, the EIS must include the no project alternative in its analysis. Additionally, the Town recommends the EIS evaluate any other potentially feasible alternatives that could reduce the intensity and scale of the project to minimize environmental impacts and impacts to community character.

If you have questions or require additional information, please contact me: Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Streeter', with a long horizontal flourish extending to the right.

Patrick N. Streeter, AICP
Community Development Director

cc: Jon Davis, Windsor Town Manager;
Windsor Town Council

Transmitted Electronically: Town of Windsor Comments on Koi Nation Shiloh
Resort and Casino Project EA, dated November 13, 2023

Tribes



S-T1

AUGUSTINE BAND OF CAHUILLA INDIANS

84-001 AVENUE 54 COACHELLA, CA 92236 | T: 760-398-4722 F: 760-369-7161

TRIBAL CHAIRPERSON: AMANDA AUGUSTINE TRIBAL VICE-PERSON: VICTORIA MARTIN

TRIBAL TREASURER: WILLIAM VANCE TRIBAL SECRETARY: GERAMY MARTIN TRIBAL COUNCIL MEMBER: RONNIE VANCE

ATTN: Bryan Newland, Assistant Secretary - Indian Affairs
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good-paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

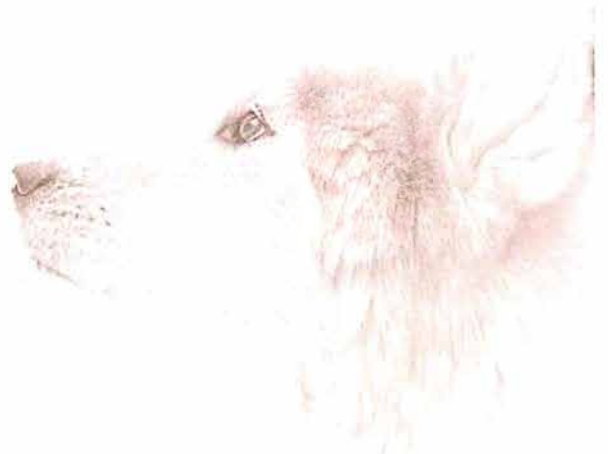
The Koi Nation has suffered the effects of broken promises by the government and the dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Sincerely,

Victoria Martin, Tribal Vice-Chairwoman
Augustine Band of Cahuilla Indians



From: Lynn Laub <LynnL@drycreekrancheria.com>
Sent: Monday, October 2, 2023 2:56 PM
To: Dutschke, Amy <Amy.Dutschke@bia.gov>
Cc: Chris Wright <ChrisW@drycreekrancheria.com>; michelle@thecirclelaw.com
Subject: [EXTERNAL] Request for 60-day extension of Public Comment Period - Koi Nation EA

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Director Dutschke,

Please see the request letter from Chairman Wright for a 60-day extension of the comment period on Koi Nation's EA.

Lynn Laub
Executive Assistant to the Board of Directors
Dry Creek Rancheria Band of Pomo Indians
P.O. Box 607
Geyserville, CA 95441
Direct Tel: 707-814-4166
Cell: 707-495-5427
LynnL@drycreekrancheria.com



**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

October 2, 2023

VIA Email: Amy.Dutschke@bia.gov
Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

**Re: Koi Nation's Proposed Casino Project – Request for Sixty (60) Day Extension
of Public Comment Period**

Dear Director Dutschke,

On behalf of the Dry Creek Rancheria Band of Pomo Indians, California ("Dry Creek"), I am writing to request a sixty (60) day extension to the public comment period ending October 27, 2023, in regard to Shiloh Resort and Casino Project ("Project") Environmental Assessment submitted by the Koi Nation of Northern California ("Koi" or "Tribe"). We are concerned that constructing a casino within a densely populated urban area will have profound implications for the environment, the surrounding cities, and the local economy. While the Environmental Assessment provides substantial information, it is also very complex. It is important that an extension is granted to ensure that Dry Creek has time to research and adequately assess all of the information in the documents to provide meaningful feedback.

As stated above, the Environmental Assessment for the Project has substantial data, technical reports, appendices, and sections. The sheer volume of this information makes it very time-consuming for the Dry Creek leadership to review comprehensively. The original comment period end date of October 27, 2023, does not provide enough time for us to gather necessary information, or conduct additional research, about the environmental impacts of this Project. It is imperative that an extension is granted to ensure that all relevant information can be collected, especially with a project that will have such a significant impact on the aboriginal territories.

The Environmental Assessment involves a wide range of disciplines, including ecology, hydrology, geology, economic impacts, and more. Individuals with expertise in these areas will need extra time to evaluate the project's potential impacts thoroughly. These individuals may also have questions that arise while conducting their evaluations in which they would need to seek advice from other experts. Not all research can be conducted in short periods of time due to the unavailability of information, document locations, or inability to connect with other experts.

The local community will also need to be given adequate notice of the implications the project could have on the environment and public. Not all of the public, or surrounding areas, may be aware that this project is being proposed, in which community engagement is very important.

Meaningful public participation requires coordination and consultation which can be time consuming. However, an extension would provide more opportunity for the public to become involved, ensuring that all voices are heard.

Given these complexities and the importance of ensuring an extensive public review process, again, I kindly request an extension of sixty (60) days beyond the original deadline. This extension would allow Dry Creek as well as concerned individuals, community groups, and experts to provide more informed and comprehensive feedback on the Environmental Assessment. We understand the importance of adhering to project timelines, but we believe that granting this extension will ultimately lead to a more informed and equitable decision-making process. I hope you will consider this request seriously and make the necessary arrangements to extend the comment period accordingly.

Please do not hesitate to contact me at (707) 814-4150 or cwright@drycreekrancheria.com should you have any questions about this letter or Dry Creek's request for consultation.

Respectfully,



Chris Wright
Tribal Chairman

From: Andy Mejia <andymejia@lyttonrancheriaofcalifornia.com>
Sent: Thursday, November 9, 2023 4:03 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Larry Stidham <larry@stidhamlaw.biz>; Dutschke, Amy <Amy.Dutschke@bia.gov>
Subject: [EXTERNAL] Lytton Rancheria of California - Comments on Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good Afternoon Mr. Chad Broussard,

Attached to this email you will find the comments on the Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project from Lytton Rancheria. If you have any question or comments, please feel free to contact me at your convenience.

Thank You,
Andy Mejia, Chairperson
Lytton Rancheria of California
437 Aviation Blvd.
Santa Rosa, CA 95403
P (707) 575-5917 F (707) 575-6974

2 Attachments • Scanned by Gmail



LYTTON RANCHERIA • Lytton Band of Pomo Indians



437 Aviation Blvd • Santa Rosa, California 95403

(707) 575-5917 • Fax (707) 575-6974

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

Via email to: chad.broussard@bia.gov

Re: Comments on Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke,

The Lytton Rancheria of California, also known as the Lytton Band of Pomo Indians ("Lytton"), is a federally recognized Indian Tribe with a reservation located in Sonoma County, California. Lytton is on record opposing the Koi Nation's application to the United States Department of Interior to acquire 68 acres of land in trust for a casino on the Project Site. The Project Site is near the Town of Windsor in Sonoma County, California, approximately 50 miles from the Koi Nation's homeland in Lake County, and well outside the Koi Nation's ancestral territory. Lytton submits these comments because, in addition to opposing the Proposed Project on the grounds that the Project Site is not within the Koi Nation's ancestral territory, Lytton has concerns regarding potential effects of the Proposed Project on local Tribes and the surrounding community, and believes that the Environmental Assessment ("EA") released by the Bureau of Indian Affairs ("BIA") in September 2023, is inadequate to address those concerns.

Many of the findings in the EA are contingent on implementation of certain "Protective Measures and Best Management Practices" ("BMPs"), which are described in part as "voluntary measures" that would be implemented "where applicable." EA at 2-12 and 2-13. Many of these BMPs appear uncertain and likely unenforceable, including (for example) BMPs designed to reduce emissions, prevent discharge of hazardous materials and pollutants, reduce the risk of fire ignition and address fire hazards. Other BMPs depend on reports, plans, recommendations and the like that have not yet been conducted or do not yet exist. Further, certain of the mitigation measures themselves rely on agreements not yet entered or future acts and decisions by other parties. Finally, there is no enforcement mechanism to ensure the Koi Nation's compliance with these mitigation measures or BMP's because the Koi Nation does not provide any limited waivers of sovereign immunity, and we are not aware of any promises or steps the BIA is taking to enforce these practices if the Koi Nation fails to follow through.

Because the findings of the EA itself are based on the assumption that the Koi Nation will fully comply with the BMPs and mitigation measures, the EA may drastically underestimate the impacts the Proposed Project will have if the Koi Nation cannot or does not fully comply. Lytton is therefore concerned that many of the EA's conclusions of less-than-significant impact are not reliable.

Lytton's primary concern is the impact of the Proposed Project on a wildfire evacuation. The EA's conclusions on this point rely on assumed future actions not only of the Koi Nation, but of other parties including the Town of Windsor, Sonoma County, and CalTrans, which are highly speculative. These concerns are discussed further below, followed by a brief discussion of some of the additional findings that Lytton believes to be inadequate or questionable as presented in the EA. Lytton urges the BIA to proceed with preparation of a full Environmental Impact Statement (EIS) in order to address these shortcomings and to allow for careful, complete consideration of the likely impacts of the Proposed Project to the surrounding Tribes and communities.

Wildfire and Traffic Concerns

One of the major concerns raised by surrounding communities, and acknowledged in the EA, is the increased traffic congestion likely to result from implementation of the Proposed Project. Indeed, the EA determines that traffic related impacts would be significant, but that the proposed mitigation measures would reduce those impacts to a less-than-significant level. EA at 3-71. Lytton finds this conclusion quite problematic because the referenced mitigation measures rely on the actions of third-parties, which cannot be predicted or enforced.

Specifically, Section 4 of the EA states the Koi Nation is to make "good faith efforts to assist with implementation" of certain off-site roadway improvements, which are presented as mitigation measures that "shall be implemented to reduce traffic impacts[.]" EA at 4-9. At the same time, however, the EA acknowledges that "the timing for the off-site roadway improvements is not within the jurisdiction or ability to control of the Tribe." *Id.* Instead, these measures and improvements are largely under the control of the Town of Windsor and Sonoma County. These include the conversion from split phasing to protected phasing at the Shiloh Road and Old Redwood Highway intersection, the restriping of various approaches and off ramps, the signaling of intersections and the optimization of splits and cycle lengths for intersections. EA at 4-9. They also include the widening of Shiloh Road to four lanes at certain sections, as well as the restriping of multiple approaches, additional conversions to protected phasing, signaling of additional intersections and optimized timing of those signals. EA at 4-9. Even if the Koi Nation made every effort to comply with these mitigation measures, their implementation is dependent on outside parties and largely outside of the Tribe's control. There is also no way to enforce the Koi Nation's compliance with these mitigation measures. Lytton therefore considers the conclusion of the EA that traffic related impacts of the Proposed Project will be less-than-significant to be inappropriate and unwarranted because it is contingent on these mitigation measures that are admittedly "not within the jurisdiction or ability to control of the Tribe."

These traffic related impacts are particularly alarming in the context of a potential wildfire evacuation. Sonoma County considers most of the Project Site to be at "high" risk of wildfires, with some areas to the northeast and southeast designated "very high." EA at 3-109, 3-111. The EA points out there have been 14 wildland fires in Sonoma County since 1964 that have burned over 300 acres, with two recent fires from 2017 and 2019 combining to burn over 114,000 acres and burning within 0.3 miles of the project site. EA at 3-109.

The EA acknowledges that the proposed casino “would attract additional patrons and increase the total number of persons onsite during operation that may need to be evacuated during a wildfire event[.]” and that “[a]n increase in vehicles on emergency evacuation routes during a wildfire could worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires.” EA at 3-117. The EA further acknowledges that “analysis of a future evacuation event is inherently speculative.” *Id.* Nevertheless, the EA concludes that “[w]ith implementation of the mitigation measures included in Section 4, Alternative A would not significantly inhibit local emergency response to or evacuation from wildfire or conflict with a local wildfire management plan.” EA at 3-118.

This conclusion relies in substantial part on estimates presented in Appendix N-2 finding that evacuation time for the Town of Windsor would be approximately 4-6 hours, while evacuation time for the casino itself would be an additional 2.5 hours, assuming conditions similar to the 2019 Kincade Fire. This would create a total evacuation period for both sites of 6-8 hours. EA at 3-118. Although these estimates may be conservative in that they assume maximum occupancy of the casino and parking structure, Appendix N-2 also assumes implementation of certain traffic mitigation measures beyond the Koi Nation’s control, specifically the expansion of Shiloh Road. Appendix N-2, at 2.

In the event that the Koi Nation and local governments do not implement the EA’s BMPs and mitigation measures, the time for evacuation of Windsor and the project site could be much longer than the 6-8 hours that the EA currently assumes. As time goes on, it will become more dangerous if the improvements and measures required by the EA, which the Koi Nation does not have the ability to control, such as widening Shiloh Road, are not implemented.

However, the most gaping flaw in the estimate contained in Appendix N-2, is that it fails to take into account the Lytton Rancheria’s new housing project. The Lytton Rancheria after decades of being dispossessed, has finally established a homeland for its members which will consist of 146 homes with at least 300 people. Tribal members will begin moving in to these homes in January of 2024. The estimated evacuation time completely overlooks the impact or additional delay Lytton’s housing project will have on the Town of Windsor. In the event of evacuation, the residents of the housing project will be among those forced to flee across Windsor and travel south on Route 101. They will be directly impacted and threatened by the delay the Koi Nation’s Proposed Project will impose. These impacts, which are not seriously considered in the EA, could result in injury to or loss of human life.

The EA itself states:

“[a] project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area. This includes, but is not limited to, building in a high-risk fire zone without project design measures to reduce inherent wildfire risk, increasing fuel loads, exacerbating the steepness of the local topography, introducing uses that would increase the chance of igniting fires, eliminating fire barriers, inhibiting local emergency response to or evacuation routes from wildfires, and conflicting with a local wildfire management plan.”

EA at 3-114. It is surprising that a delay of 2.5 hours to wildfire evacuation routes is not found to be significant. Beyond that, the EA inappropriately relies on speculative and unenforceable “mitigation measures” for this conclusion and fails to provide analysis or an estimate for the evacuation time in the very possible or even likely scenario that the proposed traffic mitigation measures are not fully implemented. The EA also glaringly fails to consider the impact the Lytton homeland will have on the Town of Windsor’s evacuation and the threat facing Tribal members whose evacuations will be slowed. Finally, the delay, however long it may actually be, has not been properly analyzed in terms of weighing the economic benefit to the Koi Nation against the loss of life and economic damage incurred by the delay. The tradeoffs of such a calculation should be identified and discussed. For these reasons Lytton believes the EA is incomplete and an EIS is necessary.

Groundwater

Lytton is also concerned that the EA’s analysis of potential effects on groundwater in the surrounding area is incomplete and inconclusive. In its assessment of Alternative A, the EA states that project wells would be drilled to a depth of approximately 700 feet bgs and would draw from depths of approximately 400 to 600 feet bgs, which “is not expected to impact nearby off-site wells drilled to a depth of less than 380 feet bgs.” EA at 3-19. This conclusion appears to rest on an assumption that impervious clay layers exist on the Project Site that separate the shallow aquifer zones from the deeper zones. However, the EA states that “[s]ite specific monitoring is needed to confirm the hydraulic separation between the upper and lower aquifers underlying the site and to ensure that there would be no significant impacts to surrounding wells, including the Esposti Park irrigation and standby potable wells.” EA at 3-19. With respect to Alternatives B and C, the EA similarly states that “Further site-specific data is needed to ensure that there would be no significant impacts to off-site wells.” EA at 3-22.

In short, the EA apparently could not and does not determine whether impacts to surrounding wells are likely to be significant. Further, the proposed mitigation measures neither require the Koi Nation to make that determination prior to project approval, nor would they do anything to prevent a significant impact if the EA’s untested assumptions are wrong. Instead, the proposed mitigation measures consist of a monitoring program, to be implemented by the Koi Nation “as soon as feasible after project approval and at least one year before opening of the project facilities to the public to allow for baseline monitoring[,]” followed by partial reimbursement by the Koi Nation for replacement, rehabilitation, or deepening costs incurred by owners of wells that become unusable within five years of the onset of project pumping, *provided* those well owners meet certain requirements and burdens of proof. EA at 4-1, 4-2. Neither the assessment nor the mitigation measures offer surrounding well owners any assurance that they will not experience a failure of or other significant impacts to the wells they rely on for potable water.

Cultural and Paleontological Resources

The EA states that “[t]he presence of Pruitt Creek within the Project Site, presence of scattered obsidian, and results of Native American consultation conducted to date indicate there is a potential for significant subsurface cultural resources to be buried beneath the Project Site with no surface manifestation.” EA at 3-56. The EA also states that a Koi Tribal Monitor was present during excavation of four test pits within the Area of Potential Effects, and that any potential significant impacts will be reduced or eliminated by mitigation measures to include monitoring of grading activities. EA at 3-55, 4-7. Lytton reiterates that the Koi Nation is not indigenous to Sonoma County, but is rather a Southeastern Pomo Tribe indigenous to Lake County. It is imperative that any and all assessments of cultural or archaeological effects of the Proposed Project occur with input and guidance from local Southern and Southwestern Pomo Tribes actually indigenous to Sonoma County with ancestral territory in the vicinity of the Project Site.

Conclusion

We appreciate the opportunity to provide comment to the BIA, and would like to emphasize our concerns that allowing a Tribe from Lake County to establish this Proposed Project will impinge on the Tribal sovereignty of Sonoma County Tribes as well as dramatically increase the risk of injury and death in the event of a wildfire. We reiterate our call for an Environmental Impact Statement to be completed and for proper analysis of these risks and others to be conducted.

Sincerely,



Andy Mejia
Chairperson
Lytton Rancheria of California



LYTTON RANCHERIA • Lytton Band of Pomo Indians



437 Aviation Blvd • Santa Rosa, California 95403

(707) 575-5917 • Fax (707) 575-6974

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

Via email to: chad.broussard@bia.gov

Re: Comments on Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project

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This conclusion relies in substantial part on estimates presented in Appendix N-2 finding that evacuation time for the Town of Windsor would be approximately 4-6 hours, while evacuation time for the casino itself would be an additional 2.5 hours, assuming conditions similar to the 2019 Kincade Fire. This would create a total evacuation period for both sites of 6-8 hours. EA at 3-118. Although these estimates may be conservative in that they assume maximum occupancy of the casino and parking structure, Appendix N-2 also assumes implementation of certain traffic mitigation measures beyond the Koi Nation’s control, specifically the expansion of Shiloh Road. Appendix N-2, at 2.

In the event that the Koi Nation and local governments do not implement the EA’s BMPs and mitigation measures, the time for evacuation of Windsor and the project site could be much longer than the 6-8 hours that the EA currently assumes. As time goes on, it will become more dangerous if the improvements and measures required by the EA, which the Koi Nation does not have the ability to control, such as widening Shiloh Road, are not implemented.

However, the most gaping flaw in the estimate contained in Appendix N-2, is that it fails to take into account the Lytton Rancheria’s new housing project. The Lytton Rancheria after decades of being dispossessed, has finally established a homeland for its members which will consist of 146 homes with at least 300 people. Tribal members will begin moving in to these homes in January of 2024. The estimated evacuation time completely overlooks the impact or additional delay Lytton’s housing project will have on the Town of Windsor. In the event of evacuation, the residents of the housing project will be among those forced to flee across Windsor and travel south on Route 101. They will be directly impacted and threatened by the delay the Koi Nation’s Proposed Project will impose. These impacts, which are not seriously considered in the EA, could result in injury to or loss of human life.

The EA itself states:

“[a] project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area. This includes, but is not limited to, building in a high-risk fire zone without project design measures to reduce inherent wildfire risk, increasing fuel loads, exacerbating the steepness of the local topography, introducing uses that would increase the chance of igniting fires, eliminating fire barriers, inhibiting local emergency response to or evacuation routes from wildfires, and conflicting with a local wildfire management plan.”

EA at 3-114. It is surprising that a delay of 2.5 hours to wildfire evacuation routes is not found to be significant. Beyond that, the EA inappropriately relies on speculative and unenforceable “mitigation measures” for this conclusion and fails to provide analysis or an estimate for the evacuation time in the very possible or even likely scenario that the proposed traffic mitigation measures are not fully implemented. The EA also glaringly fails to consider the impact the Lytton homeland will have on the Town of Windsor’s evacuation and the threat facing Tribal members whose evacuations will be slowed. Finally, the delay, however long it may actually be, has not been properly analyzed in terms of weighing the economic benefit to the Koi Nation against the loss of life and economic damage incurred by the delay. The tradeoffs of such a calculation should be identified and discussed. For these reasons Lytton believes the EA is incomplete and an EIS is necessary.

Groundwater

Lytton is also concerned that the EA’s analysis of potential effects on groundwater in the surrounding area is incomplete and inconclusive. In its assessment of Alternative A, the EA states that project wells would be drilled to a depth of approximately 700 feet bgs and would draw from depths of approximately 400 to 600 feet bgs, which “is not expected to impact nearby off-site wells drilled to a depth of less than 380 feet bgs.” EA at 3-19. This conclusion appears to rest on an assumption that impervious clay layers exist on the Project Site that separate the shallow aquifer zones from the deeper zones. However, the EA states that “[s]ite specific monitoring is needed to confirm the hydraulic separation between the upper and lower aquifers underlying the site and to ensure that there would be no significant impacts to surrounding wells, including the Esposti Park irrigation and standby potable wells.” EA at 3-19. With respect to Alternatives B and C, the EA similarly states that “Further site-specific data is needed to ensure that there would be no significant impacts to off-site wells.” EA at 3-22.

In short, the EA apparently could not and does not determine whether impacts to surrounding wells are likely to be significant. Further, the proposed mitigation measures neither require the Koi Nation to make that determination prior to project approval, nor would they do anything to prevent a significant impact if the EA’s untested assumptions are wrong. Instead, the proposed mitigation measures consist of a monitoring program, to be implemented by the Koi Nation “as soon as feasible after project approval and at least one year before opening of the project facilities to the public to allow for baseline monitoring[,]” followed by partial reimbursement by the Koi Nation for replacement, rehabilitation, or deepening costs incurred by owners of wells that become unusable within five years of the onset of project pumping, *provided* those well owners meet certain requirements and burdens of proof. EA at 4-1, 4-2. Neither the assessment nor the mitigation measures offer surrounding well owners any assurance that they will not experience a failure of or other significant impacts to the wells they rely on for potable water.

Cultural and Paleontological Resources

The EA states that “[t]he presence of Pruitt Creek within the Project Site, presence of scattered obsidian, and results of Native American consultation conducted to date indicate there is a potential for significant subsurface cultural resources to be buried beneath the Project Site with no surface manifestation.” EA at 3-56. The EA also states that a Koi Tribal Monitor was present during excavation of four test pits within the Area of Potential Effects, and that any potential significant impacts will be reduced or eliminated by mitigation measures to include monitoring of grading activities. EA at 3-55, 4-7. Lytton reiterates that the Koi Nation is not indigenous to Sonoma County, but is rather a Southeastern Pomo Tribe indigenous to Lake County. It is imperative that any and all assessments of cultural or archaeological effects of the Proposed Project occur with input and guidance from local Southern and Southwestern Pomo Tribes actually indigenous to Sonoma County with ancestral territory in the vicinity of the Project Site.

Conclusion

We appreciate the opportunity to provide comment to the BIA, and would like to emphasize our concerns that allowing a Tribe from Lake County to establish this Proposed Project will impinge on the Tribal sovereignty of Sonoma County Tribes as well as dramatically increase the risk of injury and death in the event of a wildfire. We reiterate our call for an Environmental Impact Statement to be completed and for proper analysis of these risks and others to be conducted.

Sincerely,



Andy Mejia
Chairperson
Lytton Rancheria of California

From: Patterson, Kerry <Kerry.Patterson@procopio.com>
Sent: Friday, November 10, 2023 2:33 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: 'Erica M. Pinto - Jamul Indian Village' (epinto@jiv-nsn.gov)' <epinto@jiv-nsn.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,

Attached please find the Jamul Indian Village comment letter in support of the Koi Nation Environmental Assessment. Please let me know if you have any questions about this submission. Thank you!

Best Regards,
Kerry Patterson

KERRY PATTERSON
PARTNER
PROCOPPIO

P. 619.515.3295 | F. 619.788.5505 | kerry.patterson@procopio.com
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101
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Fri Nov 10 2023 14:33:17

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November 10, 2023

VIA EMAIL (chad.broussard@bia.gov) AND CERTIFIED MAIL

Amy Dutschke
Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Chad Broussard
Environmental Protection Specialist
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke,

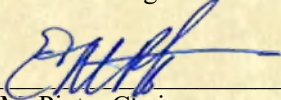
On behalf of the Jamul Indian Village of California ("JIV"), we write in support of Koi Nation's trust land acquisition/restoration efforts in Sonoma County, California. JIV understands Koi Nation's need to establish a home territory in order to further its self-determination, economic development and cultural preservation.

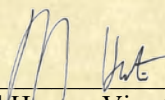
JIV is cognizant of the lengthy federal process for trust acquisitions, and continues to support Koi Nation's proposed casino project and the benefits that the project will provide to Koi Nation and those that it serves. JIV understands Koi Nation's need to restore its ancestral lands, as such restoration is critical for all tribes who were once landless or have had their territory diminished. Koi Nation experienced a long period of being treated as a terminated tribe, which cost the Nation decades of lost opportunities. The Bureau of Indian Affairs should partially rectify this tragic history and acquire land into trust for Koi Nation.

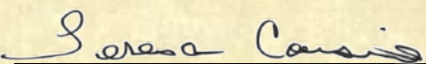
JIV understands that fiscal impacts from Koi Nation's casino project will be minimal, as its casino operation is expected to generate ~\$35 million in combined federal, state, and local taxes annually. Koi Nation's additional contributions to the local economy in terms of salaries, benefits, payroll taxes and vendor payments will also benefit the surrounding area. Approval of Koi Nation's land acquisition and restoration secures those positive economic impacts that tribal gaming will have on the Koi Nation, and on local and state communities.

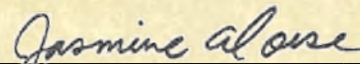
Respectfully,

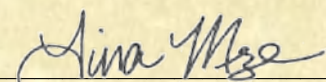
Jamul Indian Village of California Tribal Council

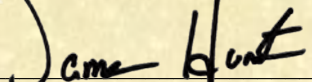

Erica M. Pinto, Chairwoman

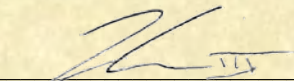

Michael Hunter, Vice Chairman


Teresa Cousins, Treasurer


Jasmine Aloese, Secretary


Tina Meza, Councilwoman


James Hunter, Councilman


James Cuero III, Councilman



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FAX: 619.669.4817
ADDRESS: P. O. Box 612
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November 10, 2023

VIA EMAIL (chad.broussard@bia.gov) AND CERTIFIED MAIL

Amy Dutschke
Regional Director
Pacific Regional Office
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2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Chad Broussard
Environmental Protection Specialist
Pacific Regional Office
Bureau of Indian Affairs
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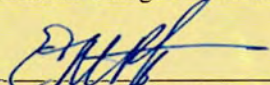
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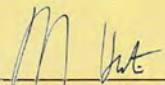
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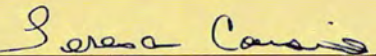
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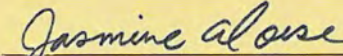
Respectfully,

Jamul Indian Village of California Tribal Council



Erica M. Pinto, Chairwoman



Michael Hunter, Vice Chairman


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From: Vickey Macias <VMacias@cloverdalerancheria.com>
Sent: Sunday, November 12, 2023 5:14 PM
To: Dutschke, Amy <Amy.Dutschke@bia.gov>; Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Christina Kazhe <ckazhe@kazhelaw.com>; redtailhawk1056@aol.com <redtailhawk1056@aol.com>
Subject: [EXTERNAL] Comments KOI Nation Environmental Assessment

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Please find attached the Cloverdale Rancheria of Pomo Indians of California comments on the Environmental Assessment for the KOI Nation Shiloh Resort and Casino Project. Hard copy will follow in the mail.

On behalf of the Cloverdale Rancheria Tribal Council

Vickey Macias

Cloverdale Rancheria Tribal Treasurer

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Cloverdale Rancheria

555 S. Cloverdale Blvd. ~ Cloverdale, CA 95425
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November 12, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: Comments on Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project

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Insufficient Considerations

The analysis provided in the Environmental Assessment hinges on several factors, including the implementation of certain Best Management Practices ("BMPs") and mitigation and protective measures, that are unjustifiably assumed. First, as the Environmental Assessment itself explains, certain assumptions are simply "voluntary measures" and are only incorporated into contracts "[w]here applicable." EA at 2-12. Second, certain assumptions are sufficiently uncertain to be unenforceable, which, coupled with the lack of any limited waiver of sovereign immunity, render these measures as merely suggestions, which are far from the level of protection necessary to utilize as an assumption. Finally, certain assumptions rely on the action or inaction of third parties, which cannot reasonably be assumed.

Notably, the Environmental Assessment itself acknowledges that the action or inaction of third parties cannot be controlled by Koi Nation. For example, with regard to off-site roadway improvements, the Environmental Assessment explains that such off-site roadway improvements

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Tribal Representative



Cloverdale Rancheria

are “not within the jurisdiction or ability to control of the Tribe.” However, rather than following the safer rationale and assuming that third parties will not necessarily follow the proposals, the Environmental Assessment assumes third parties will take such action, or refrain from such action, as necessary to best suit Koi Nation.

These assumptions on the action or inaction of third parties extends to the assumed inaction of Cloverdale Rancheria. As the Environmental Assessment explains, “[i]n 2016, the Bureau of Indian Affairs approved 62 acres of land be set aside for the [Cloverdale Rancheria’s] reservation” and “Cloverdale Rancheria then developed a plan to build a \$320 million casino with 2,000 slot machines and 45 table games, a 244-key hotel, spa, 1,300-seat entertainment center, and convention center.” Appendix B, at 64. In addition, the Environmental Assessment acknowledges that the Cloverdale Rancheria’s “development is still not fully understood.” *Id.* In spite of the Environmental Assessment’s acknowledgement that the “development is...not fully understood,” the Environmental Assessment nevertheless concludes that Cloverdale Rancheria’s “casino was not assumed to open within the forecast period,” without any explanation. *Id.*

In addition to the fact that the assumption is unjustified, Cloverdale Rancheria objects to assumptions that attempt to restrict the rights of Cloverdale Rancheria. Cloverdale Rancheria has undertaken great efforts to obtain the right to move forward with the casino. Any assumptions made by the Environmental Assessment should be limited to not infringe on any right of third parties, including Cloverdale Rancheria. As such, the Environmental Assessment should have assumed that Cloverdale Rancheria was taking any and all actions necessary to further development of the casino, which would maintain Cloverdale Rancheria’s rights, whether or not such rights are exercised. As the Environmental Assessment acknowledges, if the Cloverdale Rancheria “development[] move[s] forward, there would be material impact to the overall market size and competitive effects projections outlined in this report.” Appendix B, at 69. Therefore, Cloverdale Rancheria urges the BIA to proceed with preparation of a full Environmental Impact Statement in order to address these insufficient considerations and the material impact which, by the Environmental Assessment’s own acknowledgment, would necessarily result from corrections to these insufficient considerations.

Wildfire and Traffic

Consideration of insufficient criteria is a central factor in the Environmental Assessment’s failure to adequately assess the increased traffic congestion’s impact on wildfire safety. Sonoma County considers most of the Project Site to be at “high” risk, with nearby areas being considered “very high” and “extreme.” EA at 3-109, 3-111. Given the substantial risk of wildfires, an increase

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Conclusion

We appreciate the opportunity to provide comments to the BIA, and would like to emphasize our call for an Environmental Impact Statement to be completed, which would rectify unwarranted assumptions and provide a proper analysis for the risks associated with the Project. Thank you for hearing our concerns and considering our requests.

Sincerely,

Patricia Hermosillo
Tribal Chairperson

CLOVERDALE RANCHERIA TRIBAL COUNCIL

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Cloverdale Rancheria

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November 12, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
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Cloverdale Rancheria

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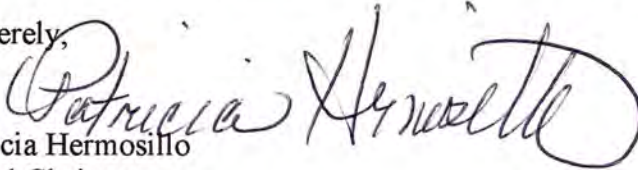
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Sandy Roope
Tribal Representative

From: Bethany Sullivan <bsullivan@jmandmplaw.com>
Sent: Monday, November 13, 2023 3:10 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Greg Sarris <GSarris@gratonrancheria.com>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Hello Chad,

On behalf of my client, the Federated Indians of Graton Rancheria, I submit the attached comments on the Koi EA. Please let us know if you have any questions.

Best,
Bethany

Bethany C. Sullivan, Partner
Maier Pfeffer Kim Geary & Cohen LLP
1970 Broadway, Suite 825
Oakland, CA 94612
p: 510.929.0188
m: 301.481.7691
www.jmandmplaw.com

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November 13, 2023

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Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: Graton Rancheria Comments on the Koi Casino Environmental Assessment

Dear Ms. Dutschke and Mr. Broussard,

On behalf of the Federated Indians of Graton Rancheria (FIGR or the Tribe), I submit these comments on the draft Environmental Assessment (EA) for the Koi Casino (Project), published by the Bureau of Indian Affairs (BIA) on September 12, 2023. As we have voiced several times, we are extremely concerned with the Project due to both the serious environmental impacts and the irreparable impacts to our tribal sovereignty.

As a reminder, the Tribe is comprised of Southern Pomo and Coast Miwok people. Our aboriginal territory includes Sonoma County, in addition to Marin County, and our reservation is located just outside the City of Rohnert Park, in Sonoma County. Many of our ancestors and irreplaceable cultural resources are located here in Sonoma County. Moreover, a large number of our 1,500 Tribal Citizens reside in Sonoma County. In fact, many FIGR Citizens (at our last count, 89) live in the vicinity of the Project.¹ The FIGR government office and the Graton Resort and Casino are an approximately 18-minute drive from the Project site.

¹ 89 FIGR Citizens live in the zip code of the project location (95403) and the two nearest zip codes (95492 and 95439).

This Project raises substantial concerns with regards to cultural resources, wildfire, public safety, water usage, transportation, and more. Up until now, BIA has understood the depth of these impacts and has subjected similarly situated tribal gaming projects to the rigor of a full Environmental Impact Statement (EIS). The impacts here will be real, and significant, to both the Tribe and our individual Tribal Citizens. Moreover, this bald attempt by a Lake County tribe to claim a historical right to the ancestral territory of our tribe and other Sonoma County tribes strikes at the very heart of our tribal sovereignty. It is with this perspective that we present the following comments.

I. Overview and Guiding Authority

I would like to begin by noting that on September 28, 2023, we requested a 60-day extension to review the draft EA and provide our written comments. While I appreciate the 15-day extension granted by BIA, more time is necessary for the public to fully digest and meaningfully comment on the 217-page EA² and the over 1300 pages of accompanying appendices. With the time we were granted, we could not address every issue area in the EA.

The goal of the National Environmental Policy Act (NEPA) is to ensure that agencies engage in informed decision-making before approving federal actions that may have significant environmental impacts.³ A critical aspect of informed decision making is notifying the public of the proposed action, sharing the relevant data and studies, and providing a meaningful opportunity for public comment.⁴ Public comment allows the agency to better understand the nature and severity of impacts, i.e., the “significance” of impacts, which in turn informs the agency’s decision whether to prepare a full Environmental Impact Statement (EIS). We fear that in this case, due to the compressed comment period, the BIA lacks important information needed to properly evaluate significance.

Nonetheless, and as discussed in detail below, the information that *is* available clearly demonstrates that the foreseeable impacts of this Project are highly significant and span across

² In fact, the current NEPA regulations require that an EA not exceed 75 pages unless a senior official has approved otherwise. The draft EA is nearly three times that length and as such, requires additional time to consider. *See* 40 C.F.R. § 1501.5(f).

³ *See* 42 U.S.C. § 4332(c); *see also South Fork Band Council of Western Shoshone v. Dep’t of Interior*, 588 F.3d 718, 725 (9th Cir. 2009) (“An adequate EIS is essential to informed agency decision-making and informed public participation, without which the environmental objectives of NEPA cannot be achieved.”); *Am. Rivers v. Fed. Energy Regul. Comm’n*, 895 F.3d 32, 49 (D.C. Cir. 2018) (“NEPA’s primary function is information-forcing, compelling federal agencies to take a hard and honest look at the environmental consequences of their decisions.”) (internal citations and quotations omitted).

⁴ *See, e.g., Dep’t of Transp. v. Public Citizen*, 541 U.S. 752, 768 (2004) (explaining the “informational role” that NEPA plays in assuring the public that the agency “has indeed considered environmental concerns in its decisionmaking process,” as well as, “perhaps more significantly, providing a springboard for public comment in the agency decisionmaking process itself”) (internal citations and quotations omitted); *see also* 40 C.F.R. § 1501.5 (e) (requiring agencies to involve the public, state, tribal, and local governments to the extent practicable when preparing EAs).

multiple domains. The NEPA statute is clear that the BIA must issue an EIS for any proposed action that has a “reasonably foreseeable significant effect on the quality of the human environment.”⁵ The significance of impacts need not be determined with absolute certainty. As the Ninth Circuit has explained, “an EIS must be prepared if ‘substantial questions are raised as to whether a project ... may cause significant degradation of some human environmental factor.’”⁶ The volume and nature of negative public comment may be indicative of the degree to which “substantial questions” have been raised regarding the effects of the proposed action and whether serious doubts have been cast upon “the reasonableness of the agency’s conclusions.”⁷ To the extent that public commenters have “urged that the EA’s analysis was incomplete, and the mitigation uncertain, they cast substantial doubt on the adequacy of the [agency’s] methodology and data.”⁸ Here, major questions exist regarding the many environmental and human impacts of the Project as well as the adequacy of the EA’s analysis of those impacts.

The EA relies heavily on cursory references to mitigation measures in concluding that significant impacts can be avoided. While mitigation measures can be utilized to reduce a particular impact to less-than-significant levels, federal courts have emphasized that such measures must be detailed and evaluated for efficacy. An agency’s “perfunctory description of mitigating measures is inconsistent with the ‘hard look’ it is required to render under NEPA.”⁹ Rather, an “*essential component* of a reasonably complete mitigation discussion is an assessment of whether the proposed mitigation measures can be *effective*.”¹⁰ Indeed, the Ninth Circuit has expressly warned that “a mitigation discussion without at least *some* evaluation of effectiveness is *useless* in making th[e] determination” of whether anticipated environmental impacts can be avoided.¹¹ Furthermore, an agency may not take a wait-and-see approach with mitigation, even if certain data is unknown at the time of conducting the EA, because “NEPA requires that a hard look be taken, if possible, *before* the environmentally harmful actions are put into effect.”¹²

⁵ 42 U.S.C. § 4336.

⁶ See, e.g., *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998) (internal citation omitted). Similarly, the D.C. Circuit has long held that if “any significant environmental impacts might result from the proposed agency action, then an EIS must be prepared *before* the action is taken.” *Am. Bird Conserv., Inc. v. F.C.C.*, 516 F.3d 1027, 1034 (D.C. Cir. 2008) (per curiam) (quoting *Sierra Club v. Peterson*, 717 F.2d 1409, 1412-13 (D.C. Cir. 1983)).

⁷ *Nat’l Parks Conserv. Assoc’n v. Babbitt*, 241 F.3d 722, 736 (9th Cir. 2001) (internal quotations and citations omitted).

⁸ *Id.*

⁹ *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 (9th Cir. 1998).

¹⁰ *South Fork Band*, 588 F.3d at 727 (emphasis added); see also *Neighbors of Cuddy Mountain*, 137 F.3d at 1381-82 (rejecting an EIS as incomplete because, among other flaws, the Forest Service had not “provided an estimate of how effective the mitigation measures would be if adopted”); *Am. Wild Horse Pres. Campaign v. Perdue*, 873 F.3d 914, 930-31 (D.C. Cir. 2017) (explaining that courts must ensure that the agency, in deciding not to prepare an EIS, “has shown that even if there is an impact of true significance, an [EIS] is unnecessary because changes and safeguards in the project sufficiently reduce the impact to a minimum.”) (internal quotations omitted).

¹¹ *South Fork Band*, 588 F.3d at 727 (first emphasis in original, second emphasis added).

¹² *Id.* (holding that the agency’s limited understanding of the site’s hydrologic features did not relieve the agency of its responsibility to assess whether mitigation measures could be effective in avoiding impacts to groundwater).

Ultimately, if the BIA were to issue a Finding of No Significant Impact (FONSI), rather than proceed with an EIS, it must demonstrate that it “has taken a ‘hard look’ at the consequences of its actions, ‘based [its decision] on a consideration of the relevant factors,’ and provided a ‘convincing statement of reasons to explain why a project’s impacts are insignificant.’”¹³ In other words, a decision *not* to prepare an EIS “will be considered unreasonable if the agency fails to supply a convincing statement of reasons why potential effects are insignificant.”¹⁴ It is important to always keep in mind both the underlying policy and the real-life stakes. As the Ninth Circuit declared, while quoting the U.S. Supreme Court, “NEPA emphasizes the importance of coherent and comprehensive up-front environmental analysis to ensure informed decision making to the end that ‘the agency will not act on incomplete information, only to regret its decision after it is too late to correct.’”¹⁵

As detailed below—and in the comments raised by numerous individuals, organizations, and government entities during the June 2022 scoping process and the September 27, 2023, virtual public hearing—there are substantial questions regarding the impacts to cultural resources, wildfire evacuation, public safety, water usage, and more. A substantial dispute exists as to whether the evidence, or lack thereof, actually supports the EA’s findings of no significant impact. Furthermore, the mitigation measures offered by the EA are vague, incomplete, and unconvincing. They provide no reasonable assurances that significant impacts will be addressed in a realistic and proportionate matter. Nor are there critical enforcement mechanisms in place to ensure that the Project proponent will keep to its mitigation commitments once the Project is approved. For these reasons, the contemplated mitigation measures do not meaningfully reduce the significance of the likely impacts and are not an adequate replacement for a comprehensive EIS. We urge the BIA not to issue a FONSI based on incomplete information, only to regret its decision after it is too late to correct.

II. A Decision Not to Prepare an EIS is Wholly Inconsistent with BIA Practice

For all the reasons described above and detailed in Section III, the BIA should proceed with preparing an EIS. Furthermore, as a threshold matter, failing to prepare an EIS would be arbitrary, capricious, and inconsistent with BIA practice. The EA describes Alternative A (the project proponent’s preferred alternative) as the acquisition of 68.6 acres in trust to construct a three-story casino with 2,750 gaming devices, 105 table games, a food court, five restaurants, and four service bars—comprising 538,137 square feet. (EA Sec. 2.1.2). There will also be a five-story, 400-room hotel with spa, ballrooms/meeting space, and event center—comprising

¹³ *Nat’l Parks*, 241 F.3d at 730 (internal citations omitted).

¹⁴ *Blue Mountains*, 161 F.3d at 1211 (internal quotation omitted); *see also Am. Wild Horse*, 873 F.3d at 930-31 (holding that an agency’s decision not to prepare an EIS was improper because it “failed to make a convincing case for its finding of no significant impact”) (internal quotation omitted).

¹⁵ *Blue Mountains*, 161 F.3d at 1216 (quoting *Marsh v. Ore. Nat. Res. Council*, 490 U.S. 360, 371 (1989)).

268,930 square feet. Additionally, the site will contain a four-story parking garage and paved surface parking lot providing 5,119 parking spaces—comprising 1,689,380 square feet. (EA Sec. 2.1.2). Lastly, there will be an on-site potable water treatment plant and storage tank, on-site wastewater treatment facilities (including a wastewater treatment plant, 4-acre seasonal storage pond, storage tank, and pump station), as well as “up to” two new water supply wells and potentially a fire station. (EA Sec. 2.1.3, Sec. 3.10.3.2, and Appendix C). The total square footage of ground disturbance will exceed 2.4 million square feet.

When scoping the project, BIA asserted that an EA is “the appropriate level of NEPA document at this time” because it will help BIA determine “whether a proposed action may or will have a significant impact on the quality of the human environment.” (Scoping Report at 26). Yet it is clear that a project of this scale will have a significant impact on the quality of the human environment. In fact, BIA’s practice has long been to conduct the more comprehensive review demanded by an EIS for tribal gaming projects of this nature.

For example, in 2020, BIA issued a final EIS for the Tejon Indian Tribe’s acquisition of land for a casino project similar in scope to the Koi Project. The project involved the trust acquisition of 306 acres of land in order to construct a 715,800 square foot Class III gaming facility with casino, restaurants, entertainment and retail space, a fire and police station, RV park, water treatment facilities, and 400-room hotel.¹⁶ Prior to trust transfer, the site consisted primarily of agricultural land with rural residential housing and commercial development.¹⁷

Similarly, in 2019, BIA issued a final EIS for the Tule River Indian Tribe’s relocation of its casino—a project involving less acreage, less casino square footage, and a smaller hotel than the Koi Project. Specifically, the Tule River project involved the trust acquisition of 40 acres of land for a 104,637 square foot Class III gaming facility with a casino, food and beverage facilities, events center, conference center, parking and 250-room hotel.¹⁸ The 40-acre site was located next to the municipal airport and had consisted of mixed-use, dominated by agricultural uses, prior to the approval of the project.¹⁹

Two other recent examples include the BIA’s preparation of an EIS for the Wilton Rancheria casino project and also for the Soboba Band of Luiseño Indians Horseshoe Grande casino project—both of which involved parcels that had already been partially developed. In 2016, BIA finalized its EIS evaluating the trust acquisition of 36 acres of land for the Wilton Rancheria that had already been partially developed as a shopping mall. The Wilton Rancheria

¹⁶ BIA Final Environmental Impact Statement, Tejon Indian Tribe Trust Acquisition and Casino Project (Oct. 2020) at 2-1 – 2-2.

¹⁷ *Id.* at 2-1.

¹⁸ BIA, Final Environmental Impact Statement, Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project (Apr. 2019).

¹⁹ *Id.* at 2-1.

project involved the construction of a 608,756 square foot Class III gaming facility (similar in size to the Koi Casino's 538,137 square foot facility) and 302-room hotel (smaller than the Koi Project's 400-room hotel).²⁰ In 2013, the BIA issued a final EIS for the trust acquisition of 535 acres of land for the Soboba Band of Luiseño Indians. A portion of the large site was already being used for a tribal golf course, but 55 undeveloped acres were evaluated by the BIA for construction of a 729,500 square foot Class III gaming facility (again, similar in size to the Koi Casino's 538,137 square foot facility), and 300-room hotel (again, smaller than the Koi Project's 400-room hotel), as well as two fire stations and gas station.²¹ Importantly, there is no reasonable basis for concluding that these recent tribal casino-resort projects required an EIS but the current Project somehow does not.

Of course, an EA may be appropriate for certain tribal casino projects. For example, the BIA prepared an EA for the Agua Caliente Cathedral City Casino. That project, however, was a fraction of the size of the Koi Project, with only 13 acres of land being acquired in trust for purposes of constructing a small casino (500 gaming devices), parking lot, tribal office space and other ancillary facilities, totaling 125,000 square feet of development.²² Importantly, the site had already been developed, including utility connections, and the proposed use was consistent with local land use zoning and in furtherance of the Agua Caliente's shared goal with the local municipal entities to redevelop the parcel as part of a larger downtown revitalization project.²³ We also wish to note that the parcel was adjacent to the Agua Caliente's existing reservation, greatly minimizing any potential impacts on the sovereign rights of other tribes.²⁴

Here, on the other hand, the Koi's Project site is largely undeveloped, the adjacent land is primarily agricultural and residential, and the site is 50 miles from the Koi's historic rancheria (and within the aboriginal and cultural territory of the Southern Pomo people). The Koi Project is much more like the Tejon, Tule, Soboba, and Wilton projects, all of which were subject to an EIS. Further, the Koi Project is akin to the Nottawaseppi Huron Band of Potawatomi Indians' proposed casino project, for which the D.C. District Court held in an unreported case that the BIA's preparation of an EA was insufficient.²⁵ That project concerned the acquisition in trust of 79 acres to construct a 200,000 square foot facility, 1,200 to 1,400 slot machines, 60 gaming

²⁰ BIA, Final Environmental Impact Statement / Tribal Project Environmental Document, Wilton Rancheria Fee-to-Trust and Casino Project at ES-4–ES-5 (Dec. 2016) (hereinafter 2016 Wilton Rancheria FEIS).

²¹ BIA, Final Environmental Impact Statement, Horseshoe Grande Fee-to-Trust Project at ES-1 (Sept. 2013)

²² BIA, Draft Environmental Assessment / Tribal Environmental Impact Report, Agua Caliente Band of Cahuilla Indians Cathedral City Fee-to-Trust Casino Project at 6–7 (Oct. 2018) (hereinafter 2018 Agua Caliente Draft EA); see also BIA, Final Environmental Assessment / Tribal Environmental Impact Report, Agua Caliente Band of Cahuilla Indians Cathedral City Fee-to-Trust Casino Project at (July 2019).

²³ 2018 Agua Caliente Draft EA at 2, 4, 8, 10, 39–40; see also Tara Sweeny, Assistant Secretary – Indian Affairs, Finding of No Significant Impact for the Agua Caliente Band of Cahuilla Indians Cathedral City Fee-to-Trust Casino Project at 3 (Oct. 7, 2019).

²⁴ 2018 Agua Caliente Draft EA at 2.

²⁵ *Citizens Exposing Truth About Casinos v. Norton*, No. CIV A 02-1754 TPJ, 2004 WL 5238116 (D.D.C. Apr. 23, 2004), aff'd sub nom. *Citizens Exposing Truth about Casinos v. Kempthorne*, 492 F.3d 460 (D.C. Cir. 2007).

tables, and a 3,100-spot parking lot motor vehicles.²⁶ Similar to the Koi Project, the Huron casino site was active farmland.²⁷ The District Court stated that it appeared such a project would entail “a multitude of significant direct impacts,” and remanded the EA’s findings to the contrary back to BIA. Similarly, relying solely on an EA to evaluate the current Project is inappropriate because, as detailed in our comments and those of other members of the public, this Project will have a multitude of significant, direct impacts. It would be arbitrary and capricious for the BIA to conclude otherwise and forego its standard practice of preparing a full EIS for this type of casino project.

III. Comments on Specific Draft EA Sections

We now offer targeted feedback on various impact areas discussed in the draft EA to highlight where the EA’s analysis is insufficient under NEPA and there remains a substantial question as to whether impacts will be significant. Given the lack of adequate review time, we focus on the areas with which we have the greatest concern.

a. Alternatives

NEPA requires the BIA to consider reasonable alternatives that are “technically and economically feasible, and meet the purpose and need for the proposed action.”²⁸ While the EA acknowledges that the Koi Nation’s aboriginal territory is in Lake County, it does not consider an alternative project site that is actually within Lake County. (*See* EA at 1-2).²⁹ The BIA provides a cursory explanation for why it eliminated alternative project sites in the BIA’s September 2022 Scoping Report, which states that Koi Nation has submitted “substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites” but that it is “highly speculative” that alternative locations could support an economic enterprise that would fund the tribal government, or that the Koi Nation could even purchase property in those unspecified alternate locations. (Scoping Report at 13). The Scoping Report does not include any of the data submitted by Koi nor does it specify whether sites within Koi Nation’s aboriginal territory were evaluated. It references a more detailed explanation in a separate “Alternatives Evaluation Report,” but no such report has been disclosed to the public. (Scoping Report at 8, 12).

²⁶ *Id.* at 1, 7.

²⁷ *Id.* at 6.

²⁸ 40 C.F.R. § 1508.1(z); *see also* EA at 2-25.

²⁹ We wish to note that the historical background in EA Section 1.3 makes a number of unsupported assertions, including but not limited to the assertion that “the Koi tribal leadership and Koi community relocated [from Lake County] to Sonoma County.” The EA provides no citation for this and other characterizations of Koi history aimed at buttressing Koi’s claims under the Indian Gaming Regulatory Act that it has a “significant historical connection” to Sonoma County.

Dismissing alternative sites due to technical or economic feasibility is not supported by the record. It is not “highly speculative” to claim that Lake County is a viable location for a casino capable of funding tribal government, as four tribal casinos are currently in operation there.³⁰ While competition from the other casinos may affect the amount of revenue the project could expect, the same assumption can be made for the proposed Project as there are two other tribal casinos in Sonoma County, as well as nearby casinos in Mendocino County.³¹ Further, a brief internet search reveals that the median property value in Lake County is substantially lower than in Sonoma County, making investment in Lake County more affordable.³² Moreover, there are currently available sites in Lake County that are well situated for tourism and large-scale development.³³ Without providing any market data, it is not reasonable for the EA to eliminate consideration of a project site in Lake County due to economic or technical feasibility.

Neither is elimination of a project site in Lake County reasonable due to regulatory feasibility. The Indian Gaming Regulatory Act requires the Koi Nation to demonstrate a “significant historical connection” to a site for it to be eligible for gaming.³⁴ Certainly, a project site in Koi Nation’s aboriginal territory is no less regulatorily feasible than the proposed Project site outside Windsor. In fact, as we have repeatedly raised, the Koi Nation cannot demonstrate a “significant historical connection” to the Project site, specifically, or Sonoma County, generally, and we will be submitting a separate filing with the Department addressing these specious historical claims. To summarize, Koi Nation is a Southeastern Pomo tribe aboriginally from Lake County, whereas Sonoma County is the aboriginal territory of Southern Pomo and Southwestern Pomo (also known as Kashaya) speaking tribes. Nonetheless, the Koi Nation claims it has a significant historical connection to Sonoma County based on the relocation of certain Koi families from Clear Lake to the Sonoma County area in the 1900s, as well as the use of seasonal trade routes through Sonoma County.³⁵ The Department has already determined that

³⁰ See California’s Clean Air Project, County List of Casino, <https://www.etr.org/ccap/tribal-casinos-in-california/county-list-of-casinos/> (last visited Nov. 7, 2023).

³¹ *Id.*

³² See, e.g., National Association of Realtors, County Median Home Prices Q1 2023 (providing that the median home price in Sonoma County is \$818,928, whereas the median home price in Lake County is \$350,835), <https://www.nar.realtor/research-and-statistics/housing-statistics/county-median-home-prices-and-monthly-mortgage-payment> (last visited Nov. 8, 2023).

³³ See, e.g., [https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464_!!ivohdck!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5sche9fjd8bteate7jax5q\\$](https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464_!!ivohdck!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5sche9fjd8bteate7jax5q$) (57-acre property on the northeastern shores of Clear Lake, with existing buildings, infrastructure, and winery); <https://www.loopnet.com/Listing/11474-Spruce-Grove-Rd-Lower-Lake-CA/24889793/> (503-acre largely undeveloped property in Lower Lake).

³⁴ The Koi Nation must demonstrate it has a “significant historical connection” to the Property in order for the Property to qualify as “restored lands” pursuant to 25 C.F.R. § 292.11(b). “Significant historical connection” means “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty,” or—as relevant here—by “historical documentation [of] the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” 25 C.F.R. § 292.2.

³⁵ See Koi Nation of Northern California, September 13, 2021 Request for Restored Lands Opinion, March 2023 Supplemental Restored Land Request, and July 2023 Second Supplemental Restored Land Request, and accompanying exhibits, available at <https://www.koinationsonoma.com/documents/> (last visited Nov. 8, 2023).

“relocation of some of [a tribe’s] members to various locales throughout the Bay Area does not equate to the [tribe] itself establishing subsistence use or occupancy in the region apart from its Rancheria”³⁶ and that “evidence of the [tribe’s] citizens’ movements as late as the 1960s is more of a *modern* era activity, as opposed to *historic*, as those two terms are used in the Part 292 regulations.”³⁷ Further, the Department has held, in the context of denying a different Lake County tribe’s restored lands request, that it “cannot establish its subsistence use or occupancy based on the fact that its ancestors traveled to various locations to trade and interact with other peoples and then returned to the Clear Lake Region.”³⁸ Rather, the Department found that “[s]ubsistence use and occupancy requires something more than a transient presence in an area.”³⁹ Accordingly, the BIA should have considered alternative project sites that are actually within Koi Nation’s aboriginal territory, as the BIA has done for similar projects.⁴⁰

b. Cultural Resources

i. Procedural & Methodological Deficiencies

We must begin the discussion on cultural resources by noting our utter dismay that the BIA published the draft EA, including its conclusions of less-than-significant impacts to cultural resources, despite the fact that it had not properly consulted with the Tribe pursuant to the National Historic Preservation Act (NHPA) Section 106. Beginning in August 2022, we sent several letters to the BIA and one of the project proponent’s archaeologist, Tom Origer, requesting that the various field surveys and cultural reports be shared with FIGR. We further requested that no testing of cultural resources be done without the participation of our Tribe. In December 2022, we requested to meet with the BIA to discuss this project through formal Section 106 tribal consultation. Despite our efforts, it took almost 9 months for BIA to share those reports (referenced in confidential Appendix H), cultural resources were subjected to destructive obsidian hydration testing without our knowledge or presence, and the BIA failed to respond to our meeting request until September 2023 (after we repeated our meeting request, in

³⁶ Decision Letter from Assistant Secretary – Indian Affairs Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 19 (Sept. 1, 2011).

³⁷ Decision Letter from Acting Assistant Secretary – Indian Affairs Donald E. Laverdure to the Honorable Donald Arnold, Chairperson, Scotts Valley Band of Pomo Indians at 18 (May 25, 2012) (discussing the relocation of individual Band members during the 1920s and 1960s) (emphasis in original).

³⁸ Decision Letter Assistant Secretary Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 14 (Sept. 1, 2011).

³⁹ *Id.*

⁴⁰ *See, e.g.*, 2016 Wilton Rancheria FEIS, Section 2 – Alternatives (Dec. 2016) (considering, among the alternatives, the tribe’s historic rancheria site which was no longer held in trust); Dep’t of Interior, Record of Decision for Trust Acquisition of the 40-acre Yuba County Site in Yuba County, California, for the Enterprise Rancheria of Maidu Indians of California (Nov. 2023) (incorporating the Final EIS and considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for the tribe); BIA, Final Environmental Impact Statement, North Fork Rancheria of Mono Indians (Feb. 2009) (considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for individual North Fork members).

writing, in August 2023). At the time of submitting these comments, the BIA has yet to meet with the Tribe due to BIA staff scheduling challenges.

Even if we *had* the opportunity to meet with BIA prior to the issuance of the EA, we lacked critical details about the project design, including major ground-disturbing components, which were only recently disclosed in the EA. For example, to provide an adequate water supply for the project, up to two new water wells may be dug onsite, exact location unknown, to a depth of approximately 700 feet. (See EA Sec. 2.1.3; Appendix C, Figures 2-3 and 2-4, appearing to propose at least one of the new wells be located within the already crowded water treatment area). Further, the proposed wastewater collection system involves installing a gravity sewer main underneath the existing creek. (See EA Sec. 2.1.4). Additionally, the project design anticipates constructing massive seasonal storage ponds or storage tanks to hold treated effluent until it can be used. (See EA Sec. 2.1.4). Assuming no off-site use of the effluent is available, storage ponds would have a 12.1-million gallon capacity and cover 4.1 acres with a maximum depth of 9 feet, whereas storage tanks would have a 16 million gallon capacity and be 145 feet wide and 65 feet tall. (See Appendix C Sec. 2.3.4.4, including Figures 2-7 and 2-8). These design features demonstrate not only the high degree of uncertainty with the overall project design but also the substantial ground disturbance that will likely result from construction. Moreover, the design seems to contradict conclusions drawn by the project proponent's archaeologist (and implicitly adopted by the BIA) that likely no pre-historic sites would be impacted since prior vineyard agricultural activity had already disturbed the subsurface to a depth of four feet. (See confidential Appendix H-1 at 4). Up to 700 feet of new ground disturbance is certainly distinguishable from four feet of prior ground disturbance.

In addition to these consultation shortfalls, there are numerous issues with EA Section 3.6. First, in Subsection 3.6.2, the EA asserts that around 3,500 BP, many Clear Lake Pomo moved west into the Russian River drainage, married into existing Yukian tribes (bringing with them their language, culture, and technology), and “[e]ventually the Clear Lake Pomo culture spread throughout Sonoma and Mendocino Counties.” (EA at 3-53). This assertion is misleading—likely to preserve the narrative that the Koi Nation is significantly and historically connected with the area—and without proper academic support. Rather than citing to primary source material regarding Pomo origins and the antiquity of the presence of Hokan-speaking peoples in Sonoma County,⁴¹ the EA cites only to the historic property survey report generated for this Project by the Koi Nation's own archaeological consultant, John Parker. (EA at 3-53, citing Appendix H-1). This is a far cry from a comprehensive article on the subject that is peer reviewed and published in an academically reputable journal. Moreover, the hypothetical population movements associated with differentiation and expansion of Pomoan language is

⁴¹ Hokan is the language family in which Pomo is thought to have originated. See Mark Basgall, *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California*, J. OF CA. & GREAT BASIN ANTHROPOLOGY 4(1):3-22 (1982).

disputed among academics. For example, anthropologist Mark Basgall's 1982 manuscript *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California* provides a critique of the early California linguists that model prehistoric language movements as resulting from migration.⁴² Basgall argues, quite convincingly, that the Southern Pomo language resulted from in situ development, meaning that Southern Pomo speakers did not replace earlier inhabitants. Instead, Southern Pomo speakers have been present in northern Sonoma County for a long period and the differences in language families is the result of in-situ development rather than population replacement.

Additionally, under the header “Native American Consultation,” the EA notes that the Native American Heritage Commission identified the presence of sacred sites within or near the Area of Potential Effects (APE), yet the EA does not analyze those sites or identify their locations. (EA at 3-51). As such, the EA has not provided adequate identification efforts necessary to determine if the sacred site(s) are present within the APE. Further, even though this subsection notes that FIGR believes religious and significant tribal cultural resources are present within the APE, it does not analyze impacts or provide any resolution of potential adverse effects to those resources—nor could it, since BIA has not actually met with FIGR yet to discuss these issues.

Another issue, which we have raised before, is that the BIA should establish the APE in consultation with the appropriate tribes through the NHPA Section 106 process. Proposed traffic mitigation for this project indicates that the widening of Shiloh Road will eventually become necessary. (EA at 4-9). Additionally, the EA provides that gas and electrical utility extensions and infrastructure improvements will be constructed prior to the Project opening date and paid for by the Koi Nation; while it does not specify the exact locations of such extensions and infrastructure improvements, it is logical to assume some of the work will be conducted off-site. (See EA at 3-86). Accordingly, the APE should be expanded beyond the property boundaries to include any roads or other locations where work is likely to be done.

The discussion of field surveys and evaluations in Subsection 3.6.3.2 are also deficient. The February 2022 archaeological field survey performed by one of Koi Nation’s archaeological consultants, John Parker, resulted in the identification of variety of pre-contact archaeological materials including: a bowl mortar, chert and obsidian flakes, a biface fragment, a core and a projectile point. In addition, historic-era archaeological materials associated with a home site were found. John Parker recommended that neither the pre-contact archaeological materials nor the historic-era items are significant archaeological resources, and therefore are not eligible for listing on the National Register of Historic Places (the National Register). Yet the evaluation of the eligibility for listing on the National Register does not follow the guidelines outlined in the

⁴² Mark Basgall, *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California*, J. OF CA. & GREAT BASIN ANTHROPOLOGY 4(1):3-22 (1982).

How to Apply the National Register Criteria for Evaluation published by the National Park Service. The eligibility criteria (A-D) are not clearly outlined in the EA, neither is how they relate to the archaeological resources. The evaluation lacks a detailed description and offers a poorly developed justification regarding the eligibility of the resource. Relatedly, the EA's description of the May 2022 archaeological field survey performed by another archaeological consultant, Tom Origer & Associates, is misleading. The EA fails to explain that the archaeologist made no recommendation regarding the eligibility of pre-historic resources for inclusion on the National Register and in fact, concluded there *could* be buried archaeological sites and recommended that additional studies be completed, such as obsidian hydration analysis, canine survey, ground penetrating radar survey, and backhoe trenching. (See confidential Appendix H-2 at 11).

In subsection 3.6.3.3, the BIA prematurely and without adequate explanation concludes that the Project would “not result in direct adverse effects to known historic properties” and that while there is a “potentially significant impact” to subsurface prehistoric or historic archaeological resources, those impacts would be reduced to less-than-significant levels with mitigation.⁴³ As we already stated, such a conclusion should not be rendered prior to meeting with our Tribe and other consulting tribes to discuss the identification of and impact to tribal cultural resources. It is also noteworthy that the State Historic Preservation Officer has not concurred with the BIA's determination of no adverse effects, a fact the draft EA neglects to mention. Further, the EA's conclusion of no adverse effects under the NHPA is undermined by the EA's simultaneous recognition that a number of factors, such as the presence of Pruitt Creek, the presence of scattered obsidian, and the results of Native American consultation “conducted to date” indicate that there is, in fact, a potential for “significant subsurface cultural resources to be buried beneath the Project Site,” which “could be encountered and impacted during project related construction and evacuation activities.” (EA at 3-56). This illustrates that additional identification efforts are merited to determine the presence or absence of buried archaeological resources at the Project site.

ii. Mitigation Deficiencies

The EA summarily concludes that while there is a potentially significant impact to certain cultural resources, such impact would be reduced to less-than-significant if mitigation measures are employed. (EA at 3-56). Ironically, the section's ethnographic overview acknowledges the Project site is within Southern Pomo aboriginal territory (EA at 3-52), yet these mitigation measures were developed without consultation with the culturally affiliated tribes, including our own. The mitigation measures are poorly designed, fail to incorporate applicable law and leave us with no confidence that mitigation will be implemented properly or with the participation of the culturally affiliated tribes.

⁴³ The BIA makes this same conclusion for alternative project designs. See EA at 3.6.3.4 and 3.6.3.5.

To start, Cultural Resource Mitigation Measure A provides that:

Any ground-disturbing activities that occur within 150 feet of Pruitt Creek shall be monitored by a qualified archaeologist and Native American Tribal Monitor. An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, lead agency, and the project proponent. The program shall clearly define the authority to temporarily halt/redirect construction should resources be encountered.

This mitigation measure is flawed in several respects. It does not specify who may properly serve as a Native American Tribal Monitor and there is no guarantee that the monitor will come from a culturally affiliated tribe. In fact, as noted in the EA at page 3-55, the Koi Nation previously utilized its own tribal monitor for trench studies conducted at the site and we have every reason to believe they will continue to use their own tribal monitor, even though they are not Southern Pomo and not culturally affiliated with this area. Further, the archaeological monitoring program is to include consultation between the consulting archaeologist, lead agency, and the project proponent, but there is no mention of consultation with any of the local tribes. Last, given the array of cultural resources or potential cultural resources discovered throughout the site, as discussed in the confidential appendices, monitoring should be required for ground-disturbing activities *anywhere* at the site, not just those activities that occur within 150 feet of Pruitt Creek.

Next, Cultural Resource Mitigation Measure B provides that:

In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR Part 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR Part 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA and other appropriate agencies. If any find is determined to be significant by the archaeologist or paleontologist and project proponent, a BIA representative shall meet with the archaeologist or paleontologist and project proponent to determine the appropriate course of action, including the development of a Treatment Plan and implementation of appropriate avoidance measures or other mitigation.

This mitigation measure again excludes culturally affiliated tribes from the process, securing them no role in assessing the significance of a find or in developing a Treatment Plan or other appropriate course of action. Ironically, and inappropriately, the project proponent *is* guaranteed a voice in this process. Moreover, this mitigation measure fails

to identify and incorporate applicable federal law from the Native American Graves Protection and Repatriation Act (NAGPRA) and the Archaeological Resources Preservation Act (ARPA). NAGPRA provides a process for determining the ownership and control of Native American cultural items discovered on tribal lands.⁴⁴ ARPA also imposes a number of relevant requirements, including prohibiting the unauthorized evacuation, removal or damage of archaeological resources on Indian lands.⁴⁵ Last, this mitigation measure fails to provide a clear explanation or description of how archaeological materials will be treated. While it refers generically to a Treatment Plan, it should specifically require that an Archaeological Research Design and Treatment Plan (ARDTP) be authored to guide archaeological evaluation and mitigation measures. The ARDTP should follow *Guidelines for Archaeological Research Designs* published by the California State Office of Historic Preservation and be reviewed by the BIA and all tribes that requested to be a consulting party. Moreover, the ARDTP should be in place prior to commencing any ground-disturbing construction activities, rather than waiting until a discovery occurs.

Last, Cultural Resource Mitigation Measure C provides that:

If human remains are discovered during ground-disturbing activities a BIA representative shall be contacted immediately. No further disturbance shall occur until the BIA representative has made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods.

Again, this mitigation measure entirely fails to identify and incorporate applicable federal law and, confusingly, incorporates a California state law process that does not apply to tribal trust lands. Similar to the prior mitigation measure, NAGPRA provides the process for determining the ownership and control of Native American human remains discovered on tribal lands. That process includes a priority for *known* lineal descendants of a deceased Native American individual who has been *identified*.⁴⁶ In contrast, the “Most Likely Descendant” procedures under California state law are a completely separate process and do not require the same degree of identification and connection between the deceased and the descendant.⁴⁷ This California law simply would not apply here. Moreover, and echoing the pitfalls of the first two mitigation measures, the culturally affiliated tribes are ignored in this mitigation measure and offered no voice or rights in the disposition of our own ancestors.

⁴⁴ 25 U.S.C. § 3002(a); 43 C.F.R. § 10.4.

⁴⁵ 16 U.S.C. §§ 470aa–470hh; *see also* 43 C.F.R. §§ 7.4.

⁴⁶ *See* 43 C.F.R. §§ 10.2(b)(1) (defining “Lineal Descendant”), 10.4(e) (providing the process for inadvertent discoveries on tribal lands), 10.6 (providing the priority of custody).

⁴⁷ *See* California Public Resources Code § 5097.98.

With regards to the second and third mitigation measures, the incorporation of federal law drives home the most concerning, indeed significant, impact of all: the Koi Nation will be afforded superior rights to our Tribe and other culturally affiliated tribes if any cultural resources or human remains are inadvertently discovered during or after the construction of the Project. Why? Because the federal action here will result in the property being transferred into trust for the Koi Nation, thereby becoming the Koi Nation's tribal lands. And under these various federal legal schemes, the Indian tribe on whose tribal lands such remains or objects are found has a custodial priority over Indian tribes with the closest cultural affiliation. We cannot imagine it was Congress' intent to create such an unjust scenario, but Congress likely was not envisioning a scenario where a tribe would acquire trust lands outside of its aboriginal territory and in the aboriginal territory of other tribes.

We reserve the remainder of our comments for confidential tribal consultation through the Section 106 process. Nonetheless, we believe it is important that the BIA, and the public, understand that: 1) contrary to what the EA states, meaningful and complete tribal consultation was *not* conducted prior to the publication of the EA; 2) tribal cultural resources on the property have not been properly analyzed; and 3) the proposed mitigation measures were designed without the input of the culturally affiliated tribes and are woefully inadequate for protecting our cultural resources. The BIA's decision to hold out the EA for public review and input, even though BIA knew critical information was forthcoming on cultural resources, is misleading to the public. As detailed above, there are substantial questions regarding the adequacy of the BIA's evaluation of cultural resources, the significance of the project's impacts on those resources, and the efficacy of the proposed mitigation measures. As such, a full EIS must be prepared.

c. Fire Risk and Evacuation

The EA does not adequately address the impacts the Project would have on the critical issues of fire safety and wildfire evacuations. The proposed casino-resort would bring thousands of daily visitors to a site that Sonoma County has already determined to have a "high" risk of wildfire. (EA at Fig. 3.12-2). Indeed, the Project site is situated ***within a half mile*** of the burn perimeter of ***both*** the Tubbs Fire (2017) and the Kincade Fire (2019)—two of the most devastating wildfires in all of California history. (EA at 3-109, Fig. 3.12-2). Despite the significant risk to human safety inherent in operating such a large casino facility in such a high-risk location, the EA fails to specify how basic fire protection services would be provided and incorrectly concludes that the Project would have no significant impact on wildfire risk and evacuations for the surrounding area.

i. Fire Protection and Emergency Medical Services

While the Project site for Alternative A is located within the jurisdiction of the Sonoma County Fire District (SCFD), the SCFD has *not* agreed to provide any particular level of service to the Project Site. The EA primarily relies on a letter of intent between Koi Nation and SCFD to conclude that impacts to fire protection and emergency medical services would be reduced to less than significant. (EA at 3-89). But this bare-bones, one-page letter does not remotely constitute an emergency services plan. Rather, the letter merely states that a Memorandum of Understanding (MOU) between Koi Nation and the SCFD is a *possibility* given the parties' intention "to *negotiate* in good faith an agreement for fire and emergency services." (Appx. O, emphasis added). No specific terms of the potential MOU are outlined—and thus no promise to provide any particular services can be read into the letter, a point that the parties themselves make crystal clear: "In the absence of a duly executed MOU, the Fire District shall have no duty or obligation to provide services to the [Koi] Nation for its proposed gaming facility... ." There is no reasonable basis on which the BIA could conclude that an unnegotiated, undrafted MOU provides an effective mitigation measure.

Nor is Koi Nation required by the EA to ultimately enter into an MOU. The cited mitigation measures only require Koi Nation to "make good faith efforts" to execute such an agreement. (EA at 4-8). Recognizing that Koi Nation has no agreement with SCFD and is not actually required to enter into one, the EA points to an even more speculative back-up plan: if the Koi Nation does not enter into a service agreement with SCFD, then it must build and staff a fire station in the "treatment area" of the Project site. (EA at 4-8). But the EA does not attempt to explain how it determined that the on-site fire station is sufficient to meet the fire protection and emergency services needs of the Project. Moreover, no specifications or building plans for such a station are evaluated (or even described) in the EA, nor is there any discussion of how a fully equipped fire station might impact the design and environmental impact of the overall treatment area. Without that analysis, the EA's analysis of the impacts of the "treatment area" infrastructure is under-developed and deficient.

ii. Operational Fire Ignition Risk

The EA concludes that the operation of the proposed casino-resort would not increase wildfire risk onsite or in the surrounding area. (EA at 3-117). This conclusion is fundamentally flawed because it focuses only on building features and landscaping but entirely ignores the effects of extensive *human activity* on the site. The EA proclaims that Alternative A would not "introduce uses that would increase the chance of igniting fires," but it never attempts to assess the potential for the thousands of daily visitors, and the thousands of vehicles entering and

exiting the property each day, to ignite fires from discarded cigarettes,⁴⁸ vehicle malfunctions, or other activities. This omission is glaring given the fact that 98% of all wildfires are started by people, including 47 wildfires every year, just in California, that are caused by cigarettes.⁴⁹

For example, the EA fails to consider the possibility of patrons accessing (and causing fires in) the wooded riparian corridor along Pruitt Creek that runs the full length of the Project site and contains significant amounts of flammable vegetation. The EA acknowledges that “Pruitt Creek could provide a pathway for the spread of wildfire through the Project Site, which could be a potentially significant impact.” (EA at 3-117). To mitigate this impact, the EA points to the mitigation measure of developing a “riparian corridor wildfire management plan.” But this management plan only addresses fuel loads and not any potential human interactions with or access to the corridor.

Moreover, the EA fails to acknowledge that the wooded riparian corridor not only runs the length of the Project site, it also extends beyond the Project site through both the residential neighborhood on the north side of the Project site and the mobile home community on the southwest side of the Project site. (See EA at Fig. 3.13-1). A visual inspection of these residential neighborhoods (and the adjacent Oak Park subdivision) shows hundreds of homes that appear to lack sufficient defensible space and fire-hardening features. The EA provides no analysis of how effective the mitigation plan would be in preventing a fire on the Project site from spreading to these residential neighborhoods. The failure to even mention, let alone evaluate, the risk of human-caused fires and how such fires might be able to spread to the surrounding area is a gaping hole in the EA. A full EIS is required to properly assess these serious risks.

iii. Impairment of Evacuation Plans

Despite the proposed casino-resort having parking facilities for over 5,000 vehicles, the draft EA concludes that a mass evacuation of the Project site will not significantly impact wildfire evacuation routes. This conclusion defies logic and stems from the absence of any attempt to evaluate the effectiveness of the proposed mitigation measures.

The draft EA relies on Appendix N-2, a technical memorandum opining that evacuating all vehicles from the Project site would take about 2.5 hours (or a combined total of 6-8 hours if the evacuation occurred simultaneously with the rest of the town of Windsor). Without

⁴⁸ The proposed casino-resort would be an entirely non-smoking facility (EA at 2-1), meaning patrons who smoke would necessarily be doing so outdoors, increasing the risk of fires caused by carelessly discarded cigarettes.

⁴⁹ Paul Elias, “A cigarette, a care backfire: Small sparks can make big fires.” Associated Press. October 11, 2017 (citing data from Ken Pimlott, Director of CalFire) (accessed at: <https://www.king5.com/article/news/a-cigarette-a-car-backfire-small-sparks-can-make-big-fires/281-482574889>); Patrick McGreevy, “California wildfires fuel a new push to ban smoking at state parks and beaches.” Los Angeles Times. August 30, 2018 (citing 2017 CalFire study) (accessed at: <https://www.latimes.com/politics/la-pol-ca-smoking-ban-beaches-20180830-story.html>).

addressing what these evacuation periods actually mean for the safety of patrons or how they impact the community's evacuation routes, the draft EA summarily concludes that no significant impairment of evacuation routes will occur if an "early evacuation" procedure is adopted as a mitigation measure.

The draft EA fails to identify any metrics that the BIA considered in coming to that conclusion. For example, the draft EA does not indicate the scale of human casualties that might result from evacuation periods of various lengths. Also missing is any attempt to quantify how much the "early evacuation" procedure would reduce the evacuation times. Nor does the draft EA address how the impacts of the cited evacuation periods might vary based on real-world wildfire scenarios, such as different wildfire locations or intensities. Instead, the draft EA simply presents the speculative, conclusory assertion that a 2.5-hour evacuation period (or 6-8 hours if Windsor also evacuates) in conjunction with an early evacuation procedure somehow results in no significant impact. This absence of analysis is legally deficient.⁵⁰

Rather than fill this analytical gap, the draft EA emphasizes that the 2.5-hour estimate is "conservative" because it assumes the parking areas would be full at the time of evacuation. But this estimate also relies on extremely optimistic assumptions—in particular, the radical assumption that *nothing will go wrong* during the evacuation. Appendix N-2 makes no provision for complicating circumstances that are highly foreseeable in a mass evacuation of this magnitude, such as: vehicle accidents and breakdowns that block exit lanes; non-compliant or panicked drivers that ignore evacuation instructions; poor visibility from wildfire smoke; and traffic attendants that are unable to report to duty in challenging wildfire conditions.⁵¹ An issue as grave as wildfire evacuations warrants a robust analysis that addresses these inputs (and more)⁵² prior to concluding that a particular evacuation plan is an effective mitigation measure.

Finally, the draft EA's heavy reliance on the supposed advantage of "early evacuation" has an additional fundamental weakness. The rationale stated in the draft EA is that an early evacuation would reduce traffic congestion (by an unquantified amount) by having the Project site evacuated before Sonoma County authorities issue an evacuation order for the larger evacuation zone in which the Project site is located. This would be accomplished by evacuating the Project site as soon as a neighboring evacuation zone is ordered to evacuate. However, it is

⁵⁰ *Nat'l Parks Conserv. Assoc'n*, 241 F.3d at 735 (9th Cir. 2001) ("The EA's speculative and conclusory statements are insufficient to demonstrate that the mitigation measures would render the environmental impact so minor as to not warrant an EIS.").

⁵¹ Rather than incorporate these real-world scenarios, Appendix N-2 generates the 2.5-hour estimate by simply counting the number of vehicles that would be using each of the Project site exits and applying the "typical rate assumed in urban areas" for how many vehicles can pass through an intersection per hour. (Appendix N-2 at 2). This "typical rate" is not specific to evacuation situations.

⁵² The draft EA also fails to assess how many patrons would not have a car to use during an evacuation—such as those patrons that arrived at the casino-resort via shuttle, taxi, rideshare, or were dropped off by friends or family. The draft EA does not attempt to evaluate whether the casino-resort would have sufficient capacity to provide emergency transportation to all of these patrons at the same time during a mass evacuation.

quite possible that the Project site’s evacuation zone will receive evacuation orders at the same time as one or more of the neighboring evacuation zones. This is especially true for the largest, most catastrophic wildfires. Thus, “early evacuation” serves no mitigation function during the most serious wildfires that trigger simultaneous multi-zone evacuations, which are the very wildfires for which an effective evacuation plan is the most critical.⁵³ Furthermore, the draft EA makes no attempt to assess how often such catastrophic fires might occur and offers no mitigation measures to address them. The draft EA does note, however, that climate change is increasing both the frequency and intensity of wildfires (Section 3.14.3 at 3-137), a fact that further imperils the reliance on “early evacuation” as a mitigation measure and bolsters the necessity of conducting a comprehensive analysis of different, real-world wildfire evacuation scenarios in a full EIS. Despite the proposed casino-resort having parking facilities for over 5,000 vehicles, the EA concludes that a mass evacuation of the Project site will not significantly impact wildfire evacuation routes. This conclusion defies logic and stems from the absence of any attempt to evaluate the effectiveness of the proposed mitigation measures.

d. Water Supply and Wastewater Treatment

i. Impacts on the Groundwater Basin

The potential depletion of the groundwater basin by the proposed casino-resort should be more fully investigated. Importantly, the existing water use at the Project site is primarily for irrigation of on-site vineyards, which is an inherently seasonal activity. (EA Section 1.4). On agricultural lands like the current vineyards, irrigation demands drop significantly during the wet season, allowing aquifers to recover. In contrast to this seasonal pattern, water usage for the proposed Project would be essentially constant, with the casino-resort operating 24/7 on a year-round basis—thus depriving the aquifers of their normal opportunity for seasonal recharge. Not only would the Project’s water usage be much more constant than existing uses, but the quantity of groundwater consumed by the casino-resort would be approximately 10 times greater than would be consumed by the existing vineyards.⁵⁴ Yet the EA does not analyze the implications of this increased, year-round groundwater extraction and the corresponding impairment of seasonal groundwater recharge. Moreover, **none** of the mitigation measures address groundwater recharge, which instead focus entirely on monitoring nearby wells and compensating property owners in the event their wells run dry. (EA at 4-1–4-3).⁵⁵

⁵³ Moreover, the draft EA does not define which evacuation zones should be deemed “neighboring” evacuation zones. Therefore, the staff at the casino-resort responsible for evacuation planning do not have clear guidance on how to implement the early evacuation mitigation measures.

⁵⁴ Appendix C estimates the annual existing usage of the vineyard/home as 20 acre-feet per year (AFY). (Appx. C at Table 2-1). The projected daily water demand for Alternative A is 170,000 gpd (assuming recycled water is utilized for approved uses), which would equate to an annual figure of approximately 190.4 AFY. (Appx. C at Section 2.2)

⁵⁵ In contrast to the cursory treatment of groundwater issues in the EA, the Graton Resort & Casino development was subjected to a full EIS completed in 2009, and FIGR also prepared a Tribal Environmental Impact Report for its casino expansion project in 2023. As part of the EIS, groundwater impacts were extensively analyzed, including a

Furthermore, bypassing the preparation of a full EIS is not appropriate when the EA itself identifies major areas of uncertainty regarding groundwater extraction at the Project site that warrant further study. As one example, the EA acknowledges that it is unknown whether the existing on-site irrigation wells are suitable for use as potable water supply wells—and as a result, it is not known whether new supply wells will be needed, and, if so, where those new wells would be located. (Appx. C at 2-7, 4-1). As another example, the EA concedes that “[s]ite specific monitoring is needed to confirm the hydraulic separation between the upper and lower aquifers underlying the site” before it can be confirmed that there would not be significant impacts to surrounding wells, including the Town of Windsor’s irrigation and potable water wells across the street in Esposti Park. (EA at 3-19). Nothing in the EA suggests that this information is not obtainable. Thus, the relevant data collection and analysis should be performed *before* a final decision is made about the adverse impacts of the Project. An EIS should be prepared in precisely these scenarios when important knowledge gaps can be filled by further investigation.⁵⁶

Lastly, these groundwater issues affect not just the Project site and immediate neighbors but the larger groundwater basin and Russian River watershed. As acknowledged in Appendix C of the EA, the Project site overlies the Santa Rosa Plain sub-basin, which covers 80,000 acres, and is itself a part of the larger Santa Rosa Valley Basin, a groundwater basin covering 101,000 acres and draining toward the Russian River. (Appx. C at Section 3.1). The groundwater basin and the surface waters of the Russian River and its tributaries, such as Pruitt Creek, are interconnected through fissures and other hydrogeologic features. Extensive modeling has demonstrated that excessive groundwater extraction in the region has caused reduced flows in the Russian River and its tributaries, exacerbating existing water quality issues. Indeed, the EA affirms that the entire Russian River watershed is already listed as impaired for sediment and temperature under the Clean Water Act. (EA at 3-10). A comprehensive analysis addressing the risks to the groundwater basin and connected surface waters in this vulnerable watershed should be conducted as part of an EIS for the Project.

ii. Wastewater Treatment and Discharge

The EA’s conclusions about potential impacts of the Project’s wastewater treatment and disposal activities are premature. A finding of no significant impact cannot be reached at this

groundwater study that used an analytical drawdown model to predict the impact of sustained groundwater pumping on the groundwater sub-basin at both the resort boundary and at greater distances from the proposed wells. *See* NIGC Final Environmental Impact Statement, Graton Rancheria Casino and Hotel Project (Feb. 2009) at Appendix G. Furthermore, for the recent expansion project, mitigation measures were set forth to actually reduce groundwater pumping by approximately 35 gpm. *See* FIGR Final Tribal Environmental Impact Report, Graton Resort & Casino Expansion Project (May 2023) at Table 1-1.

⁵⁶ *National Parks*, 241 F.3d at 732-33 (“Preparation of an EIS is mandated where uncertainty may be resolved by further collection of data”).

early stage. The EA merely presents a wide range of different effluent disposal options without indicating which ones are preferred or assessing the relative impacts of each.

Under “Option 1,” effluent from the wastewater treatment plant would be recycled and used on-site for irrigation, toilet flushing, and cooling tower makeup, with the excess effluent not consumed by these uses stored in a massive seasonal storage pond. (Appx. C at 2-25). The proposed on-site storage pond would stretch across 4+ acres and store about 12 million gallons of effluent. (Appx. C at Fig. 2-7). In the wet season, Option 1 would also entail discharging some effluent on-site into Pruitt Creek. (Appx. C at 2-25). “Option 2” would differ by utilizing two 8-million-gallon storage tanks installed in the treatment area rather than the seasonal storage ponds. (Appx. C at Fig. 2-8). Option 3 and Option 4 would adapt Option 1 and Option 2, respectively, by incorporating off-site irrigation as an additional effluent disposal method, thus reducing the size of the seasonal storage pond/tanks. (Appx. C at 2-25). The EA, however, does not suggest which of these Options is preferred or most likely to be adopted, or whether some new combination or modification of these disposal strategies might ultimately be chosen—thus leaving the actual approach, and its impacts, entirely uncertain.

The impacts on the Project site could vary greatly depending on which disposal option(s) are adopted. For example, whether there is a 4-acre effluent storage pond on the Project site, and its location in relation to other facilities such as groundwater wells, is highly relevant to the assessment of environmental impacts. Similarly, if Option 2 is adopted (installing two 8MG seasonal storage tanks in the “treatment area” rather than utilizing a storage pond), it is not clear whether the “treatment area” would still be able to safely fit all of the other infrastructure that is already planned to be located there—including up to two groundwater wells, a potable water treatment plant, a waste water treatment plant, 1MG storage tanks for both potable and recycled water, and a fire station.

Moreover, the EA fails to provide any analysis of the environmental impacts of discharging effluent into Pruitt Creek (which is a feature of all 4 Options). Pruitt Creek, along with other creeks in the Windsor area, flow into the Laguna de Santa Rosa, which is a sacred area and tribal cultural resource of our Tribe. The EA also fails to identify any mitigation measures. Instead, the EA states that no impairment of the downstream waterways would occur from this discharge because it would be subject to a National Pollutant Discharge Elimination System (NPDES) permit from the U.S. EPA. (EA at 3-21). But the mere fact that a future permit would be required does not obviate the need for a complete analysis and disclosure of impacts.⁵⁷ Similarly, one of the contemplated effluent disposal methods is off-site irrigation of nearby agricultural lands but no specifics are provided as to how or where this might occur. The use of

⁵⁷ *South Fork Band*, 588 F.3d at 726 (“BLM argues that the off-site impacts need not be evaluated because the Goldstrike facility operates pursuant to a state permit under the Clean Air Act. This argument also is without merit. A non-NEPA document...cannot satisfy a federal agency’s obligations under NEPA.”).

recycled water in the Russian River watershed has the potential to exacerbate existing water quality problems due to issues like nutrient loading, odor, algae growth, and reduction of dissolved oxygen. These issues go unmentioned in the EA. This is a serious flaw in the EA which can only be fixed by a comprehensive EIS.

iii. Undefined Layout of the “Treatment Area”

The proposed “treatment area” on the eastern portion of the Project site is slated to house a multitude of major pieces of infrastructure and water-related facilities. But the EA provides no information as to where within the treatment area these facilities will be located or how they will be oriented in relation to each other. Without this basic information, it is premature for the EA to conclude that there is no significant impact from the installation of so much infrastructure in one confined area.

Specifically, the EA indicates that the following infrastructure relating to potable water supply, wastewater treatment, recycled water distribution, and fire protection services are all planned to be installed (or potentially installed) in the “treatment area”:

- **Two water supply wells⁵⁸:** each drilled to a depth of 700ft and each having a 50ft-radius control zone around the well site to avoid contamination (Appx. C at Section 5-1)
- **Potable Water Treatment Plant:** capable of supplying the casino-resort with an average of 170,000 gpd of potable water (overall size not specified) (Appx. C at Section 5.2)
- **Potable Water Storage Tank (1-million-gallon):** steel tank for storing potable water for the casino-resort (75ft wide X 32ft high) (Appx. C at Section 5.3)
- **Potable Water Pump Station:** for conveying water from the Potable Water Storage Tank to the casino-resort (size not specified) (Appx. C at Section 5.3)
- **Wastewater Treatment Plant:** capable of handling about 400,000 gpd of wastewater generated by the casino-resort (overall size not specified) (Appx. C at Section 6.2)
- **Recycled Water Equalization Storage Tank (1-million-gallon):** steel tank for on-site use of recycled water for toilets and irrigation (60ft wide X 43ft high) (Appx. C at 6-12)
- **Recycled Water Pump Station:** for pumping water from the Recycled Water Storage Tank to the recycled water distribution system (size not specified) (Appx. C at 6-13)
- **Two Seasonal Storage Tanks (each 8-million-gallon)⁵⁹:** for storing excess effluent until it can be used on-site as recycled water or discharged to Pruitt Creek (each 145ft wide X 65ft high) (EA at 2-8; Appx. C at Fig. 2-8)

⁵⁸ Figure 2-4 of Appendix C shows the proposed location of the new well in the treatment area. According to Appendix C (Section 5.1), it is recommended to have at least two active wells available so that one can be serviced without interrupting the water supply. While there are four existing on-site wells used for irrigation, Appendix C notes that “it is unclear whether these [existing] wells are suitable for use as a potable water supply.” (Appx. C at 2-7). Therefore, up to two new wells may be needed (with one or both potentially located in the treatment area).

⁵⁹ The EA states that either seasonal storage ponds (Option 1) or seasonal storage tanks (Option 2) could be used to store excess effluent. The storage pond would be approximately 12 million gallons, covering about 4.1 acres, and

- **Fire Station:** Fully equipped, BIA-certified fire station staffed with at least 3 personnel (overall size not specified) (EA at 4-8)

The EA makes no attempt to determine whether there is actually enough space to fit all these structures and facilities within the irregularly-shaped treatment area—*let alone fit them in a safe manner that does not create significant impacts*. Indeed, the above list omits substantial accompanying infrastructure such as driveways and loading docks for hauling away the sludge produced by the wastewater treatment plant (EA at 2-8), installation of a lift station and a sewage pipeline under Pruitt Creek for transmitting wastewater from the casino-resort to the wastewater treatment plant (Appx. C at Section 6.1), and the pipeline and outfall structure for discharging treated wastewater into Pruitt Creek (Appx. C at Section 6.3.2). No specific location for any of these infrastructure components has been identified either. Thus, it is improper to reach any conclusion regarding their individual or collective impacts or the particular mitigation measures that are needed.

e. Transportation & Circulation

The analysis of impacts to local roadways and adjacent landowners from traffic generated by the casino is inadequate. Disclosure of all reasonably foreseeable impacts, along with appropriate mitigation is therefore required in a comprehensive EIS.

Specifically, the EA evaluates the impact to Level of Service at several intersections, but omits any analysis of Shiloh Road and Fought Road. This intersection needs to be evaluated and then commented on in a new or recirculated NEPA document.

Traffic mitigation is specified in EA Section 4, including installing traffic signals, adding lanes, widening roads, and constructing entrance driveways to the casino. Over 30 traffic improvements are specified in Section 4, however none of them have been illustrated in such a way as to reasonably ascertain impacts to private property, cultural resources, biological resources, and hazardous materials. Although EA Section 3.15.1 purports to analyze “Indirect Effects of Off-Site Traffic Mitigation,” no actual analysis is provided, just general statements such as “[o]ff-site improvements are anticipated to primarily impact previously disturbed areas, agricultural land, ruderal vegetation, and/or roadside drainage channels,” and then general statements such as “[p]otential off-site improvement projects would be subject to the protection of cultural resources afforded by CEQA.” There is no evidence that the limits of the required traffic mitigation construction areas have been defined (for example, mapped on an aerial photo or map), no evidence that those areas have been surveyed by qualified professionals for cultural

would presumably need to be located within the vineyard areas because the entire treatment area is only 3.5 acres. (EA at 2-9; Appx. C at Figure 2-7). The draft EA does not indicate which option is more likely to be implemented at the Project site.

resources, biological resources, and hazardous materials contamination, and no actual mitigation has been specified. Also, it is clear that all required improvements cannot be made in public rights-of-way and that private property will need to be condemned to construct some improvements, such as widened roads and traffic signals. The extent of required private property condemnation is not disclosed, and it is not clear that the taking of private property for a commercial development project is an impact that can be mitigated to a level of less-than-significant. When there is no reasonable certainty that an impact can be fully mitigated, a Finding of No Significant Impact (FONSI) cannot be issued by the NEPA federal lead agency, and an EIS must be prepared.

Stating that impacts may be identified in the future, and mitigation would then be required by the California Environmental Quality Act (CEQA), is both a deferment of the required NEPA analysis and associated public disclosure, and also an unlawful deferral of identifying appropriate mitigation. The lack of specificity in the identification, analysis, and mitigation of off-site traffic mitigation is a fatal flaw in the EA, and therefore an EIS is required to properly evaluate this issue.

f. Socioeconomics and Environmental Justice

Section 3.7 of the EA makes the unsupported and, in our experience, incorrect assertion that “Sonoma County is a highly populated area that has a sufficient labor force focused on the hospitality industry” (EA at 3-64). The EA proceeds to say that “[w]ith several other casino resorts in the market area, as well as other hospitality developments, the population already includes people who are seeking casino and/or hospitality-based employment.” (*Id.*). Yet for the last several years, the Graton Resort & Casino has struggled to find qualified candidates to fill open positions at all levels. This difficulty seems to reflect national trends showing a severe shortage in hospitality workers.⁶⁰ Should the Koi Project open, we expect there will be even greater hiring competition for a distressingly limited number of hospitality workers. At the very least, the EA should provide data supporting its conclusion that a sufficient labor market exists in Sonoma County and evaluate the impacts of the Project on neighboring hospitality businesses, particularly tribal hotels and casinos.

Relatedly, in our experience the inability to attract hospitality workers goes hand-in-hand with the lack of nearby affordable housing. The problem is so acute that we have considered whether to provide or subsidize employee housing and, in 2019, we submitted a fee-to-trust application to BIA to acquire trust land for constructing a Graton Resort & Casino employee housing project. While that plan was ultimately scrapped due to the pandemic and other factors, we are nonetheless still evaluating other approaches for supporting employee housing needs.

⁶⁰ See, e.g., American Hotel & Lodging Association, *82% of surveyed hotels report staffing shortages*, <https://www.ahla.com/news/82-surveyed-hotels-report-staffing-shortages> (June 5, 2023).

Accordingly, it is hard to believe the EA's conclusion that "the small number of housing needs from Alternative A would be filled by existing vacant units" and we urge that more analysis be conducted. (EA at 3-64).

Finally, while the EA correctly quotes the Eastern District of California in upholding Interior's prior conclusion that "competition...is not sufficient, in and of itself, to conclude [there would be] a detrimental impact on" a tribe, that is distinguishable from concluding that market competition is irrelevant to NEPA. This is particularly true when considering how market competition and the substitution effect on neighboring casinos translates to lower revenues to support tribal government services and tribal citizens. The EA should consider, in regards to the local tribal casinos that will absorb the greatest hit, the fact that the Koi project will support 89 Koi citizens to the detriment of Graton's 1,500 citizens, Dry Creek's 900 citizens, and Sherwood Valley's 450 citizens.⁶¹

g. Indirect & Cumulative Effects

The BIA must consider both the indirect and cumulative effects of the proposed action. The Council on Environmental Quality (CEQ) regulations define indirect effects as those "caused by the action, [and] later in time or farther removed in distance, [but] still reasonably foreseeable."⁶² The CEQ regulations further define "cumulative effects" as "the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions."⁶³ The EA completely fails to consider both the indirect and cumulative effects of this proposed federal approval on the rights and ability of culturally affiliated tribes to protect their cultural resources and ancestors, both at the site and in the surrounding area, and to engage in co-stewardship and the sharing of Traditional Ecological Knowledge (TEK).

In order for the Department to approve this application, the purpose of which is to conduct gaming, the Department must make a determination pursuant to the Indian Gaming Regulatory Act (IGRA) restored lands exemption. The restored lands exemption requires the applicant tribe, here the Koi Nation, to have a "significant historical connection" with the proposed gaming parcel, such that the Department's acquisition of the land in trust for the Koi Nation would constitute a "restoration" of the Koi Nation's tribal lands. The IGRA regulations

⁶¹ Graton's citizenship numbers were taken from our in-house records, whereas we offer rough citizenship numbers for Dry Creek Rancheria and Sherwood Valley Rancheria based on internet searches. See Dry Creek Rancheria Band of Pomo Indians, *Community Involvement*, <https://drycreekrancheria.com/#:~:text=Today%20the%20Dry%20Creek%20Rancheria%20Band%20has%20more%20than%20900%20members> (last visited Nov. 6, 2023); Wikipedia site for Sherwood Valley Rancheria, https://en.wikipedia.org/wiki/Sherwood_Valley_Rancheria_of_Pomo_Indians_of_California#:~:text=Sherwood%20Valley%20Rancheria%20of%20Pomo%20Indians%20has%20over%20450%20enrolled,members%20residing%20on%20reservation%20land (last visited Nov. 6, 2023).

⁶² 40 C.F.R. § 1508.1(g)(2).

⁶³ 40 C.F.R. § 1508.1(g)(3).

further define “significant historical connection” as “the land is located within the boundaries of the tribe's last reservation under a ratified or unratified treaty, or a tribe can demonstrate by historical documentation the existence of the tribe's villages, burial grounds, occupancy or subsistence use in the vicinity of the land.”⁶⁴ The concept of “significant historical connection” is intrinsically wrapped into the concept of “cultural affiliation”—that is, a tribe’s subsistence methods, cultural practices, belief systems, and traditional ecological knowledge are rooted in the geographic area where a tribe was historically located.

A federal decision rubber stamping the Koi Nation’s claim of a significant historical connection to the Russian River Valley and Sonoma County in general will affect the cultural rights of the local, aboriginal tribes in a host of other contexts. For example, NAGPRA requires that the ownership and control of Native American remains and cultural items discovered on Federal or tribal lands shall reside with the following, in order of priority:

- the lineal descendants of the Native American (if known);
- the Indian tribe on whose tribal land such objects were discovered;
- the Indian tribe which has the closest cultural affiliation with such remains or objects.⁶⁵

This is of course alarming because it means any cultural resources or human remains found on the Shiloh Parcel—either during the construction of the Project or at any point in the future—would, assuming no lineal descendant is identified, belong to the Koi Nation. This is so despite the fact that those cultural resources and ancestors are from the Southern Pomo people and should rightfully belong to a Southern Pomo tribe.⁶⁶ If, following the BIA approval of this initial acquisition, Koi Nation acquires additional trust land in Sonoma County—which seems highly foreseeable—it will have priority rights to all cultural resources and ancestors on *those* properties. Moreover, for any federal lands in Sonoma County, the Koi Nation can make the argument that it is culturally affiliated and therefore make a claim those cultural resources or human remains, to the detriment of the local, culturally affiliated Southern Pomo and Southwestern Pomo tribes.

Similarly, there are many institutions in the Bay Area with collections that include Southern Pomo and/or Southwestern Pomo human remains, funerary objects, sacred objects, and objects of cultural patrimony that are subject to repatriation under NAGPRA. A tribe may submit a repatriation claim based on its “cultural affiliation” with the remains or object.⁶⁷ The NAGPRA regulations define cultural affiliation as “a relationship of shared group identity that can be reasonably traced historically or prehistorically between members of a present-day Indian

⁶⁴ 25 C.F.R. § 292.2.

⁶⁵ 25 U.S.C. § 3002(a).

⁶⁶ ARPA reinforces this rule by providing that “Archaeological resources excavated or removed from Indian lands remain the property of the Indian or Indian tribe having rights of ownership over such resources.” 43 C.F.R. § 7.13.

⁶⁷ 43 C.F.R. § 10.10(a)(1)(ii) and (b)(1)(ii). Although proposed amendments to the NAGPRA regulations are pending, they nonetheless continue to incorporate the central concept of cultural affiliation.

tribe...and an identifiable earlier group.”⁶⁸ Further, cultural affiliation must be established by the preponderance of the evidence based on “geographical, kinship, biological, archeological, anthropological, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion.”⁶⁹ If the Koi Nation’s application is approved and the federal government determines it has a “significant historical connection” with some or all of Sonoma County, it opens the door for Koi to make competing NAGPRA claims for *our* ancestors and cultural resources, further muddying an already incredibly long and difficult repatriation process.

Similar implications arise under a myriad of other federal laws and policies that provide for tribal consultation, consultation, and co-stewardship. This Administration has been a leader in uplifting the recognition and incorporation of Traditional Ecological Knowledge (TEK) and the essential role tribes should play in co-stewardship of public lands. For example, the *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters* provides a framework for the U.S. Department of the Interior and the U.S. Department of Agriculture to manage lands and waters in a manner that protects the “treaty, religious, subsistence and cultural interests” of tribes.⁷⁰ This includes pathways to co-stewardship over federal lands and waters, as well as the incorporation of TEK into federal management decisions, both of which involve the foundational question of which tribe(s) are the proper stewards and hold the relevant TEK for a particular area. Additionally, the White House has issued broader guidance to all federal departments and agencies on respecting and incorporating indigenous knowledge into federal research, policies, and decision making.⁷¹ The White House guidance drives home the inherent link between TEK and a tribe’s historical presence in and interaction with a particular environment.⁷² Accordingly, a federal decision to approve Koi’s application on the basis of its significant historical connection claim will undermine the ability of Southern Pomo and Southwestern Pomo tribes to utilize federal programs and processes aimed at elevating TEK and stewardship rights for culturally affiliated tribes. This harm will only compound over time as the Koi Nation may use this federal decision as a basis for asserting itself as a “Sonoma County tribe” in all sorts of scenarios.

Beyond these serious indirect and cumulative impacts to tribal cultural resources, there may be indirect impacts on Indian health services provided in Sonoma County. Sonoma County Indian Health Project (SCIHP) provides health care for all Indians living in Sonoma County and performs the functions of the federal Indian Health Service (IHS) in this service area. It is run by a tribal consortium that includes the Cloverdale Rancheria of Pomo Indians, Dry Creek

⁶⁸ 43 C.F.R. § 10.2(e)(i).

⁶⁹ *Id.*

⁷⁰ U.S. Dep’t of the Interior, U.S. Dep’t of Agriculture, Order No. 2303 (Nov.15, 2021).

⁷¹ See also White House Memorandum re: Guidance for Federal Departments and Agencies on Indigenous Knowledge (Nov. 30, 2022).

⁷² *Id.* at 4 (describing indigenous knowledge as “a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment” and specifically referring to it as a “place-based body of knowledge.”)

Rancheria of Pomo Indians, the Federated Indians of Graton Rancheria, Lytton Rancheria of California, and Kashia Band of Pomo Indians.⁷³ Koi Nation is not a member of the consortium. If the BIA approves this project and allows the Koi to establish a new reservation in Sonoma County, it is only logical that some number of Koi citizens will re-locate to the area and utilize the available IHS services through SCIHP. This is particularly true given that a new SCIHP health care clinic is planned for construction in Santa Rosa, just 11 minutes from the Koi Project site.⁷⁴ The indirect effects of this increased demand should be analyzed.

h. Public Services & Utilities

Our comments concerning water supply, wastewater, and fire services have already been raised, however we wish to flag other glaring unknowns regarding public services and utilities, which will likely have significant impacts. As noted but essentially glossed over in Section 3.10, Pacific Gas & Electric (PG&E), the primary electric and natural gas provider in northern California, “does *not* have capacity for Alternative A as of 2022.” (EA at 3-86 (emphasis added)). The EA then states that PG&E “has electrical infrastructure projects underway that would be completed in 2024/2025 with feeder related infrastructure needing potentially another two years” and therefore these projects would be completed before the 2028 opening date and the Project’s electrical supply needs will be met. (EA at 3-86). There is, of course, an enormous degree of uncertainty in this supposition and a complete lack of discussion concerning the details of those infrastructure projects, whether they have already been permitted, and whether any aspects are contingent on the Koi casino project being approved. It seems that at least portions of these infrastructure improvements would only occur if BIA approves the Koi casino since the EA states that the Koi Nation would be responsible for paying for these “extensions and services,” not the public. *Id.* The BIA must fully describe and analyze these infrastructure improvements, including the on- and off-site environmental impacts, and develop appropriate mitigation measures. The cursory analysis of off-site utility improvements in Section 3.15 (on indirect and growth-inducing effects) is simply insufficient. (See EA at 3-149, providing sparse analysis of only the issue of relocating utility lines).

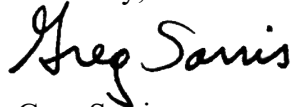
⁷³ See Sonoma County Indian Health Project, Our History, <https://www.scihp.org/history/> (last visited Nov. 16, 2023).

⁷⁴ See *Sonoma County Indian Health Project confirms plans for 70,000-square-foot new clinic in Santa Rosa*, NORTH BAY BUSINESS JOURNAL (July 30, 2020), available at <https://www.northbaybusinessjournal.com/article/industrynews/sonoma-county-indian-health-project-confirms-plans-for-70000sf-new-clinic/>.

IV. Conclusion

We continue to ask the BIA to seriously, thoroughly, and objectively evaluate this Project and listen to the chorus of concerns raised by Sonoma County tribes, nearby residents, and local governments. We further wish to note that while there is no formal notice and comment process for the Department's consideration of the Koi Nation's "restored lands" claim under the Indian Gaming Regulatory Act (IGRA), we are presently analyzing the thousands of pages of submitted materials and plan to submit our responsive analysis by the end of this year. As a trustee for not only the Koi Nation, but all federally recognized tribes, we strongly urge you not to move forward on any IGRA determination until you have properly consulted with us and other affected tribes.

Sincerely,

A handwritten signature in black ink that reads "Greg Sarris". The signature is fluid and cursive, with the first letters of "Greg" and "Sarris" being capitalized and prominent.

Greg Sarris
Chairman

From: Lynn Laub <LynnL@drycreekrancheria.com>
Sent: Monday, November 13, 2023 3:52 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Chris Wright
<ChrisW@drycreekrancheria.com>; michelle@thecirclelaw.com <Michelle@thecirclelaw.com>
Subject: [EXTERNAL] DCR's Comment letter re Koi Nation EA

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

Please see Dry Creek Rancheria's Comment letter re Koi Nation EA.

Lynn Laub
Executive Assistant to the Board of Directors
Dry Creek Rancheria Band of Pomo Indians
P.O. Box 607
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**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

Sent via email to : Chad.Broussard@bia.gov

November 13, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Chad Broussard
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

**Re: Dry Creek Rancheria Comment to Shiloh Resort and Casino Project
Environmental Assessment**

Dear Director Dutschke:

The Dry Creek Rancheria Band of Pomo Indians, California ("Dry Creek"), is a federally recognized Indian tribe with aboriginal homelands and reservation located in what is now called Sonoma County, California. For the past two years, Dry Creek has expressed its opposition to the Koi Nation's application to the United States Department of the Interior ("Interior") to acquire sixty-eight (68) acres of land in trust for a casino and resort (the "Sonoma County Site" and "Project"). The Sonoma County Site is located in unincorporated Sonoma County ("County"), adjacent to the City of Windsor ("City"), which is approximately fifty (50) miles from the Koi Nation's ancestral territory which is in a different county. I am writing to express our opposition to the trust acquisition for the Koi Nation ("Koi" or "Tribe") in Dry Creek ancestral territory, which will have severe impacts on the community and specifically Dry Creek Rancheria and our tribal members. This letter also sets out our comments to the Environmental Assessment ("EA") published in September 2023.

**I. Background Regarding the Dry Creek Rancheria's Struggle to Develop an
Economic Base to Provide for the Tribal Government and Citizens.**

The Dry Creek Rancheria is comprised of Southern Pomo and Western Wappo people from the region that includes the Sonoma County Site. Dry Creek Rancheria is located a mere nineteen (19) miles from the Sonoma County Site. Dry Creek currently has 1,337 tribal members and 50%

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Rancheria Address: 3250 Highway 128 East, Geyserville, CA 95441
Office Address: 1450 Airport Boulevard, Suite 200A, Santa Rosa, CA 95403

of those tribal members live in Sonoma County. Official recognition of the Tribe as a sovereign nation occurred in 1915, when the federal government created the Dry Creek Rancheria and named the Tribe the Dry Creek Rancheria Band of Pomo Indians. The Rancheria occupies 75 steep acres between Healdsburg and Geyserville off Highway 128 -- a sliver of the Tribe's historic land.

Like Koi's original rancheria, the Dry Creek Rancheria is rocky, lacked infrastructure and is very challenging to build on. However, Dry Creek members held onto the land and have struggled to develop infrastructure to support tribal government functions and its primary economic development enterprise, the River Rock Casino. That struggle frames the Tribe's primary objections to the Koi project and is outlined here to establish the foundation for these comments.

The Tribe opened River Rock Casino on its tribal trust lands in September of 2002. Soon thereafter, a lawsuit was filed by the owner of an adjacent fee parcel, Terrence Proschold, against the United States.¹ The lawsuit contended that an easement purchased by the United States to provide access to the Dry Creek Rancheria from Highway 128 was limited to residential purposes, and therefore use of the easement by gaming patrons was prohibited. Without the easement, the Rancheria would be landlocked, and the Tribe would not be able to operate River Rock Casino.

The United States asserted that the easement was held in trust for the benefit of the Dry Creek Rancheria, and that it was immune from suit under the Quiet Title Act, 28 U.S.C. § 2409a. Although the Quiet Title Act waives sovereign immunity for title disputes involving real property in which the government claims an interest, it expressly reserves sovereign immunity in disputes involving lands held in trust for Indian tribes. Because the United States elected to assert sovereign immunity, the court lacked subject matter jurisdiction to hear the case, and thus the action was dismissed.²

One important aspect of tribal sovereignty is that tribal trust lands are exempt from local land use laws.³ As a result, Dry Creek Rancheria maintains the inherent right to develop lands held in trust by the federal government without regard to local land use regulations, such as a County General Plan, and the County lacks regulatory jurisdiction over the Tribe's Indian lands.⁴ Unfortunately, for many years, the County and a group of neighbors called the Alexander Valley Association ("AVA") continued to challenge the Tribe's rights to govern itself and to operate a gaming facility pursuant to the IGRA, and they challenged every permit or approval that was needed for the casino facility to operate.

In 2008, the Tribe entered into a Memorandum of Agreement with the County to resolve many legal disputes. At that time, the Tribe and the County were in dispute over several topics that

¹ Proschold v. United States, 90 F. App'x. 516 (9th Cir. 2004); 2004 WL 324717 (9th Cir.(Cal.).

² Id. at 518.

³ Santa Rosa Band of Indians v. Kings County, 532 F.2d 655 (9th Cir. 1975), cert. denied, 429 U.S. 1038, 97 S.Ct. 731, 50 L.Ed.2d 748 (1977) (claims based on county zoning regulation of Indian lands.

⁴ Sonoma County sought to enforce its fire codes on the Dry Creek Rancheria, but the District Court and the 9th Circuit held that Sonoma County fire codes were not enforceable by the County on the Rancheria. Unpublished decision, *In the Matter of the Sonoma County Fire Chief's Application for Inspection Warrant*.

made it extremely difficult for the Tribe to move forward with its plans to operate the River Rock Casino on its Indian lands.

The following list provides a brief description of each legal dispute that was pending and settled by the 2008 MOA:

- 1) The Tribe's Alcohol License: (*In the Matter of the Protest of Sheriff Bill Cogbill, et al. Against the Person to Person and Premises to Premises Transfer of a General Public Eating Place Alcohol License*); The County Sheriff, Fire Chief, Board of Supervisors and the Alexander Valley Association each protested to the Department of Alcoholic Beverage Control ("ABC") that the River Rock Casino should not be granted a liquor license. The Tribe contended that it was qualified to obtain the license as a venue in the wine country.

Outcome: The Tribe's ABC License was ultimately issued because of the 2008 MOA and is currently in effect. There is no current dispute regarding the ABC License. Over-reaching restrictions in the earlier ABC License have recently been lifted.

- 2) County Appeal of the Approval of Fee-to-Trust Application for Contiguous Lands: (*California Department of Conservation, et al. v. Acting Pacific Regional Director, Bureau of Indian Affairs*); The State of California, Sonoma County and AVA each appealed a final decision of the BIA decision to take 18 acres of land (the "Dugan Property"), contiguous to the Rancheria, into trust for the Tribe. The County was the primary instigator of the appeal.

Outcome: The land was taken into trust in 2010 and there are no disputes pending or expected regarding the status of the Tribe's trust land. The Tribe was forced to purchase "like-for-like" exchange property to off-set the County's allegation that the Williamson Act was being violated by the trust acquisition. The Tribe had to purchase the Petaluma property for \$12,474,400, which was an exorbitant price because it was one of only a few properties available that would meet the criteria for land exchange under the Williamson Act. The purpose of the Dugan Property acquisition was to enable the Tribe to build an emergency access road (that was demanded by the County Fire Chief in the litigation described below) and to construct a fire station and tribal offices.

The BIA later changed its position and found that it could in fact take the land into trust as long as the Williamson Act contracts were simply non-renewed, but the Tribe had already been forced to buy the Petaluma property to formally cancel the Williamson Act contract with the like-for-like exchange in order for the land to go into trust as agreed in the 2008 MOA.

- 3) Fire Safety Inspections Authority Litigation: (*In the Matter of the Sonoma County Fire Chief's Application for Inspection Warrant*); The County Fire Chief sought a state civil administrative inspection warrant for the Rancheria. In February 2007, the United States District Court for the Northern District of California determined that the County

did not have fire code enforcement jurisdiction on the Reservation and the Ninth Circuit Court of Appeals, in a final judgment, affirmed the District Court's determination.

Outcome: The County Fire Chief's attempt to assert jurisdiction over the Tribe's property was improper under the law but cost the Tribe hundreds of thousands of dollars to defend its rights.

- 4) Appeal of NPDES Permit for Wastewater Discharge: (*In re: Dry Creek Rancheria NPDES Permit*); On April 30, 2007, the United States Environmental Protection Agency ("USEPA") issued a National Pollutant Discharge Elimination System ("NPDES") permit to allow the Tribe to discharge treated wastewater into a tributary of the Russian River from its new wastewater treatment facility. The County and AVA filed petitions for administrative review of the permit alleging concerns over potential environmental impacts. The Tribe contended that the permit was appropriately granted and is environmentally sound.

Outcome: The County and AVA challenge to the NPDES permit was settled by the 2008 MOA. The cost to the Tribe was substantial in both legal fees, and administrative costs even though the Tribe had spent \$4 million to construct a state-of-the-art wastewater treatment facility. The County and AVA demanded additional conditions on the permit requiring daily testing until the EPA itself initiated dropping the over-burdensome condition. Daily testing cost the Tribe over \$20,000 per year. The Tribe now has Treatment as a State status under the Clean Water Act for water quality purposes and has established its own water quality standards.

- 5) Dispute over the Gaming Facility's Potential Off-Reservation Impacts: Sonoma County disputed the Tribe's assessment and mitigation of the Gaming Facility's off-reservation environmental impacts that was completed in 2006. The County asserted that there would be significant off-reservation impacts of its existing and planned Rancheria gaming projects.

Outcome: The County required the Tribe to pay a \$75 million "mitigation fee" in the 2008 MOA, but the massive amount of debt that resulted from all the legal hurdles created by the County, was exacerbated by a Great Recession and the Tribe couldn't obtain additional funding to build the permanent structure. Then in 2013, the Federated Indians of Graton Rancheria built a casino that essentially cut off River Rock's San Francisco gaming patron market, causing casino revenues to crash by sixty to seventy (60-70) percent. Dry Creek Rancheria's gaming revenue never returned to its pre-Graton Casino revenue levels; however River Rock operates at 50% of the original revenue. The Tribe is still working to pay off the original debt that was exacerbated by all the litigation on many fronts from County opposition, however, the Tribe is close to making a final payoff of the original debt, which included the overpayment to the County for a casino project that was never built.

- 6) County Opposition to Tribe's Petaluma Fee-to-Trust Application: Faced with incredible hurdles and increasing debt, the Tribe sought to take the Petaluma property into trust for gaming purposes. While the Tribe never submitted a complete application, the County immediately began efforts to oppose the Tribe's fee-to-trust efforts.

Outcome: The Tribe withdrew its application to take the Petaluma parcels into trust for gaming purposes because of opposition by the County, the City of Petaluma and Graton Rancheria. We note that the Petaluma property is indeed located in the aboriginal territory of Graton Rancheria, and Dry Creek recognizes that Graton Rancheria has a voice in how that property is ultimately used.

The original 2008 MOA was a means for the Tribe to resolve litigation and other disputes that arose when the Tribe sought to build a permanent River Rock Casino on the Tribe's Indian Lands. The cost to the Tribe as a direct result of the County's opposition, (not including the MOA fees and costs for the DCR Fire station) is approximately \$152 million. MOA Fees and Fire Services totaled approximately \$34 million. The approximate total cost of County opposition and litigation equals roughly \$186 million in loss of revenue to the Tribe, and the planned permanent resort and casino were never built.

THE 2008 MOA

The initial 2008 MOA established a process to identify and mitigate off-reservation environmental impacts that might occur during the construction of the new permanent casino and resort project. Unfortunately, the mitigation requirements were far-reaching and obligated the Tribe to submit to the County for approvals as mitigation occurred. Overall, the 2008 MOA was difficult to read and track the obligations of the Tribe vis-a-vis the County. This resulted in the need to amend the document repeatedly over the next ten years, which created an agreement that was even more difficult to track and know which provisions were in effect at a given time.

The 2008 MOA also included financial provisions that were unrealistic given the uncertainty of the development, but it provided a framework to settle all of the disputes that were levied against the Tribe by the County. Distilling down the financial terms, the Tribe agreed to pay the County \$75 million as a mitigation fee, spread out over a time period with triggers for set payments.

However, by 2015, the Tribe had not been able to obtain financing for the planned casino resort project due to the major economic downturn that began and continued from 2010 and beyond, and substantially negatively impacted the Casino's economic performance. In 2013, the opening of Graton Resort and Casino further stressed the Tribe's economic situation. In 2014, the Tribe defaulted on over \$150 million in bond indebtedness and on over \$50 million in remaining payments due to the County under the MOA, putting the Tribe in breach of the MOA.

The following list includes a summary of all letter agreements and MOA Amendments since 2008 that highlighted the need for a fully amended and restated MOA, which was finally achieved in February 2023 (“2023 MOA”). We include this information because it shows the amount of time, energy and cost that Dry Creek has had to exert in order provide an economic base for the Tribe and its citizens. For the purposes of the EA, this information provides a basis for Dry Creek’s assessment of the impact that the Koi Project will have on Dry Creek and its citizens.

- **May 28, 2010, May 23, 2011 and July 12, 2012 Letter Agreements:**

Due to a major economic downturn (“Great Recession”), which began shortly after completing the 2008 MOA, the Tribe lost the ability to finance construction of the planned Resort project. The Great Recession also substantially negatively impacted the Casino’s economic performance. The Letter Agreements modified the previously agreed mitigation payments to the County and confirmed the completion of certain obligations by the Tribe, including the establishment of a conservation easement on the Tribe’s Petaluma property.

- **2015 First Amendment to MOA**

In November 2013, the Federated Indians of Graton Rancheria opened Graton Casino and Resort in Rohnert Park, thirty-three (33) miles from River Rock Casino, and in a location that “cut off” River Rock Casino from much of its Bay Area customer base, which substantially reduced that Casino’s revenue. That unrealized revenue was never recovered. Also, the Tribe’s planned new casino and 600 room resort project was never initiated. Therefore, the Tribe initiated re-negotiation of the 2008 MOA to further adjust the mitigation payments due because of the Tribe defaulting in its financial obligations.

The County chose not to re-negotiate the 2008 MOA, but in September 2015 the County agreed to amend several provisions of the 2008 MOA. The Tribe and County agreed to amend specific provisions of the 2008 MOA that further restructured the original MOA’s financial terms, and made other changes. Importantly, the Tribe agreed to pay a \$4,200,000 payment to the County which would be considered a full payment and satisfaction of any and all payment amounts owed by the Tribe to the County as of November 1, 2015, under the MOA, including those payment amounts referred to in the letter agreements of May 2010, May 2011 and July 2012.

The County also agreed to reduce the mitigation payment to a base payment of \$750,000 with an escalator provision if the Tribe’s Annual Net Revenue increased at least 2% over the prior year.

- **2017 Second Amendment to the MOA**

In the Second Amendment to the 2008 MOA, the Tribe agreed to specific provisions regarding resolution of the Tribe’s petition for a conditional license from the CA Department of Alcoholic Beverage Control (“ABC”) and established certain new requirements for live outdoor entertainment events at the Casino.

- **2021 Third Amendment to the MOA**

In August 2020, due to COVID-19 pandemic impacts resulting in extended Casino operations closure, the County agreed to defer the Tribe's annual mitigation payments to the County for the years 2020 and 2021 and extend the term of the MOA for two years.

2023 AMENDED & RESTATED MOA

The Tribe and the County have participated in joint meetings over the course of many years to address potential off-Reservation impacts and possible additional mitigation measures that might be taken with respect to proposed economic development projects on the Reservation and other lands owned in fee by the Tribe. In February of 2023, Dry Creek and the County finally entered into an Amended and Restated MOA which simplified the relationship between Dry Creek and the County. After nearly two decades of struggle, Dry Creek is now finally positioned to replace the original, temporary sprung structure with a permanent structure for the casino and this Project is a major threat to that effort.

II. The EA Fails to Address the Impact of the Proposed Koi Casino on Dry Creek Rancheria and its Citizens.

The EA provides no analysis of the impact of the Project on the Dry Creek Rancheria tribal government and its citizens. As stated above, Dry Creek's River Rock Casino struggled against tremendous legal obstacles that were presented by the AVA and County which put the Tribe in a perilous financial position. The approximate total cost of County opposition and litigation equals roughly \$186 million in loss of revenue to the Tribe over the course of ten years between 2005 and 2015. The addition of Graton Casino and Resort in the local market resulted in a loss of fifty (50) percent of River Rock's gaming revenue from the original numbers to this day. The combined impact of these factors, along with the Great Recession resulted in Dry Creek being stymied with nearly \$300 million in debt and as a result, the planned permanent resort and casino were never built.

It is important to note here that Graton Rancheria was restored to federal recognition in 2000 and although the initial restoration of lands to Graton Rancheria were to be located merely thirty-three (33) miles from the Dry Creek Rancheria, Dry Creek did not oppose the acquisition of Graton's restored lands. The primary reason for the lack of opposition by Dry Creek was that Graton was acquiring lands *within its aboriginal territory*. While the development and opening of Graton Casino and Resort resulted in a loss of 50% of River Rock Casino's revenue, it was something that Dry Creek could not challenge. However, the Koi Project will be located in between the Dry Creek Rancheria and Graton Rancheria, further cutting off an important local market and adding a 2750 machine casino less than twenty miles away from River Rock Casino, which operates fewer than 1,100 machines.

The only reference in the EA of the financial impact to Dry Creek is buried on page 69 of Appendix B, where a graph shows the estimated percentage impact that each regional gaming facility is expected to experience on their local market gaming revenue. The graph indicates that River Rock Casino would suffer the highest level of impact at an estimated 24.24% in reduced gaming revenue. This impact could not be sustained by River Rock Casino as it exists today.

Currently, River Rock Casino operates in what was supposed to be a temporary facility, on a slim margin to provide essential revenues to fund the tribal government and provide basic services to its Tribal Citizens. The approval of Koi's Sonoma County Site into trust for gaming would prevent Dry Creek from being able to finally fund a permanent casino and it would result in significant financial impact to the Tribe that cannot be mitigated. Moreover, as will be set forth below, tribal members have not yet achieved financial stability in a region that has an increasingly high cost of living.

There is not sufficient time or resources available to conduct our own study of the dramatic impact of a tribe from another region of the state building a massive casino and resort less than twenty miles away from Dry Creek Rancheria. However, we did obtain a Gaming Impact Analysis which indicated at least a 25% reduction of revenues from baseline if the Koi Project is approved. Based on the one figure on page 69 of Appendix B, it can be stated that the negative impact will be significant and life altering for Dry Creek and its citizens, with no way to mitigate that impact. We have only begun to assess the impact of the reduction in revenue; however, we will lose much of the ground that we have gained in the past 20 years in our attempt to become economically stable if the Koi Project is approved. However, the most severe impact will be the loss of our sovereignty and rights to protect our homelands and tribal cultural resources.

i. The BIA Failed to Consult with Dry Creek Pursuant to Section 106 and Failed to Require Dry Creek Tribal Cultural Monitoring During Trenching and Site Evaluation.

Even the Scoping Report to the EA failed to provide Dry Creek Rancheria the opportunity to assign cultural monitors to monitor site work that included trenching. The Archaeological Monitoring report, prepared by John W. Parker, states that "Rob Morgan (Koi Tribal Monitor) was also monitoring on behalf of the Tribe."⁵ Koi has no legal right to monitor trenching work on Dry Creek aboriginal land for a federal project. Koi has no right to monitor Dry Creek cultural sites.

Moreover, there has still not been a tribal consultation as required by the National Historic Preservation Act ("NHPA") Section 106 with Dry Creek on this project, despite BIA already sending notification to the State Historic Preservation Officer that Section 106 consultation has been completed, and the EA being published. In September 2022, after publication of the Scoping Report we sent a letter to the BIA requesting that the various field surveys and cultural reports be

⁵ Archaeological Monitoring of Soil Test Trenches on Parcel 004-021-08, Prepared by John W. Parker, April 28, 2022, at page 2.

shared with Dry Creek. In December 2022, we again requested consultation, requested information, and stated our preferences for the treatment of our tribal cultural resources. Despite our efforts, it took almost 9 months for BIA to share those reports (referenced in confidential Appendix H) and it was then that we discovered that cultural resources were subjected to destructive obsidian hydration testing without our knowledge, presence, or consent.

In July 2023 we again requested consultation and information and we were told that the material had been sent to Dry Creek, however, the Tribe had not received anything. We do not know where they sent the sensitive and confidential site information, because it was never received at our tribal office. At what point will the BIA pick up the phone or reach out to us as we recommend other agencies do when dealing with a matter as important as this? The lack of transparency and information sharing regarding the Koi Project has been abysmal and as a result, our tribal cultural resources have been negatively affected already. At the time of this letter, the BIA has failed to meet with Dry Creek despite repeated requests.

III. Koi Nation Cannot Demonstrate a Significant Historical Connection to the Sonoma County Site To Meet the Restored Lands Requirements Because its Aboriginal Lands are Located in Lake County.

On September 15, 2021, Koi applied to Interior to have the Sonoma County Site taken into trust for gaming purposes. The proposed gaming facility would reportedly include 2,500 class III gaming machines, a 200-room hotel, six restaurants and food service areas, a meeting center, and a spa.

In pursuit of its efforts, Koi intends to utilize the “restored lands” exception to the Indian Gaming Regulatory Act’s (“IGRA”) general prohibition on gaming on Indian lands, and on Sept 13, 2021, submitted a request for restored land decision from the Office of Indian Gaming (“Restored Land Request”). In 2019, Koi received a favorable judgment from the United States District Court for the District of Columbia which found that the Tribe satisfied one requirement of the “restored lands” exception—the federal government had “restored” the Tribe’s federal recognition in 2000. *Koi Nation of Northern California v. U.S. Dep’t of Interior*, 361 F. Supp. 3d 14, 46 (D.D.C. 2019). However, the Court’s determination did not mean that Koi can now conduct gaming on *any* site it chooses—the Tribe must still demonstrate that it has a “significant historical connection” to any proposed gaming site. 25 C.F.R. § 292.12(b). However, Koi cannot establish such a connection to the Sonoma County Site as required by IGRA’s implementing regulations.

A “significant historical connection” means “the land is located within the boundaries of the tribe's last reservation under a ratified or unratified treaty, or a tribe can demonstrate by historical documentation the existence of the tribe's villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” *Id.* at § 292.2. The Sonoma County Site is not within the boundaries of the Koi Nation’s last reservation, nor can the Tribe demonstrate that its villages, burial grounds, occupancy, or subsistence use traditionally occurred in the vicinity of the Sonoma

County Site. In addition, unratified treaty documents in California are full of errors and omissions that leave them fraught with discrepancy and subject to conflicting interpretations, whereas, traditional tribal territory areas are, today, well established. While Dry Creek shares family ties and thus ancestral ties with certain other Sonoma tribes, and thus those tribes have historical ties to the Sonoma County Site, it lies squarely within Dry Creek's aboriginal territory. There is no more knowledgeable expert on the occupancy and use of the Sonoma County Site than Dry Creek Rancheria because it has a significant historical connection to the Site.

i. Koi's Tribal Territory is in Clear Lake, California and the EA Failed to Consider the Impact of the Koi Project on Sonoma County Tribes and Dry Creek Rancheria.

As Koi itself recognizes, its aboriginal territory is near Clear Lake, upwards of fifty (50) miles northeast of the Sonoma County Site.⁶ If travelling by car, the distance is not an easy one to travel and it can take at least one hour and twenty minutes to travel from Clear Lake, California, the site of Koi's original rancheria, to the Sonoma County Site. In 1916, the federal government established the Lower Lake Rancheria for the Tribe (then known as "Lower Lake Rancheria") in Lake County, California within the Tribe's aboriginal territory. Although the land was largely abandoned by Koi people and it was sold pursuant to Congressional authorization in 1956, the Lower Lake Rancheria is the Tribe's "last reservation" for purposes of the "restored lands" exception. It is Dry Creek's understanding that a municipal airport was planned for the site of the Lower Lake Rancheria when it was sold in 1956, but the airport was never built. Thus, there is no indication that existing development at the former rancheria site is an obstacle to Koi's use of the former rancheria as a potential site for their proposed casino.

As stated above, because the Sonoma County Site is not within or near the boundaries of the former rancheria in Lake County, Koi cannot satisfy the "significant historical connection" requirement of the "restored lands" exception unless it has historical documentation of Koi's occupancy or use of the lands as a Tribe. But there is no historical documentation that would adequately support such a claim. As mentioned above, the Sonoma County Site is within the boundaries of Dry Creek's aboriginal territory and Koi has not historically occupied or used it. Dry Creek has occupied the Sonoma County Site lands and subsisted on the resources found there

⁶ See, *Koi Nation v. City of Clearlake*, Lake County Superior Court, Case No. CV 423786. California Attorney General Rob Bonta announced on October 20, 2023 that the Lake County Superior Court has granted the Department of Justice's application to file an amicus brief in support of the Koi Nation of Northern California's lawsuit against the City of Clearlake. The Koi Nation contends that the site of a proposed 75-room hotel — known as the Airport Hotel and 18th Avenue Extension in Clear Lake, California — contains Koi tribal cultural resources and that the city did not adequately conduct consultation with the Koi Nation or consider the project's impacts on Koi tribal cultural resources, in violation of the California Environmental Quality Act's (CEQA) tribal consultation requirements added by Assembly Bill 52 (AB 52). The Department of Justice's amicus brief supports the Koi Nation's position, providing information on the legislative history and intent of AB 52's requirements.

since time immemorial. The tribal cultural material found during the archaeological investigation is evidence of Dry Creek's use and occupation of the Site.

Despite assertions to the contrary in the EA, tribal cultural resources were found at the Sonoma County Site. As stated above, the EA was published before Section 106 Consultation has even occurred with Dry Creek; however, the Tribe is culturally affiliated with the land and tribal cultural resources found there. If Native American human remains are discovered on the Sonoma County Site today, the Dry Creek Rancheria would be the Most Likely Descendant of such ancestors. No other tribe has a closer, more documented affiliation with the specific parcel, and the tribal cultural resources that were found on the Sonoma County Site are culturally affiliated with Dry Creek. The other Sonoma County tribes recognize this important point, however Koi has failed to do so.

Koi asserts that its modern tie to Sonoma County is due to individual tribal members moving to the town of Sebastopol. Sebastopol is nearly twenty miles from Windsor, and it is the aboriginal territory of Graton Rancheria. Koi cannot claim a "significant historical connection" with Sebastopol as defined in 25 C.F.R. § 292.2, only a *modern* connection. Only Graton Rancheria can claim a significant historical connection to Sebastopol, and that is why its initial reservation was located nearby (within five (5) miles) when it was restored to federal recognition in December of 2000.

If Koi can use a voluntary move by tribal members in the 1950's to establish the legal basis for restored lands, then the rules for taking land into trust have been expanded in a way that makes the exception the rule. "Restoration" would not require original land being "lost" and then "restored," but instead, it would allow tribes to relocate to better locations despite the lack of historical cultural connection, and despite the obvious impact to aboriginal tribes who already suffer from a lack of sufficient resources.

The Environmental Assessment fails to consider these larger policy issues and the tremendous cost and significant impacts to local tribes and specifically Dry Creek Rancheria. The EA includes one mention of the immediate impact of the Project on nearby tribes, which unlike Koi, are actually aboriginal tribes. The failure to adequately study the larger potential impacts of taking land into trust for gaming outside of a Tribe's area has already resulted in negative impacts to Dry Creek, as well as to the other aboriginal tribes. Merely having to focus finite and limited resources to review and analyze the EA without first having a determination that the lands qualify as restored lands under the IGRA is a significant impact to limited tribal resources. The only way to reduce this unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA from consideration until there is a final decision on Koi's request for a restored lands opinion.

ii. **Koi's Tribal Territory is in Clear Lake, California and the EA Failed to Consider Koi Building Its Project in Clear Lake.**

NEPA requires the BIA to consider reasonable alternatives that are “technically and economically feasible and meet the purpose and need for the proposed action.”⁷ While the EA acknowledges that Koi aboriginal territory is in Lake County, it does not consider an alternative project site that is actually within Lake County.⁸ The BIA provides a cursory explanation for why it eliminated alternative project sites in the BIA’s September 2022 Scoping Report, which states that Koi Nation has submitted “substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites”⁹ but that it is “highly speculative” that alternative locations could support an economic enterprise that would fund the tribal government, or that Koi could even purchase property in those unspecified alternate locations.¹⁰

The Scoping Report does not include any of the data submitted by Koi nor does it specify whether sites within Koi aboriginal territory were evaluated. It references a more detailed explanation in a separate “Alternatives Evaluation Report,” but no such report has been disclosed to the public.¹¹ In fact, more space in the Scoping Report is devoted to Section 2.5- Alternatives Considered But Eliminated From Further Consideration, than any other topic in the Scoping Report, but none of the actual basis for the conclusions have been made publicly available, despite references to data being considered.

In Lake County there are currently four small tribal casinos. It is not “highly speculative” that a project in Lake County could fund a tribal government. A review of the reports on California Gambling Control Commission website reveals that out of 110 federally recognized Indian tribes in California, seventy-two (72) tribes are eligible for the Revenue Sharing Trust Fund (“RSTF”).¹² Out of those 72 tribes, twenty-six (26) operate a casino with less than 350 gaming devices. Those tribes operate a small gaming facility (some also have a hotel) and also receive \$1.1 million from the RSTF, and they are also eligible to receive payments from the Tribal Nations Grant Fund.¹³ Given the small size of the Koi citizenship (90 members), it is not “highly speculative” that a project in Lake County could fund a tribal government. At this point in the gaming industry however, tribes must consider all the factors before making a decision to initiate a gaming project. Dry Creek can speak directly to the difficulties in establishing a gaming project in Sonoma County.

⁷ 40 C.F.R. § 1508.1(z); See also, EA at 2025.

⁸ See EA at 1-2.

⁹ Scoping Report, at page 13.

¹⁰ *Id.*

¹¹ Scoping Report at 8, 12.

¹² The Revenue Sharing Trust Fund was established in the “1999 Compacts” and provides each tribe operating fewer than 350 gaming devices with a payment of up to \$1.1 million per year. See, http://www.cgcc.ca.gov/documents/Tribal/2023/List_of_RSTF_Eligible_Tribes_10-6-23.pdf

¹³ The Tribal Nations Grant fund was first established in the Graton Rancheria Tribal-State Gaming Compact, dated March 27, 2012, a copy of which may be found on www.cgcc.ca.gov.

The Scoping Report and the EA both appear to assume that if a restored tribe was originally located in an area with a limited gaming market, that the restored tribe may just choose a new reservation in a “better” gaming market and move there. This assumption is flawed, because the regulations specifically require a “significant historical connection.” 25 C.F.R. § 292.12(b).

The Department has already determined that “relocation of some of [a tribe’s] members to various locales throughout the Bay Area does not equate to the [tribe] itself establishing subsistence use or occupancy in the region apart from its Rancheria”¹⁴ and that “evidence of the [tribe’s] citizens’ movements as late as the 1960s is more of a *modern* era activity, as opposed to *historic*, as those two terms are used in the Part 292 regulations.”¹⁵ Further, the Department has held, in the context of denying a different Lake County tribe’s restored lands request, that it “cannot establish its subsistence use or occupancy based on the fact that its ancestors traveled to various locations to trade and interact with other peoples and then returned to the Clear Lake Region;” rather, the Department found that “[s]ubsistence use and occupancy requires something more than a transient presence in an area.”¹⁶ Accordingly, the BIA should have considered alternative project sites that are actually within Koi Nation’s aboriginal territory, as the BIA has done for similar projects.¹⁷

The median property value in Lake County is substantially lower than in Sonoma County.¹⁸ It is not reasonable for the EA to eliminate consideration of a project site in Lake County due to economic feasibility without providing any market data for that proposition. It is likewise not reasonable to eliminate a project site in Lake County due to technical or regulatory feasibility. There are available sites in Lake County that are well situated for tourism and large-scale development that could be taken into trust for Koi.¹⁹

¹⁴ Decision letter from Assistant Secretary – Indian Affairs Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 19 (Sept. 1, 2011) (“Guidiville Letter”).

¹⁵ Decision Letter from Acting Assistant Secretary – Indian Affairs Donald E. Laverdure to the Honorable Donald Arnold, Chairperson, Scotts Valley Band of Pomo Indians at 18 (May 25, 2012) (discussing the relocation of individual Band members during the 1920s and 1960s) (emphasis in original).

¹⁶ Guidiville Letter at 14.

¹⁷ See, e.g., 2016 Wilton Rancheria FEIS, Section 2 – Alternatives (Dec. 2016) (considering, among the alternatives, the tribe’s historic rancheria site which was no longer held in trust); Dep’t of Interior, Record of Decision for Trust Acquisition of the 40-acre Yuba County Site in Yuba County, California, for the Enterprise Rancheria of Maidu Indians of California (Nov. 2023) (incorporating the Final EIS and considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for the tribe); BIA, Final Environmental Impact Statement, North Fork Rancheria of Mono Indians (Feb. 2009) (considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for individual North Fork members).

¹⁸ See, e.g., National Association of Realtors, County Median Home Prices Q1 2023 (providing that the median home price in Sonoma County is \$818,928, whereas the median home price in Lake County is \$350,835), <https://www.nar.realtor/research-and-statistics/housing-statistics/county-median-home-prices-and-monthly-mortgage-payment> (last visited Nov. 8, 2023).

¹⁹ See, e.g., [https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464-!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q\\$](https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464-!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q$) (57-acre property on the northeastern shores of Clear Lake, with existing buildings, infrastructure, and winery); <https://www.loopnet.com/Listing/11474-Spruce-Grove-Rd-Lower-Lake-CA/24889793/> (503-acre largely undeveloped property in Lower Lake).

Regardless of what the EA states, the IGRA requires Koi to demonstrate a “significant historical connection” to the proposed site for it to be eligible for gaming. Given this requirement, the *most reasonable* location to study for a gaming acquisition under a restored lands analysis would be within Koi’s aboriginal territory. It is not reasonable for the EA to focus only on the Sonoma County Site because Koi cannot demonstrate a “significant historical connection” to the Sonoma County Site or Sonoma County, generally. The only way to reduce unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA from consideration until there is a decision on Koi’s request for a restored lands opinion.

IV. Misuse of the Restored Lands Process is Reservation Shopping and Should be Rejected by BIA Because it Creates Impacts to Aboriginal Tribes That Is not Properly Analyzed in the EA and Can’t Be Mitigated.

Dry Creek is concerned that Koi is reservation shopping—exploiting any minor connection to the Sonoma County Site because Koi (and its financial backer) believes it will make a larger profit from any gaming venture in Sonoma County than in its aboriginal territory. We ask that Interior reject Koi’s proposal which could set a dangerous precedent for gaming tribes in California. When California voters authorized exclusive tribal class III gaming through propositions 5 and 1A in 1998 and 1999, they did so on the condition that tribal gaming would be limited to then-existing reservations.²⁰ Every proposed casino that is outside of a tribe’s aboriginal territory does an about-face of the promises that tribes made to the voters. California is nothing like Oklahoma, which has a very different history. The California electorate has time and again rejected off-reservation gaming and Koi’s Project has already been met with furious backlash from the local and state-wide community.²¹ Ultimately, Koi’s Project not only threatens the sovereignty of Sonoma County tribes, but it threatens tribal exclusivity in the California gaming market, endangering the continuing prosperity of all California gaming tribes.

Koi has a well-documented history of attempted reservation shopping, and this iteration is strikingly similar to past efforts by Koi. They have again partnered with an out-of-state developer, the Chickasaw Nation,²² except that instead of seeking to enter the Bay Area market, (within the aboriginal territory of unrecognized California tribes), they seek to select a site in the middle of the aboriginal territory of five recognized tribes.

²⁰ https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=2163&context=ca_ballot_props.

²¹ All five federally recognized Sonoma County tribes have approved a resolution opposing the Koi Nation project. The project is also opposed by the County Board of Supervisors, the City of Windsor, Senator Mike McGuire, Assemblyman Bill Dodd, Congressman Mike Thompson, Senator Alex Padilla and former Senator Diane Feinstein.

²² The Chickasaw Nation is a very large tribe that owns twenty-three (23) casinos in Oklahoma. It is a commercially successful tribe, with at least 200 business ventures. Its long list of gaming establishments include WinStar World Casino and Resort in Thackerville, Oklahoma, which the tribe bills as the *largest casino in the world*. See, <https://www.pressdemocrat.com/article/news/koi-partnering-with-chickasaw-nation-on-shiloh-casino/>

i. Koi's Original Plan to Build a Casino, Resort and Spa in Oakland.

This proposed gaming acquisition is not the first for Koi Nation, which is evidence of its blatant effort to “reservation shop”. In 2005, Koi officially announced its plans to build a “world-class” tribal government gaming facility, resort and spa near the Oakland International Airport.²³ The Tribe's Crystal Bay Casino, Resort & Spa project was said to create an estimated 4,440 new jobs, 2,200 directly, annual payroll approaching \$80 million and \$1 billion in overall annual economic activity for the local area. The Tribe also began talks with the city to explore potential benefits the project could bring to the local economy. Discussions included a proposal for annual payments from the Tribe to mitigate impacts to city services, including funding for additional police and fire protection, reimbursement for lost property taxes and parking tax revenue, and road and traffic improvements. The proposal was funded by Florida real estate developer Alan Ginsburg. Facing incredible community opposition, the Tribe dropped its plans.

ii. Koi Tries its Luck on Another Site in Vallejo.

Rather than taking the lesson that could be learned from the battle over taking land into trust for gaming in Oakland to heart, and looking at possible gaming sites in the Clear Lake area, Koi was one of eight applicants for the development of a site in Vallejo, California in 2014.²⁴ The Tribe partnered with developer Cordish Company for a proposed \$850 million project, promising to pay the city between \$10 million and \$20 million a year, along with generating thousands of jobs. Cordish is a development company based in Baltimore, Maryland, and whose focus is mixed-use entertainment districts. In January 2015, after considerable controversy, the Vallejo City Council voted to reject all gambling proposals and to concentrate solely on industrial proposals for the site.

iii. The Koi Nation Project Could Harm Tribal Exclusivity by Evading Limitations on Off-Reservation Gaming Approved by California Voters.

Californians legalized certain tribal class III gaming through referenda in 1998 and 1999. In doing so, California voters were promised that all Indian gaming would be “strictly limit[ed]” to tribal land and “[t]he claim that casinos could be built anywhere is totally false.”²⁵ In assuring voters that the passage of Propositions 5 and 1A would not result in massive increases in slot machines across the State, proponents stated “[t]he majority of Indian Tribes are located on remote reservations and the fact is their markets will only support a limited number of machines.”²⁶ Both

²³ Material in this section is found on the Koi Nation Wikipedia page, https://en.wikipedia.org/wiki/Koi_Nation. The Page includes links to many news articles that tell the story of Koi's attempts to take lands into trust that are well outside of the Tribe's ancestral territory and were all rejected by local governments and voters.

²⁴ *Id.*

²⁵ State of California, Office of the Attorney General, Official Title and Summary Prepared by the Attorney General, Gambling on Tribal Lands, Legislative Constitutional Amendment, Rebuttal to Argument Against Proposition 1A, at 7.

²⁶ *Id.*

propositions passed with overwhelming support—almost two-thirds of voters were persuaded to grant Indian tribes exclusivity over class III gaming in the State.

The impact of the voters' decisions has been striking—the growth of Indian gaming in California over the past two decades has helped to lift many tribes and tribal members out of poverty, fostered educational and employment opportunities, and fast-tracked non-gaming economic development. Non-gaming and limited gaming tribes even receive funds from more prosperous tribes who have better gaming locations. But the continued prosperity of California gaming tribes is not guaranteed. If California voters become disillusioned with tribal gaming as a result of reservation shopping, all tribes stand to lose their exclusivity and the benefits realized in the last two decades.

In fact, this is an issue still on the forefront of many voters' minds. As recently as 2014, the voters handily rejected a proposal by the North Fork Tribe to conduct off-reservation gaming, rejecting the compact Governor Brown had negotiated with North Fork and nullifying the Governor's concurrence in the two-part determination that would allow such gaming.²⁷ Just last year, two sports betting initiatives that were the most expensive in California history, and would have included California tribes, received record low support by California voters—one, Proposition 27, had the lowest vote of support in California history.²⁸

The unanimous opposition to the Koi Project in the tribal and local community is consistent with that statewide view. The Koi Project is the antithesis of what the voters agreed to—the Sonoma County Site is not just outside of Koi's aboriginal territory, it is planned at a highly-visible location which has already drawn much attention and public outcry.²⁹ Koi's project would break the promises made by tribes statewide during the campaigns for Propositions 5 and 1A and could ultimately be a tipping point that results in a loss of exclusivity for tribal gaming in California. The Koi project could shift the delicate balance that exists in the legislature and with the voters, which is already challenging with the increasing threat of non-tribal cardroom operations that seek to expand with new locations and new games.

Because the application seeks to shift the rules for taking land into trust, the EA should consider the negative impact on all tribes that would be called to commit significant resources to protect tribal exclusivity and aboriginal territory. The EA fails to consider these larger policy issues and the tremendous cost and impact to local tribes and perhaps even tribes across the entire state that would result from the Project. The EA focuses on the immediate financial impact of the Project on nearby tribal casinos, however there is no analysis of the impact of the reduction of such revenues to the tribal governments and their citizens.

The failure to adequately study the larger potential impacts of taking land into trust for gaming outside of a Tribe's area has already resulted in negative impacts to Dry Creek, as well as

²⁷ See *Stand Up for California! v. State of California*, No. F069302, 2021 WL 1933336 (May 13, 2021).

²⁸ See <https://www.nbclosangeles.com/news/local/prop-26-27-california-sports-betting-gambling-fail/3029890/>.

²⁹ See *supra* note 21.

to the other aboriginal tribes because of the drain on finite and limited resources that is necessitated by the publication of an EA without first having a determination that the lands qualify as restored lands under the IGRA. Again, the only way to reduce this unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA until there is a final decision on Koi's request for a restored lands opinion.

V. The Sonoma County Site Does Not Qualify as Restored Lands for Koi Nation Under the Indian Gaming Regulatory Act Because It Is Located in Dry Creek's Aboriginal Territory.

IGRA prohibits gaming on lands acquired after 1988 except under certain circumstances. Specifically, Section 20(a) of IGRA provides that if lands are acquired in trust after October 17, 1988, the lands may not be used for gaming, unless one of the following statutory exceptions applies:

- (1) The lands are located within or contiguous to the boundaries of the tribe's reservation as it existed on October 17, 1988;
- (2) The tribe has no reservation on October 17, 1988, and "the lands are located...within the Indian tribe's last recognized reservation within the state or states where the tribe is presently located;"
- (3) The "lands are taken into trust as part of: (i) the settlement of a land claim; (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process; or (iii) the restoration of lands for an Indian tribe that is restored to Federal recognition. . . ."

Under the "restored lands exception," found in IGRA Section 20(b)(1)(B)(iii) (25 U.S.C. § 2719(b)(1)(B)(iii)), a tribe must first document that it has been "restored"— meaning that it had federal recognition, lost it, and then regained recognition. It then must document that the land it wants to use for gaming is on a site that constitutes a restoration of land to the tribe. The notion of "restoration" of lands means that the land has been returned to tribal ownership and control and that it lies within the historic tribal occupancy area. The "restored land" provision is poorly understood and has frequently compelled tribes to file briefs and reports with the National Indian Gaming Commission ("NIGC") or to litigate to get the facts confirming its eligibility under the restored lands exception into a forum to prove its case and secure trust status of lands for gaming. In analyzing whether lands have been "restored," the NIGC examines whether the "land acquisition in some way restores to the Tribe what it previously had."³⁰

When the BIA has evaluated this issue, it has analyzed historical tribal ties to the lands to determine if the proposed gaming site is within a tribe's aboriginal territory. In testimony regarding

³⁰ U.S. Dep't of the Interior, Office of the Solicitor, Memorandum: Elk Valley Indian Lands Determination, at 7 (July 13, 2007).

off-reservation gaming and newly restored lands, then-Principal Deputy Secretary Aurene Martin stated:

For instance, to qualify under the “initial reservation” exception, the Department requires that the tribe have strong geographical, historical and traditional ties to the land. To qualify under the “restoration of lands” exception, the Department requires that either the land is either made available to a restored tribe as part of its restoration legislation or that there exist strong historical, geographical, and temporal indicia between the land and the restoration of the tribe. The Department’s definition of restored land has been guided by fairly recent federal court decisions in Michigan, California, and Oregon.³¹

While Koi has outwardly advocated that it has a connection to the Sonoma County Site, it cannot make an adequate legal claim to aboriginal title or restored lands for the Sonoma County Site because the land is accepted by all Sonoma County tribes as being the aboriginal land of the Dry Creek Rancheria. The Sonoma County Site is located well *outside* of the Koi’s aboriginal area and *within* the aboriginal area of several other tribes, but primarily Dry Creek. Consequently, the land cannot be *restored* to Koi when it is the territory of another tribe.

VI. The EA Does Not Adequately Address the Potential Environmental Impacts That Will Be Caused By the Koi Project and an EIS Must Be Prepared.

The Project proposes an action with two parts: (1) the acquisition by the federal government of approximately 86 acres of land in Santa Rosa, California (the “Shiloh parcel”) in trust for the benefit of the Lower Lake Koi Nation as restored lands, and (2) establish its economic lands base in order to promote the general welfare of the Koi Nation and its members, raise governmental revenues, and create jobs for its members.

We believe that the Environmental Assessment is deficient because the BIA failed to examine and analyze reasonable alternatives to the Project by determining that an EIS is not required for a massive project such as this, which is proposed in an area with existing traffic congestion and in conflict with surrounding land uses. Moreover, this Project’s environmental review process has moved faster than most other similar projects have in the past, which is extremely concerning to Dry Creek, because the scoping began during a worldwide pandemic that severely impacted our Tribe’s ability to allocate resources to track the process and properly evaluate the impacts that the Project will have on our Tribe, and the surrounding community.

As stated previously, the Project would be detrimental to Dry Creek, as Dry Creek’s governmental functions and/or services will be directly, immediately and significantly impacted by the proposed gaming establishment and the EA did not include an analysis of locating a site in

³¹ Testimony of Aurene M. Martin Principal Deputy Assistant Secretary – Indian Affairs, Department of the Interior, at the Oversight Hearing Before the Committee on Resources, U.S. House of Representatives Concerning Gaming on Off-Reservation, Restored and Newly-Acquired Lands, July 13, 2004

or near Clear Lake, or even within Lake County, closer to the lands that Koi has a significant cultural relationship to.

We believe that failing to prepare an Environmental Impact Statement would be arbitrary, capricious, and inconsistent with BIA practice. The EA describes Alternative A (the project proponent's preferred alternative) as the acquisition of 68.6 acres in trust to construct a three-story casino with 2,750 gaming devices, 105 table games, a food court, five restaurants, and four service bars—comprising 538,137 square feet.³² There will also be a five-story, 400-room hotel with spa, ballrooms/meeting space, and event center—comprising 268,930 square feet. Additionally, the site will contain a four-story parking garage and paved surface parking lot providing 5,119 parking spaces and comprising 1,689,380 square feet.³³ Lastly, there will be an on-site potable water treatment plant and storage tank, on-site wastewater treatment facilities (including a wastewater treatment plant, 4-acre seasonal storage pond, storage tank, and pump station), as well as “up to” two new water supply wells and potentially a fire station.³⁴ The total square footage of ground disturbance will *exceed 2.4 million square feet*.

When scoping the project, BIA asserted that an EA is “the appropriate level of NEPA document at this time” because it will help BIA determine “whether a proposed action may or will have a significant impact on the quality of the human environment.”³⁵ However, there is no doubt that a project of this scale will have a significant impact on the quality of the human environment. The BIA practice, up to this point, has been to conduct the more comprehensive review demanded by an EIS for tribal gaming projects of this scale.

For example, in 2020, BIA issued a final EIS for the Tejon Indian Tribe's trust acquisition for a casino project similar in scope to the Koi Project. The project involved the trust acquisition of 306 acres of land to construct a 715,800 square foot Class III gaming facility with casino, restaurants, entertainment and retail space, a fire and police station, RV park, water treatment facilities, and 400-room hotel.³⁶ Prior to trust transfer, the site consisted primarily of agricultural land with rural residential housing and commercial development.³⁷

Two other recent examples include the BIA's preparation of an EIS for the Wilton Rancheria casino project and also for the Soboba Band of Luiseño Indians Horseshoe Grande casino project—both of which involved parcels that had already been partially developed. In 2016, BIA finalized its EIS evaluating the trust acquisition of 36 acres of land for the Wilton Rancheria that had already been partially developed as a shopping mall. The Wilton Rancheria project involved the construction of a 608,756 square foot Class III gaming facility (similar in

³² EA Sec. 2.1.2.

³³ EA Sec. 2.1.2.

³⁴ EA Sec. 2.1.3, Sec. 3.10.3.2, and Appendix C.

³⁵ Scoping Report at 26.

³⁶ BIA Final Environmental Impact Statement, Tejon Indian Tribe Trust Acquisition and Casino Project (Oct. 2020) at 2-1 – 2-2.

³⁷ *Id.* At 2-1,

size to the Koi Casino's 538,137 square foot facility) and 302-room hotel (smaller than the Koi Project's 400-room hotel).³⁸

In 2013, the BIA issued a final EIS for the trust acquisition of 535 acres of land for the Soboba Band of Luiseño Indians. A portion of the large site was already being used for a tribal golf course, but 55 undeveloped acres were evaluated by the BIA for construction of a 729,500 square foot Class III gaming facility (again, similar in size to the Koi Casino's 538,137 square foot facility), and 300-room hotel (again, smaller than the Koi Project's 400-room hotel), as well as two fire stations and gas station.³⁹ Importantly, there is no reasonable basis for concluding that these recent tribal casino-resort projects required an EIS but the current Project somehow does not.

Koi's Project site is largely undeveloped, the adjacent land is primarily agricultural and residential, and the site is 50 miles from the Koi's historic rancheria (and within the aboriginal and cultural territory of the Southern Pomo people). The Koi Project is comparable with the Tejon, Tule, Soboba, and Wilton projects, all of which were subject to an EIS. Ultimately, we believe that it is arbitrary and capricious and an abuse of discretion for the BIA to rely on an EA for this Project.⁴⁰ However, we also believe that the BIA must withdraw the EA and first consider Koi's request for an Indian lands opinion before doing any further NEPA analysis for the Project.

VII. Comments Regarding the Environmental Impacts to Dry Creek Homelands That Will Result from the Project.

The following list provides our comments on other aspects of the EA that are concerning to Dry Creek, however, we wish to note that we requested an additional sixty days so that we could properly analyze the EA, however the BIA only granted a 15-day extension for our comments. That was not sufficient for us to prepare the detailed comments that we had hoped to make here.

1. Water

Sonoma County is currently facing dramatic water shortages that are drought-related, but also systemic. Dry Creek often faces curtailment orders (along with other Alexander Valley vineyards) and it is vital that the basin be protected from overdraft of the water table. The EA does not analyze the implications of increased, year-round groundwater extraction and the corresponding impairment of seasonal groundwater recharge that the Project would create. To make matters work, none of the mitigation measures address impacts to groundwater. In order to conduct the appropriate level of detail for this important analysis, an EIS should be prepared.

³⁸ BIA, Final Environmental Impact Statement / Tribal Project Environmental Document, Wilton Rancheria Fee-to-Trust and Casino Project at ES-4–ES-5 (Dec. 2016) (hereinafter 2016 Wilton Rancheria FEIS).

³⁹ BIA, Final Environmental Impact Statement, Horseshoe Grande Fee-to-Trust Project at ES-1 (Sept. 2013).

⁴⁰ *Citizens Exposing Truth About Casinos v. Norton*, No. CIV A 02-1754 TPJ, 2004 WL 5238116 (D.D.C. Apr. 23, 2004), *aff'd sub nom. Citizens Exposing Truth about Casinos v. Kempthorne*, 492 F.3d 460 (D.C. Cir. 2007).

2. Air Quality/Greenhouse Gases

The Koi Project will cause increased air emissions within the area due to traffic and congestion created by the location of the Sonoma County Site. Additional greenhouse gases will be emitted for patrons, employees and in the operation of the facility. The Project will contribute to a cumulative impact to impaired air quality, as the Shiloh site is located in a non-attainment area subject to significant traffic congestion. The EA does not specifically address the potential cumulative health impacts that occur from combined Project emissions and increased traffic emissions from roadways and the nearby freeway, and other industrial uses in the vicinity. A more detailed examination of the potential for cumulatively significant air impacts in the region is needed to make an informed decision regarding the proposed project. In order to conduct the appropriate level of detail for this important analysis, an EIS should be prepared.

3. Biological Resource

The EA identifies Pruitt Creek, which bisects the site, is “designated as critical habitat (pursuant to the federal Endangered Species Act), designated as essential fish habitat (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act), and provides potential habitat for several federally listed salmonids”. Given that an NPDES permit is necessary for the Koi Project, which will discharge into critical habitat, there should be an EIS level analysis for the Koi Project. The failure to require an EIS indicates a lack of diligence on the part of the BIA for this undertaking.

4. Cultural Resources

Despite the fact that the Shiloh site is has been previously impacted by some development, it is nonetheless within the aboriginal territory of the Dry Creek Mihilakawna and Makahmo Pomo people, as well as neighboring Sonoma County tribes. The site contains tribal cultural resources important to the Dry Creek people. Preparation of an EIS would provide for a scoping process that would allow us to gain more information in order to properly assess the potential impact of the Proposed Project on our tribal cultural resources.

As stated above, tribal consultation under Section 106 has not yet occurred, despite the EA already being published. Even if we had the opportunity to meet with BIA prior to the issuance of the EA, we lacked critical details about the project design, including major ground-disturbing components, which were only recently disclosed in the EA. For example, to provide an adequate water supply for the project, up to two new water wells may be dug onsite, exact location unknown, to a depth of approximately 700 feet.⁴¹ Further, the proposed wastewater collection system involves installing a gravity sewer main *underneath* the existing creek.⁴² Additionally, the project design anticipates constructing massive seasonal storage ponds or storage tanks to hold treated

⁴¹ See EA Sec. 2.1.3; Appendix C, Figures 2-3 and 2-4, appearing to propose at least one of the new wells be located within the already crowded water treatment area.

⁴² See EA Sec. 2.1.4.

effluent until it can be used.⁴³ Assuming no off-site use of the effluent is available, storage ponds would have a 12.1-million gallon capacity and cover 4.1 acres with a maximum depth of 9 feet, whereas storage tanks would have a 16 million gallon capacity and be 145 feet wide and 65 feet tall.⁴⁴ These design features demonstrate not only the high degree of uncertainty with the overall project design but also the substantial ground disturbance that will likely result from construction.

Moreover, the design seems to contradict conclusions drawn by the project proponent's archaeologist (and implicitly adopted by the BIA) that likely no pre-historic sites would be impacted since prior vineyard agricultural activity had already disturbed the subsurface to a depth of four feet.⁴⁵ Up to 700 feet of ground disturbance is certainly distinguishable from four feet of ground disturbance.

In addition to the failed consultation with local aboriginal tribes, the EA Section 3.6 provides misleading information. Subsection 3.6.2, the EA asserts that around 3,500 BP, many Clear Lake Pomo moved west into the Russian River drainage, married into existing Yukian tribes (bringing with them their language, culture, and technology), and "[e]ventually the Clear Lake Pomo culture spread throughout Sonoma and Mendocino Counties."⁴⁶ This assertion is misleading—likely to preserve the narrative that Koi is significantly and historically connected with the area—and without any academic or ethnographic support. Nowhere does the EA state that the Sonoma County Site lies within the territory of Dry Creek.

Rather than citing to primary source material regarding Pomo origins and the antiquity of the presence of Hokan speaking peoples in Sonoma County, the EA cites only to the historic property survey report generated for this Project by Koi's own archaeological consultant, John Parker.⁴⁷ This is a far cry from a comprehensive article on the subject that is peer reviewed and published in an academically reputable journal. Moreover, the hypothetical population movements associated with differentiation and expansion of Pomoan language is disputed among academics. For example, anthropologist Mark Basgall's 1982 manuscript *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California* provides a critique of the early California linguists that model prehistoric language movements as resulting from migration.⁴⁸ Basgall argues, quite convincingly, that the Southern Pomo language resulted from in situ development, meaning that Pomo speakers did not replace earlier inhabitants. Instead, Pomo speakers have been present in northern Sonoma County for a long period and the differences in language families is the result of in-situ development rather than population replacement. This conclusion is consistent with Dry Creek oral tradition, which must be given great weight under DOI's Tribal Ecological Knowledge Policy.

⁴³ *Id.*

⁴⁴ See Appendix C Sec. 2.3.4.4, including Figures 2-7 and 2-8.

⁴⁵ See confidential Appendix H-1 at 4.

⁴⁶ EA at 3-53.

⁴⁷ EA at 3-53, citing Appendix H-1.

⁴⁸ Mark Basgall, *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California*, J. OF CA. & GREAT BASIN ANTHROPOLOGY 4(1):3-22 (1982).

Additionally, under the heading “Native American Consultation,” the EA notes that the Native American Heritage Commission identified the presence of sacred sites within or near the Area of Potential Effects (APE), yet the EA does not analyze those sites or identify their locations. As such, the EA has not provided adequate identification efforts necessary to determine if the sacred site(s) are present within the APE. Although this subsection notes that Graton Rancheria believes religious and significant tribal cultural resources are present within the APE, it does not analyze impacts or provide any resolution of potential adverse effects to those resources—nor could it, since BIA has not actually met with Graton or any of the local tribe to discuss these issues.

In order for the impact analysis to be complete for the Project, the APE should be developed in consultation with the appropriate tribes through the NHPA Section 106 process. Proposed traffic mitigation for this project indicates that the widening of Shiloh Road will eventually become necessary.⁴⁹ Additionally, the EA provides that gas and electrical utility extensions and infrastructure improvements will be constructed prior to the Project opening date and paid for by Koi, however the EA does not specify the exact locations of such extensions and infrastructure improvements. Since some of that work will be conducted off-site, Dry Creek tribal cultural monitors should be required for all such work as required by AB 52. For these reasons, the APE should be expanded beyond the property boundaries to include any roads or other locations where work is likely to be done, and appropriate tribal cultural monitoring agreements should be required.

The discussion of field surveys and evaluations in Subsection 3.6.3.2 are also deficient. The February 2022 archaeological field survey performed by one of Koi Nation’s archaeological consultants, John Parker, resulted in the identification a of variety of pre-contact archaeological materials including: a bowl mortar, chert and obsidian flakes, a biface fragment, a core and a projectile point. In addition, historic-era archaeological materials associated with a home site were found. John Parker recommended that neither the pre-contact archaeological materials nor the historic-era items are significant archaeological resources, and therefore are not eligible for listing on the National Register of Historic Places (the National Register). Yet the evaluation of the eligibility for listing on the National Register does not follow the guidelines outlined in the *How to Apply the National Register Criteria for Evaluation* published by the National Park Service. The eligibility criteria (A-D) are not clearly outlined in the EA, neither is how they relate to the archaeological resources.

Not surprisingly, because the EA lacks any input from the culturally affiliated tribes, the evaluation lacks a detailed description and offers a poorly developed justification regarding the eligibility of the resource. The EA’s description of the May 2022 archaeological field survey performed by another archaeological consultant, Tom Origer & Associates, is also misleading. The EA fails to explain that the archaeologist made no recommendation regarding the eligibility of pre-historic resources for inclusion on the National Register and in fact, concluded there *could* be buried archaeological sites and recommended that additional studies be completed, such as

⁴⁹ EA at 4-9.

obsidian hydration analysis, canine survey, ground penetrating radar survey, and backhoe trenching.⁵⁰

These important issues and questions should not be left to the public comment period of the EA, these cultural concerns should be discussed in a meaningful and respectful way with a respect for confidentiality of the site information. In fact, *too* much tribal cultural resource information is revealed in the EA, an apparent effort to make the EA appear to be thorough, but if Section 106 consultation had occurred, Dry Creek would not want to have such detail disclosed to the public in the EA.

However, Koi and BIA have run roughshod over the Section 106 process. The irony of this is not lost on us given the fact that Koi has filed a lawsuit against the city of Clear Lake alleging the lack of meaningful consultation on a project that would impact Koi cultural resources. Koi was so concerned about the lack of meaningful consultation that they obtained an amicus brief from the California Attorney General, but in the case of Dry Creek, Kashia and Graton, requests for consultation have gone unanswered.⁵¹

Despite the lack of any tribal consultation, in Section 3.6.3.3, the BIA prematurely and without adequate explanation concludes that the Project would “not result in direct adverse effects to known historic properties” and that while there is a “potentially significant impact” to subsurface prehistoric or historic archaeological resources, those impacts would be reduced to less-than-significant levels with mitigation.⁵² As we already stated, such a conclusion should not be rendered prior to meeting with our Tribe and other consulting tribes to discuss the identification of, and impact, to tribal cultural resources.

The State Historic Preservation Officer has not concurred with the BIA’s determination of no adverse effects, a fact the draft EA neglects to mention. But the SHPO is correct in the withholding of concurrence because no tribal consultation has occurred. Further, the EA’s conclusion of no adverse effects under the NHPA is undermined by the EA’s simultaneous recognition that a number of factors, such as the presence of Pruitt Creek, the presence of scattered obsidian, and the results of Native American consultation “conducted to date” indicate that there is, in fact, a potential for “significant subsurface cultural resources to be buried beneath the Project Site,” which “could be encountered and impacted during project related construction and evacuation activities.”⁵³ This illustrates that additional identification efforts are merited to determine the presence or absence of buried archaeological resources at the Project site.

⁵⁰ See confidential Appendix H-2 at 11.

⁵¹ EA at 3-53.

⁵² The BIA makes this same conclusion for alternative project designs. See, EA at 3.6.3.4 and 3.6.3.5.

⁵³ EA at 3-56.

i. Mitigation Deficiencies

The EA summarily concludes that while there is a potentially significant impact to certain cultural resources, such impact would be reduced to less-than-significant if mitigation measures are employed.⁵⁴ The section's ethnographic overview acknowledges the Project site is in Southern Pomo aboriginal territory, yet these mitigation measures were developed without consultation with the culturally affiliated tribes, including Dry Creek. The mitigation measures are poorly designed, fail to incorporate applicable law and leave us with no confidence that mitigation will be

Cultural Resource Mitigation Measure A provides that:

Any ground-disturbing activities that occur within 150 feet of Pruitt Creek shall be monitored by a qualified archaeologist and Native American Tribal Monitor. An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, lead agency, and the project proponent. The program shall clearly define the authority to temporarily halt/redirect construction should resources be encountered.

This mitigation measure is flawed in several respects. It does not specify who may properly serve as a Native American Tribal Monitor and there is no guarantee that the monitor will come from a culturally affiliated tribe. In fact, as noted in the EA at page 3-55, the Koi Nation previously utilized its own tribal monitor for trench studies conducted at the site and we have every reason to believe they will continue to use their own tribal monitor, even though they are not Southern Pomo and not culturally affiliated with this area. Further, the archaeological monitoring program is to include consultation between the consulting archaeologist, lead agency, and the project proponent, but there is no mention of consultation with any of the Southern Pomo tribes. Last, given the array of cultural resources or potential cultural resources discovered throughout the site, as discussed in the confidential appendices, monitoring should be required for ground-disturbing activities *anywhere* at the site, not just those activities that occur within 150 feet of Pruitt Creek.

Cultural Resource Mitigation Measure B provides that:

In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR Part 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR Part 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA and other appropriate agencies. If any find is determined to be significant by the archaeologist or paleontologist and project

⁵⁴ *Id.*

proponent, a BIA representative shall meet with the archaeologist or paleontologist and project proponent to determine the appropriate course of action, including the development of a Treatment Plan and implementation of appropriate avoidance measures or other mitigation.

This mitigation measure again excludes culturally affiliated tribes from the process, providing us no role in assessing the significance of a find or in developing a Treatment Plan or other appropriate course of action. To add insult to injury, the project proponent *is* guaranteed a voice in this process, merely because they are another Indian tribe.

Mitigation Measure B also fails to identify and incorporate applicable federal law from the Native American Graves Protection and Repatriation Act (NAGPRA) and the Archaeological Resources Preservation Act (ARPA). NAGPRA provides a process for determining the ownership and control of Native American cultural items discovered on tribal lands.⁵⁵ ARPA also imposes a number of relevant requirements, including prohibiting the unauthorized evacuation, removal or damage of archaeological resources on Indian lands.⁵⁶

Lastly, Mitigation Measure B fails to provide a clear explanation or description of how archaeological materials will be treated. While it refers generically to a Treatment Plan, it should specifically require that an Archaeological Research Design and Treatment Plan (ARDTP) be authored to guide archaeological evaluation and mitigation measures. The ARDTP should follow *Guidelines for Archaeological Research Designs* published by the California State Office of Historic Preservation and be reviewed by the BIA and all tribes that requested to be a consulting party. Moreover, the ARDTP should be in place prior to commencing any ground-disturbing construction activities, rather than waiting until a discovery occurs. None of that has happened despite ground disturbance already occurring without tribal consultation.

Cultural Resource Mitigation Measure C provides that:

If human remains are discovered during ground-disturbing activities a BIA representative shall be contacted immediately. No further disturbance shall occur until the BIA representative has made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods.

Again, this mitigation measure entirely fails to identify and incorporate applicable federal law and, confusingly, incorporates a California state law process that does not apply to tribal trust lands, but does apply to the land as it is now in fee status. Similar to the prior mitigation measure, NAGPRA provides the process for determining the ownership and control of Native American human remains discovered on tribal lands. That process includes a priority for *known* lineal

⁵⁵ 25 U.S.C. § 3002(a); 43 C.F.R. § 10.4.

⁵⁶ 16 U.S.C. §§ 470aa-470hh; *See also* 43 C.F.R. § 7.4.

descendants of a deceased Native American individual who has been *identified*.⁵⁷ In contrast, the “Most Likely Descendant” procedures under California state law are a separate process and do not require the same degree of identification and connection between the deceased and the descendant.⁵⁸ Moreover, and echoing the pitfalls of the first two mitigation measures, the culturally affiliated tribes are ignored in this mitigation measure and offered no voice or rights in the disposition of our own ancestors.

With regards to the second and third mitigation measures, the incorporation of federal law drives home the most concerning, indeed significant, impact of all: if the land is accepted into trust, Koi will be afforded superior rights to Dry Creek and other Southern Pomo tribes if any cultural resources or human remains are inadvertently discovered during or after the construction of the Project. By establishing trust land in Southern Pomo territory, the BIA would grant Koi custodial priority of human remains or objects are found on our lands. We cannot imagine it was Congress’ intent to create such an unjust scenario, but Congress likely was not envisioning a scenario where a tribe would acquire trust lands outside of its aboriginal territory and in the aboriginal territory of other tribes.

We reserve the remainder of our comments for confidential tribal consultation through the Section 106 process. Nonetheless, we believe it is important that the BIA, and the public, understand that: 1) contrary to what the EA states, meaningful and complete tribal consultation was *not* conducted prior to the publication of the EA; 2) tribal cultural resources on the property have not been properly analyzed; and 3) the proposed mitigation measures were designed without the input of the culturally affiliated tribes and are woefully inadequate for protecting our cultural resources. The BIA’s decision to hold out the EA for public review and input, even though BIA knew critical information was forthcoming on cultural resources, is misleading to the public, and it allowed inappropriate public disclosure of tribal cultural resources. As detailed above, there are substantial questions regarding the adequacy of the BIA’s evaluation of cultural resources, the significance of the project’s impacts on those resources, and the efficacy of the proposed mitigation measures. As such, a full EIS must be prepared.

5. Fire Risk and Evacuation

The EA does not adequately address the impacts the Project would have on the critical issues of fire safety and wildfire evacuations. The proposed casino-resort would bring thousands of daily visitors to a site that Sonoma County has already determined to have a “high” risk of wildfire.⁵⁹ Indeed, the Project site is situated *within a half mile* of the burn perimeter of *both* the Tubbs Fire (2017) and the Kincade Fire (2019)—two of the most devastating wildfires in all of

⁵⁷ See 43 C.F.R. §§ 10.2(b)(1) (defining “Lineal Descendant”), 10.4(e) (providing the process for inadvertent discoveries on tribal lands), 10.6 (providing the priority of custody).

⁵⁸ See California Public Resources Code § 5097.98.

⁵⁹ EA at Fig. 3.12-2.

California history.⁶⁰ Despite the significant risk to human safety inherent in operating such a large casino facility in such a high-risk location, the EA fails to specify how basic fire protection services would be provided and incorrectly concludes that the Project would have no significant impact on wildfire risk and evacuations for the surrounding area.

While the Project site for Alternative A is located within the jurisdiction of the Sonoma County Fire District (SCFD), the SCFD has *not* agreed to provide any particular level of service to the Project Site. The EA primarily relies on a letter of intent between Koi Nation and SCFD to conclude that impacts to fire protection and emergency medical services would be reduced to less than significant.⁶¹ But this bare-bones, one-page letter does not remotely constitute an emergency services plan. Rather, the letter merely states that a Memorandum of Understanding (MOU) between Koi Nation and the SCFD is a *possibility* given the parties' intention "to *negotiate* in good faith an agreement for fire and emergency services."⁶² No specific terms of the potential MOU are outlined—and thus no promise to provide any particular services can be read into the letter, a point that the parties themselves make crystal clear: "In the absence of a duly executed MOU, the Fire District shall have no duty or obligation to provide services to the [Koi] Nation for its proposed gaming facility... ." There is no reasonable basis on which the BIA could conclude that an unnegotiated, undrafted MOU provides an effective mitigation measure.

Nor is Koi required by the EA to ultimately enter into an MOU. The cited mitigation measures only require Koi to "make good faith efforts" to execute such an agreement.⁶³ Recognizing that Koi has no agreement with SCFD and is not actually required to enter into one, the EA points to an even more speculative back-up plan: if Koi does not enter into a service agreement with SCFD, then it must build and staff a fire station in the "treatment area" of the Project site.⁶⁴ But the EA does not attempt to explain how it determined that the on-site fire station is sufficient to meet the fire protection and emergency services needs of the Project. Moreover, no specifications or building plans for such a station are evaluated (or even described) in the EA, nor is there any discussion of how a fully equipped fire station might impact the design and environmental impact of the overall treatment area. Without that analysis, the EA's analysis of the impacts of the "treatment area" infrastructure is under-developed and deficient.

6. Socioeconomics/Environmental Justice

The EA focuses on the fact that the Lower Lake Koi Nation owns the one home that is on the site, however it has only owned the property for a brief period of time. The area could have been the site for future homes, particularly since the area is facing a critical housing crisis since several fires severely impacted the already limited housing that is available to families in Sonoma County. Ultimately, the Dry Creek Rancheria is a tribe with a significant tribal population in

⁶⁰ EA at 3-109, Fig. 3.12-2.

⁶¹ EA at 3-89.

⁶² Appx. O, emphasis added.

⁶³ EA at 4-8.

⁶⁴ *Id.*

Sonoma County (as are the other six Sonoma County tribes). Our tribal members are in desperate need of housing and this Proposed Project will only hurt our tribal member families. We have a significant amount of information that shows over 75% of our Tribe are considered low income for Sonoma County.

We have been working, at considerable time and expense to provide housing for our membership, however the number of affordable homes in Sonoma County is not able to meet the needs of our citizens, approximately 700 of which live in Sonoma County. An EIS is the appropriate level of study for this reason.

I. CONCLUSION

The Tribe appreciates the opportunity to submit this public comment and looks forward to meeting with the BIA to address our concerns, In the spirit of that commitment, we request a meeting with BIA to discuss our concerns since we were not given the opportunity to participate in a public scoping meeting for a more appropriate EIS. Thank you for considering our comments. If you have any questions about this letter, please contact Michelle Lee, at (916) 809-8900 or michelle@thecirclelaw.com.

Sincerely,



Chris Wright, Chairman
DRY CREEK RANCHERIA BAND OF POMO INDIANS



**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

Sent via email to : Chad.Broussard@bia.gov

November 13, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Chad Broussard
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

**Re: Dry Creek Rancheria Comment to Shiloh Resort and Casino Project
Environmental Assessment**

Dear Director Dutschke:

The Dry Creek Rancheria Band of Pomo Indians, California ("Dry Creek"), is a federally recognized Indian tribe with aboriginal homelands and reservation located in what is now called Sonoma County, California. For the past two years, Dry Creek has expressed its opposition to the Koi Nation's application to the United States Department of the Interior ("Interior") to acquire sixty-eight (68) acres of land in trust for a casino and resort (the "Sonoma County Site" and "Project"). The Sonoma County Site is located in unincorporated Sonoma County ("County"), adjacent to the City of Windsor ("City"), which is approximately fifty (50) miles from the Koi Nation's ancestral territory which is in a different county. I am writing to express our opposition to the trust acquisition for the Koi Nation ("Koi" or "Tribe") in Dry Creek ancestral territory, which will have severe impacts on the community and specifically Dry Creek Rancheria and our tribal members. This letter also sets out our comments to the Environmental Assessment ("EA") published in September 2023.

**I. Background Regarding the Dry Creek Rancheria's Struggle to Develop an
Economic Base to Provide for the Tribal Government and Citizens.**

The Dry Creek Rancheria is comprised of Southern Pomo and Western Wappo people from the region that includes the Sonoma County Site. Dry Creek Rancheria is located a mere nineteen (19) miles from the Sonoma County Site. Dry Creek currently has 1,337 tribal members and 50%

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of those tribal members live in Sonoma County. Official recognition of the Tribe as a sovereign nation occurred in 1915, when the federal government created the Dry Creek Rancheria and named the Tribe the Dry Creek Rancheria Band of Pomo Indians. The Rancheria occupies 75 steep acres between Healdsburg and Geyserville off Highway 128 -- a sliver of the Tribe's historic land.

Like Koi's original rancheria, the Dry Creek Rancheria is rocky, lacked infrastructure and is very challenging to build on. However, Dry Creek members held onto the land and have struggled to develop infrastructure to support tribal government functions and its primary economic development enterprise, the River Rock Casino. That struggle frames the Tribe's primary objections to the Koi project and is outlined here to establish the foundation for these comments.

The Tribe opened River Rock Casino on its tribal trust lands in September of 2002. Soon thereafter, a lawsuit was filed by the owner of an adjacent fee parcel, Terrence Proschold, against the United States.¹ The lawsuit contended that an easement purchased by the United States to provide access to the Dry Creek Rancheria from Highway 128 was limited to residential purposes, and therefore use of the easement by gaming patrons was prohibited. Without the easement, the Rancheria would be landlocked, and the Tribe would not be able to operate River Rock Casino.

The United States asserted that the easement was held in trust for the benefit of the Dry Creek Rancheria, and that it was immune from suit under the Quiet Title Act, 28 U.S.C. § 2409a. Although the Quiet Title Act waives sovereign immunity for title disputes involving real property in which the government claims an interest, it expressly reserves sovereign immunity in disputes involving lands held in trust for Indian tribes. Because the United States elected to assert sovereign immunity, the court lacked subject matter jurisdiction to hear the case, and thus the action was dismissed.²

One important aspect of tribal sovereignty is that tribal trust lands are exempt from local land use laws.³ As a result, Dry Creek Rancheria maintains the inherent right to develop lands held in trust by the federal government without regard to local land use regulations, such as a County General Plan, and the County lacks regulatory jurisdiction over the Tribe's Indian lands.⁴ Unfortunately, for many years, the County and a group of neighbors called the Alexander Valley Association ("AVA") continued to challenge the Tribe's rights to govern itself and to operate a gaming facility pursuant to the IGRA, and they challenged every permit or approval that was needed for the casino facility to operate.

In 2008, the Tribe entered into a Memorandum of Agreement with the County to resolve many legal disputes. At that time, the Tribe and the County were in dispute over several topics that

¹ Proschold v. United States, 90 F. App'x. 516 (9th Cir. 2004); 2004 WL 324717 (9th Cir.(Cal.).

² Id. at 518.

³ Santa Rosa Band of Indians v. Kings County, 532 F.2d 655 (9th Cir. 1975), cert. denied, 429 U.S. 1038, 97 S.Ct. 731, 50 L.Ed.2d 748 (1977) (claims based on county zoning regulation of Indian lands).

⁴ Sonoma County sought to enforce its fire codes on the Dry Creek Rancheria, but the District Court and the 9th Circuit held that Sonoma County fire codes were not enforceable by the County on the Rancheria. Unpublished decision, *In the Matter of the Sonoma County Fire Chief's Application for Inspection Warrant*.

made it extremely difficult for the Tribe to move forward with its plans to operate the River Rock Casino on its Indian lands.

The following list provides a brief description of each legal dispute that was pending and settled by the 2008 MOA:

- 1) The Tribe's Alcohol License: (*In the Matter of the Protest of Sheriff Bill Cogbill, et al. Against the Person to Person and Premises to Premises Transfer of a General Public Eating Place Alcohol License*); The County Sheriff, Fire Chief, Board of Supervisors and the Alexander Valley Association each protested to the Department of Alcoholic Beverage Control ("ABC") that the River Rock Casino should not be granted a liquor license. The Tribe contended that it was qualified to obtain the license as a venue in the wine country.

Outcome: The Tribe's ABC License was ultimately issued because of the 2008 MOA and is currently in effect. There is no current dispute regarding the ABC License. Over-reaching restrictions in the earlier ABC License have recently been lifted.

- 2) County Appeal of the Approval of Fee-to-Trust Application for Contiguous Lands: (*California Department of Conservation, et al. v. Acting Pacific Regional Director, Bureau of Indian Affairs*); The State of California, Sonoma County and AVA each appealed a final decision of the BIA decision to take 18 acres of land (the "Dugan Property"), contiguous to the Rancheria, into trust for the Tribe. The County was the primary instigator of the appeal.

Outcome: The land was taken into trust in 2010 and there are no disputes pending or expected regarding the status of the Tribe's trust land. The Tribe was forced to purchase "like-for-like" exchange property to off-set the County's allegation that the Williamson Act was being violated by the trust acquisition. The Tribe had to purchase the Petaluma property for \$12,474,400, which was an exorbitant price because it was one of only a few properties available that would meet the criteria for land exchange under the Williamson Act. The purpose of the Dugan Property acquisition was to enable the Tribe to build an emergency access road (that was demanded by the County Fire Chief in the litigation described below) and to construct a fire station and tribal offices.

The BIA later changed its position and found that it could in fact take the land into trust as long as the Williamson Act contracts were simply non-renewed, but the Tribe had already been forced to buy the Petaluma property to formally cancel the Williamson Act contract with the like-for-like exchange in order for the land to go into trust as agreed in the 2008 MOA.

- 3) Fire Safety Inspections Authority Litigation: (*In the Matter of the Sonoma County Fire Chief's Application for Inspection Warrant*); The County Fire Chief sought a state civil administrative inspection warrant for the Rancheria. In February 2007, the United States District Court for the Northern District of California determined that the County

did not have fire code enforcement jurisdiction on the Reservation and the Ninth Circuit Court of Appeals, in a final judgment, affirmed the District Court's determination.

Outcome: The County Fire Chief's attempt to assert jurisdiction over the Tribe's property was improper under the law but cost the Tribe hundreds of thousands of dollars to defend its rights.

- 4) Appeal of NPDES Permit for Wastewater Discharge: (*In re: Dry Creek Rancheria NPDES Permit*); On April 30, 2007, the United States Environmental Protection Agency ("USEPA") issued a National Pollutant Discharge Elimination System ("NPDES") permit to allow the Tribe to discharge treated wastewater into a tributary of the Russian River from its new wastewater treatment facility. The County and AVA filed petitions for administrative review of the permit alleging concerns over potential environmental impacts. The Tribe contended that the permit was appropriately granted and is environmentally sound.

Outcome: The County and AVA challenge to the NPDES permit was settled by the 2008 MOA. The cost to the Tribe was substantial in both legal fees, and administrative costs even though the Tribe had spent \$4 million to construct a state-of-the-art wastewater treatment facility. The County and AVA demanded additional conditions on the permit requiring daily testing until the EPA itself initiated dropping the over-burdensome condition. Daily testing cost the Tribe over \$20,000 per year. The Tribe now has Treatment as a State status under the Clean Water Act for water quality purposes and has established its own water quality standards.

- 5) Dispute over the Gaming Facility's Potential Off-Reservation Impacts: Sonoma County disputed the Tribe's assessment and mitigation of the Gaming Facility's off-reservation environmental impacts that was completed in 2006. The County asserted that there would be significant off-reservation impacts of its existing and planned Rancheria gaming projects.

Outcome: The County required the Tribe to pay a \$75 million "mitigation fee" in the 2008 MOA, but the massive amount of debt that resulted from all the legal hurdles created by the County, was exacerbated by a Great Recession and the Tribe couldn't obtain additional funding to build the permanent structure. Then in 2013, the Federated Indians of Graton Rancheria built a casino that essentially cut off River Rock's San Francisco gaming patron market, causing casino revenues to crash by sixty to seventy (60-70) percent. Dry Creek Rancheria's gaming revenue never returned to its pre-Graton Casino revenue levels; however River Rock operates at 50% of the original revenue. The Tribe is still working to pay off the original debt that was exacerbated by all the litigation on many fronts from County opposition, however, the Tribe is close to making a final payoff of the original debt, which included the overpayment to the County for a casino project that was never built.

- 6) County Opposition to Tribe's Petaluma Fee-to-Trust Application: Faced with incredible hurdles and increasing debt, the Tribe sought to take the Petaluma property into trust for gaming purposes. While the Tribe never submitted a complete application, the County immediately began efforts to oppose the Tribe's fee-to-trust efforts.

Outcome: The Tribe withdrew its application to take the Petaluma parcels into trust for gaming purposes because of opposition by the County, the City of Petaluma and Graton Rancheria. We note that the Petaluma property is indeed located in the aboriginal territory of Graton Rancheria, and Dry Creek recognizes that Graton Rancheria has a voice in how that property is ultimately used.

The original 2008 MOA was a means for the Tribe to resolve litigation and other disputes that arose when the Tribe sought to build a permanent River Rock Casino on the Tribe's Indian Lands. The cost to the Tribe as a direct result of the County's opposition, (not including the MOA fees and costs for the DCR Fire station) is approximately \$152 million. MOA Fees and Fire Services totaled approximately \$34 million. The approximate total cost of County opposition and litigation equals roughly \$186 million in loss of revenue to the Tribe, and the planned permanent resort and casino were never built.

THE 2008 MOA

The initial 2008 MOA established a process to identify and mitigate off-reservation environmental impacts that might occur during the construction of the new permanent casino and resort project. Unfortunately, the mitigation requirements were far-reaching and obligated the Tribe to submit to the County for approvals as mitigation occurred. Overall, the 2008 MOA was difficult to read and track the obligations of the Tribe vis-a-vis the County. This resulted in the need to amend the document repeatedly over the next ten years, which created an agreement that was even more difficult to track and know which provisions were in effect at a given time.

The 2008 MOA also included financial provisions that were unrealistic given the uncertainty of the development, but it provided a framework to settle all of the disputes that were levied against the Tribe by the County. Distilling down the financial terms, the Tribe agreed to pay the County \$75 million as a mitigation fee, spread out over a time period with triggers for set payments.

However, by 2015, the Tribe had not been able to obtain financing for the planned casino resort project due to the major economic downturn that began and continued from 2010 and beyond, and substantially negatively impacted the Casino's economic performance. In 2013, the opening of Graton Resort and Casino further stressed the Tribe's economic situation. In 2014, the Tribe defaulted on over \$150 million in bond indebtedness and on over \$50 million in remaining payments due to the County under the MOA, putting the Tribe in breach of the MOA.

The following list includes a summary of all letter agreements and MOA Amendments since 2008 that highlighted the need for a fully amended and restated MOA, which was finally achieved in February 2023 (“2023 MOA”). We include this information because it shows the amount of time, energy and cost that Dry Creek has had to exert in order provide an economic base for the Tribe and its citizens. For the purposes of the EA, this information provides a basis for Dry Creek’s assessment of the impact that the Koi Project will have on Dry Creek and its citizens.

- **May 28, 2010, May 23, 2011 and July 12, 2012 Letter Agreements:**

Due to a major economic downturn (“Great Recession”), which began shortly after completing the 2008 MOA, the Tribe lost the ability to finance construction of the planned Resort project. The Great Recession also substantially negatively impacted the Casino’s economic performance. The Letter Agreements modified the previously agreed mitigation payments to the County and confirmed the completion of certain obligations by the Tribe, including the establishment of a conservation easement on the Tribe’s Petaluma property.

- **2015 First Amendment to MOA**

In November 2013, the Federated Indians of Graton Rancheria opened Graton Casino and Resort in Rohnert Park, thirty-three (33) miles from River Rock Casino, and in a location that “cut off” River Rock Casino from much of its Bay Area customer base, which substantially reduced that Casino’s revenue. That unrealized revenue was never recovered. Also, the Tribe’s planned new casino and 600 room resort project was never initiated. Therefore, the Tribe initiated re-negotiation of the 2008 MOA to further adjust the mitigation payments due because of the Tribe defaulting in its financial obligations.

The County chose not to re-negotiate the 2008 MOA, but in September 2015 the County agreed to amend several provisions of the 2008 MOA. The Tribe and County agreed to amend specific provisions of the 2008 MOA that further restructured the original MOA’s financial terms, and made other changes. Importantly, the Tribe agreed to pay a \$4,200,000 payment to the County which would be considered a full payment and satisfaction of any and all payment amounts owed by the Tribe to the County as of November 1, 2015, under the MOA, including those payment amounts referred to in the letter agreements of May 2010, May 2011 and July 2012.

The County also agreed to reduce the mitigation payment to a base payment of \$750,000 with an escalator provision if the Tribe’s Annual Net Revenue increased at least 2% over the prior year.

- **2017 Second Amendment to the MOA**

In the Second Amendment to the 2008 MOA, the Tribe agreed to specific provisions regarding resolution of the Tribe’s petition for a conditional license from the CA Department of Alcoholic Beverage Control (“ABC”) and established certain new requirements for live outdoor entertainment events at the Casino.

- **2021 Third Amendment to the MOA**

In August 2020, due to COVID-19 pandemic impacts resulting in extended Casino operations closure, the County agreed to defer the Tribe's annual mitigation payments to the County for the years 2020 and 2021 and extend the term of the MOA for two years.

2023 AMENDED & RESTATED MOA

The Tribe and the County have participated in joint meetings over the course of many years to address potential off-Reservation impacts and possible additional mitigation measures that might be taken with respect to proposed economic development projects on the Reservation and other lands owned in fee by the Tribe. In February of 2023, Dry Creek and the County finally entered into an Amended and Restated MOA which simplified the relationship between Dry Creek and the County. After nearly two decades of struggle, Dry Creek is now finally positioned to replace the original, temporary sprung structure with a permanent structure for the casino and this Project is a major threat to that effort.

II. The EA Fails to Address the Impact of the Proposed Koi Casino on Dry Creek Rancheria and its Citizens.

The EA provides no analysis of the impact of the Project on the Dry Creek Rancheria tribal government and its citizens. As stated above, Dry Creek's River Rock Casino struggled against tremendous legal obstacles that were presented by the AVA and County which put the Tribe in a perilous financial position. The approximate total cost of County opposition and litigation equals roughly \$186 million in loss of revenue to the Tribe over the course of ten years between 2005 and 2015. The addition of Graton Casino and Resort in the local market resulted in a loss of fifty (50) percent of River Rock's gaming revenue from the original numbers to this day. The combined impact of these factors, along with the Great Recession resulted in Dry Creek being stymied with nearly \$300 million in debt and as a result, the planned permanent resort and casino were never built.

It is important to note here that Graton Rancheria was restored to federal recognition in 2000 and although the initial restoration of lands to Graton Rancheria were to be located merely thirty-three (33) miles from the Dry Creek Rancheria, Dry Creek did not oppose the acquisition of Graton's restored lands. The primary reason for the lack of opposition by Dry Creek was that Graton was acquiring lands *within its aboriginal territory*. While the development and opening of Graton Casino and Resort resulted in a loss of 50% of River Rock Casino's revenue, it was something that Dry Creek could not challenge. However, the Koi Project will be located in between the Dry Creek Rancheria and Graton Rancheria, further cutting off an important local market and adding a 2750 machine casino less than twenty miles away from River Rock Casino, which operates fewer than 1,100 machines.

The only reference in the EA of the financial impact to Dry Creek is buried on page 69 of Appendix B, where a graph shows the estimated percentage impact that each regional gaming facility is expected to experience on their local market gaming revenue. The graph indicates that River Rock Casino would suffer the highest level of impact at an estimated 24.24% in reduced gaming revenue. This impact could not be sustained by River Rock Casino as it exists today.

Currently, River Rock Casino operates in what was supposed to be a temporary facility, on a slim margin to provide essential revenues to fund the tribal government and provide basic services to its Tribal Citizens. The approval of Koi's Sonoma County Site into trust for gaming would prevent Dry Creek from being able to finally fund a permanent casino and it would result in significant financial impact to the Tribe that cannot be mitigated. Moreover, as will be set forth below, tribal members have not yet achieved financial stability in a region that has an increasingly high cost of living.

There is not sufficient time or resources available to conduct our own study of the dramatic impact of a tribe from another region of the state building a massive casino and resort less than twenty miles away from Dry Creek Rancheria. However, we did obtain a Gaming Impact Analysis which indicated at least a 25% reduction of revenues from baseline if the Koi Project is approved. Based on the one figure on page 69 of Appendix B, it can be stated that the negative impact will be significant and life altering for Dry Creek and its citizens, with no way to mitigate that impact. We have only begun to assess the impact of the reduction in revenue; however, we will lose much of the ground that we have gained in the past 20 years in our attempt to become economically stable if the Koi Project is approved. However, the most severe impact will be the loss of our sovereignty and rights to protect our homelands and tribal cultural resources.

i. The BIA Failed to Consult with Dry Creek Pursuant to Section 106 and Failed to Require Dry Creek Tribal Cultural Monitoring During Trenching and Site Evaluation.

Even the Scoping Report to the EA failed to provide Dry Creek Rancheria the opportunity to assign cultural monitors to monitor site work that included trenching. The Archaeological Monitoring report, prepared by John W. Parker, states that "Rob Morgan (Koi Tribal Monitor) was also monitoring on behalf of the Tribe."⁵ Koi has no legal right to monitor trenching work on Dry Creek aboriginal land for a federal project. Koi has no right to monitor Dry Creek cultural sites.

Moreover, there has still not been a tribal consultation as required by the National Historic Preservation Act ("NHPA") Section 106 with Dry Creek on this project, despite BIA already sending notification to the State Historic Preservation Officer that Section 106 consultation has been completed, and the EA being published. In September 2022, after publication of the Scoping Report we sent a letter to the BIA requesting that the various field surveys and cultural reports be

⁵ Archaeological Monitoring of Soil Test Trenches on Parcel 004-021-08, Prepared by John W. Parker, April 28, 2022, at page 2.

shared with Dry Creek. In December 2022, we again requested consultation, requested information, and stated our preferences for the treatment of our tribal cultural resources. Despite our efforts, it took almost 9 months for BIA to share those reports (referenced in confidential Appendix H) and it was then that we discovered that cultural resources were subjected to destructive obsidian hydration testing without our knowledge, presence, or consent.

In July 2023 we again requested consultation and information and we were told that the material had been sent to Dry Creek, however, the Tribe had not received anything. We do not know where they sent the sensitive and confidential site information, because it was never received at our tribal office. At what point will the BIA pick up the phone or reach out to us as we recommend other agencies do when dealing with a matter as important as this? The lack of transparency and information sharing regarding the Koi Project has been abysmal and as a result, our tribal cultural resources have been negatively affected already. At the time of this letter, the BIA has failed to meet with Dry Creek despite repeated requests.

III. Koi Nation Cannot Demonstrate a Significant Historical Connection to the Sonoma County Site To Meet the Restored Lands Requirements Because its Aboriginal Lands are Located in Lake County.

On September 15, 2021, Koi applied to Interior to have the Sonoma County Site taken into trust for gaming purposes. The proposed gaming facility would reportedly include 2,500 class III gaming machines, a 200-room hotel, six restaurants and food service areas, a meeting center, and a spa.

In pursuit of its efforts, Koi intends to utilize the “restored lands” exception to the Indian Gaming Regulatory Act’s (“IGRA”) general prohibition on gaming on Indian lands, and on Sept 13, 2021, submitted a request for restored land decision from the Office of Indian Gaming (“Restored Land Request”). In 2019, Koi received a favorable judgment from the United States District Court for the District of Columbia which found that the Tribe satisfied one requirement of the “restored lands” exception—the federal government had “restored” the Tribe’s federal recognition in 2000. *Koi Nation of Northern California v. U.S. Dep’t of Interior*, 361 F. Supp. 3d 14, 46 (D.D.C. 2019). However, the Court’s determination did not mean that Koi can now conduct gaming on *any* site it chooses—the Tribe must still demonstrate that it has a “significant historical connection” to any proposed gaming site. 25 C.F.R. § 292.12(b). However, Koi cannot establish such a connection to the Sonoma County Site as required by IGRA’s implementing regulations.

A “significant historical connection” means “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty, or a tribe can demonstrate by historical documentation the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” *Id.* at § 292.2. The Sonoma County Site is not within the boundaries of the Koi Nation’s last reservation, nor can the Tribe demonstrate that its villages, burial grounds, occupancy, or subsistence use traditionally occurred in the vicinity of the Sonoma

County Site. In addition, unratified treaty documents in California are full of errors and omissions that leave them fraught with discrepancy and subject to conflicting interpretations, whereas, traditional tribal territory areas are, today, well established. While Dry Creek shares family ties and thus ancestral ties with certain other Sonoma tribes, and thus those tribes have historical ties to the Sonoma County Site, it lies squarely within Dry Creek's aboriginal territory. There is no more knowledgeable expert on the occupancy and use of the Sonoma County Site than Dry Creek Rancheria because it has a significant historical connection to the Site.

i. **Koi's Tribal Territory is in Clear Lake, California and the EA Failed to Consider the Impact of the Koi Project on Sonoma County Tribes and Dry Creek Rancheria.**

As Koi itself recognizes, its aboriginal territory is near Clear Lake, upwards of fifty (50) miles northeast of the Sonoma County Site.⁶ If travelling by car, the distance is not an easy one to travel and it can take at least one hour and twenty minutes to travel from Clear Lake, California, the site of Koi's original rancheria, to the Sonoma County Site. In 1916, the federal government established the Lower Lake Rancheria for the Tribe (then known as "Lower Lake Rancheria") in Lake County, California within the Tribe's aboriginal territory. Although the land was largely abandoned by Koi people and it was sold pursuant to Congressional authorization in 1956, the Lower Lake Rancheria is the Tribe's "last reservation" for purposes of the "restored lands" exception. It is Dry Creek's understanding that a municipal airport was planned for the site of the Lower Lake Rancheria when it was sold in 1956, but the airport was never built. Thus, there is no indication that existing development at the former rancheria site is an obstacle to Koi's use of the former rancheria as a potential site for their proposed casino.

As stated above, because the Sonoma County Site is not within or near the boundaries of the former rancheria in Lake County, Koi cannot satisfy the "significant historical connection" requirement of the "restored lands" exception unless it has historical documentation of Koi's occupancy or use of the lands as a Tribe. But there is no historical documentation that would adequately support such a claim. As mentioned above, the Sonoma County Site is within the boundaries of Dry Creek's aboriginal territory and Koi has not historically occupied or used it. Dry Creek has occupied the Sonoma County Site lands and subsisted on the resources found there

⁶ See, *Koi Nation v. City of Clearlake*, Lake County Superior Court, Case No. CV 423786. California Attorney General Rob Bonta announced on October 20, 2023 that the Lake County Superior Court has granted the Department of Justice's application to file an amicus brief in support of the Koi Nation of Northern California's lawsuit against the City of Clearlake. The Koi Nation contends that the site of a proposed 75-room hotel — known as the Airport Hotel and 18th Avenue Extension in Clear Lake, California — contains Koi tribal cultural resources and that the city did not adequately conduct consultation with the Koi Nation or consider the project's impacts on Koi tribal cultural resources, in violation of the California Environmental Quality Act's (CEQA) tribal consultation requirements added by Assembly Bill 52 (AB 52). The Department of Justice's amicus brief supports the Koi Nation's position, providing information on the legislative history and intent of AB 52's requirements.

since time immemorial. The tribal cultural material found during the archaeological investigation is evidence of Dry Creek's use and occupation of the Site.

Despite assertions to the contrary in the EA, tribal cultural resources were found at the Sonoma County Site. As stated above, the EA was published before Section 106 Consultation has even occurred with Dry Creek; however, the Tribe is culturally affiliated with the land and tribal cultural resources found there. If Native American human remains are discovered on the Sonoma County Site today, the Dry Creek Rancheria would be the Most Likely Descendant of such ancestors. No other tribe has a closer, more documented affiliation with the specific parcel, and the tribal cultural resources that were found on the Sonoma County Site are culturally affiliated with Dry Creek. The other Sonoma County tribes recognize this important point, however Koi has failed to do so.

Koi asserts that its modern tie to Sonoma County is due to individual tribal members moving to the town of Sebastopol. Sebastopol is nearly twenty miles from Windsor, and it is the aboriginal territory of Graton Rancheria. Koi cannot claim a "significant historical connection" with Sebastopol as defined in 25 C.F.R. § 292.2, only a *modern* connection. Only Graton Rancheria can claim a significant historical connection to Sebastopol, and that is why its initial reservation was located nearby (within five (5) miles) when it was restored to federal recognition in December of 2000.

If Koi can use a voluntary move by tribal members in the 1950's to establish the legal basis for restored lands, then the rules for taking land into trust have been expanded in a way that makes the exception the rule. "Restoration" would not require original land being "lost" and then "restored," but instead, it would allow tribes to relocate to better locations despite the lack of historical cultural connection, and despite the obvious impact to aboriginal tribes who already suffer from a lack of sufficient resources.

The Environmental Assessment fails to consider these larger policy issues and the tremendous cost and significant impacts to local tribes and specifically Dry Creek Rancheria. The EA includes one mention of the immediate impact of the Project on nearby tribes, which unlike Koi, are actually aboriginal tribes. The failure to adequately study the larger potential impacts of taking land into trust for gaming outside of a Tribe's area has already resulted in negative impacts to Dry Creek, as well as to the other aboriginal tribes. Merely having to focus finite and limited resources to review and analyze the EA without first having a determination that the lands qualify as restored lands under the IGRA is a significant impact to limited tribal resources. The only way to reduce this unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA from consideration until there is a final decision on Koi's request for a restored lands opinion.

ii. **Koi's Tribal Territory is in Clear Lake, California and the EA Failed to Consider Koi Building Its Project in Clear Lake.**

NEPA requires the BIA to consider reasonable alternatives that are “technically and economically feasible and meet the purpose and need for the proposed action.”⁷ While the EA acknowledges that Koi aboriginal territory is in Lake County, it does not consider an alternative project site that is actually within Lake County.⁸ The BIA provides a cursory explanation for why it eliminated alternative project sites in the BIA’s September 2022 Scoping Report, which states that Koi Nation has submitted “substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites”⁹ but that it is “highly speculative” that alternative locations could support an economic enterprise that would fund the tribal government, or that Koi could even purchase property in those unspecified alternate locations.¹⁰

The Scoping Report does not include any of the data submitted by Koi nor does it specify whether sites within Koi aboriginal territory were evaluated. It references a more detailed explanation in a separate “Alternatives Evaluation Report,” but no such report has been disclosed to the public.¹¹ In fact, more space in the Scoping Report is devoted to Section 2.5- Alternatives Considered But Eliminated From Further Consideration, than any other topic in the Scoping Report, but none of the actual basis for the conclusions have been made publicly available, despite references to data being considered.

In Lake County there are currently four small tribal casinos. It is not “highly speculative” that a project in Lake County could fund a tribal government. A review of the reports on California Gambling Control Commission website reveals that out of 110 federally recognized Indian tribes in California, seventy-two (72) tribes are eligible for the Revenue Sharing Trust Fund (“RSTF”).¹² Out of those 72 tribes, twenty-six (26) operate a casino with less than 350 gaming devices. Those tribes operate a small gaming facility (some also have a hotel) and also receive \$1.1 million from the RSTF, and they are also eligible to receive payments from the Tribal Nations Grant Fund.¹³ Given the small size of the Koi citizenship (90 members), it is not “highly speculative” that a project in Lake County could fund a tribal government. At this point in the gaming industry however, tribes must consider all the factors before making a decision to initiate a gaming project. Dry Creek can speak directly to the difficulties in establishing a gaming project in Sonoma County.

⁷ 40 C.F.R. § 1508.1(z); See also, EA at 2025.

⁸ See EA at 1-2.

⁹ Scoping Report, at page 13.

¹⁰ *Id.*

¹¹ Scoping Report at 8, 12.

¹² The Revenue Sharing Trust Fund was established in the “1999 Compacts” and provides each tribe operating fewer than 350 gaming devices with a payment of up to \$1.1 million per year. See, http://www.cgcc.ca.gov/documents/Tribal/2023/List_of_RSTF_Eligible_Tribes_10-6-23.pdf

¹³ The Tribal Nations Grant fund was first established in the Graton Rancheria Tribal-State Gaming Compact, dated March 27, 2012, a copy of which may be found on www.cgcc.ca.gov.

The Scoping Report and the EA both appear to assume that if a restored tribe was originally located in an area with a limited gaming market, that the restored tribe may just choose a new reservation in a “better” gaming market and move there. This assumption is flawed, because the regulations specifically require a “significant historical connection.” 25 C.F.R. § 292.12(b).

The Department has already determined that “relocation of some of [a tribe’s] members to various locales throughout the Bay Area does not equate to the [tribe] itself establishing subsistence use or occupancy in the region apart from its Rancheria”¹⁴ and that “evidence of the [tribe’s] citizens’ movements as late as the 1960s is more of a *modern* era activity, as opposed to *historic*, as those two terms are used in the Part 292 regulations.”¹⁵ Further, the Department has held, in the context of denying a different Lake County tribe’s restored lands request, that it “cannot establish its subsistence use or occupancy based on the fact that its ancestors traveled to various locations to trade and interact with other peoples and then returned to the Clear Lake Region;” rather, the Department found that “[s]ubsistence use and occupancy requires something more than a transient presence in an area.”¹⁶ Accordingly, the BIA should have considered alternative project sites that are actually within Koi Nation’s aboriginal territory, as the BIA has done for similar projects.¹⁷

The median property value in Lake County is substantially lower than in Sonoma County.¹⁸ It is not reasonable for the EA to eliminate consideration of a project site in Lake County due to economic feasibility without providing any market data for that proposition. It is likewise not reasonable to eliminate a project site in Lake County due to technical or regulatory feasibility. There are available sites in Lake County that are well situated for tourism and large-scale development that could be taken into trust for Koi.¹⁹

¹⁴ Decision letter from Assistant Secretary – Indian Affairs Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 19 (Sept. 1, 2011)(“Guidiville Letter”).

¹⁵ Decision Letter from Acting Assistant Secretary – Indian Affairs Donald E. Laverdure to the Honorable Donald Arnold, Chairperson, Scotts Valley Band of Pomo Indians at 18 (May 25, 2012) (discussing the relocation of individual Band members during the 1920s and 1960s) (emphasis in original).

¹⁶ Guidiville Letter at 14.

¹⁷ See, e.g., 2016 Wilton Rancheria FEIS, Section 2 – Alternatives (Dec. 2016) (considering, among the alternatives, the tribe’s historic rancheria site which was no longer held in trust); Dep’t of Interior, Record of Decision for Trust Acquisition of the 40-acre Yuba County Site in Yuba County, California, for the Enterprise Rancheria of Maidu Indians of California (Nov. 2023) (incorporating the Final EIS and considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for the tribe); BIA, Final Environmental Impact Statement, North Fork Rancheria of Mono Indians (Feb. 2009) (considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for individual North Fork members).

¹⁸ See, e.g., National Association of Realtors, County Median Home Prices Q1 2023 (providing that the median home price in Sonoma County is \$818,928, whereas the median home price in Lake County is \$350,835), <https://www.nar.realtor/research-and-statistics/housing-statistics/county-median-home-prices-and-monthly-mortgage-payment> (last visited Nov. 8, 2023).

¹⁹ See, e.g., [https://www.sothebysrealty.com/eng/sales/detail/180-l-518-4pnknt/5115-east-highway-20-nice-ca-95464-!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo-ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q\\$](https://www.sothebysrealty.com/eng/sales/detail/180-l-518-4pnknt/5115-east-highway-20-nice-ca-95464-!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo-ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q$) (57-acre property on the northeastern shores of Clear Lake, with existing buildings, infrastructure, and winery); <https://www.loopnet.com/Listing/11474-Spruce-Grove-Rd-Lower-Lake-CA/24889793/> (503-acre largely undeveloped property in Lower Lake).

Regardless of what the EA states, the IGRA requires Koi to demonstrate a “significant historical connection” to the proposed site for it to be eligible for gaming. Given this requirement, the *most reasonable* location to study for a gaming acquisition under a restored lands analysis would be within Koi’s aboriginal territory. It is not reasonable for the EA to focus only on the Sonoma County Site because Koi cannot demonstrate a “significant historical connection” to the Sonoma County Site or Sonoma County, generally. The only way to reduce unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA from consideration until there is a decision on Koi’s request for a restored lands opinion.

IV. Misuse of the Restored Lands Process is Reservation Shopping and Should be Rejected by BIA Because it Creates Impacts to Aboriginal Tribes That Is not Properly Analyzed in the EA and Can’t Be Mitigated.

Dry Creek is concerned that Koi is reservation shopping—exploiting any minor connection to the Sonoma County Site because Koi (and its financial backer) believes it will make a larger profit from any gaming venture in Sonoma County than in its aboriginal territory. We ask that Interior reject Koi’s proposal which could set a dangerous precedent for gaming tribes in California. When California voters authorized exclusive tribal class III gaming through propositions 5 and 1A in 1998 and 1999, they did so on the condition that tribal gaming would be limited to then-existing reservations.²⁰ Every proposed casino that is outside of a tribe’s aboriginal territory does an about-face of the promises that tribes made to the voters. California is nothing like Oklahoma, which has a very different history. The California electorate has time and again rejected off-reservation gaming and Koi’s Project has already been met with furious backlash from the local and state-wide community.²¹ Ultimately, Koi’s Project not only threatens the sovereignty of Sonoma County tribes, but it threatens tribal exclusivity in the California gaming market, endangering the continuing prosperity of all California gaming tribes.

Koi has a well-documented history of attempted reservation shopping, and this iteration is strikingly similar to past efforts by Koi. They have again partnered with an out-of-state developer, the Chickasaw Nation,²² except that instead of seeking to enter the Bay Area market, (within the aboriginal territory of unrecognized California tribes), they seek to select a site in the middle of the aboriginal territory of five recognized tribes.

²⁰ https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=2163&context=ca_ballot_props.

²¹ All five federally recognized Sonoma County tribes have approved a resolution opposing the Koi Nation project. The project is also opposed by the County Board of Supervisors, the City of Windsor, Senator Mike McGuire, Assemblyman Bill Dodd, Congressman Mike Thompson, Senator Alex Padilla and former Senator Diane Feinstein.

²² The Chickasaw Nation is a very large tribe that owns twenty-three (23) casinos in Oklahoma. It is a commercially successful tribe, with at least 200 business ventures. Its long list of gaming establishments include WinStar World Casino and Resort in Thackerville, Oklahoma, which the tribe bills as the *largest casino in the world*. See, <https://www.pressdemocrat.com/article/news/koi-partnering-with-chickasaw-nation-on-shiloh-casino/>

i. Koi's Original Plan to Build a Casino, Resort and Spa in Oakland.

This proposed gaming acquisition is not the first for Koi Nation, which is evidence of its blatant effort to “reservation shop”. In 2005, Koi officially announced its plans to build a “world-class” tribal government gaming facility, resort and spa near the Oakland International Airport.²³ The Tribe's Crystal Bay Casino, Resort & Spa project was said to create an estimated 4,440 new jobs, 2,200 directly, annual payroll approaching \$80 million and \$1 billion in overall annual economic activity for the local area. The Tribe also began talks with the city to explore potential benefits the project could bring to the local economy. Discussions included a proposal for annual payments from the Tribe to mitigate impacts to city services, including funding for additional police and fire protection, reimbursement for lost property taxes and parking tax revenue, and road and traffic improvements. The proposal was funded by Florida real estate developer Alan Ginsburg. Facing incredible community opposition, the Tribe dropped its plans.

ii. Koi Tries its Luck on Another Site in Vallejo.

Rather than taking the lesson that could be learned from the battle over taking land into trust for gaming in Oakland to heart, and looking at possible gaming sites in the Clear Lake area, Koi was one of eight applicants for the development of a site in Vallejo, California in 2014.²⁴ The Tribe partnered with developer Cordish Company for a proposed \$850 million project, promising to pay the city between \$10 million and \$20 million a year, along with generating thousands of jobs. Cordish is a development company based in Baltimore, Maryland, and whose focus is mixed-use entertainment districts. In January 2015, after considerable controversy, the Vallejo City Council voted to reject all gambling proposals and to concentrate solely on industrial proposals for the site.

iii. The Koi Nation Project Could Harm Tribal Exclusivity by Evading Limitations on Off-Reservation Gaming Approved by California Voters.

Californians legalized certain tribal class III gaming through referenda in 1998 and 1999. In doing so, California voters were promised that all Indian gaming would be “strictly limit[ed]” to tribal land and “[t]he claim that casinos could be built anywhere is totally false.”²⁵ In assuring voters that the passage of Propositions 5 and 1A would not result in massive increases in slot machines across the State, proponents stated “[t]he majority of Indian Tribes are located on remote reservations and the fact is their markets will only support a limited number of machines.”²⁶ Both

²³ Material in this section is found on the Koi Nation Wikipedia page, https://en.wikipedia.org/wiki/Koi_Nation. The Page includes links to many news articles that tell the story of Koi's attempts to take lands into trust that are well outside of the Tribe's ancestral territory and were all rejected by local governments and voters.

²⁴ *Id.*

²⁵ State of California, Office of the Attorney General, Official Title and Summary Prepared by the Attorney General, Gambling on Tribal Lands, Legislative Constitutional Amendment, Rebuttal to Argument Against Proposition 1A, at 7.

²⁶ *Id.*

propositions passed with overwhelming support—almost two-thirds of voters were persuaded to grant Indian tribes exclusivity over class III gaming in the State.

The impact of the voters' decisions has been striking—the growth of Indian gaming in California over the past two decades has helped to lift many tribes and tribal members out of poverty, fostered educational and employment opportunities, and fast-tracked non-gaming economic development. Non-gaming and limited gaming tribes even receive funds from more prosperous tribes who have better gaming locations. But the continued prosperity of California gaming tribes is not guaranteed. If California voters become disillusioned with tribal gaming as a result of reservation shopping, all tribes stand to lose their exclusivity and the benefits realized in the last two decades.

In fact, this is an issue still on the forefront of many voters' minds. As recently as 2014, the voters handily rejected a proposal by the North Fork Tribe to conduct off-reservation gaming, rejecting the compact Governor Brown had negotiated with North Fork and nullifying the Governor's concurrence in the two-part determination that would allow such gaming.²⁷ Just last year, two sports betting initiatives that were the most expensive in California history, and would have included California tribes, received record low support by California voters—one, Proposition 27, had the lowest vote of support in California history.²⁸

The unanimous opposition to the Koi Project in the tribal and local community is consistent with that statewide view. The Koi Project is the antithesis of what the voters agreed to—the Sonoma County Site is not just outside of Koi's aboriginal territory, it is planned at a highly-visible location which has already drawn much attention and public outcry.²⁹ Koi's project would break the promises made by tribes statewide during the campaigns for Propositions 5 and 1A and could ultimately be a tipping point that results in a loss of exclusivity for tribal gaming in California. The Koi project could shift the delicate balance that exists in the legislature and with the voters, which is already challenging with the increasing threat of non-tribal cardroom operations that seek to expand with new locations and new games.

Because the application seeks to shift the rules for taking land into trust, the EA should consider the negative impact on all tribes that would be called to commit significant resources to protect tribal exclusivity and aboriginal territory. The EA fails to consider these larger policy issues and the tremendous cost and impact to local tribes and perhaps even tribes across the entire state that would result from the Project. The EA focuses on the immediate financial impact of the Project on nearby tribal casinos, however there is no analysis of the impact of the reduction of such revenues to the tribal governments and their citizens.

The failure to adequately study the larger potential impacts of taking land into trust for gaming outside of a Tribe's area has already resulted in negative impacts to Dry Creek, as well as

²⁷ See *Stand Up for California! v. State of California*, No. F069302, 2021 WL 1933336 (May 13, 2021).

²⁸ See <https://www.nbclosangeles.com/news/local/prop-26-27-california-sports-betting-gambling-fail/3029890/>.

²⁹ See *supra* note 21.

to the other aboriginal tribes because of the drain on finite and limited resources that is necessitated by the publication of an EA without first having a determination that the lands qualify as restored lands under the IGRA. Again, the only way to reduce this unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA until there is a final decision on Koi's request for a restored lands opinion.

V. The Sonoma County Site Does Not Qualify as Restored Lands for Koi Nation Under the Indian Gaming Regulatory Act Because It Is Located in Dry Creek's Aboriginal Territory.

IGRA prohibits gaming on lands acquired after 1988 except under certain circumstances. Specifically, Section 20(a) of IGRA provides that if lands are acquired in trust after October 17, 1988, the lands may not be used for gaming, unless one of the following statutory exceptions applies:

- (1) The lands are located within or contiguous to the boundaries of the tribe's reservation as it existed on October 17, 1988;
- (2) The tribe has no reservation on October 17, 1988, and "the lands are located...within the Indian tribe's last recognized reservation within the state or states where the tribe is presently located;"
- (3) The "lands are taken into trust as part of: (i) the settlement of a land claim; (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process; or (iii) the restoration of lands for an Indian tribe that is restored to Federal recognition. . . ."

Under the "restored lands exception," found in IGRA Section 20(b)(1)(B)(iii) (25 U.S.C. § 2719(b)(1)(B)(iii)), a tribe must first document that it has been "restored"—meaning that it had federal recognition, lost it, and then regained recognition. It then must document that the land it wants to use for gaming is on a site that constitutes a restoration of land to the tribe. The notion of "restoration" of lands means that the land has been returned to tribal ownership and control and that it lies within the historic tribal occupancy area. The "restored land" provision is poorly understood and has frequently compelled tribes to file briefs and reports with the National Indian Gaming Commission ("NIGC") or to litigate to get the facts confirming its eligibility under the restored lands exception into a forum to prove its case and secure trust status of lands for gaming. In analyzing whether lands have been "restored," the NIGC examines whether the "land acquisition in some way restores to the Tribe what it previously had."³⁰

When the BIA has evaluated this issue, it has analyzed historical tribal ties to the lands to determine if the proposed gaming site is within a tribe's aboriginal territory. In testimony regarding

³⁰ U.S. Dep't of the Interior, Office of the Solicitor, Memorandum: Elk Valley Indian Lands Determination, at 7 (July 13, 2007).

off-reservation gaming and newly restored lands, then-Principal Deputy Secretary Aurene Martin stated:

For instance, to qualify under the “initial reservation” exception, the Department requires that the tribe have strong geographical, historical and traditional ties to the land. To qualify under the “restoration of lands” exception, the Department requires that either the land is either made available to a restored tribe as part of its restoration legislation or that there exist strong historical, geographical, and temporal indicia between the land and the restoration of the tribe. The Department’s definition of restored land has been guided by fairly recent federal court decisions in Michigan, California, and Oregon.³¹

While Koi has outwardly advocated that it has a connection to the Sonoma County Site, it cannot make an adequate legal claim to aboriginal title or restored lands for the Sonoma County Site because the land is accepted by all Sonoma County tribes as being the aboriginal land of the Dry Creek Rancheria. The Sonoma County Site is located well *outside* of the Koi’s aboriginal area and *within* the aboriginal area of several other tribes, but primarily Dry Creek. Consequently, the land cannot be *restored* to Koi when it is the territory of another tribe.

VI. The EA Does Not Adequately Address the Potential Environmental Impacts That Will Be Caused By the Koi Project and an EIS Must Be Prepared.

The Project proposes an action with two parts: (1) the acquisition by the federal government of approximately 86 acres of land in Santa Rosa, California (the “Shiloh parcel”) in trust for the benefit of the Lower Lake Koi Nation as restored lands, and (2) establish its economic lands base in order to promote the general welfare of the Koi Nation and its members, raise governmental revenues, and create jobs for its members.

We believe that the Environmental Assessment is deficient because the BIA failed to examine and analyze reasonable alternatives to the Project by determining that an EIS is not required for a massive project such as this, which is proposed in an area with existing traffic congestion and in conflict with surrounding land uses. Moreover, this Project’s environmental review process has moved faster than most other similar projects have in the past, which is extremely concerning to Dry Creek, because the scoping began during a worldwide pandemic that severely impacted our Tribe’s ability to allocate resources to track the process and properly evaluate the impacts that the Project will have on our Tribe, and the surrounding community.

As stated previously, the Project would be detrimental to Dry Creek, as Dry Creek’s governmental functions and/or services will be directly, immediately and significantly impacted by the proposed gaming establishment and the EA did not include an analysis of locating a site in

³¹ Testimony of Aurene M. Martin Principal Deputy Assistant Secretary – Indian Affairs, Department of the Interior, at the Oversight Hearing Before the Committee on Resources, U.S. House of Representatives Concerning Gaming on Off-Reservation, Restored and Newly-Acquired Lands, July 13, 2004

or near Clear Lake, or even within Lake County, closer to the lands that Koi has a significant cultural relationship to.

We believe that failing to prepare an Environmental Impact Statement would be arbitrary, capricious, and inconsistent with BIA practice. The EA describes Alternative A (the project proponent’s preferred alternative) as the acquisition of 68.6 acres in trust to construct a three-story casino with 2,750 gaming devices, 105 table games, a food court, five restaurants, and four service bars—comprising 538,137 square feet.³² There will also be a five-story, 400-room hotel with spa, ballrooms/meeting space, and event center—comprising 268,930 square feet. Additionally, the site will contain a four-story parking garage and paved surface parking lot providing 5,119 parking spaces and comprising 1,689,380 square feet.³³ Lastly, there will be an on-site potable water treatment plant and storage tank, on-site wastewater treatment facilities (including a wastewater treatment plant, 4-acre seasonal storage pond, storage tank, and pump station), as well as “up to” two new water supply wells and potentially a fire station.³⁴ The total square footage of ground disturbance will *exceed 2.4 million square feet*.

When scoping the project, BIA asserted that an EA is “the appropriate level of NEPA document at this time” because it will help BIA determine “whether a proposed action may or will have a significant impact on the quality of the human environment.”³⁵ However, there is no doubt that a project of this scale will have a significant impact on the quality of the human environment. The BIA practice, up to this point, has been to conduct the more comprehensive review demanded by an EIS for tribal gaming projects of this scale.

For example, in 2020, BIA issued a final EIS for the Tejon Indian Tribe’s trust acquisition for a casino project similar in scope to the Koi Project. The project involved the trust acquisition of 306 acres of land to construct a 715,800 square foot Class III gaming facility with casino, restaurants, entertainment and retail space, a fire and police station, RV park, water treatment facilities, and 400-room hotel.³⁶ Prior to trust transfer, the site consisted primarily of agricultural land with rural residential housing and commercial development.³⁷

Two other recent examples include the BIA’s preparation of an EIS for the Wilton Rancheria casino project and also for the Soboba Band of Luiseño Indians Horseshoe Grande casino project—both of which involved parcels that had already been partially developed. In 2016, BIA finalized its EIS evaluating the trust acquisition of 36 acres of land for the Wilton Rancheria that had already been partially developed as a shopping mall. The Wilton Rancheria project involved the construction of a 608,756 square foot Class III gaming facility (similar in

³² EA Sec. 2.1.2.

³³ EA Sec. 2.1.2.

³⁴ EA Sec. 2.1.3, Sec. 3.10.3.2, and Appendix C.

³⁵ Scoping Report at 26.

³⁶ BIA Final Environmental Impact Statement, Tejon Indian Tribe Trust Acquisition and Casino Project (Oct. 2020) at 2-1 – 2-2.

³⁷ *Id.* At 2-1,

size to the Koi Casino's 538,137 square foot facility) and 302-room hotel (smaller than the Koi Project's 400-room hotel).³⁸

In 2013, the BIA issued a final EIS for the trust acquisition of 535 acres of land for the Soboba Band of Luiseño Indians. A portion of the large site was already being used for a tribal golf course, but 55 undeveloped acres were evaluated by the BIA for construction of a 729,500 square foot Class III gaming facility (again, similar in size to the Koi Casino's 538,137 square foot facility), and 300-room hotel (again, smaller than the Koi Project's 400-room hotel), as well as two fire stations and gas station.³⁹ Importantly, there is no reasonable basis for concluding that these recent tribal casino-resort projects required an EIS but the current Project somehow does not.

Koi's Project site is largely undeveloped, the adjacent land is primarily agricultural and residential, and the site is 50 miles from the Koi's historic rancheria (and within the aboriginal and cultural territory of the Southern Pomo people). The Koi Project is comparable with the Tejon, Tule, Soboba, and Wilton projects, all of which were subject to an EIS. Ultimately, we believe that it is arbitrary and capricious and an abuse of discretion for the BIA to rely on an EA for this Project.⁴⁰ However, we also believe that the BIA must withdraw the EA and first consider Koi's request for an Indian lands opinion before doing any further NEPA analysis for the Project.

VII. Comments Regarding the Environmental Impacts to Dry Creek Homelands That Will Result from the Project.

The following list provides our comments on other aspects of the EA that are concerning to Dry Creek, however, we wish to note that we requested an additional sixty days so that we could properly analyze the EA, however the BIA only granted a 15-day extension for our comments. That was not sufficient for us to prepare the detailed comments that we had hoped to make here.

1. Water

Sonoma County is currently facing dramatic water shortages that are drought-related, but also systemic. Dry Creek often faces curtailment orders (along with other Alexander Valley vineyards) and it is vital that the basin be protected from overdraft of the water table. The EA does not analyze the implications of increased, year-round groundwater extraction and the corresponding impairment of seasonal groundwater recharge that the Project would create. To make matters worse, none of the mitigation measures address impacts to groundwater. In order to conduct the appropriate level of detail for this important analysis, an EIS should be prepared.

³⁸ BIA, Final Environmental Impact Statement / Tribal Project Environmental Document, Wilton Rancheria Fee-to-Trust and Casino Project at ES-4–ES-5 (Dec. 2016) (hereinafter 2016 Wilton Rancheria FEIS).

³⁹ BIA, Final Environmental Impact Statement, Horseshoe Grande Fee-to-Trust Project at ES-1 (Sept. 2013).

⁴⁰ *Citizens Exposing Truth About Casinos v. Norton*, No. CIV A 02-1754 TPJ, 2004 WL 5238116 (D.D.C. Apr. 23, 2004), *aff'd sub nom. Citizens Exposing Truth about Casinos v. Kempthorne*, 492 F.3d 460 (D.C. Cir. 2007).

2. Air Quality/Greenhouse Gases

The Koi Project will cause increased air emissions within the area due to traffic and congestion created by the location of the Sonoma County Site. Additional greenhouse gases will be emitted for patrons, employees and in the operation of the facility. The Project will contribute to a cumulative impact to impaired air quality, as the Shiloh site is located in a non-attainment area subject to significant traffic congestion. The EA does not specifically address the potential cumulative health impacts that occur from combined Project emissions and increased traffic emissions from roadways and the nearby freeway, and other industrial uses in the vicinity. A more detailed examination of the potential for cumulatively significant air impacts in the region is needed to make an informed decision regarding the proposed project. In order to conduct the appropriate level of detail for this important analysis, an EIS should be prepared.

3. Biological Resource

The EA identifies Pruitt Creek, which bisects the site, is “designated as critical habitat (pursuant to the federal Endangered Species Act), designated as essential fish habitat (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act), and provides potential habitat for several federally listed salmonids”. Given that an NPDES permit is necessary for the Koi Project, which will discharge into critical habitat, there should be an EIS level analysis for the Koi Project. The failure to require an EIS indicates a lack of diligence on the part of the BIA for this undertaking.

4. Cultural Resources

Despite the fact that the Shiloh site is has been previously impacted by some development, it is nonetheless within the aboriginal territory of the Dry Creek Mihilakawna and Makahmo Pomo people, as well as neighboring Sonoma County tribes. The site contains tribal cultural resources important to the Dry Creek people. Preparation of an EIS would provide for a scoping process that would allow us to gain more information in order to properly assess the potential impact of the Proposed Project on our tribal cultural resources.

As stated above, tribal consultation under Section 106 has not yet occurred, despite the EA already being published. Even if we had the opportunity to meet with BIA prior to the issuance of the EA, we lacked critical details about the project design, including major ground-disturbing components, which were only recently disclosed in the EA. For example, to provide an adequate water supply for the project, up to two new water wells may be dug onsite, exact location unknown, to a depth of approximately 700 feet.⁴¹ Further, the proposed wastewater collection system involves installing a gravity sewer main *underneath* the existing creek.⁴² Additionally, the project design anticipates constructing massive seasonal storage ponds or storage tanks to hold treated

⁴¹ See EA Sec. 2.1.3; Appendix C, Figures 2-3 and 2-4, appearing to propose at least one of the new wells be located within the already crowded water treatment area.

⁴² See EA Sec. 2.1.4.

effluent until it can be used.⁴³ Assuming no off-site use of the effluent is available, storage ponds would have a 12.1-million gallon capacity and cover 4.1 acres with a maximum depth of 9 feet, whereas storage tanks would have a 16 million gallon capacity and be 145 feet wide and 65 feet tall.⁴⁴ These design features demonstrate not only the high degree of uncertainty with the overall project design but also the substantial ground disturbance that will likely result from construction.

Moreover, the design seems to contradict conclusions drawn by the project proponent's archaeologist (and implicitly adopted by the BIA) that likely no pre-historic sites would be impacted since prior vineyard agricultural activity had already disturbed the subsurface to a depth of four feet.⁴⁵ Up to 700 feet of ground disturbance is certainly distinguishable from four feet of ground disturbance.

In addition to the failed consultation with local aboriginal tribes, the EA Section 3.6 provides misleading information. Subsection 3.6.2, the EA asserts that around 3,500 BP, many Clear Lake Pomo moved west into the Russian River drainage, married into existing Yukian tribes (bringing with them their language, culture, and technology), and "[e]ventually the Clear Lake Pomo culture spread throughout Sonoma and Mendocino Counties."⁴⁶ This assertion is misleading—likely to preserve the narrative that Koi is significantly and historically connected with the area—and without any academic or ethnographic support. Nowhere does the EA state that the Sonoma County Site lies within the territory of Dry Creek.

Rather than citing to primary source material regarding Pomo origins and the antiquity of the presence of Hokan speaking peoples in Sonoma County, the EA cites only to the historic property survey report generated for this Project by Koi's own archaeological consultant, John Parker.⁴⁷ This is a far cry from a comprehensive article on the subject that is peer reviewed and published in an academically reputable journal. Moreover, the hypothetical population movements associated with differentiation and expansion of Pomoan language is disputed among academics. For example, anthropologist Mark Basgall's 1982 manuscript *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California* provides a critique of the early California linguists that model prehistoric language movements as resulting from migration.⁴⁸ Basgall argues, quite convincingly, that the Southern Pomo language resulted from in situ development, meaning that Pomo speakers did not replace earlier inhabitants. Instead, Pomo speakers have been present in northern Sonoma County for a long period and the differences in language families is the result of in-situ development rather than population replacement. This conclusion is consistent with Dry Creek oral tradition, which must be given great weight under DOI's Tribal Ecological Knowledge Policy.

⁴³ *Id.*

⁴⁴ See Appendix C Sec. 2.3.4.4, including Figures 2-7 and 2-8.

⁴⁵ See confidential Appendix H-1 at 4.

⁴⁶ EA at 3-53.

⁴⁷ EA at 3-53, citing Appendix H-1.

⁴⁸ Mark Basgall, *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California*, J. OF CA. & GREAT BASIN ANTHROPOLOGY 4(1):3-22 (1982).

Additionally, under the heading “Native American Consultation,” the EA notes that the Native American Heritage Commission identified the presence of sacred sites within or near the Area of Potential Effects (APE), yet the EA does not analyze those sites or identify their locations. As such, the EA has not provided adequate identification efforts necessary to determine if the sacred site(s) are present within the APE. Although this subsection notes that Graton Rancheria believes religious and significant tribal cultural resources are present within the APE, it does not analyze impacts or provide any resolution of potential adverse effects to those resources—nor could it, since BIA has not actually met with Graton or any of the local tribe to discuss these issues.

In order for the impact analysis to be complete for the Project, the APE should be developed in consultation with the appropriate tribes through the NHPA Section 106 process. Proposed traffic mitigation for this project indicates that the widening of Shiloh Road will eventually become necessary.⁴⁹ Additionally, the EA provides that gas and electrical utility extensions and infrastructure improvements will be constructed prior to the Project opening date and paid for by Koi, however the EA does not specify the exact locations of such extensions and infrastructure improvements. Since some of that work will be conducted off-site, Dry Creek tribal cultural monitors should be required for all such work as required by AB 52. For these reasons, the APE should be expanded beyond the property boundaries to include any roads or other locations where work is likely to be done, and appropriate tribal cultural monitoring agreements should be required.

The discussion of field surveys and evaluations in Subsection 3.6.3.2 are also deficient. The February 2022 archaeological field survey performed by one of Koi Nation’s archaeological consultants, John Parker, resulted in the identification a of variety of pre-contact archaeological materials including: a bowl mortar, chert and obsidian flakes, a biface fragment, a core and a projectile point. In addition, historic-era archaeological materials associated with a home site were found. John Parker recommended that neither the pre-contact archaeological materials nor the historic-era items are significant archaeological resources, and therefore are not eligible for listing on the National Register of Historic Places (the National Register). Yet the evaluation of the eligibility for listing on the National Register does not follow the guidelines outlined in the *How to Apply the National Register Criteria for Evaluation* published by the National Park Service. The eligibility criteria (A-D) are not clearly outlined in the EA, neither is how they relate to the archaeological resources.

Not surprisingly, because the EA lacks any input from the culturally affiliated tribes, the evaluation lacks a detailed description and offers a poorly developed justification regarding the eligibility of the resource. The EA’s description of the May 2022 archaeological field survey performed by another archaeological consultant, Tom Origer & Associates, is also misleading. The EA fails to explain that the archaeologist made no recommendation regarding the eligibility of pre-historic resources for inclusion on the National Register and in fact, concluded there *could* be buried archaeological sites and recommended that additional studies be completed, such as

⁴⁹ EA at 4-9.

obsidian hydration analysis, canine survey, ground penetrating radar survey, and backhoe trenching.⁵⁰

These important issues and questions should not be left to the public comment period of the EA, these cultural concerns should be discussed in a meaningful and respectful way with a respect for confidentiality of the site information. In fact, *too* much tribal cultural resource information is revealed in the EA, an apparent effort to make the EA appear to be thorough, but if Section 106 consultation had occurred, Dry Creek would not want to have such detail disclosed to the public in the EA.

However, Koi and BIA have run roughshod over the Section 106 process. The irony of this is not lost on us given the fact that Koi has filed a lawsuit against the city of Clear Lake alleging the lack of meaningful consultation on a project that would impact Koi cultural resources. Koi was so concerned about the lack of meaningful consultation that they obtained an amicus brief from the California Attorney General, but in the case of Dry Creek, Kashia and Graton, requests for consultation have gone unanswered.⁵¹

Despite the lack of any tribal consultation, in Section 3.6.3.3, the BIA prematurely and without adequate explanation concludes that the Project would “not result in direct adverse effects to known historic properties” and that while there is a “potentially significant impact” to subsurface prehistoric or historic archaeological resources, those impacts would be reduced to less-than-significant levels with mitigation.⁵² As we already stated, such a conclusion should not be rendered prior to meeting with our Tribe and other consulting tribes to discuss the identification of, and impact, to tribal cultural resources.

The State Historic Preservation Officer has not concurred with the BIA’s determination of no adverse effects, a fact the draft EA neglects to mention. But the SHPO is correct in the withholding of concurrence because no tribal consultation has occurred. Further, the EA’s conclusion of no adverse effects under the NHPA is undermined by the EA’s simultaneous recognition that a number of factors, such as the presence of Pruitt Creek, the presence of scattered obsidian, and the results of Native American consultation “conducted to date” indicate that there is, in fact, a potential for “significant subsurface cultural resources to be buried beneath the Project Site,” which “could be encountered and impacted during project related construction and evacuation activities.”⁵³ This illustrates that additional identification efforts are merited to determine the presence or absence of buried archaeological resources at the Project site.

⁵⁰ See confidential Appendix H-2 at 11.

⁵¹ EA at 3-53.

⁵² The BIA makes this same conclusion for alternative project designs. See, EA at 3.6.3.4 and 3.6.3.5.

⁵³ EA at 3-56.

i. Mitigation Deficiencies

The EA summarily concludes that while there is a potentially significant impact to certain cultural resources, such impact would be reduced to less-than-significant if mitigation measures are employed.⁵⁴ The section's ethnographic overview acknowledges the Project site is in Southern Pomo aboriginal territory, yet these mitigation measures were developed without consultation with the culturally affiliated tribes, including Dry Creek. The mitigation measures are poorly designed, fail to incorporate applicable law and leave us with no confidence that mitigation will be

Cultural Resource Mitigation Measure A provides that:

Any ground-disturbing activities that occur within 150 feet of Pruitt Creek shall be monitored by a qualified archaeologist and Native American Tribal Monitor. An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, lead agency, and the project proponent. The program shall clearly define the authority to temporarily halt/redirect construction should resources be encountered.

This mitigation measure is flawed in several respects. It does not specify who may properly serve as a Native American Tribal Monitor and there is no guarantee that the monitor will come from a culturally affiliated tribe. In fact, as noted in the EA at page 3-55, the Koi Nation previously utilized its own tribal monitor for trench studies conducted at the site and we have every reason to believe they will continue to use their own tribal monitor, even though they are not Southern Pomo and not culturally affiliated with this area. Further, the archaeological monitoring program is to include consultation between the consulting archaeologist, lead agency, and the project proponent, but there is no mention of consultation with any of the Southern Pomo tribes. Last, given the array of cultural resources or potential cultural resources discovered throughout the site, as discussed in the confidential appendices, monitoring should be required for ground-disturbing activities *anywhere* at the site, not just those activities that occur within 150 feet of Pruitt Creek.

Cultural Resource Mitigation Measure B provides that:

In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR Part 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR Part 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA and other appropriate agencies. If any find is determined to be significant by the archaeologist or paleontologist and project

⁵⁴ *Id.*

proponent, a BIA representative shall meet with the archaeologist or paleontologist and project proponent to determine the appropriate course of action, including the development of a Treatment Plan and implementation of appropriate avoidance measures or other mitigation.

This mitigation measure again excludes culturally affiliated tribes from the process, providing us no role in assessing the significance of a find or in developing a Treatment Plan or other appropriate course of action. To add insult to injury, the project proponent *is* guaranteed a voice in this process, merely because they are another Indian tribe.

Mitigation Measure B also fails to identify and incorporate applicable federal law from the Native American Graves Protection and Repatriation Act (NAGPRA) and the Archaeological Resources Preservation Act (ARPA). NAGPRA provides a process for determining the ownership and control of Native American cultural items discovered on tribal lands.⁵⁵ ARPA also imposes a number of relevant requirements, including prohibiting the unauthorized evacuation, removal or damage of archaeological resources on Indian lands.⁵⁶

Lastly, Mitigation Measure B fails to provide a clear explanation or description of how archaeological materials will be treated. While it refers generically to a Treatment Plan, it should specifically require that an Archaeological Research Design and Treatment Plan (ARDTP) be authored to guide archaeological evaluation and mitigation measures. The ARDTP should follow *Guidelines for Archaeological Research Designs* published by the California State Office of Historic Preservation and be reviewed by the BIA and all tribes that requested to be a consulting party. Moreover, the ARDTP should be in place prior to commencing any ground-disturbing construction activities, rather than waiting until a discovery occurs. None of that has happened despite ground disturbance already occurring without tribal consultation.

Cultural Resource Mitigation Measure C provides that:

If human remains are discovered during ground-disturbing activities a BIA representative shall be contacted immediately. No further disturbance shall occur until the BIA representative has made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods.

Again, this mitigation measure entirely fails to identify and incorporate applicable federal law and, confusingly, incorporates a California state law process that does not apply to tribal trust lands, but does apply to the land as it is now in fee status. Similar to the prior mitigation measure, NAGPRA provides the process for determining the ownership and control of Native American human remains discovered on tribal lands. That process includes a priority for *known* lineal

⁵⁵ 25 U.S.C. § 3002(a); 43 C.F.R. § 10.4.

⁵⁶ 16 U.S.C. §§ 470aa-470hh; *See also* 43 C.F.R. § 7.4.

descendants of a deceased Native American individual who has been *identified*.⁵⁷ In contrast, the “Most Likely Descendant” procedures under California state law are a separate process and do not require the same degree of identification and connection between the deceased and the descendant.⁵⁸ Moreover, and echoing the pitfalls of the first two mitigation measures, the culturally affiliated tribes are ignored in this mitigation measure and offered no voice or rights in the disposition of our own ancestors.

With regards to the second and third mitigation measures, the incorporation of federal law drives home the most concerning, indeed significant, impact of all: if the land is accepted into trust, Koi will be afforded superior rights to Dry Creek and other Southern Pomo tribes if any cultural resources or human remains are inadvertently discovered during or after the construction of the Project. By establishing trust land in Southern Pomo territory, the BIA would grant Koi custodial priority of human remains or objects are found on our lands. We cannot imagine it was Congress’ intent to create such an unjust scenario, but Congress likely was not envisioning a scenario where a tribe would acquire trust lands outside of its aboriginal territory and in the aboriginal territory of other tribes.

We reserve the remainder of our comments for confidential tribal consultation through the Section 106 process. Nonetheless, we believe it is important that the BIA, and the public, understand that: 1) contrary to what the EA states, meaningful and complete tribal consultation was *not* conducted prior to the publication of the EA; 2) tribal cultural resources on the property have not been properly analyzed; and 3) the proposed mitigation measures were designed without the input of the culturally affiliated tribes and are woefully inadequate for protecting our cultural resources. The BIA’s decision to hold out the EA for public review and input, even though BIA knew critical information was forthcoming on cultural resources, is misleading to the public, and it allowed inappropriate public disclosure of tribal cultural resources. As detailed above, there are substantial questions regarding the adequacy of the BIA’s evaluation of cultural resources, the significance of the project’s impacts on those resources, and the efficacy of the proposed mitigation measures. As such, a full EIS must be prepared.

5. Fire Risk and Evacuation

The EA does not adequately address the impacts the Project would have on the critical issues of fire safety and wildfire evacuations. The proposed casino-resort would bring thousands of daily visitors to a site that Sonoma County has already determined to have a “high” risk of wildfire.⁵⁹ Indeed, the Project site is situated *within a half mile* of the burn perimeter of *both* the Tubbs Fire (2017) and the Kincade Fire (2019)—two of the most devastating wildfires in all of

⁵⁷ See 43 C.F.R. §§ 10.2(b)(1) (defining “Lineal Descendant”), 10.4(e) (providing the process for inadvertent discoveries on tribal lands), 10.6 (providing the priority of custody).

⁵⁸ See California Public Resources Code § 5097.98.

⁵⁹ EA at Fig. 3.12-2.

California history.⁶⁰ Despite the significant risk to human safety inherent in operating such a large casino facility in such a high-risk location, the EA fails to specify how basic fire protection services would be provided and incorrectly concludes that the Project would have no significant impact on wildfire risk and evacuations for the surrounding area.

While the Project site for Alternative A is located within the jurisdiction of the Sonoma County Fire District (SCFD), the SCFD has *not* agreed to provide any particular level of service to the Project Site. The EA primarily relies on a letter of intent between Koi Nation and SCFD to conclude that impacts to fire protection and emergency medical services would be reduced to less than significant.⁶¹ But this bare-bones, one-page letter does not remotely constitute an emergency services plan. Rather, the letter merely states that a Memorandum of Understanding (MOU) between Koi Nation and the SCFD is a *possibility* given the parties' intention "to *negotiate* in good faith an agreement for fire and emergency services."⁶² No specific terms of the potential MOU are outlined—and thus no promise to provide any particular services can be read into the letter, a point that the parties themselves make crystal clear: "In the absence of a duly executed MOU, the Fire District shall have no duty or obligation to provide services to the [Koi] Nation for its proposed gaming facility... ." There is no reasonable basis on which the BIA could conclude that an unnegotiated, undrafted MOU provides an effective mitigation measure.

Nor is Koi required by the EA to ultimately enter into an MOU. The cited mitigation measures only require Koi to "make good faith efforts" to execute such an agreement.⁶³ Recognizing that Koi has no agreement with SCFD and is not actually required to enter into one, the EA points to an even more speculative back-up plan: if Koi does not enter into a service agreement with SCFD, then it must build and staff a fire station in the "treatment area" of the Project site.⁶⁴ But the EA does not attempt to explain how it determined that the on-site fire station is sufficient to meet the fire protection and emergency services needs of the Project. Moreover, no specifications or building plans for such a station are evaluated (or even described) in the EA, nor is there any discussion of how a fully equipped fire station might impact the design and environmental impact of the overall treatment area. Without that analysis, the EA's analysis of the impacts of the "treatment area" infrastructure is under-developed and deficient.

6. Socioeconomics/Environmental Justice

The EA focuses on the fact that the Lower Lake Koi Nation owns the one home that is on the site, however it has only owned the property for a brief period of time. The area could have been the site for future homes, particularly since the area is facing a critical housing crisis since several fires severely impacted the already limited housing that is available to families in Sonoma County. Ultimately, the Dry Creek Rancheria is a tribe with a significant tribal population in

⁶⁰ EA at 3-109, Fig. 3.12-2.

⁶¹ EA at 3-89.

⁶² Appx. O, emphasis added.

⁶³ EA at 4-8.

⁶⁴ *Id.*

Sonoma County (as are the other six Sonoma County tribes). Our tribal members are in desperate need of housing and this Proposed Project will only hurt our tribal member families. We have a significant amount of information that shows over 75% of our Tribe are considered low income for Sonoma County.

We have been working, at considerable time and expense to provide housing for our membership, however the number of affordable homes in Sonoma County is not able to meet the needs of our citizens, approximately 700 of which live in Sonoma County. An EIS is the appropriate level of study for this reason.

I. CONCLUSION

The Tribe appreciates the opportunity to submit this public comment and looks forward to meeting with the BIA to address our concerns, In the spirit of that commitment, we request a meeting with BIA to discuss our concerns since we were not given the opportunity to participate in a public scoping meeting for a more appropriate EIS. Thank you for considering our comments. If you have any questions about this letter, please contact Michelle Lee, at (916) 809-8900 or michelle@thecirclelaw.com.

Sincerely,



Chris Wright, Chairman
DRY CREEK RANCHERIA BAND OF POMO INDIANS

From: Andy Mejia <andymejia@lyttonrancheria.com>
Sent: Friday, March 29, 2024 4:03 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Dutschke, Amy <Amy.Dutschke@bia.gov>; Larry Stidham <larry@stidhamlaw.biz>; Tristan G. Stidham <TStidham@hobbsstrauss.com>
Subject: [EXTERNAL] Lytton Rancheria - NOI Comments - Koi Nation Fee-to-Trust and Casino Project

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Good Afternoon Mr. Chad Broussard,

Attached to this email you will find NOI Comments for the Koi Nation Fee-to-Trust and Casino Project. If you have any questions or comments please feel free to contact me at your convenience.

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LYTTON RANCHERIA • Lytton Band of Pomo Indians



1500 Falling Oak Way • Windsor, California 95492

(707) 575-5917 • Fax (707) 575-6974

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Via email to: chad.broussard@bia.gov

Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Dear Ms. Dutschke:

The Lytton Rancheria of California, also known as the Lytton Band of Pomo Indians ("Lytton"), is a federally recognized Indian Tribe with a reservation located in Windsor, California. As we noted in our previous comments calling for this Environmental Impact Statement ("EIS"), Lytton opposes the Koi Nation's application to acquire 68 acres of land in trust for a casino and resort on the Project Site. The Project Site is near the Town of Windsor in Sonoma County, California, which is approximately 50 miles from the Koi Nation's homeland in Lake County, and well outside the Koi Nation's ancestral territory. Lytton submits these comments in the hope that the EIS will properly address and examine the grave concerns of our Tribe.

In our previous comments, Lytton identified several issues and concerns that were inadequately addressed in the Environmental Assessment ("EA") released by the Bureau of Indian Affairs ("BIA") in September 2023. We therefore appreciate the determination that an EIS is necessary to properly consider the risks posed by the project and request that the final EIS include meaningful analysis of those issues and concerns. In particular, we ask that the EIS analyze additional traffic and evacuation delays that will be imposed by the construction of the project and then the delays incurred by its full-fledged operation. We also ask that the EIS identify the stringency and reliability of mitigation measures proposed by the Koi Nation, and what recourse would be available if agreements with the state and county for the implementation of these measures are not made or abided by, as they seem to be non-binding. Finally, we ask (1) that proper consideration be given to the graves, remains and artifacts of the local Tribes, (2) that the EIS require monitors and leaders from the local Tribes to be involved during the development of any approved project, and (3) that the local Tribes be given notification if their artifacts or remains are disturbed during the process.

Wildfire and Traffic Concerns

The previously conducted EA concluded that the effects on traffic and evacuations in the case of wildfire would be "less-than-significant." We believed these conclusions to be improbable, and ask that an EIS properly weigh all possible contributing factors as concerns traffic and evacuation delays, and reach realistic conclusions, whatever they may be.

As was noted in the EA, the area near the Project Site is at a very high risk of wildfires, which in the last decade have burned hundreds of thousands of acres in Sonoma County. The construction and operation of a casino and hotel is certain to attract thousands of additional people including patrons, guests, employees and contractors. Examination of the impacts this will have on the daily commute of Windsor and Sonoma County residents should be included in the EIS, as well as the ability of first responders to reach the project and surrounding areas in cases of emergency, not just for wildfires.

Examination should also be done for the time to evacuate the construction site itself, including the multitude of contractors and employees that will be present. Additionally, procedures should be in place for the removal of items that could contribute to the growth of a wildfire while the site is being evacuated, such as fuel loads. Further study should be included into what project measures/designs can be introduced to limit the danger and threats to the surrounding residents, including alternative materials. Analysis and discussion should be conducted on what happens if the Koi Nation opts not to utilize such materials and methods, as well as possible recourse.

The EIS must also include the new Lytton Rancheria homeland in evacuation considerations. In particular, consideration must be given to how long it will take to evacuate the homeland, and the broader delay this will have on the evacuation timeline for the Town of Windsor as a whole. After decades of being homeless and displaced, Lytton was able to move 146 families into homes on tribal land. This project was only recently completed, but evacuating it will be a significant undertaking and a great burden for the Tribe in the event of wildfire. If an evacuation becomes necessary, the residents of the homeland will be among those forced to flee across Windsor and travel south on Route 101. They will be directly impacted and threatened by the delay the Koi Nation's Proposed Project will impose which could very well result in greater injury and loss of life.

Further, the delay caused by the casino and hotel, however long it may actually be, must be analyzed in terms of weighing the economic benefit to the Koi Nation against the potential loss of life and economic damage incurred by the delay. The EA, which failed to consider a number of present factors that will add to the evacuation timeline, estimated the project would add hours to an evacuation in conditions similar to the recent 2019 Kincade Fire in Sonoma County. This could result in hundreds of additional deaths, and the decimation of the Lytton Rancheria. We also feel that it is worth pointing out that in 2017, Windsor saw the even more destructive Tubbs Fire, which ravaged the nearby City of Santa Rosa and resulted in dozens of deaths, approximately 5,000 destroyed structures, and over a billion dollars in estimated damages. As such, the tradeoffs of any evacuation delays imposed by the Proposed Project should be identified, calculated and discussed.

Concerns About Lack of Enforceability of Mitigation Measures and Incomplete Evacuation Estimates

The EA's conclusions about traffic and evacuation delays also assumed future actions taken not only by the Koi Nation, but by third parties including the Town of Windsor, Sonoma County, and CalTrans. In the absence of any waivers of sovereign immunity or signed agreements, these presumed actions are speculative with limited means of enforcement. Further, we are still not aware of any measures the BIA is taking to ensure the Koi Nation implements these best practices and follows through on mitigation measures.

The EA stated that the Koi Nation was to make "good faith efforts" to comply with off-site roadway improvements, and to reduce traffic impacts, while acknowledging such measures were not controlled by Koi Nation, but instead are largely under the control of the Town of Windsor and Sonoma County. Necessary improvements include the conversion from split phasing to protected phasing at the Shiloh Road and Old Redwood Highway intersection, the restriping of various approaches and off ramps, the signalizing of intersections and the optimization of splits and cycle lengths for intersections. Most vitally, they also include the widening of Shiloh Road to four lanes at certain sections. The EIS must analyze additional delays that will be incurred if these improvements are not made. It should also estimate what these delays will resemble over years and decades if they are never made and the casino and resort is in operation.

The EIS should also include estimates for the possibility that the Koi Nation fails to implement adequate on-site evacuation procedures. As we have noted there are no waivers of sovereign immunity nor means of ensuring compliance with the procedures and measures that are being set forth. As such, the EIS should include time estimates for a chaotic evacuation of the casino and the surrounding area.

Groundwater and Environmental Concerns

As Lytton had expressed previously, the EA's analysis of the potential effects on groundwater in the surrounding area was also concerning. We would ask that the EIS include discussion of what will occur if project wells are drilled and there are not impervious clay layers separating aquifer zones on the project site. The EA stated that additional site-specific data was needed to ensure there wouldn't be significant impacts to off-site wells, as well as to confirm the hydraulic separation between the upper and lower aquifers under the project site. We ask that the EIS obtain the necessary data to confirm these scenarios or alternatively include discussion of the impacts that will ensue if there is not sufficient hydraulic separation for the aquifers, as well as what can be expected if there are significant impacts to off-site wells. We also propose that there be sufficient reimbursement to homeowners who incur replacement or rehabilitation costs to their wells as a result of the operation of the Proposed Project, with a reasonable burden of proof in order for them to be able to receive these reimbursements.

The EIS should further consider the ensuing environmental damages if the Koi Nation does not implement the Best Management Practices that the EIS outlines. This includes the

potential discharge of hazardous materials and pollutants, and possible environmental harms that would be caused to the surrounding area and protected sites, such as Pruitt Creek. Additionally, analysis should be conducted regarding the likelihood of a wildfire beginning at or exponentially growing from contact with the project site, and the risks of this occurring in the absence of reasonable mitigation efforts from the Koi Nation. Finally, any BMPs and mitigation measures that the EIS outlines should, as much as possible, be based on plans and reports that have actually been conducted, not those which are merely speculated or presumed. Since there is no means of ensuring that the Koi Nation adopt such measures, these harms are a real possibility and analysis should be conducted on the harms to the residents of Sonoma County if they ensue.

Cultural and Paleontological Resources

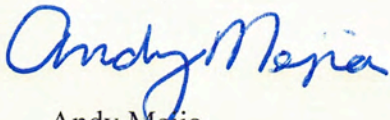
The EA noted the potential for significant cultural resources being buried beneath the Project Site and provided for the presence of Koi Tribal Monitors. We once again reiterate that the Koi Nation is not indigenous to Sonoma County, but is rather a Southeastern Pomo Tribe indigenous to Lake County. It is imperative that any and all assessments of cultural or archaeological effects of the Proposed Project occur with input and guidance from local Southern and Southwestern Pomo Tribes actually indigenous to Sonoma County with ancestral territory in the vicinity of the Project Site as it will be their ancestors and artifacts that are disturbed by the Project Site, not the Koi Nation's.

We would also like to propose an alternative project for the EIS, whereby the Koi Nation moves forward with a casino and resort such as the Proposed Project, but located in Lake County.

Conclusion

We appreciate the BIA's decision to require that a more in-depth Environmental Impact Statement be conducted in regards to this project, and the Lytton Rancheria is thankful for the opportunity to provide comment. We again emphasize our concerns that allowing a Tribe from Lake County to establish this Proposed Project will impinge on the Tribal sovereignty of Sonoma County Tribes and also dramatically increase the likelihood of disaster for the Town of Windsor and the Lytton Rancheria in the event of a wildfire. We hope that the EIS will fully and properly analyze all the risks and benefits of the Proposed Project.

Sincerely,



Andy Mejia
Chairperson
Lytton Rancheria of California

From: Bethany Sullivan <bsullivan@jmandmplaw.com>
Sent: Monday, April 8, 2024 11:58 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Greg Sarris <GSarris@gratonrancheria.com>
Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Hello Chad,

On behalf of my client, the Federated Indians of Graton Rancheria, I submit the attached letter on the scope of the Environmental Impact Statement for the Koi casino project. Please reach out if you have any questions.

Best,
Bethany

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April 8, 2024

Via Electronic Mail: chad.broussard@bia.gov

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: Graton Rancheria NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Dear Ms. Dutschke and Mr. Broussard,

On behalf of the Federated Indians of Graton Rancheria (FIGR or the Tribe), I submit these scoping comments on the Koi fee-to-trust application for a gaming project outside Windsor, California. On March 8, 2024, the Bureau of Indian Affairs (BIA) published its Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), providing the public 30 days to submit comments on the appropriate scope of environmental issues to be considered.¹ As you know, the BIA had previously issued a draft Environmental Assessment (Draft EA) for the same project.² The Tribe, and many other members of the public, submitted comments expressing alarm that a project of this scale will result in numerous significant environmental impacts and therefore requires a full EIS. We thank BIA for listening to our concerns and deciding to move forward with an EIS. We also ask BIA to make publicly available the comments previously submitted on the Draft EA so that the public may better understand the issues already identified.

¹ BIA, Notice of Intent to Prepare an Environmental Impact Statement for Koi Nation's Proposed Shiloh Road and Casino Project, Sonoma County, California, 89. Fed. Reg. 16782 (Mar. 8, 2024) (hereinafter referred to as the NOI).

² See BIA, Draft Environmental Assessment for the Koi Casino (Sept. 12, 2023) (hereinafter referred to as the Draft EA).

As we have repeatedly and emphatically stated, this project site is located in our ancestral territory. Our Tribal Citizens and employees live in the vicinity of the project. Therefore, we are deeply invested in the BIA's thorough and objective analysis of the project's impacts. We generally agree that the issue areas identified in the NOI must be considered. These include: land resources; water resources; air quality; noise; biological resources; cultural and paleontological resources; socioeconomic conditions/environmental justice; transportation and circulation; land use; hazardous materials and hazards; public services and utilities; socioeconomics; environmental justice; visual resources; and cumulative, indirect, and growth-inducing effects. Further, we incorporate by reference our original scoping letter, dated June 27, 2022, and our comment letter on the Draft EA, dated November 13, 2023. All of the environmental issues outlined in our letters remain critical concerns and as we particularly identified in the November 13, 2023 letter, the BIA must do additional analysis of proposed mitigation measures.

In this letter, we wish to elaborate on two specific issues: 1) the range of reasonable alternatives, which should include at least one Lake County site for the proposed gaming facility, and 2) the indirect and cumulative effects of the Department's "restored lands" determination on cultural resources throughout Sonoma County.

I. Reasonable Alternatives

NEPA requires the BIA to consider reasonable alternatives that are "technically and economically feasible, and meet the purpose and need for the proposed action."³ As we explained in our Nov. 13, 2023 letter, the draft EA acknowledged that the Koi Nation's aboriginal territory is in Lake County, yet did not consider an alternative project site that is actually within Lake County.⁴ The BIA provided a cursory explanation for why it eliminated alternative project sites in the BIA's September 2022 Scoping Report, which stated that Koi Nation has submitted "substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites" but that it is "highly speculative" that alternative locations could support an economic enterprise that would fund the tribal government, or that the Koi Nation could even purchase property in those unspecified alternate locations.⁵ The Scoping Report did not include any of the data submitted by Koi nor did it specify whether sites within Koi Nation's aboriginal territory were evaluated. It referenced a more detailed explanation in a separate "Alternatives Evaluation Report," but no such report has been disclosed to the public.⁶

³40 C.F.R. § 1508.1(z).

⁴ See Draft EA at 1-2.

⁵ See Scoping Report at 13.

⁶ *Id.* at 8, 12.

Dismissing alternative sites due to technical or economic feasibility is not supported by the record. It is not “highly speculative” to claim that Lake County is a viable location for a casino capable of funding tribal government, as four tribal casinos are currently in operation there.⁷ While competition from the other casinos may affect the amount of revenue the project could expect, the same assumption can be made for the proposed Project as there are two other tribal casinos in Sonoma County, as well as nearby casinos in Mendocino County.⁸ Further, a brief internet search reveals that the median property value in Lake County is substantially lower than in Sonoma County, making investment in Lake County more affordable.⁹ Moreover, there are currently available sites in Lake County that are well situated for tourism and large-scale development.¹⁰ Without providing any market data, it is not reasonable for the EA to eliminate consideration of a project site in Lake County due to economic or technical feasibility.

Neither is elimination of a project site in Lake County reasonable due to regulatory feasibility. The Indian Gaming Regulatory Act requires the Koi Nation to demonstrate a “significant historical connection” to a site for it to be eligible for gaming.¹¹ Certainly, a project site in Koi Nation’s aboriginal territory is no less regulatorily feasible than the proposed Project site outside Windsor. In fact, as we have repeatedly raised, the Koi Nation cannot demonstrate a “significant historical connection” to the Project site, specifically, or Sonoma County, generally.¹² To summarize, Koi Nation is a Southeastern Pomo tribe aboriginally from Lake County, whereas Sonoma County is the aboriginal territory of Southern Pomo and Southwestern Pomo (also known as Kashaya) speaking tribes. Nonetheless, the Koi Nation claims it has a significant historical connection to Sonoma County based on the relocation of certain Koi families from Clear Lake to the Sonoma County area in the 1900s, as well as the use of seasonal

⁷ See California’s Clean Air Project, County List of Casino, <https://www.etr.org/ccap/tribal-casinos-in-california/county-list-of-casinos/> (last visited Nov. 7, 2023).

⁸ *Id.*

⁹ See, e.g., National Association of Realtors, County Median Home Prices Q1 2023 (providing that the median home price in Sonoma County is \$818,928, whereas the median home price in Lake County is \$350,835), <https://www.nar.realtor/research-and-statistics/housing-statistics/county-median-home-prices-and-monthly-mortgage-payment> (last visited Nov. 8, 2023).

¹⁰ See, e.g., [https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464_!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q\\$](https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464_!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q$) (57-acre property on the northeastern shores of Clear Lake, with existing buildings, infrastructure, and winery); <https://www.loopnet.com/Listing/6051-Ridge-Rd-Lakeport-CA/30829762/> (312-acre largely undeveloped property on southern side of Clear Lake near Lakeport).

¹¹ The Koi Nation must demonstrate it has a “significant historical connection” to the Property in order for the Property to qualify as “restored lands” pursuant to 25 C.F.R. § 292.11(b). “Significant historical connection” means “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty,” or—as relevant here—by “historical documentation [of] the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” 25 C.F.R. § 292.2.

¹² See The Federated Indians of Graton Rancheria Response to the Koi Nation’s Request for a Restored Lands Opinion (submitted to BIA on Jan. 31, 2024); Graton Rancheria Comments on the Koi Casino Environmental Assessment at 7–10, 25–28 (submitted to BIA on Nov. 13, 2023); Graton Rancheria Scoping Comments on the Koi Casino Proposal at 3–4 (submitted to BIA on June 27, 2022).

trade routes through Sonoma County.¹³ The Department has already determined that “relocation of some of [a tribe’s] members to various locales throughout the Bay Area does not equate to the [tribe] itself establishing subsistence use or occupancy in the region apart from its Rancheria”¹⁴ and that “evidence of the [tribe’s] citizens’ movements as late as the 1960s is more of a *modern* era activity, as opposed to *historic*, as those two terms are used in the Part 292 regulations.”¹⁵ Further, the Department has held, in the context of denying a different Lake County tribe’s restored lands request, that it “cannot establish its subsistence use or occupancy based on the fact that its ancestors traveled to various locations to trade and interact with other peoples and then returned to the Clear Lake Region;” rather, the Department found that “[s]ubsistence use and occupancy requires something more than a transient presence in an area.”¹⁶ Accordingly, the BIA should consider alternative project sites that are actually within Koi Nation’s aboriginal territory, as the BIA has done for similar projects.¹⁷

II. Consideration of Cultural Resources in Indirect & Cumulative Effects

The BIA must consider both the indirect and cumulative effects of the proposed action. The Council on Environmental Quality (CEQ) regulations define indirect effects as those “caused by the action, [and] later in time or farther removed in distance, [but] still reasonably foreseeable.”¹⁸ The CEQ regulations further define “cumulative effects” as “the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions.”¹⁹ The Draft EA completely failed to consider both the indirect and cumulative effects of this proposed federal approval on the rights and ability of culturally affiliated Southern Pomo tribes to protect their cultural resources and ancestors, both at the site and in the surrounding area, and to engage in co-stewardship and the sharing of Traditional Ecological Knowledge (TEK).

¹³ See Koi Nation of Northern California, September 13, 2021 Request for Restored Lands Opinion, March 2023 Supplemental Restored Land Request, and July 2023 Second Supplemental Restored Land Request, and accompanying exhibits, available at <https://www.koinationsonoma.com/documents/> (last visited Nov. 8, 2023).

¹⁴ Decision Letter from Assistant Secretary – Indian Affairs Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 19 (Sept. 1, 2011).

¹⁵ Decision Letter from Acting Assistant Secretary – Indian Affairs Donald E. Laverdure to the Honorable Donald Arnold, Chairperson, Scotts Valley Band of Pomo Indians at 18 (May 25, 2012) (discussing the relocation of individual Band members during the 1920s and 1960s) (emphasis in original).

¹⁶ Decision Letter Assistant Secretary Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 14 (Sept. 1, 2011).

¹⁷ See, e.g., 2016 Wilton Rancheria FEIS, Section 2 – Alternatives (Dec. 2016) (considering, among the alternatives, the tribe’s historic rancheria site which was no longer held in trust); Dep’t of Interior, Record of Decision for Trust Acquisition of the 40-acre Yuba County Site in Yuba County, California, for the Enterprise Rancheria of Maidu Indians of California (Nov. 2023) (incorporating the Final EIS and considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for the tribe); BIA, Final Environmental Impact Statement, North Fork Rancheria of Mono Indians (Feb. 2009) (considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for individual North Fork members).

¹⁸ 40 C.F.R. § 1508.1(g)(2).

¹⁹ 40 C.F.R. § 1508.1(g)(3).

In order for the Department to approve this application, the purpose of which is to conduct gaming, the Department must make a determination pursuant to the Indian Gaming Regulatory Act (IGRA) restored lands exemption. As we have explained, the restored lands exemption requires the applicant tribe, here the Koi Nation, to have a “significant historical connection” with the proposed gaming parcel, such that the Department’s acquisition of the land in trust for the Koi Nation would constitute a “restoration” of the Koi Nation’s tribal lands. The IGRA regulations further define “significant historical connection” as “the land is located within the boundaries of the tribe's last reservation under a ratified or unratified treaty, or a tribe can demonstrate by historical documentation the existence of the tribe's villages, burial grounds, occupancy or subsistence use in the vicinity of the land.”²⁰ The concept of “significant historical connection” is intrinsically wrapped into the concept of “cultural affiliation”—that is, a tribe’s subsistence methods, cultural practices, belief systems, and traditional ecological knowledge are rooted in the geographic area where a tribe was historically located.

A federal decision rubber stamping the Koi Nation’s claim of a significant historical connection to the Russian River Valley will affect the cultural resource rights of the local tribes in a host of other contexts. For example, NAGPRA requires that the ownership and control of Native American remains and cultural items discovered on Federal or tribal lands shall reside with the following, in order of priority:

- the lineal descendants of the Native American (if known);
- the Indian tribe on whose tribal land such objects were discovered;
- the Indian tribe which has the closest cultural affiliation with such remains or objects.²¹

This is of course alarming because it means any cultural resources or human remains found on the Shiloh Parcel—either during the construction of the Project or at any point in the future—would, assuming no lineal descendant is identified, belong to the Koi Nation. This is so despite the fact that those cultural resources and ancestors are from the Southern Pomo people and should rightfully belong to a Southern Pomo tribe.²² If, following the BIA approval of this initial acquisition, Koi Nation acquires additional trust land in Sonoma County, which seems highly foreseeable, it will have priority rights to all cultural resources and ancestors on *those* properties. Moreover, for any federal lands in Sonoma County, the Koi Nation can make the argument that it is culturally affiliated and therefore make a claim those cultural resources or human remains, to the detriment of the local, culturally affiliated tribes.

Similarly, there are many institutions in the Bay Area with collections that include Southern Pomo human remains, funerary objects, sacred objects, and objects of cultural patrimony that are subject to repatriation under NAGPRA. A tribe may submit a repatriation

²⁰ 25 C.F.R. § 292.2.

²¹ 25 U.S.C. § 3002(a).

²² ARPA reinforces this rule by providing that “Archaeological resources excavated or removed from Indian lands remain the property of the Indian or Indian tribe having rights of ownership over such resources.” 43 C.F.R. § 7.13.

claim based on its “cultural affiliation” with the remains or object.²³ The NAGPRA regulations define cultural affiliation as “a reasonable connection between human remains or cultural items and an Indian Tribe or Native Hawaiian organization based on a relationship of shared group identity...[which] may be identified clearly by the information available or reasonably by the geographical location or acquisition history of the human remains or cultural items.”²⁴ The regulations further explain that the relevant types of evidence for determining cultural affiliation specifically include historical and geographical evidence.²⁵ If the Koi Nation’s application is approved and the federal government determines it has a “significant historical connection” with some or all of Sonoma County, it opens the door for Koi to make competing NAGPRA claims for *our* ancestors and cultural resources, further muddying an already incredibly long and difficult repatriation process.

Similar implications arise under a myriad of other federal laws and policies that provide for tribal consultation, consultation, and co-stewardship. This Administration has been a leader in uplifting the recognition and incorporation of Traditional Ecological Knowledge (TEK) and the essential role tribes should play in co-stewardship of public lands. For example, the *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters* provides a framework for the U.S. Department of the Interior and the U.S. Department of Agriculture to manage lands and waters in a manner that protects the “treaty, religious, subsistence and cultural interests” of tribes.²⁶ This includes pathways to co-stewardship over federal lands and waters, as well as the incorporation of TEK into federal management decisions, both of which involve the foundational question of which tribe(s) are the proper stewards and hold the relevant TEK for a particular area. Additionally, the White House has issued broader guidance to all federal departments and agencies on respecting and incorporating indigenous knowledge into federal research, policies, and decision making.²⁷ The White House guidance drives home the quintessential link between TEK and a tribe’s historical presence in and interaction with a particular environment.²⁸ Accordingly, a federal decision to approve Koi’s application on the basis of its significant historical connection claim will undermine the ability of Southern Pomo tribes to utilize federal programs and processes aimed at elevating TEK and stewardship rights for culturally affiliated tribes. This harm will only compound over time as the Koi Nation uses this federal decision as a basis for asserting itself as a “Sonoma County tribe” in all sorts of scenarios.

²³ 43 C.F.R. §§ 10.9(d)(3)(ii) and 10.10(f)(3).

²⁴ 43 C.F.R. § 10.2 (defining “cultural affiliation”).

²⁵ 43 C.F.R. § 10.3.

²⁶ U.S. Dep’t of the Interior, U.S. Dep’t of Agriculture, Order No. 2303 (Nov.15, 2021).

²⁷ See also White House Memorandum re: Guidance for Federal Departments and Agencies on Indigenous Knowledge (Nov. 30, 2022).

²⁸ *Id.* at 4 (describing indigenous knowledge as “a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment” and specifically referring to it as a “place-based body of knowledge.”)

Accordingly, BIA must consider these wide sweeping impacts to cultural resources as part of the indirect and cumulative effects analysis.

As a final note on cultural resources, we must reiterate that the BIA should not issue a draft EIS until it has completed National Historic Preservation Act (NHPA) Section 106 review with the consulting tribes, including our own. Otherwise, BIA will repeat the same mistake it made with the Draft EA, resulting in incomplete and misleading information shared with the public. As we explained in our Nov. 13, 2023 comment letter, the BIA cannot assess the significance of impacts to cultural resources without engaging with consulting tribes as to what those resources are, how the project will threaten such resources, and whether mitigation measures could remedy those threats. Accordingly, the BIA must undertake review pursuant to the NHPA and consult with the State Historic Preservation Office (SHPO) and THPOs, including concurrence on the Area of Potential Effects (APE) and necessary identification and evaluation of cultural and historic resources and the project's impacts, *prior to* issuing a draft EIS.

We thank you again for hearing our concerns and hope you will consider them seriously.

Sincerely,

A handwritten signature in black ink that reads "Greg Sarris". The signature is written in a cursive, flowing style.

Greg Sarris
Chairman

Organizations

Rosetti Insurance Agency

576 B St # 2F
Santa Rosa Ca 95401
707-843-4148

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

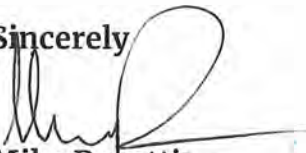
Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Sincerely,



Mike Rosetti

Hunsaker Insurance Agency

S-O2

Auto, Home, Commercial, Boat, Life and Health Insurance

8741 Old Redwood Hwy, Windsor, CA 95492

Phone: (707) 838-9777 Fax: (707) 838-0908

Lic #0687046

September 12, 2023

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, NW
Washington, DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern CA and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, CA.

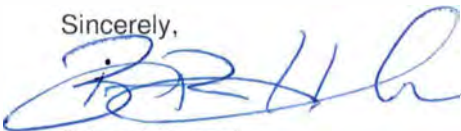
Approval of this land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Sincerely,



Brian R Hunsaker

From: hbelmonte@vjbcellars.com <hbelmonte@vjbcellars.com>
Sent: Wednesday, September 27, 2023 9:35 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation of Northern California Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Chad, thanks you for accepting our comments and mindset against this project.

There has been so much made of this, yet why are we even at this point.

How can we have a casino, gambling and ALL that goes along with it in a neighborhood regardless of what the land is zoned as.

Chad who in their right mind would allow such an entity to exist in this location? Never mind the traffic or the type of entity. Just think it sits across a baseball league and soccer field park!

Thank you Chad, we know you will do the right thing.

Henry R. Belmonte
"the Big Parm"
VJB CELLARS & WELLINGTON CELLARS
60 Shaw Avenue, Kenwood, CA 95452
c. 707.975.3991 p. 707.833.2300
www.vjbcellars.com | www.wellingtoncellars.com

From: Silvercreek Association Management <support@sc-manage.com>
Sent: Tuesday, September 26, 2023 1:17 PM
To: hbelmonte@vjbcellars.com; sbelmonte@vjbcellars.com
Subject: ACTION REQUIRED - [#XN1451227]

If you would like to respond to this notification, please place your response in between the dotted lines found below:

Shiloh Estates Homeowners:

Subject: Koi Casino- **ACTION REQUIRED**

Shiloh Homeowners,

You may have received a letter in the mail from the Bureau of Indian Affairs regarding the EIR comment period for the proposed casino on East Shiloh Road. It is open now until **October 27** and we ask you to take time to read the information below and send in your comments to the BIA.

Read the documentation that was put forth here:

Koi Nation of Northern California Shiloh Resort and Casino Project – Environmental Assessment
us18.list-manage.com

Please share this information with any other neighbors in Windsor that would want to comment. The mitigations are simply not enough to address the impact this casino would have on our safety during a wildfire, our utility resources, wildlife in the area, our property values and our entire neighborhood.

There will be a Zoom on Wednesday, September 27th at 6pm. You must register for the Zoom
link here:

Video Conferencing, Web Conferencing, Webinars, Screen Sharing
us06web.zoom.us

Thanks. Please direct questions to Our Community Matters
ourcommunitymatters2@gmail.com

Shiloh Board of Directors

Sincerely,

Silvercreek Association Management on behalf of Shiloh Homeowners Association
(916) 877-7793 | www.sc-manage.com

From: Marlene Soiland <marlene@soilandmgt.com>
Sent: Wednesday, October 4, 2023 10:45 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad-

Thank you for the opportunity to comment on the proposed Koi Nation Casino & Resort on Shiloh Road.

I have lived in Santa Rosa my whole life and have always enjoyed the rural residential parts of Sonoma County.

I oppose this project for the following reasons:

1. This neighborhood is rural residential and will be severely impacted by this project.
2. Roads are narrow and used by local residents only – increased traffic will be a huge change to the neighborhood
3. Crime is known to increase around casinos, including calls for emergency response, drugs, prostitution, human trafficking, etc. How are public safety concerns mitigated?
4. There are already 2 other casinos up and operating within 20 minutes of this project
5. Because of their Sovereign status, public resources are used without contributing to their cost
6. The Koi Nation is a small Lake County based tribe whose only claim to this land is use as a walking trail to the coast for fishing – not ownership of the land in Sonoma Co
7. Why should so many people be impacted for the benefit of so few?
8. Tourist dollars will be diverted to gambling rather than supporting existing local businesses
9. The gambling addiction does not need more fuel in Sonoma County
10. This land is zoned for agricultural use and should be kept as fully-productive vineyards
11. Where will the natural resources needed for this development come from? Our water and sewer capacity is already limited.
12. How does a casino support the values and beliefs of the Native American societies when it is so damaging to the natural environment?

Thank you for including my comments in the evaluation of the appropriateness of this project.

Marlene Soiland

What are you grateful for today?

From: Alan Titus <Alan.Titus@RobbAndRoss.com>
Sent: Friday, October 27, 2023 3:38 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation EIS

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mr. Broussard:

Attached please find comments on the EIS for the Koi Nation's proposed casino project outside of Windsor.

Alan Titus

Robb & Ross

591 Redwood Hwy, Ste 2250

Mill Valley, California 94941

(415) 332-3831

ROBB & ROSS

PHILIP A. ROBB
ALAN J. TITUS
ANNE C. SLATER †
JOSEPH W. ROBB **
**(1926 - 2019)

JOSEPH W. ROBB A PROFESSIONAL CORPORATION

591 REDWOOD HIGHWAY, SUITE 2250
MILL VALLEY, CALIFORNIA 94941
TELEPHONE: (415) 332-3831
FAX: (415) 383-2074

STERLING L. ROSS, JR. *
*RETIRED

†CERTIFIED SPECIALIST IN ESTATE
PLANNING, PROBATE AND
TRUST LAW, THE STATE BAR OF
CALIFORNIA BOARD OF
LEGAL SPECIALIZATION

October 27, 2023

Ms. Amy Dutschke
Bureau of Indian Affairs
c/o chad.broussard@bia.gov
2800 Cottage Way, Room W-2820
Sacramento CA 95825

Re: Environmental Assessment for the Koi Nation

Dear Ms. Dutschke:

I write to submit comments on the Environmental Assessment for the Koi Nation of Northern California's proposed casino resort project southeast of Windsor.

The County of Sonoma's press release of September 22, 2023, regarding the EIS states, "The county does not have regulatory jurisdiction or decision-making authority over whether a casino opens on land the federal government has taken into trust for gaming for a tribe." This statement is contrary to law, and it appears that the BIA is proceeding under the same mistake of law.

This parcel lies within the borders of the State of California, and is under the legislative jurisdiction of the State. At the time that the State was admitted into the Union (September 9, 1850), the land was privately owned and the Federal government did not reserve exclusive legislative jurisdiction over the site. Nor was the site under Indian occupancy at the time. Nor has the State ceded jurisdiction over the site back to the federal government anytime since its admission. To the contrary, from 1850 to today, the site has been and still is under the plenary jurisdiction of the State of California, subject only to the limited jurisdiction of the Federal government.

Even if the Federal government were to agree to act as a trustee and take this land into trust, that would have no effect on the rightful sovereignty over the site. The State would still have the same plenary legislative jurisdiction, and the Federal government would have the same limited jurisdiction that does not include

Ms. Amy Dutschke
Bureau of Indian Affairs
October 27, 2023
Page 2


any right to allow gambling on the land or to allow building on the land, matters not within the enumerated powers of the Federal government.

The only method for the Federal Government to obtain any further legislative jurisdiction over this site, beyond the powers enumerated in the Constitution, is with the consent of the State of California and cession of jurisdiction by the State. The Federal government has no rights under the Constitution to unilaterally seize jurisdiction from the State and exercise plenary jurisdiction over state land. This is no different than if the Federal government buys land for an office building. The Federal government is still subject to state laws.

Only if the State were to expressly cede its jurisdiction to the Federal government would the Federal government gain the type of sovereignty it is claiming to have. No such request has even been made to the State, let alone been considered by the state Legislature.

For these reasons, the statement by the County is not true, and the project is proceeding under false assumptions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Titus", with a stylized flourish at the end.

Alan Titus

From: Larry Barnum <larrybarnum@aol.com>
Sent: Sunday, November 12, 2023 5:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Mr. Broussard,
Hopefully you will be able to help in
protecting and preserving the environmental quality
of Sonoma County by denying construction of
another casino and continuing to implement reasonable
water conservation measures.
I've included a letter from Seniors affected by the decision.
Thanks very much for anything you can do to help the community,

Larry Barnum
HOA Board President
Wikiup Greens,

One attachment • Scanned by Gmail

Larry Barnum
WIKIUP GREENS HOA BOARD PRESIDENT
461 D Las Casitas Ct.
Santa Rosa, CA 95403
(707)225-0905

As the Board President of Wikiup Greens HOA, a 55 and older community, I hear daily the concerns of my equally older, carrying, if not worried neighbors who went through the fires of 2017 and others. We know of the out of control traffic problems, road closures, stalled vehicles, trapped moments, the immovable Redwood Highway, Wikiup Drive, and other stopped side roads and all the collective fears that came with it. Nothing has improved this. With the current construction of multistoried units, at the corner of Shiloh and Old Redwood Highway, the addition of new residents diagonally across from the proposed construction will add to the traffic problem even before any casino.

The environment, the air quality and quality of life in general, will be further impacted with the number of cars of any additional tourists coming to a casino and for the majority of employees who can't afford to live here and must commute.

Sonoma County and Santa Rosa, as well as many other places in California are constantly facing drought conditions. We've been told to get rid of our green grasses, cut back on our water usage. Healdsburg, a few miles north, is under extreme, mandatory water rationing and the removal of lawns. So how can there be any approval for an additional users or aproposed casino, who offers as part of their conservation plan "the incorporation of "Save Water" signs near water faucets throughout the development"? Water consevation would no longer be taken seriously!

Supposedly, Koi Nation has less than 100 members. Not all of them need additional assistance. So why would the relative few potentially ruin this part of a bucolic county of many? Why is another casino needed when there are already two run here by local tribes.

We are not in favor of more construction bespoiling this area, although Alternatice C seems more in keeping with the land use here and Koi Nation's proposed winery.

Thanks for your consideration,

Larry Barnum

From: Amber Ferl <amber@hiraethhomes.com>
Sent: Friday, March 15, 2024 1:54 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

To Whom it may concern,

I am writing to speak in opposition to the proposed Koi Nation resort-casino near Windsor, CA. While I am in FAVOR of the Koi Nation being afforded reparations for their mistreatment, the proposed site is NOT the solution.

The Koi Nation are seeking to build in an area that is already in a County with two Casinos. The Graton Casino is only 11 miles from this site and River Rock is 13 miles from this site. In addition to the two existing Casinos, they are looking to build in an area that is surrounded by residential homes and has regional parks next less than a half mile away from the entrance. Our County has had multiple wildfires and trying to evacuate the surrounding areas should there be another fire is a huge risk to the people living directly around that area. A casino in that location would make evacuation nearly impossible.

I strongly urge you to NOT move forward with allowing the proposed Casino to be built at the currently proposed site. This is not what the majority of residents in this County would like to see happen. We appreciate your time and attention to this matter.

Regards,

Amber Ferl

Director of Operations

p: 707.385.7111 m: 707.385.7114 f: 707.416.4158

a: 500 Bicentennial Way, Ste 310, Santa Rosa, CA 95403

w: www.hiraethhomes.com | DRE# 02031941



Office Hours: Monday-Friday 9:00am-4:30pm

From: Lauren Hickey Porcella <lauren@hickeyappraisalservice.com>
Sent: Monday, March 18, 2024 11:26 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Re: Statement of Opposition to the Koi Nation Shiloh Resort and Casino Project at 222 E. Shiloh Rd., Windsor

Dear Mr. Broussard:

While we respect the Koi Nation's desire to construct a casino and resort, the agricultural parcel they have selected for their project at 222 E. Shiloh Road, just outside the Town of Windsor, in a residential neighborhood, is not an appropriate site for this use.

- The 68-acre site improved with vineyards is a designated Community Separator. For locals, these vineyards physically and visually mark the end of the Town of Windsor and the beginning of the unincorporated community of Larkfield. Community Separators are lands that function to separate cities and other communities, to contain urban development, and to provide city and community identity by providing visual relief from continuous urbanization. We Sonoma County residents value the physical beauty of our county, and we value our distinct communities within this county. On November 8, 2016 we proved that by passing Measure K with 81.1% approval extending voter protections to Community Separator lands for 20 years. Development as proposed removes this Community Separator.
- Building a casino and resort on this Community Separator is to risk eliminating the identity of two communities (Windsor and Larkfield) which would be merged into one continuous urban development without separation. That is not the lived experience that Sonoma County locals and visitors to Wine Country want. Locals know what visitors come to this county for- to soak up the natural beauty, to take a break from urban development, and to experience the many unique attributes of the 9 cities and 28 unincorporated areas this county has to offer. Please don't allow our Community Separator to be removed thereby merging these two distinct communities and eliminating their individual identities.

- Zoning helps protect communities by creating harmony among uses and keeping incompatible or unsuitable uses from being developed on the wrong sites. The County's zoning for this parcel is LIA (Land Intensive Agriculture) B6 20, Floodway (F1) and Floodplain (F2) Combining Districts, Riparian Corridor 25/50, Scenic Resource (SR), Valley Oak Habitat (VOH). These zoning designations exist to protect the land from inappropriate development because this parcel has unique features and attributes that need our protection.
 - Land Intensive Agriculture zoning is to enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land.
 - The F1 Floodway Combining Districts provide land use regulation for properties situated in floodways, to safeguard against the effects of bank erosion, channel shifts, increased runoff or other threats to life and property and to implement the provisions of the general plan public safety element. The F1 district applies to properties that lie within the floodway as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
 - The F2 Floodplain Combining Districts are in place to provide protection from hazards and damage which may result from flood waters.
 - The Riparian Corridor combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value.
 - The Scenic Resources Combining District as Community Separator was presented above.
 - The Valley Oak Habitat Combining District exists to protect and enhance valley oaks and valley oak woodlands.
-

This site is simply not intended for commercial development as proposed.

- This part of east Windsor is improved primarily with single-family residential subdivisions and some newer apartment housing interspersed on Old Redwood Highway. The Town of Windsor is a bedroom community where families live and recreate. The type of large-scale development proposed will change this residential community indefinitely for the worse. This development will invite traffic from cities far and wide to drive past the quiet residential neighborhoods, to drive by a community park (Esposti Park) and to arrive at a casino and resort set right in the middle of this residential community. Locals will meet casino traffic as they are trying to go about their daily lives to the grocery store or taking their kids to soccer practice. The absolute worst-case scenario, one too many of us in this

County have unfortunately experienced, would be to meet the casino traffic as we are attempting to run for our lives in the event of a fire.

- As you make the difficult decision about the suitability of this site for a casino and resort in our residential neighborhood, as 40+ year residents of east Windsor, my family asks you to please consider the impacts to the residents living in this community. Recognize the environmental impact such a development would have on this agricultural land. Please consider the traffic and the disruption this development would bring to daily small-town life. Especially consider that this land is our Community Separator and what it does for this community not just physically and visually but emotionally and mentally by marking the end of our unique town and the beginning of the next. Think with compassion on the 26,000 residents in this town that will be forever impacted by this proposed development.

There are sites far better suited than 222 E. Shiloh Rd. to support development of the Koi Nation's casino. And those sites are not in residential neighborhoods.

Please feel free to contact me via e-mail or at the telephone number below with any questions.

Respectfully,

Lauren Hickey Porcella, MAI
Sonoma County native and Commercial Real Estate Appraiser
Hickey Appraisals
1400 N. Dutton Ave., Suite 8
Santa Rosa, CA 95401
Tel: 707-578-1314

From: Padi Selwyn <padi.selwyn10@gmail.com>
Sent: Monday, April 8, 2024 6:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] NOI Comments, Koi Nation Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

April 8, 2024

NOI Comments, Koi Nation Fee-Trust and Casino Project:
Option 3: No ACTION

Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

c/o Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Director Dutschke,

Preserve Rural Sonoma County is an environmental advocacy organization representing 3,000 residents of Sonoma County. We object to the proposed Casino under consideration for the Shiloh, Windsor, neighborhood.

A residential neighborhood is an inappropriate location to build an industrial sized mega-casino, projected to attract 27,000 to 57,000 visitors/day -- 10-20 million visitors a year, as well as 1,000 employees working 24/7 to staff a 200 room hotel, spa and casino.

There is also insufficient transportation infrastructure to prevent gridlock, given the number of expected visitors, and fire evacuation in the event of another catastrophic wildfire would become a nightmare for neighbors, visitors and staff alike. The area adjacent to the proposed Casino was evacuated in Tubbs and Kincaid fires (2019 & 2020). Intense winds are becoming more common in this area. Public safety must be the top priority. Old Redwood Highway and Highway 101 were not built to allow 10+ million additional drivers per year – for daily traffic

use, as well as emergency evacuation. This is simply a matter of life and death for this neighborhood.

The Casino's proposal is to drill additional wells endangering the water table and to have an onsite sewage treatment plant and discharge "treated affluent" into Pruitt creek (which crosses in a protected Riparian Area) is unsustainable. The County has instituted water rationing (increased prices for watering at the wrong time or wrong day) for the last two years. A large hotel, spa and casino including six restaurants will use millions of gallons of water per year.

Please do not allow this environmentally disastrous project, proposed in the wrong location at the wrong time, to bring its destructive impacts to this bucolic neighborhood.

Sincerely,

**Padi Selwyn, Co-Chair
Preserve Rural Sonoma County**

--

Padi Selwyn
(707) 569-6876

Co, chair, PRESERVE RURAL SONOMA COUNTY
P. O. Box 983
Sebastopol, Ca. 95473

...

[Message clipped] [View entire message](#)
One attachment • Scanned by Gmail



April 8, 2024

NOI Comments, Koi Nation Fee-Trust and Casino Project:
Option 3: No ACTION

Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

c/o Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

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Please do not allow this environmentally disastrous project, proposed in the wrong location at the wrong time, to bring its destructive impacts to this bucolic neighborhood.

Neighbors to Preserve Rural Sonoma County * A division of Sonoma County Tomorrow, Inc.
PO Box 983 Sebastopol CA 95473 preserveruralsonomacounty@gmail.com

Sincerely,

**Padi Selwyn, Co-Chair
Preserve Rural Sonoma County**

Individuals

From: Linda Bryan <alandlinda6541@sbcglobal.net>
Sent: Tuesday, September 12, 2023 9:22 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi casino/ hotel

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I would like to register an objection to this project. It does not belong in a mostly residential neighborhood. I have lived in Windsor since 1987. Moved here because of the small town country atmosphere. It is slowly changing but this large development does not belong in that area. A family park and residential properties.

In the event of emergency evacuations, there is congested highways and roads as it is now. No one can get out of Windsor because of traffic jams. Too many people for the road systems now.

Due to new construction on the opposite corner from this property and also just down the street another high occupancy apartment complex, there is no room to park already. The streets are full at night of parked cars.

The land is a new purchase and was never owned or occupied by the Koi people. If they in fact have a tribal property in Santa Rosa, the casino resort should be built on that property or perhaps Lake County!!

I have worked for 40 years to buy my property and enjoy this area as a quiet bedroom community of Santa Rosa. Please do not take my enjoyment of my property and home and the enjoyment of others for their property even closer to this parcel .

Please do not approve a casino/resort and the inherent crime and drugs for this area. I have visited other Indian owned casinos and the majority of the workers have not been Indian. The excuse of jobs is not legitimate.

I beg you to keep this casino/ resort in an industrial area, not a residential/ agricultural area. Please show some compassion and understanding for the people who have lived here and made the community what it is now. We had nothing to do with these Koi peoples past hardships and do not deserve to be punished by bringing crime and drugs to our area.

Sent from my iPhone

From: Nancy W JENKINS <nwjenkins@icloud.com>
Sent: Tuesday, September 12, 2023 10:14 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: nancy@dogwoodanimalrescue.org <nancy@dogwoodanimalrescue.org>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad,

I'm writing to voice my strong objection to ANOTHER casino in our already casino-dense county. The proposed casino is utterly unnecessary. There are multiple casinos in close proximity to the proposed site. The proposed location, in a clearly residential area, is a travesty and makes a mockery of 'environmental planning'. Traffic, infrastructure, hardscape, water, fuel emissions— it's completely inappropriate for the zoning and will cause immeasurable harm.

Sincerely,
Nancy Jenkins

Sent from my iPhone

From: Sean Harrell <seaharrell@gmail.com>
Sent: Tuesday, September 12, 2023 10:11 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

I have been reading the EA this morning about the proposed project. This alarms me at the scope of the project and what is proposed. I do not support this project. If I had to support one alternative it would be 2.4 Alternative D as described on page 2-24. This project is entirely inappropriate for the proposed site. The Koi tribe is located in Lake County. How is this project even proposed on land that is not their homeland? I read 1.3 Background and they are trying to spin a story that this is their homeland. It is not. I will write to my congressman and senators. Thank you.

Regards,

Sean Harrell
seaharrell@gmail.com
707-480-6322

From: Shannon Schiller <slschiller@gmail.com>
Sent: Tuesday, September 12, 2023 10:56 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I am outraged that you would consider allowing a casino to be put up next to a state park, a short distance from an elementary school, and right in the middle of a small town. I don't want my children going to school next to a casino. Would you want that Mr. Broussard? Shiloh ridge state park, literally across a small street from the planned casino, is home to a unique environment in Sonoma county, and beloved by the people. The effect on the state park wildlife of a massive building next door would affect wildlife corridors, increase in traffic will affect the air quality near the park, and the noise would drive species away. The people of Windsor are overwhelmingly against this, but you are allowing big money from out of state and decide what happens in a little town. This is the second tribe to put in some kind of resort in our little town. When will it stop? When every inch of available land in Windsor is covered by a casino? I beg you to reconsider and ask the tribe to find a more appropriate location.

Shannon Schiller

From: Steve Gerstle <[REDACTED]>
Sent: Wednesday, September 13, 2023 10:52 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation of Northern California Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

*** Please redact my personal email address and home address if made public ***

Dear Mr. Broussard,

I live in Windsor and I can certainly understand the need for the Koi to be economically self-sufficient, but that needs to be balanced with the needs of surrounding community in terms of the environment, including economic consequences.

The proposal is many times as large as downtown Windsor with a 400 room hotel, casino, restaurants, bars, spa, event space, over 5000 parking spaces and a 60 foot high parking garage.

Many local merchants are struggling. There is a shortage of available workers, especially in hospitality industries like the Koi will employ to operate and maintain their operations and facilities. This will have a devastating effect on existing businesses that will not be able to compete, as they lack the financial resources and economies of scale that the proposed project will have.

I urge you to consider the needs of all involved.

Regards,
Steven Gerstle
840 Patti Page Court
Windsor, CA 95492

From: Robert Brink <moonsheyn@gmail.com>
Sent: Friday, September 15, 2023 10:24 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation Hotel/Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

While I know that you are the Environmental Protection Specialist for the Bureau of Indian Affairs , Pacific Region, I am reaching out to you via this email in the hope that you will pass it on to whomever has the overall capacity to evaluate the economic factors involved in siting the Koi Nation's hotel/casino at its proposed location in Sonoma County.

At this point, Sonoma County has three Indian-owned casinos within a relatively small radius: Twin Pine Casino and Hotel, River Rock Casino and Hotel and Graton Resort and Casino. The Koi proposal would put another hotel-casino within this same radius almost exactly half way between the River Rock and Graton enterprises.

Like demand for anything, the demand for casinos is not infinite. With the opening of Graton Resort and Casino in Rohnert Park, Sonoma County's first Indian casino, River Rock, reported revenues down 50% in 2014. That a fourth casino half way between River Rock and Graton would have adverse, if not fatal, impact on existing enterprises is not hard to imagine. And with Graton's on-going billion dollar expansion, over supply of gambling venues is nearly assured even without the Koi Nation's proposal.

The history of exuberant over-building is rife with examples. Never ending enthusiasm for a good thing has often led to economic disasters (note the current travails of the Chinese housing market). It seems to me that the Bureau of Indian Affairs should evaluate the economic prospects of proposed ventures as well as their probable impact on existing enterprises it has overseen.

The Bureau of Indian Affairs has the responsibility to ensure that enterprises they have sponsored/advocated are not driven out of business by other Indian enterprises that defy market realities. How does it help Native Americans if the Bureau of Indian Affairs allows or promotes exuberant growth that overwhelms demand and that ultimately benefits no one? The three existing Casinos in Sonoma have enough competition among themselves. More could be a disaster for all.

Respectfully,
Robert Brink, MD
6155 Acorn Hill Ln
Santa Rosa, CA. 95403

From: Therese Menzel <tcmarzel@gmail.com>
Sent: Friday, September 15, 2023 8:47 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I continue to be against the development of the Shiloh Resort and Casino. The adjoining residential area is expanding with the new housing being built on the corner of Shiloh Road and Old Redwood Highway. This will increase the already crowded intersection and streets. I use these roads daily and see pedestrians and bicyclists on Old Redwood Highway. The park across Old Redwood Highway from the apartments is well used and generates traffic. The proposed Shiloh Resort and Casino would generate large amounts of outside traffic to this local residential area.

I am not against the Koi Nation seeking to build casinos. I would be against anyone building a large resort in this residential, agricultural area.

I am urging you to reject the proposed Shiloh Resort and Casino Project. Traffic congestion in a residential area, fire evacuations, proximity to parks and playgrounds are the reasons.

Thank you.

Sincerely,
Therese Menzel
1445 Golf Course Drive
Windsor, CA 95492
415-497-7481

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 9/12/2023 3:16 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Eugenia M Casteel

Email

mom23mboys@hotmail.com

Comments

Department of the Interior

Attn: Bryan Newland, Assistant Secretary - Indian Affairs

1849 C Street, N.W.

Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

S-I9

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Wed 9/13/2023 8:24 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Sophia Bonanno

Email

sophiabonanno@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

S-I10

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Wed 9/13/2023 10:04 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Dingrenio Bautista

Email

dingreniob@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

S-I11

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 9/8/2023 6:31 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Dapsha sherpa

Email

Dapshasherpa@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

S-I12

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 9/8/2023 10:18 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Mestrina Medios

Email

celestinomedios@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 9/10/2023 6:53 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Eric Mak

Email

damak510@yahoo.com

Comments

Department of the Interior

Attn: Bryan Newland, Assistant Secretary - Indian Affairs

1849 C Street, N.W.

Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

From: Tisha Zolnowsky <Tisha.Zolnowsky@kp.org>
Sent: Friday, September 15, 2023 3:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I am writing to provide comments on the proposed Koi Nation Shiloh Resort and Casino Project.

This casino will force many to move from their forever homes. It will be FIFTY, yep 50!!! Feet from backyard where children and animals play. That vineyard saved our neighborhood by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go?

I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons.

We do us citizens continue to get pushed around by organizations that put their profit before population safety. Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.



So sad

From: Dave Heventhal <d.heventhal@icloud.com>
Sent: Saturday, September 16, 2023 2:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mr. Broussard,

Having witnessed the anti Pomo proposals and the racist rants injected by many Windsor residents some years ago, I wish the Koi good will and I hope the Koi succeed on bringing entertainment, gaming and restaurants to Sonoma County. I apologize for any resentment, undue fear and objections these folks use to prevent this tribe from becoming fine neighbors.

Dave Heventhal
Windsor

D.heventhal@icloud.com
Sent from my iPhone

From: cgolias120@gmail.com <cgolias120@gmail.com>
Sent: Sunday, September 17, 2023 5:01 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Crystal Golias

cgolias120@gmail.com

From Ansonia, CT

EA Comments, Koi Nation Shiloh Resort and Casino

It sounds from the Environmental Assessment there will be a lot of environmental impacts to the site if the project goes forward. The proposed buildings would also cut straight over a river that could be California's water supply. They have been having a lot of droughts and wildfires out there in the last few years. Also, to be considered are where the faults would go through the site for matters of earthquakes, which California is also known for. And it's not even going to provide renewable energy, which I really think should be included.

I think the tribe is choosing a bad site and needs to look elsewhere. The plans also need to be modified to include renewable energy production. I would discourage the State from approving the project.

From: Louise Calderon <louisecalderon338@comcast.net>
Sent: Monday, September 18, 2023 12:54 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] No to proposed casino

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The Koi Nation of Lower Lake Rancheria was originally located in Lake County. The Koi Nation has no affiliation with Sonoma County. The Pomo Indians have recently developed a newly constructed housing development within the boundaries of the Town of Windsor. The Koi Nation's proposed site for a casino, winery, convention center, would be located across the road from Shiloh Regional Park which comprises eight miles of hiking trails with a peaceful serenity with nature, and also would border a neighborhood comprised of families. The traffic to be generated by the casino cannot be supported by the roads surrounding it. As evidenced by the Tubbs and Kincaid fires it was a nightmare trying to exit Windsor. We have enough casinos (Graton and River Rock), but not enough open space that generates and encourages natural habitat and an enjoyable family community. PLEASE, no casino/resort on this location.

Louise Calderon, 338 Winemaker Way, Windsor 95492

From: cindy nardi <cjcnardi@gmail.com>
Sent: Tuesday, September 19, 2023 7:24 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments, KoiShiloh resort and casino

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This is a ridiculous place for this. The noise and traffic will be crazy. And water - we don't have enough water now. They will be able to take as much as they need, which will be astronomical, leaving the rest of us short.

I would think that there are plenty of places outside of the city they would suffice.

Shouldn't residents have a say what goes on in their communities? We have made what Windsor is.

Thank you for your time.

Sent from my iPhone

From: Diane B <joysing@sonic.net>
Sent: Tuesday, September 19, 2023 3:28 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Please Vote No on Shiloh Resort and Casino Project.

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Diane Baines
2417 Appletree Dr.
Santa Rosa, CA 95403

September 19, 2023

Chad Broussard
Bureau of Indian Affairs

Dear Chad Broussard,

I am writing as a concerned Sonoma County resident regarding the proposed development of the Koi Nation of Northern California Shiloh Resort and Casino Project.

This project should find another location.

The proposed project has many concerns, some of which include:

1. High water needs during a tentative time after prolonged drought. We are just coming out of a serious drought situation and with climate change, we need to wisely plan for our water usage. It makes no sense to bring such a high water usage project to this area.
2. Safety. The safety of the residents and of the resort and casino populations in the event of evacuation from wildfire. This area has been impacted by a number of potential and actual wildfires in recent years. We've seen the catastrophic results when there is not enough infrastructure to support a speedy evacuation of a population in the Paradise and Maui fires. We do not want this horror to happen here.

3. Traffic congestion and impact to residential neighborhoods. Traffic is heavy on Hwy 101 currently. The residents of the Shilo area did not sign up for more gridlock and for their peaceful and quiet neighborhoods to be changed overnight to busy, and high traffic zones.

PLEASE, DO NOT APPROVE THIS PROJECT.

Thank you.
Sincerely,
Diane Baines

From: Jon Bernal <jon.bernal55@yahoo.com>
Sent: Tuesday, September 19, 2023 4:56 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Terri.bernal@yahoo.com <Terri.bernal@yahoo.com>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Chad:

I've lived near this section of Windsor for 30 years. If this casino goes in, I'll move - it's been a good run, but you're going to build a casino and hotel across from a new 350-unit, 5-story apartment building? - a few blocks from ANOTHER apartment building near Hembree? That's not all, they're furiously constructing a large cluster of buildings - perhaps a Memory Center - near the Shell station off Shiloh. Finally - cross the freeway west and they're working on building a quarry / trucking business. All of this is quadrupling traffic on both Shiloh Rd and Redwood Highway: 2-lane highways which will now make driving just like LA - certain times of day you don't drive. I remember my Dad driving through San Jose with me a few years ago. He said, "See those apartment units? Every one has TWO cars." Boy, was he right!

Traffic won't be the only problem through. I'm also concerned about crime. I know a Sheriff who told me that, one year prior to the Graton Casino opening up in Rohnert Park, criminal activity in the area was fairly low. The year Graton opened up, crime began to spike dramatically. Let's face it: it's a Casino - not a church. For starters they serve alcohol. From there flow all the other vices: gambling, drugs, weird people from out of town, violence, etc. All this - where a beautiful vineyard currently sits offering one of the most breath-taking views in Windsor. GONE.

Finally, everyone is shifting to drought-resistant yards (I HATE that look personally). The funny thing is that, thanks to Jerry three-term Brown in 2018, our water restrictions are baked in ... whether rain falls or not - starting in just a few years. I'm sure there will be no extra water usage going on once all these projects in addition to the massive casino complex are completed.

Finally, no offense, but these Indians aren't even from around here. I hear the tribe is in Lake County. I hear they tried to build this a few years ago in Oakland, but they got the brush. Now they're here? Claiming ancestral grounds? Dubious. I don't care what skin color or ancestry is associated with the people building this monstrosity - I just think the whole thing SUCKS!!!!

Sincerely,

Jon Bernal
Windsor Resident

From: Carrie <carrie@cfapromo.com>
Sent: Tuesday, September 19, 2023 3:36 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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As a long time Windsor CA resident, I have many concerns about the Koi project that they are hoping to build in my small town of Windsor California.

As you are well aware, the Koi tribe is not based in any way in the Windsor/Santa Rosa location. When reading the Koi history, they list no ancestral connection to Sonoma county and they acknowledge that the purpose of sovereign land "is to be used to protect culture and traditions and even to know and protect the places where our ancestors were buried." Since none of those criteria relate to the Shiloh proposed plans, the decision against the casino/hotel/event center should be obvious. The Sonoma County Board of Supervisors and tribal councils have asserted that the Koi Nation lacks the necessary significant historical connection to the lands at 222 East Shiloh Road, where the tribe applied with the U.S. Department of the Interior to have the land placed into trust to become sovereign tribal land. As a Southeastern Pomo tribe, the Koi Nation's historic and ancestral lands lie in Lake County. That is over 50 miles from Windsor and the location on East Shiloh Rd. For much of it's existence, this tribe was known as the Lower Lake Rancheria with a name change in 2012 which was only 11 years ago.

The location of this casino/hotel/parking lot is adjacent to many homes. A baseball park and a park where people walk their dogs and hang out with their children. It is also right near a school and a couple of churches. There are 2 new VERY LARGE apartment buildings going up which were not even discussed in the analysis that was just done. One of my concerns is with regard to wildfire and evacuations. The analysis showed the following:

"There should be at least six traffic attendants to direct the 4,310 vehicles exiting the garage and surface parking areas. In addition, at least two attendants would be needed at each of the three casino parking lot exit points. A total of 12 persons would be needed during evacuation. These traffic attendants should be specially trained employees of the casino."

Have you ever been through a wildfire? I have been through 3. When Tubbs hit Santa Rosa, people had seconds and minutes to evacuate. I personally have at least 25 families I know who lost everything in Tubbs and 2 families from the Kincaid fire. You don't always get time. It took just **a few hours** for the Tubbs fire to consume more than 20,000 acres, and to travel about 12 miles into densely populated neighborhoods in the town of Santa Rosa. This proposal is assuming there is time to evacuate. And that

there will be 12 people willing to stand outside in smoke and ash to help people evacuate. That is unrealistic. If you have actually lived through a fire you would know that. The Kincaid fire threatened over 90,000 structures and caused widespread evacuations throughout Sonoma County, including the communities of [Geyserville](#), [Healdsburg](#), [Windsor](#), and [Santa Rosa](#). The majority of Sonoma County and parts of [Lake County](#) were under evacuation warnings and orders.

" It is assumed that the approximate 2,155 vehicles exiting the site on the east Shiloh Road access point would have a maximum service rate of about 1,000 vehicles per hour. This is a typical rate assumed in urban areas and assumes that other traffic will be present, although at this location other traffic should be relatively light. This exit can therefore handle the exiting evacuating traffic in 2.2 hours or about two hours and twelve minutes." This is not taking into consideration the new apartments literally across the street from the casino that are being built and have no consideration in the analysis. (Also there are over 5000 spaces so not sure why the report assumes there are only 2100 vehicles exiting the site.)This timing if during a wildfire seems very slow if a fire is bearing down on you.

"At the signalized exit onto Old Redwood Highway, the exiting would be less efficient due to the signal itself and a higher proportion of other traffic using the signalized intersection. At a service rate of about 800 vehicles per hour, it would take about two hours and 45 minutes to handle all the traffic at this location. • If outbound traffic were adjusted at the two rear exits to balance the flow and the exit time, the combined average service rate would be 900 vehicles per hour and it would take just under two hours and 30 minutes to empty the rear of the site. • The 800 vehicles in the entry area could be evacuated in about one hour using the signaled intersection serving the entry area. •" (again - if you have parking for buses and over 5100 spots, why assuming just a couple of thousand cars?)

Here the analysis is saying it could take close to 2 1/2-3 HOURS to evacuate. You don't always have time to evacuate in 3 hours time. When Kincaide started I was told they were about to evacuate and so I left immediately. The other people in the neighborhood said there was a ton of traffic trying to get out of our area. That it took a lot of time to get to the freeway. You are also not considering OTHER people- not visitors to the casino but PEOPLE WHO LIVE IN SONOMA COUNTY who will also be trying to get on the freeway. I had friends in Sebastopol trying to get on the freeway during Kincaide evacuation and it took them 3 hours to get to the 101. They said it was absolutely frightening. So now there will be THOUSANDS more cars on the road headed in that same direction. Because it's not just evacuating Windsor, it could be more parts of the county that could be evacuated. **During Tubbs the freeway was closed. The 101 was CLOSED IN BOTH DIRECTIONS. What is the mitigation for that???** How will we all escape a wildfire when the 101 is closed which has happened.

Wildfire is a very real consideration. I don't want to be in a 2-3 hour backup to get out onto the freeway to get out of town. People burned up and died on the road because they couldn't get out for the Camp Fire and in Maui. It's terrifying and we have already evacuated 3 times from my home in Windsor. I have been put out of my home for 3 months due to smoke damage. Fire is significant in this area and the BIA needs to

understand this in a very real way. I watched houses at the top of my street burn. I have friends in Shiloh who were hosing their driveways down along with the firefighters. This isn't hypothetical. It's real and we are all on edge about fire danger. Adding thousands of people who are NOT homeowners to our small town is not something we want when we race to get out.

For the Kincaid fire - On October 26, compulsory evacuations had been issued for 90,000 people. As the fire spread, by October 27, evacuation orders and warnings grew to encompass nearly all of Sonoma County, including about 190,000 people, making it the largest evacuation ever in Sonoma County. Many people were forced to flee in the darkness due to ongoing power shutoffs in the region. Adding in another 5,000 - 10,000+ people in cars fleeing from the Casino during a fire is untenable. How many lives were lost in Maui in the fire with people sitting in cars?? This should be a priority understanding our fear of fire and adding in thousands more cars and people.

Another point....Currently how do you expect a 2 lane road to support approximately 10-20,000 visitors daily? If you focus on the proposed mitigation measures in using those proposed for 2028 and those to be completed by 2040 you can see the mitigation is going to land on Windsor. The tribe is to contribute their "fair share" which is an undefined term. In other words the taxpayers will pay for it. Widening Shiloh to four lanes will cost millions and they will also need to widen the off ramps from 101 which backs up daily. The analysis also states thing like the project has no significant impact on traffic which is patently absurd. This is a 2 lane road which currently has a decent amount of traffic at various times of day. When I drive my son to Santa Rosa daily, we back up in the morning and in the afternoon heading home it can often backup, sometimes all the way onto the highway in extreme times which does sometimes happen. The addition of two housing developments right in Shiloh ARE NOT EVEN FACTORED into the analysis. Having multiple approved housing currently being built in the same corridor greatly changes the picture. We don't even KNOW what it will be like with all of those new apartments. There will be at least 175 additional new apartments in one of the buildings, which could also add another 350 cars to just that one small area. Widening the roads and offramps are a huge imposition on Sonoma County taxpayers that benefit only the tribe. We will be, basically, providing funding to the tribe for their casino just to mitigate the traffic impacts the casino will cause to our small town with thousands of cars a day headed to the casino.

There is also still issues with water. While many I know (including myself) have ripped out all of our lawns and flowers and replaced with hardscape and low water plants, the Koi tribe are now going to be bringing in thousands of people who will have ZERO regard of our water situation. While I and my family all shut off the water while brushing teeth to save water, the tribe will have thousands of people taking long showers and baths (I haven't had a bath in years and neither have my children) while we make sure to shower in under 5 minutes. Water is limited and even if THIS particular year was good, I have been here for over 20 years and it's been bad for the majority for rain//water. Even using well water, you are still removing water from the aquifers under the ground. It is a limited resource. Having a hotel with hundreds of additional people

using water, drinking water, supplying a restaurant, washing dishes, ice for drinks etc, that is an enormous amount of water. We have been asked numerous times to water on certain days, to take short showers, to not let water run or drip and now we are going to add in tens of thousands of people flushing toilets and drinking water and hundreds showering every single day?

The tribe proposes to contract with the Sheriff for police services. How will they make that happen? Because the Problem is that the Sheriff is down so many officers that they had to cut the number Windsor can have on our contract. We are down three deputies because the Sheriff does not have enough to fulfill Windsor's contract. Another example of how a labor shortage will impact local businesses and communities. Here is the memo from the police chief about staffing cuts. Have not heard that the cuts are over.

<https://d2kbkoa27fdvtw.cloudfront.net/windsor-ca/2606dca68ce688ed533171acee3dca750.pdf>

Here is more detail about the three vacant deputy positions in

Windsor. [https://legistarweb-](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1944187/Police_Service_Plan_Exhibit_A-C.pdf)

[production.s3.amazonaws.com/uploads/attachment/pdf/1944187/Police_Service_Plan_Exhibit_A-C.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1944187/Police_Service_Plan_Exhibit_A-C.pdf) So, the question is where will the tribe get its deputies and how will that affect neighboring communities?

We have the Graton Rancheria about 15 minutes south and the River Rock Casino about 15 minutes north. The Koi casino will just be pulling gamblers from both of those casinos, poaching money from those 2 existing tribes. **I notice as of today there are at least and over 40 OPEN available jobs at Graton**

Casino <https://recruiting.adp.com/srccar/public/RTI.home?c=1177215&d=ExternalCareerSite> with 37 of them being full time (and some are seeking multiples for one job listing). **There are at least 24 open jobs at RIVER**

ROCK - <https://riverrockcasino.applicantpro.com/jobs/> - and more than that as they have been actively looking for bussers and cleaning staff etc so it's likely considerably more than that.

River Rock casino will be getting a brand new hotel with 300 rooms so there will be even more traffic and more jobs for people that aren't getting filled. <https://www.casino.org/news/dry-creek-pomo-approved-for-300m-casino-in-northern-california/> There just aren't people wanting to work at these casinos. There is smoke which is hazardous and many people don't want to be exposed. And there just isn't the pool of workers. Sonoma County, CA Unemployment Rate is at **3.70%**, compared to 3.70% last month and 3.10% last year. This is lower than the long term average of 5.30%. Fantastic Campo Fina restaurant in Healdsburg closed, as the owner told me - I just couldn't get the help. It was a constant battle. So now you are going to pilfer the small pool of workers which will then affect our other small businesses that are struggling to get help.

This casino/hotel/parking is a BAD idea all around. The tribe will be eating into incomes of the other 2 casinos within 45 minutes of each other, they will be competing for the

same employees which is already difficult. They will be building in a massive fire zone (are they even able to get insurance as most new builds are struggling to get insurance in our fire zone).

Concerns about fire evacuations, traffic, water and low unemployment issue are just SOME of my concerns. There are more including the fact that there is no mitigation listed for the 24/7 noise, lights that will surely be affecting the homes located closest to the casino/hotel.

This is not an out of the way area like Graton or River Rock. This was a HOME with a VINEYARD in an area with other homes, churches and schools. This is absolutely the wrong place for this development and I sincerely hope the BIA comes to visit our area to see exactly what we are talking about. The building of this casino will be disruptive for years to all of the neighbors it surrounds.

Please do NOT approve this project.

Carrie Marvin
The Foothills
237 La Quinta Drive
Windsor, CA 95492
707-338-4377

From: Ronald Calloway <ronaldcalloway363@yahoo.com>
Sent: Tuesday, September 19, 2023 3:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,

As the recently retired Superintendent of the Mark West School District, I must state my adamant objection to this casino. For the record, not only did I serve as the Superintendent, but I am also a resident of the school district. I live at 531 Coachlight Place, which is one block from San Miguel Elementary School. This school is within a mile of the proposed casino, and I cannot understand how the Bureau of Indian Affairs could even consider approving a casino so close to an elementary school.

While there are areas that would be appropriate for the casino in the Mark West School District, such as commercially zoned areas located along Airport Boulevard, the proposed site is absolutely not within an area that should be considered for a casino. The scope of this project, as proposed, is far too large for the current infrastructure to address.

Furthermore, in lieu of a massive casino, housing units on the proposed site would be a welcomed project. Children from the tribe would be within the boundaries of the Mark West Districts so these children would be provided an outstanding education from the excellent schools in the district.

Finally, I must reiterate that a casino within a mile of a school is absolutely shameful to consider. As an educator, who has built his entire career in supporting students, I cannot fathom a worse scenario than placing a casino in the proposed location.

Sincerely,

Ronald M. Calloway, Retired Superintendent of the Mark West Union School District

From: vmibelli54@gmail.com <vmibelli54@gmail.com>
Sent: Wednesday, September 20, 2023 1:31 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] No to Casino in Windsor

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Thank you

One attachment • Scanned by Gmail

The resolution of the Board of Supervisors of the County Of Sonoma, State Of California, Opposing the Establishment of a Casino by the Koi Nation, a Non-Sonoma County Tribe. The Sonoma County Board of Supervisors has consistently opposed the establishment of Nevada-style casino gaming in Sonoma County within the geographic boundaries of the County of Sonoma. In Sonoma County lies the historic and ancestral territory of five federally recognized Southern and Southwestern Pomo tribes: the Cloverdale Rancheria of Pomo Indians; the Dry Creek Rancheria Band of Pomo Indians; the Federated Indians of the Graton Rancheria, the Kashia Band of Pomo Indians of the Stewarts Point Reservation; and the Lytton Rancheria Band of Pomo Indians. Within the geographic boundaries of Lake County, lies the historic and ancestral territory of seven federally recognized Southeastern Pomo tribes: Elem Indian Colony; Habematolel Pomo of Upper Lake; Big Valley Band of Pomo Indians; Scotts Valley Band of Pomo Indians; Robinson Rancheria; Koi Nation of Northern California (Lower Lake Rancheria); and Middletown Rancheria of Pomo Indians of California.

In the 1950s and 1960s the federal government passed a series of laws including the California Rancheria Termination Acts, which among other things ended the federal government's relationship with, recognition of, and benefits to numerous tribes in California, including the Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County, and the Lower Lake Rancheria (Koi Nation) in Lake County; several tribes have been restored to federal recognition through legislation or litigation, including the Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County, and most recently the Lower Lake Rancheria (Koi Nation) in Lake County. Around 2005, after changing its name, the Koi Nation unsuccessfully sought to acquire a site for a Las Vegas-style casino outside of Lake County, near the Oakland International Airport; and in 2014 the Koi Nation unsuccessfully sought to establish a reservation and casino on Mare Island in the City of Vallejo.

In 2019, the United States District Court for the District of Columbia, issued a decision declaring that the Koi Nation, as a reaffirmed tribe, was an Indian tribe restored to federal recognition; see *The Koi Nation of Northern California v. United States Dept. of the Interior* (D.C. Dist. Ct, Jan. 2019) 361 F. Supp. 3d 14; in September 2021, the Koi Nation, through its LLC, Sonoma Rose, purchased a ± 68.60 acre parcel (Subject Land), located at 222 E. Shiloh Road, on the southeast corner of the intersection of Shiloh Road and Old Redwood Highway, in the unincorporated area of the County.

Shiloh Ranch Regional Park is to the east, residential development is north and south, and a church straight across the street. The Town of Windsor is to the north and northwest, and the Sonoma County Airport is to the southwest of the Subject Land, which is largely agricultural,

In September 2021, the Koi Nation submitted an application to the federal government requesting that the United States Department of the Interior accept the Subject Land into trust for casino gaming and resort purposes under Part 151 of Title 25 of the Federal Code of Regulations. Federal law requires that a tribe restored to federal recognition have a "significant historical connection" to the land on which it proposes to game, 25 C.F.R. 292.12(b). The Koi Nation intends to operate its own gaming facility on the Subject Lands to the exclusion of Sonoma County tribes. The Board of Supervisors strongly opposes tribes from outside Sonoma County attempting to use their tribal status to place lands within the County in trust and/or to

otherwise establish gaming operations within the County. The Board of Supervisors strongly opposes tribes that do not have a clear significant historical connection to a specific property, or do not have authority to exercise jurisdiction in Sonoma County, from taking such property into trust or using such trust property for gaming purposes. The Board of Supervisors continues to encourage Sonoma County tribes to establish boundaries to assist in the determination of trust applications and other tribal issues. The five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) each sent the Board of Supervisors a letter or tribal resolution expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior to accept the Subject Land into trust for gaming purposes due to the Koi Nation's lack of significant historical connection to the Subject Land.

Gaming projects have significant environmental impacts and other effects on a community, particularly in an area that is predominantly agricultural and residential, and the County's infrastructure may not be able to adequately accommodate the proposed facility and its accompanying traffic, water, wastewater or other impacts. The Board of Supervisors respects tribal sovereignty and takes seriously its government-to-government relationship with tribes, and has worked in good faith with Sonoma County tribes towards a variety of shared goals, including the mitigation of off reservation impacts stemming from on-reservation development.

The Board of Supervisors supports and joins with Sonoma County tribes in opposing the Koi Nation's efforts at obtaining trust lands and establishing a resort casino in Sonoma County, and allowing a tribe without a significant historical connection to the Subject Land, the area in the vicinity of the Subject Land, or the County of Sonoma generally, sets a significant negative regional precedent. The Board of Supervisors opposes any tribe attempting to establish trust property, exercise jurisdiction, or establish a gaming facility within the historical territory of other tribes without those tribes' explicit permission and partnership and supports an interpretation by the Governor of California, National Indian Gaming Commission, Bureau of Indian Affairs, and Department of the Interior of existing compacts and federal law to that effect. The Board of Supervisors opposes efforts by any tribe to take land into trust or operate a casino unless it can demonstrate, to the satisfaction of the County of Sonoma, the State of California, and the Department of the Interior, compelling and significant historical ties to the specific designated property at issue and the right to exercise jurisdiction over that land.

This also does not speak to the need of more police and fire support in the small Town of Windsor. The idea that it will have a concert hall will hurt the small Town of Windsor activities like the many events that are held at the town green. These events help the local businesses and town. Not having music on the town green or the other events will doom the small town atmosphere. This also does not take in account the 24\7 casino attracting problems in the small town as well as the traffic on the small roads not made for constant buses transporting gamblers and semi-trucks supporting the property. The 4 bars and coffee shops and 5 restaurants will all but kill the small Town of Windsor establishments. This was a sneaky back handed deal to hijack a small town and should not be allowed. Sonoma County has more casinos than any other county in California. We do not need another. Casinos in its area will be bad for our local economy, our roads and our water supply. This also does not touch on the very real fire danger we have faced in the last few years. Old Redwood Highway was stopped with just the local

housing traffic. What will happen when you have a full casino and hotel on these same narrow roads?? I say NO. NO Casino. Go back to Lake County. Help there economy. Stay out of Windsor, We do not want or need you.

From: Jenny Herzberger <jenherzy@gmail.com>
Sent: Thursday, September 21, 2023 1:21 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Jenny Herzberger

From: Scott Horton <scotthorton@mac.com>
Sent: Thursday, September 21, 2023 2:40 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

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We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Kind regards,

Scott Horton

From: Trini Amador <tamador@bhccconsulting.com>
Sent: Thursday, September 21, 2023 8:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: 'Lisa Amador' <LISA.AMADOR@GRACIANNA.NET>
Subject: [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino,"

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Dear Chad

Lisa and I own property on Shiloh Road less than one mile from this project. We are in favor of this business venture. We have watched what the Graton Rancheria has done for Rohnert Park.

A boon for business and tourism in Sonoma County. Good luck.

Trini

<https://www.shilohresortenvironmental.com/>

Trini and Lisa Amador
210 E Shiloh Road
Windsor, Ca

From: Stefan and Kathy Parnay <skparnay@sonic.net>
Sent: Friday, September 22, 2023 1:04 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Tribe Casino on Shiloh Road - Community Comment

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Dear Chad,

Attached, please find our comments regarding the Environmental Assessment report that was published on September 2023 regarding the Koi Tribe's proposed projects for the Shiloh Road property.

We have attached a pdf of the letter as well as copied the content into the body of this email.

Thank you for your time and consideration.

Respectfully,

Stefan and Kathy Parnay
190 Barrio Way
Windsor, CA 95492

Mr. Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
chad.broussard@bia.gov

September 22, 2023

Dear Mr. Chad Broussard,

For the past 25 years, our family has lived in the Oak Creek subdivision that resides within a half mile radius from the Koi Tribe's proposed casino/hotel/events center. We have raised our children in this peaceful residential community made up of hundreds of family homes, a small neighborhood park (Esposti Park) used for little league baseball and soccer games, two community churches, and the 850 acre Shiloh Regional Ranch Park enjoyed for its beautiful and safe hiking, biking, horseback riding and running trails.

The existence of a large casino/hotel/events center in this neighborhood would irrevocably harm this peaceful, family oriented community, introducing a significant increase in traffic, public safety issues and noise pollution. After reading the Environmental Assessment (EA) published in September 2023, we are extremely concerned about the lack of consideration that was given to protecting our peaceful community from the environmental impacts a proposed project of this magnitude would cause. Below is a list of our concerns:

1. Having lived through the [2017](#) and [2019](#) wildfire events, what is foremost in our minds is that **the EA neglects to propose a safe and effective traffic mitigation strategy to accommodate the significant increase in the number of non-resident vehicles on the roads in the event of an evacuation order.**

If the casino/hotel/events center is built, it will undeniably result in a significant increase in traffic congestion which will be compounded exponentially during an evacuation event. The EA (page 3-119) states that, to mitigate a traffic issue during an evacuation, the casino/hotel/events center would be issued a mandatory evacuation status as soon as an evacuation warning is issued for the area. Giving the casino/hotel/events center a head start on evacuating is not a realistic solution. If the casino/hotel/events center evacuees follow this evacuation process, there would be thousands of visitors on the roads while thousands of local residents are trying to get to their homes or find/reunite with loved ones in preparation for evacuating. The roadways to our neighborhoods would be gridlocked, creating a very dangerous situation for thousands of anxious, fearful and desperate people.

It is also important to acknowledge that human behavior during a major event is unpredictable. Simply telling large groups of people to "leave now" in an orderly fashion following emergency protocols does not mean they will. We all respond to crises differently depending on our personal situations and [studies](#) have shown that large groups of people are slower to respond during a crisis, oftentimes experiencing denial or disbelief that the situation is real.

ACTION REQUESTED: Before a project of this magnitude is approved, require that an in-depth study of the [2017](#) and [2019](#) fires and evacuation protocols along with an updated Traffic Study (one that includes the new traffic patterns resulting from the Shiloh Terrace (completion expected 1/2024) and the Shiloh Business Park (completion date unknown) building projects that are currently under construction) are performed. The findings should then be incorporated into all road improvements in order to ensure safe evacuation procedures can be followed.

2. The lack of a well thought out comprehensive evacuation plan is not the only issue with the traffic mitigations proposed by the EA. **The road improvements proposed are insufficient for meeting the increase in daily traffic.**

As a family who drives through the Shiloh Road - Old Redwood Highway intersection every day, it is obvious that the traffic mitigation strategies will require more than the signalization/optimization, re-striping of the roadway and the widening of the Shiloh Road as indicated in the EA (page 4-9). The EA authors seem to have overlooked that the project plans also show one of the main entrances to be directly off of Old Redwood Highway. Old Redwood Highway is a heavily traveled 2-lane road that is used as a direct route into and out of the Santa Rosa and Windsor areas. During peak traffic hours, Old Redwood Highway is a popular alternative route to traveling Highway 101 and is a shorter and more direct route when traveling to Sutter or Kaiser hospitals in Santa Rosa. It is shortsighted not to consider the need to also widen Old Redwood Highway in order to accommodate the additional increase in traffic.

ACTION REQUESTED: Before a project of this magnitude is approved, require that an updated Traffic Study is performed once the current construction projects along Shiloh Road (Shiloh Terrace Apartments and the Shiloh Business Park) are complete in order to obtain a clear understanding of the effect that the casino/hotel/event center could have on the traffic patterns along Old Redwood Highway so a realistic traffic mitigation strategy can be created.

3. Whenever road work is performed, local residents are affected. **The EA minimizes the burden placed on local residents during the proposed expansion of Shiloh Road (a heavily used roadway), thus raising concerns about the traffic issues resulting from such extensive road work.**

It is unclear how the EA authors determined the road construction project would be “short term” and cause only “minor delays in traffic flow”. Shiloh Road is currently a heavily used 2-lane road. It is not uncommon for road construction on heavily used roads, especially those with only 2-lanes like Shiloh Road, to take several months or longer to complete or the timeline to be further pushed out due to shortages in labor and other resources. Diverting existing traffic congestion while Shiloh Road is under construction will, not only inconvenience daily commuters, but also the local residents who shop at Home Depot, Walmart, Grocery Outlet, and the other businesses immediately off of Shiloh Road (on Hembree Lane) and the employees that work at those businesses.

ACTION REQUESTED: Before a project of this magnitude is approved, require that the Koi Nation’s developers meet with the public transportation department and local road construction companies to determine the true timeline to complete such an extensive project by comparing recent projects and availability of resources. Require that they develop a plan that will minimize the negative impact on traffic patterns on the community during the expansion process.

4. The increase in visitors traveling to and from the proposed casino/hotel/events center will affect all aspects of public safety, from traffic accidents and drunk driving violations to theft and vandalism. **The current state of Sonoma County Sheriff resources for public safety cannot accommodate the proposed casino/hotel/events center needs.**

With the introduction of a casino/hotel/events center in a residential community, public safety should be a priority. Not only do more cars on the road equate to more accidents, the crime rate will increase (including drunk driving violations) from what currently is almost non-existent in the area.

According to the EA (page 4-8), “the Tribe shall make good faith efforts to enter into a service agreement with the Sonoma County Sheriff’s Office” for police services in order to keep the local community safe. However, the EA authors do not explain what “good faith efforts” actually means and there is no mention of an alternative plan in the event that the “good faith efforts” do not result in resources for public safety.

An alternative plan is essential because what the EA authors did not consider is the fact that the Sonoma County Sheriff’s Office is currently struggling with understaffing and overworked employees pulling 12 hour shifts due to the inability to fill vacancies (see Town of Windsor Agenda Report dated May 17, 2023). While the Koi Nations financial contributions to the Sheriff’s budget would be helpful, the ability to find a qualified and well trained police workforce is a very real concern.

ACTION REQUESTED: Before approving one of the proposed projects, require that an in-depth review of the Sonoma County Sheriff’s office’s capacity of their current workload and the proposed increase be performed in order to determine if a sustainable plan for staffing and support is feasible. If the Sonoma County Sheriff’s Office is not able to provide public safety services, an alternative realistic solution needs to be provided.

5. In addition to our public safety concerns, it is critical that we are able to preserve the quiet and peaceful environment of our neighborhoods. **With thousands of daily visitors to the proposed casino/hotel/events center, there will be a significant increase in “noise pollution” to the neighboring homes.**

As listed on the EA (page 4-8), the mitigation for the resulting noise created by the casino/hotel/events center was to have the Koi Nation “pay a fair share” towards repaving the road with “noise reducing pavement” and, “if repaving is not necessitated by traffic improvements prior to 2040, the Tribe will compensate homeowners adjacent to identified roadway segments for dual pane exterior windows”. The authors of the EA do not seem to understand that the noise pollution is not just caused by the sound of tires on the street, but also car horns, motors, engine backfires, accidents, bass from music blaring, and other loud noises. In addition, most houses already have dual paned windows which, from personal experience, do not block loud noises. The EA authors also did not consider that, because of the mild temperatures of Sonoma County and the health concerns of Covid, many residents prefer leaving their windows open to allow fresh air to circulate throughout their homes. Relying on specialized paving and dual paned windows will not provide adequate protection from the increase in noise

resulting from a business that runs 24/7 with the majority of visitors arriving and departing during the evening, night and weekend and holiday hours.

ACTION REQUESTED: Before a project of this magnitude is approved, require that a comprehensive Environmental Impact Statement be completed and a realistic sound mitigation plan be created that will prevent and/or significantly minimize outside noise pollution from disturbing the neighboring homes.

6. The history of the Koi Tribe is one of significant devastation that included the loss of their homeland. One aspect of the traffic mitigation that the EA did not address was that, in order to widen Shiloh Road from two lanes to four lanes, **the government would need to enact [eminent domain](#)** in order to gain the private property rights of local residents' homes along Shiloh Road. Although these families would be compensated, [no amount of money can replace their loss](#) of home and community when forced to relocate. Is this an act the BIA and Koi Nation wants to be connected to?

ACTION REQUESTED: Before making a final decision on the proposed projects, please take into consideration the direct and indirect costs to local residents.

On the [Koi Nation's website](#), they state, "our inherent sovereignty is the foundation for our efforts to obtain land upon which we can re-establish the living relationship between our people and the land". However, their proposed plans do not support the goal of reconnecting with their heritage. In contrast, the casino/hotel/events center, which is not located on their ancestral land, will irrevocably change the surrounding peaceful environment, negatively impacting the local neighborhoods with increased traffic, public safety issues and noise pollution caused by the 24/7 nightlife and weekend activity of a large casino, hotel and events center.

We are a community of families who want to protect our peaceful homes and neighborhoods. We are hopeful that the BIA will carefully consider our comments and those of our neighbors before making a final decision.

Respectfully,

Kathy Parnay
Stefan Parnay

From: kenneth kerst <kakerst@icloud.com>
Sent: Saturday, September 23, 2023 7:50 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments - Koi

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Hello,

I live right down the road, off of Old Redwood Highway, at Shamrock Retirement Community. I support the Koi project and look forward to its development. One day, I hope to see pickleball courts built there. Bringing tourist revenue to Windsor is a win-win situation.

Kathy Kerst
North Bay District Pickleball Ambassador
Sonoma, Solano, Marin and Napa Counties

Sent from my iPad

From: Adam MacLeod <amacleod81@gmail.com>
Sent: Sunday, September 24, 2023 10:57 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Windsor - Koi Casino comments from Local family

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Dear Mr Broussard, my wife, toddler and I call Windsor our home. Please don't let a Casino from the koi nation into our community. What value does it provide to the people of Windsor? We are not Rohnert Park. We are a small family community. We are not a tourist destination. We like our safe family type of community. If the people don't want it how can you allow it? Isn't this a democracy where the people have a vote?

We admire and respect the local Pomo tribes who are native to our town before there was a town. The Koi is not local and I don't think there will be a welcoming like the other Pomo tribes. This is an attempt by the koi for a money grab at the expense of the people of Windsor.

Please reject this proposal to build a Casino in our town.

Adam MacLeod

From: Dinah Costello <haviceprin@aol.com>
Sent: Sunday, September 24, 2023 1:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: DINAH COSTELLO <haviceprin@aol.com>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, CA 95825

Dear Mr. Broussard,

You no doubt have received numerous letters/emails from our Sonoma County, CA community opposing the Shiloh Casino Resort proposal of the Koi Nation of LAKE (not Sonoma) COUNTY. The objections to this massive and uninvited intrusion into our neighborhood are numerous and, most importantly, well founded. They include the Koi Nations non-existent status in Sonoma County, the outside gaming interests using them as cover for another casino project ("casino shopping"), and countless environmental and public safety issues (fires decimated this area in 2017 and again in 2019).

I would like to call your attention to corrections needed in your recent Notice of Availability letter mailed to me September 11. Beside the Project Site being bordered by residential neighborhoods to the north (Esposti Park is directly across from the Project Site) and west (including two churches and two massive new housing projects now under construction), the southern border is also residential (as well as commercial), with San Miguel Elementary School also directly across from the Project Site. Furthermore, the eastern boundary consists of Sonoma County's popular Shiloh Regional Park, hardly just an "agricultural parcel." I would strongly encourage you to personally visit the Project Site; it will become abundantly clear why this location is the worst possible location for a casino development. There is a reason every public official at all levels have opposed this project, as you will see for yourself.

On a personal note: My husband and I, both teachers, moved to Windsor (Sonoma County) off Shiloh Road 20 years ago. We purchased our dream home surrounded by two public parks (Shiloh Regional and Esposti) in a beautiful, tranquil setting. We

worked hard, paid our taxes, saved, and looked forward to spending our retirement years here. We were shocked and dismayed to hear that a gigantic casino resort was being planned directly across the street from our home. Sonoma County presently has a casino 15 minutes to the south (Graton) and 15 minutes to the north (River Rock) of our home. Building another casino in the middle of our neighborhood, destroying a beautiful vineyard and severely affecting the quality of life of our community, should have been stopped before it reached this stage. Again, please visit this beautiful area of Sonoma County. Drive down our street and imagine the damage this project will do to our neighbors and surrounding small businesses, schools, and churches. This whole project has caused unnecessary stress and anxiety in the good people we call our friends. Please join us and stop this ill-conceived and dangerous proposal from becoming reality.

Respectfully yours,

Dinah Costello
5840 Mathilde Drive
Windsor, Ca 95492

From: AT&T <2tbene@att.net>
Sent: Sunday, September 24, 2023 2:43 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] We like the Casino

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Hi Chad:

We live in Windsor and very much look forward to the new casino. Don't think that everyone is against it, as they will be the first to eat, play, and spend there once it is built. Go For It.

Lori Pennato

From: Mary Gardner <mblawhead@gmail.com>
Sent: Sunday, September 24, 2023 5:53 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] No to Casino in Windsor California

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To Whom It May Concern,

I am a resident of Windsor, California. I am opposed to the proposed Koi Nation casino being built in our community.

The area they wish to build in is in an area that has several new apartments and is near one of the busiest intersections in town. This casino would make things worse for commuters and those that live nearby. Windsor is a small town. We do not have a hospital in our town. A casino will not bring a better quality of life to our town. It would make things worse for us. Our town does not want the casino and the problems it would cause. In fact, it would be so problematic that the Sonoma County Board of Supervisors voted against the project.

The Koi Nation is not originally from Sonoma County. Their ancestors lived north of us, in Lake County. Lake County is less populated and less expensive to live in. It would be beneficial to both the Koi Nation and Lake County if the proposed casino is built in Lake County, the ancestral home of the Koi Nation.

Please reject the proposed casino in Windsor. It will not be a good fit for Windsor and is not the appropriate place for the Koi Nation to build such a project. If they want to build, please assist them in finding a more appropriate location in their ancestral land in Lake County.

Sincerely,
Mary Gardner, Town of Windsor Resident
mblawhead@gmail.com

From: bryan lobao <bryanlobao@hotmail.com>
Sent: Sunday, September 24, 2023 3:36 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Why would you build a casino right in the middle of a town, where people live close by and already have traffic. You could go 10 min north and tons of land between Windsor and Healdsburg and no one would care about a casino there. All the room to build bigger roads and expand.

Thank you
Bryan

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Cammy <cammy_bennett@yahoo.com>
Sent: Sunday, September 24, 2023 8:36 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good Evening,

I'm writing to you today to make you aware of my opposition to the proposed Indian casino on Shiloh Road and Old Redwood Hwy.

I'm a 58 year old who lives in the house I grew up in. The area has changed quite a bit over the years, some for good some for the bad. Back as a kid in the 80's I use to ride my horses in the field where the vineyard and proposed site is today, and would prefer it remain a vineyard.

I do not believe a casino is in the best interest of Windsor. Gambling brings the wrong type of environment to any city, with crime and other behavior's associated with those types of businesses. There is a lack of work force in the area as well, which has caused multiple businesses to close in Sonoma County, I would imagine any Casino needs a large work force and will be taking employees from the already depleted work force in the area.

Thank you,

Cammy Bennett
339 Donna Drive
Windsor, Ca 95492

Sent from my iPhone

From: Maralee Parsons <parsonsm360@sbcglobal.net>
Sent: Sunday, September 24, 2023 2:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments Koi Nation Shiloh Resort and Casino

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Please see the attached comments submitted for your review.

Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office

I am writing to express my strong opposition to the proposed project, Koi Nation Shiloh Resort and Casino. The proposed site for the casino is across the street from residential communities consisting of family homes, a little league park, a church, multiple bike paths and an elementary school. Simply put, the proposed site is a dangerously inappropriate location for such a high volume, 24/7 business venture.

I have read the Environmental Assessment (EA) released on-line Sept. 13, 2023, and offer the following comments for your consideration:

TRAFFIC: Section 4-1 of the EA suggests several very expensive traffic related improvements to be done by 2028 and 2040, including widening of Shiloh Road from 2 lanes to 4 lanes, and widening the off-ramps from Highway 101. The EA states "...the Tribe shall make good faith efforts to assist with implementation of the opening year improvements prior to opening day" and "the Tribe shall make fair share contributions to the cumulative 2040 traffic mitigation measures". The collateral costs beyond what the tribe deems as "fair share" of these "improvements" would be borne by Sonoma County taxpayers. In other words, we will have to divert existing and future funds from other road-improvement projects to accommodate the casino, because the existing roads are insufficient to support the casino's needs. I believe this would equate in part to tax-payer funding of the private casino. As a Sonoma County taxpayer, I would enthusiastically join a lawsuit challenging that use of public funds.

FIRE & SAFETY: The proposed site is in an urban wildfire risk zone which has been evacuated twice in the past 5 years, resulting in gridlock. The casino/resort could potentially add another 20,000 vehicles to the local roads with limited evacuation routes, threatening the community's ability to safely evacuate and could potentially lead to loss of life.

A casino serving alcohol will undoubtedly bring inebriated drivers onto the roads and increased crime into our residential neighborhoods.

NOISE: Very little mitigation is offered in the EA for the 24/7 noise and lighting impacts the surrounding community will be subjected to, other than offering to pay a "portion" of re-paving of neighboring streets with noise-reducing pavement (see above for my thoughts on asking taxpayers to fund the remainder of a project we did not ask for and do not need, absent a casino) and compensating homeowners for "dual paned exterior windows". Seriously?

ENVIRONMENTAL IMPACT/WATER: A casino and resort of this magnitude, and its construction, will greatly increase water pressure on the Russian River, as well as generate possible runoff and groundwater impacts from converting what is currently agricultural space into impermeable surfaces. Residences in the immediate vicinity are already experiencing well failures and the water table cannot support the proposed level of increase. The mitigation measures outlined in Section 4-1 of the EA (implementation of a “groundwater monitoring program”) are grossly inadequate to mitigate such a severe impact on the community’s finite, life-sustaining resources. Furthermore, the existing vineyard is in a designated floodplain with a protected riparian corridor flowing through it and provided a firebreak in the 2019 Kincaid fire, saving countless homes and lives.

I would also ask that you consider the economic harm this project will bring to local merchants who could not compete with enormous scale of the proposed casino/resort. Finally, I urge you to strongly consider the arguments articulated by the broad opposition to this project within Sonoma County, including the 5 federally recognized tribes in the County, and the unanimous resolutions of both the Sonoma County Board of Supervisors and the neighboring town of Windsor.

Sincerely,
Maralee Parsons
193 Merner Drive
Windsor, CA 95492
parsonsm360@sbcglobal.net

From: Melodi Walton <melodiwalton@yahoo.com>
Sent: Monday, September 25, 2023 8:15 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

From: Katie Douglas <katiedouglas27@gmail.com>
Sent: Monday, September 25, 2023 8:57 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Katie Douglas

Public Relations & Communications

katiedouglas27@gmail.com

(918) 991-5820

From: Janet S Marsten <jmarsten@gmail.com>
Sent: Monday, September 25, 2023 10:18 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

RE: Koi Casino Proposal

Dear Representatives,

Our quiet, Sonoma County residential neighborhood and wildlife corridor are threatened by a proposed casino resort by the Koi Nation from Lake County. This must be stopped.

Mandatory evacuations in the last few years due to wildfires clogged our few escape routes. A 24/7 casino, event center, and hotel would create catastrophic additions to an already tenuous situation. Also, as everyone who lives here knows, drought is a very real part of our lives. The Russian River is a fragile and limited resource we all depend upon. It could not support a huge development such as this. We have great concerns about potential hazards with groundwater depletion and contamination to our water quality with this project, both during construction and in the long term.

This is a peaceful community with a wildlife green space, a regional hiking park, and a little league park directly across from the proposed site. Our country roads are also popular with many group, tourist, and team bicyclists. The threat to wildlife migration, public safety, and congestion this project would create is a real concern.

Casinos unfortunately bring with them crime and noise. It is unfathomable that this could happen to our neighborhood.

Thank you for your time,
A.P. and Janet Marsten, Shiloh area residents

From: Arash Behrouz <abehrouz@hotmail.com>
Sent: Monday, September 25, 2023 10:20 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation's proposed casino project near Windsor

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Dear Sirs, I am in-favor of the new casino if it has a similar bus program (costs and pick-up location as the River Rock Casino).

The Bus Program provided by River Rock from Marin County to Sonoma County is wonderful.

My question is; when your board approved the Graton Casino to be built in Rohnert Park; was a requirement for them to have a bus transportation from Marin to Sonoma? The bus program stopped a few months I believe after they opened. Please correct me if I am wrong.

Thanks for all your help.

[Shuttle & Bus Services | River Rock Casino | Sonoma County, CA](#)

[Shuttle & Bus Services | River Rock Casino | Sonoma County, CA](#)

River Rock Casino in Sonoma County, CA offers shuttle and bus services to members.<br /

www.riverrockcasino.com

Behrouz, Arash

From: Neal Weeks <rwneal3@gmail.com>
Sent: Monday, September 25, 2023 11:08 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Shiloh Casino

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We do not need another Casino. Roads are already overloaded. The Casino pie pieces are now too thin. It would not have enough sustainable support. River Rock is struggling because of the Graton Resort and Casino. The area does not need another struggling Casino that would close down in the near future.

Neal and Ruth Weeks
Santa Rosa, CA.

From: Andy Westbom <andywestbom@gmail.com>
Sent: Monday, September 25, 2023 11:49 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Please reject this project. Reviewing the Environmental Assessment I see that the traffic impacts are considered "significant" and the impact on surrounding properties, as mentioned in the "General Setting and Location" section, does not even mention the 850 acre Shiloh Regional Park nor impacts on it, which is just down Shiloh Road only a scant half mile. And the maps I reviewed do not even show the popular Park, yet is clearly within the "surrounding area."

Thousands of people, including me from a neighboring town, hike in Shiloh Regional Park, loving its pristine rural setting and its amazing views. This project will destroy the scenic views from the higher up trails that look towards the West, and the tranquil setting. I keep reading in biased newspapers that neighbors are upset by the project, but thousands of park goers are too, not to mention most of the citizens of the town of Windsor and of Sonoma County.

Also, why doesn't the highly deficient "Environmental Assessment" discuss and explore impacts on Shiloh Regional Park. Would a casino be built outside of Yosemite National Park and in nearby views of its trails?

This project is in the wrong place.

Andy Westbom
2236 Sycamore Ave.
Santa Rosa, CA. 95404

Sent from my iPad (typos likely!)

From: kgrahammer@aol.com <kgrahammer@aol.com>
Sent: Monday, September 25, 2023 11:51 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

We are writing in opposition to the proposed Koi nation casino/resort on Shiloh Road north of Santa Rosa.

We are the original owners of our home in the Wikiup area having purchased our house in May, 1987. We have seen our area build up with many new homes, a regional park and the Mayacama resort. Although these have added to the population and the traffic, they were done keeping with the agricultural climate of our area.

We also, unfortunately, have been under two mandatory evacuations (in 2017 and 2019) due to devastating wildfires that burned within 1/2 mile of our home.

The recently released Koi Tribe Environmental Assessment report fails to recognize the impact the proposed project will have on fire evaluation and/or traffic for the RESIDENTS who live around the property. Shiloh Road was a main exit route for hundreds of residents. As was evidenced in both the Paradise, CA in 2018 and the Lahaina, HI in 2023 fires, when there is only one main exit route MANY people can die because they can't escape. Is a casino worth losing lives?

A casino/resort is not an appropriate addition to our neighborhood!

There are two large casinos already in the area (River Rock to the north and Graton to the south).

There are two elementary schools (San Miguel only 1 mile to the south of the proposed casino and Mattie Washburn only two miles to the north), a church, a county regional park at the end of Shiloh Road and a youth baseball and soccer field directly across the street. The proposed casino is surrounded by facilities used by children and their families. A casino does not belong in the middle of these!

We respectfully request that this proposed casino/resort be denied.

Thank you,

Rick and Kathy Hansen
530 Coachlight Place
Santa Rosa, CA 95403
(707) 217-0204

[Sent from the all new AOL app for iOS](#)

From: Heidi Doggwiler <hdoggwiler@msn.com>
Sent: Monday, September 25, 2023 12:57 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Proposed Koi Project in Windsor, CA

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I am writing to strenuously object to the proposed to both the land on Shiloh road being placed into trust to become a sovereign tribal property, and to any commercial development of that property, most especially as a casino. I have lived in Windsor for the last 11 years, and remember not only the Tubbs fire but every fire thereafter. I remember the panic of trying to get out of the area with the large number of families packed onto small, residential roads and only 3 points of freeway access. As is, that property is not zoned for high density, for this and many other reasons.

Secondly, Windsor has chosen to remain a residential town rather than let ourselves become another Healdsburg. We do not invite large commercial enterprise from anyone, and we have already had one tribe insert itself into our town -- which, like the Koi nation, has ABSOLUTELY NO TIES TO OUR AREA, just because we are a good location for them to make money. We have rights, too, and we are tired of being used by tribes just to make a few people millionaires at the expense of the rest of us.

Heidi M. Doggwiler
619 Smoketree Ct.
Windsor, CA 95492

From: songocarol <songocarol@sonic.net>
Sent: Monday, September 25, 2023 1:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Indian Casino

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My name is Carol Brown. I am a resident of the Wikiup neighborhood 1.6 miles from the proposed location of the casino. I am a mother, grandmother, and former teacher of 25 years.

I am opposed to the proposed location for the casino. It is just across the street from neighborhoods with children and a mobile home park. Casinos are open 24 hours, serving alcoholic beverages to customers during those 24 hours. Vulnerable children get on and off school busses in the area and walk to and from their homes. Child trafficking is a major problem in our country. I believe that children will be at greater risk from pedophiles as well as child traffickers who are looking for a source of income to enable people to support their gambling habit, even using the casino hotel rooms for their dastardly deeds.

Not only am I concerned for the safety and well-being of families in the area, but also for the extra vehicle traffic on Old Redwood Hwy. and Shiloh Rd. Many people take these roads for shopping at Walmart, Home Depot, Grocery Outlet, Providence urgent care, restaurants, and other services. Besides the inconveniences for those shoppers and people with medical concerns, some of us will choose to avoid the area and those businesses altogether and shop elsewhere, which will not only hurt those businesses, but also put a large dent in the income for the Windsor community from less tax money being generated. Though businesses may profit from casino customers, they will become less of a resource for our neighborhoods and more for casino tourists.

Lastly, the three nearest casinos are located in comparably remote areas. Graton Resort and Casino in Rohnert Park is situated outside of a residential area. Additionally, River Rock Casino is situated in a remote area of Geyserville. Twin Pine Casino and Hotel in Middletown is located far away from homes. Why can't Koi Nation find an area that is isolated from neighborhoods and high traffic areas? The spot Koi tribe has chosen is not acceptable! It will be a detriment to our community, not beneficial.

Thank you for the opportunity to express my concerns, ESPECIALLY for our children.

Carol Brown

From: MARY LOU VELASQUEZ <marylouv@aol.com>
Sent: Monday, September 25, 2023 1:22 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Opposition to proposed Koi Nation Casino development, Shiloh Road

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As former residents of the Wikiup Rancho area (until our home was destroyed by the Tubbs fire) my husband and I are very familiar with the area for the proposed casino development at East Shiloh Rd and Old Redwood Highway. We strongly oppose such a business on that particular parcel. We respect the Koi nation's efforts to increase their opportunities for tribal members, but the location of the development is unsuitable for a casino, hotel, parking, etc. The area is part of the break between Windsor and Santa Rosa. Its character has been for housing, as well as vineyard land is to be destroyed, it thus makes more sense for it to be for housing, such as the apartment development on the same corner to the north and east. That portion of Shiloh Road provides access to homes in a nearby subdivision as well as rural homes. On the north side is Esposti Park. It has been a pleasant open space, on the way to Shiloh Regional Park and the narrow Faught Road, a favorite walking and biking area for area residents. There is no commercial development that we are aware of on that portion of East Shiloh Road. We lose a vineyard and gain a casino? What a terrible trade!

We don't see the need for yet another casino in Sonoma County, where already includes two casinos. But if that is inevitable, it would be far more suitable to put such a development on land closer to commercial development.

Mary Lou Velasquez
Eligio A. Velasquez

From: kluck11@att.net <kluck11@att.net>
Sent: Monday, September 25, 2023 1:10 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments Shiloh resort.

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Dear sirs , I am Richard Kluck and live at 149 E Shiloh. I have a list of concerns.

1. Are you getting water to run 400 rooms and 6 restaurants from the same aquifer that my shallow well across street draws from?
2. Traffic, my homes front door of 40 years sets 35ft from road edge and now I must back out onto Shiloh to exit. What is the traffic plan, safety of children and others on and entering the road? Noise and light pollution mitigation, both from road and resort?
3. Security for neighborhood from undesirable customers that casinos attract.
4. What measures are being taken to preserve the livability of our homes and neighborhood .
5. Is there a plan for restoring vernal ponds that exceded on your sit before current grapes were planted.

Thank you, I look forward to to hearing from you about details of your plans for for our neighborhood .

Richard Kluck. 707 4807870.

From: Annette <flachman@sonic.net>
Sent: Monday, September 25, 2023 1:56 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I just want to comment on the possibility of the resort and casino in Windsor. I think it's a terrible idea. To put this kind of a business in the middle of a family neighborhood will be very damaging to their property values. The two other existing casinos in Sonoma County are not in residential areas. They are well away from families and schools. I realize that the report says the water will come from wells on the property, but the wells aren't going to be using water from an exclusive aquifer. That water usage will take water away from the people who live here and who have spent years conserving water due to the drought. We didn't conserve water, rip out our lawns, stop washing our cars and do everything we could to conserve water only to have it drained by this resort that will provide no benefit to our town and our community. Not to mention the increase in traffic on roads that are already falling apart and only being repaired sporadically. Absolutely the wrong place for the wrong business. Hard NO regardless of the EA. This is a family oriented town. A casino doesn't belong here.
Annette Flachman

From: Lillian Fonseca <calilil@comcast.net>
Sent: Monday, September 25, 2023 1:57 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments, KOI Nation Shiloh Resort and casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

From:
Lillian M. Fonseca- Cierley
128 Cornell Street
Windsor, CA. 95492
RE: Koi Nation Shiloh Resort and Casino

I recently spent an good amount of time reading the environmental report made available regarding the Koi Nation planned project in our town. I read some parts over multiple times in my attempt to read through the often verbose, and confusing info provided. I say confusing because it is not reader friendly and weaves circles of sentences into a twisted maze that makes it difficult. As a long time educator I often reminded my students that less means more. Transparency and access to the report should be a priority, but the educationese it is presented in makes it more complex than it needs to be.

That being said, I have not been convinced that the report demonstrates the fact that all will be great and our town will be greatly benefitted by this project. On the contrary, to me it proved the opposite. The area that this tribe covets is right down the street from me, directly across the street from a well established family neighborhood, a local park used by the community for sports and family events, not to mention a local church also across the street. Any reasonable person can see that it makes no real sense to place this resort and casino in the location currently sought. It truly would have multifaceted harmful impact on the entire area as well as our community.

The sheer ridiculousness of that size/type of project being constructed on that lovely agricultural site is so repulsive and disturbing in light of the many issues and problems that accompany that type of venture— it makes me feel physically ill and sad. Yes, sick...

Our area already includes two large casinos, we have no room for another. The environmental report never really addressed concrete answers to questions brought to light by concerned community members. It was all oversimplified and almost purposefully vague. No matter what justification, that project will negatively impact community, natural wildlife habitat, the creek that intersects the property and our daily life as community members.

I was evacuated from my home from the terrifying wildfires that have overwhelmed our area more than once. The only way out was down Old Redwood Highway directly by the purposed project site. The traffic was at a standstill, the fire raging and it was a very unsettling experience. I don't care how many so- called studies the environmental report quoted and tried to smooth over the concerns that it is a dangerous traffic nightmare bound to repeat— it will certainly

impact congestion and all that accompanies it. As it is the construction of the four story low income housing on the corner of Shiloh and Old Redwood Highway will also add to the mess.

Our community is a small family town. We treasure the open space, lush vineyards and hills surrounding us. Our kids deserve the chance to enjoy the same. Water is a precious resource that we already are short of. Currently our streets are relatively calm and safe for pets, children, and wildlife who may live nearby. Many of the locals enjoy bike rides along our bike lanes, but with more out of town visitors that may drastically change.

I hope the Koi Nation will consider the concerns of the residents of Windsor. I am certain that there are other locations that would be better suited to their project. I am adamantly opposed to it. For the sake of my former students, my family, my neighbors and future residents PLEASE- NO CASINO. NO RESORT.

Thank you for considering my input.
Lillian Fonseca Cierley
Sent from my iPad

From: Laurie Leach <laurieleach@comcast.net>
Sent: Monday, September 25, 2023 3:56 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Proposed project

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Hello Mr. Broussard,

I am writing regarding the proposed casino on Shiloh Road in Northern California.

We live approximately 1 mile from the site. We are concerned about many aspects of this project but our main issue is traffic. The exit from Hwy 101-the only freeway in the region-feeds onto a two lane road. There are currently 500-600 apartments under construction along this same stretch of road. Once Shiloh crosses Redwood Highway, the two lanes narrow even further. We are already concerned about traffic Armageddon. If this casino were to be built and their traffic was added, we are concerned that getting to our residential neighborhoods would be impossible.

In addition, this area has suffered massive fires with required evacuations. We fear that should this situation reoccur, which seems inevitable, we would be unable to get out.

There are already casinos north and south of us. There is absolutely no need for another.

Thank you.

Laurie Leach
219 Deanna Place, Windsor CA

Sent from my iPad

From: Carol Rash <rashcarol@yahoo.com>

Sent: Monday, September 25, 2023 5:06 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] EA comments for proposed Shiloh casino proposed by Koi Nation

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EA comments for Shiloh Resort and Casino Project proposed by Koi Nation

To : Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs Pacific Regional Office

Dear Mr. Broussard,

Our local paper recently published articles about the proposed Casino 1/2 mile from my home in Windsor. I have grave concerns on the impact on our community if this Casino is built.

My husband and I have lived in Windsor since 1988 and have been pleased with the way our town has improved and grown since we moved in. The proposed Casino will be the largest in Northern California and will increase traffic and congestion in our area.

In 2019, we had to evacuate our town due to the Kincade Fire heading towards it. By Evacuating, our town was saved by the fire crews taking a stand. We had time for evacuation unlike many other towns that have been consumed by fires , but it took hours for an orderly evacuation because there are 2 main evacuation routes: US 101 and Old Redwood Highway. Since that evacuation, several low cost housing large apartment buildings have been added along Old Redwood Hwy near the proposed site and there will be many more residents to evacuate. If the Casino has to be evacuated that would add to traffic jams and possibly cost lives.

We have complied with water restrictions during several drought years. The casino will have to drill wells which will lower the water table. We conserve water in our home, but visitors to the Casino and Hotel will not restrict their water use.

There are 2 other Casinos in Sonoma County and adding a third will not be a benefit for our area.

We are strongly opposed to having this Casino built.

Thank you for your attention to this matter.

Carol and Joe Rash
180 Dartmouth Way
Windsor, California 95492. rashcarol@yahoo.com

Sent from my iPad

EA comments for Shiloh Resort and Casino Project proposed by Koi Nation

To : Amy Dutschke, Regional Director
Bureau of Indian Affairs Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, California 95825

2023 OCT -2 AM 11:30

Dear Ms. Dutschke,

Our local paper recently published articles about the proposed Casino 1/2 mile from my home in Windsor. I have grave concerns on the impact on our community if this Casino is built.

My husband and I have lived in Windsor since 1988 and have been pleased with the way our town has improved and grown since we moved in. The proposed Casino will be the largest in Northern California and will increase traffic and congestion in our area.

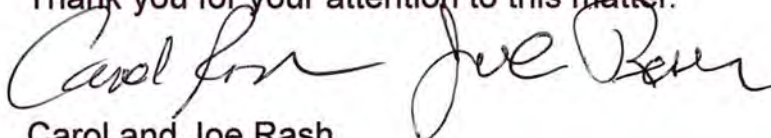
In 2019, we had to evacuate our town due to the Kincade Fire heading towards it. By Evacuating, our town was saved by the fire crews taking a stand. We had time for evacuation unlike many other towns that have been consumed by fires, but it took hours for an orderly evacuation because there are 2 main evacuation routes: US 101 and Old Redwood Highway. Since that evacuation, several low cost housing large apartment buildings have been added along Old Redwood Hwy near the proposed site and there will be many more residents to evacuate. If the Casino has to be evacuated that would add to traffic jams and possibly cost lives.

We have complied with water restrictions during several drought years. The casino will have to drill wells which will lower the water table. We conserve water in our home, but visitors to the Casino and Hotel will not restrict their water use.

There are 2 other Casinos in Sonoma County and adding a third will not be a benefit for our area.

We are strongly opposed to having this Casino built.

Thank you for your attention to this matter.

 9/25/23

Carol and Joe Rash
180 Dartmouth Way

Windsor, California 95492.

rashcarol@yahoo.com

From: Terry Abrams <terryabrams@hotmail.com>
Sent: Monday, September 25, 2023 5:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi casino

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I very much appreciate the need for means to sustain, educate and provide opportunities for Native Americans.

I believe the proposed hotel and winery on Shiloh Road in Windsor CA are suitable for the community. The proposed casino would add a serious negative impact on the local roads, water, and other resources of the area.

Thank you for your wisdom and work on this difficult issue.

Sincerely, Terry Abrams
(Larkfield resident of 47 years)

Sent from my iPhone
707-529-3662
Terry L. Abrams
ABRAMS CONSULTING

From: Karen Saari <karen.saari44@gmail.com>
Sent: Monday, September 25, 2023 4:47 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation casino

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I am a Sonoma County resident of over 45 years. I am opposed to the development of a casino for the Koi Nation as proposed. I supported the Graton Rancheria Casino. But my feeling is that there are now more than enough casinos in the area.

Can the tribe grow fruit trees, marijuana or organic anything? How about developing affordable housing (I mean truly affordable housing). I would find any of those options to be far more acceptable and provide a service to the tribe as well as the community. .

Karen Saari
Bodega, CA

From: Brooke Green <brooke8269@att.net>
Sent: Monday, September 25, 2023 4:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Mr. Broussard,

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

I believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. I believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

I would appreciate your expedited approval of this application.

From: Valerie Zanette <vzanette4@gmail.com>

Sent: Monday, September 25, 2023 6:40 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino / We Love Windsor's Community

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

We are just one small household with a wife, husband and cat in Windsor. We live right off Old Redwood Highway, close to Esposti Park. We love our community, we love our neighborhood and we love our neighbors!

Please don't build a casino in our neighborhood. It will change everything that makes this place special. A casino and everything that comes with it, doesn't belong here and isn't welcome.

Thank you.

From: Gerard and Cathy Wall <gerardandcathy@gmail.com>
Sent: Tuesday, September 26, 2023 7:00 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Casino proposal in Windsor, CA

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Mr. Broussard, I live in Windsor. There is no one in my neighborhood who is in favor of this casino. The native Americans who own the recently purchased land are not ancestral to Sonoma County. Their tribe is historically in Lake County which is far to the north. The reasons this casino is not desirable is that it is in a residential area that has bad traffic flow that is about to get worse due to large amounts of apartment construction in the area. Our roads are too small and narrow. We have had major fires and evacuation of residents will be a nightmare with the next fire. We already have three Indians gaming casinos. Saturation? Four of our local tribes oppose the new casino proposal. Please put a stop to this proposal!

Gerry and Cathy Wall
225 Deanna Place
Windsor, CA 95492

707 44 8920

Sent from my iPadre

From: Tim Swanson <timothyc0910@gmail.com>

Sent: Tuesday, September 26, 2023 9:57 AM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] Thoughts / Opposition to Koi Nation of Northern California Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

To Whom This May Concern,

I am writing you in regards to the Koi Nation of Northern California Shiloh Resort and Casino Project. As a residence of Windsor, CA for the past 23 years, I am opposed to the casino project and ask for the BIA to oppose, the very least, the 2 larger proposals. If one of the proposals must be approved, the smaller scale hotel and winery would be the better option. Having been a part of building projects in the past, the environmental impact report does little to account for the culture and real dynamics of the Windsor/North Santa Rosa community. The amount of traffic this project to Shiloh Road/Windsor will be significant on an infrastructure which already floods during the Winter and is prone to fire during the Summer. In addition, the residences are significantly opposed to the project along with the City Council and County Supervisors. It is a project which the community at large believes is a poor decision and has the ability to create animosities at a time in which our culture is already significantly divided.

Pragmatically, every casino within an hour north of Graton Rancheria is faltering. Shokawah Casino in Hopland took a major financial hit following the opening of River Rock Casino in Geyserville. When Graton Rancheria opened in Rohnert Park, River Rock Casino took a major financial hit and Shokawah Casino closed. River Rock Casino is still struggling. The idea that Sonoma County can handle another casino is outlandish. A better option, if the project must move forward, is the hotel and winery. While still bringing congestion to this area and not consistent with the community space in which it would be built, it fits the feel and aesthetics of the region better than a casino.

Thanks for your consideration of this matter and I am asking that this project be opposed.

Thank you,
Tim Swanson

From: Rochell Letasi <cletasi@comcast.net>
Sent: Tuesday, September 26, 2023 10:32 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

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Dear Mr. Broussard,

I'm writing to you because I have deep concerns over the proposed Shiloh Resort and Casino Project. I drive this section of Shiloh Rd a few times a week dropping off and picking up my grandsons at their school, San Miguel Elementary School. With all the development currently in the works and planned there is already a concern over traffic and safety. Please also consider the neighborhood built in 1988 with approximately 78 homes located near the proposed casino site.

In the works now or will be in the near future are the following developments along Shiloh Rd.

Clearwater At Windsor: 376 Shiloh Road, a mixed-use senior living project with 256 apartments and commercial space.

Shiloh Crossing: 295 Shiloh Road, 173 apartments and commercial space.

Shiloh Terrace Affordable Housing: 6011 Shiloh Road, 6035 and 6050 Old Redwood Hwy, 134 apartments

Not only do we have to be mindful of the increase in traffic along the Shiloh and Old Redwood Hwy corridors but Windsor has also experienced fires which raises a huge concern for safe evacuations as we experienced the Kincade Fire in 2019. I have several family members who shared their experience evacuating the Tubbs Fire in 2017 and trying to make their way to safety through the traffic. Not something Windsor residents want to go through and are concerned about and rightly so.

With the casino there will be more traffic as well as crime. I have a family member who is in the security business and he worked with law enforcement in Rohnert Park after River Rock was built. Crime did increase! For whatever reason it seems the casinos have a tendency to draw the negative influence. Windsor is already experiencing residential and business thefts.

My husband and I moved to Windsor back in 1995 because it was a small quiet town and family friendly. We raised our 4 boys here and now have grandchildren who live here too. We don't want to see our charming town turned into a tourist destination with traffic and criminal activity. The Koi Nation's only focus is money and they care little about the surrounding neighbors otherwise they wouldn't be planning to build a casino. Like most developers, it

comes down to money and not the impact on the environment that surrounds the land they want to develop.

I understand the atrocities that our government posed on Native Americans tribes. Our history is flawed and we are ashamed of what happened but we are not those people. We wish no harm and want to see Native Americans tribes thrive but a casino in this particular location isn't the way to do it.

Please consider the concerns of the Windsor residents as you move forward.

Thank you,
Rochell Letasi
431 Christopher Way

From: DennyB <db6478@att.net>
Sent: Tuesday, September 26, 2023 10:40 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear sir;

Going by an article in the Press Democrat, I thought the Casino Resort was only on the East Shiloh Rd. address where the house is.
I did not realize they would be fronting on Old Redwood Hwy.

I don't see how you could even consider putting a Casino there. It has residential homes on East Shiloh Rd., there is a church right across Old Redwood Hwy. There is a mobile home park on Old Redwood Hwy.

There are apartments being built at the corner of Old Redwood Hwy and Shiloh Road and they are building right up close to the street, so there will not room to widen Shiloh Road.

Then looking through the documents, I saw a letter concerned about evacuation in case of wild fire. I read the Appendix N - Wildfire Evacuation Memorandum and I see they estimate it could take 4 to 6 hours to evacuate the cars from Windsor and the Casino. By that time people would be caught in their cars like the people in the Maui fire.

Please don't let this happen!

Dennis Blasi
Oak Creek Subdivision
jd3223@att.net

From: Mary Grishaver <marygrishaver@gmail.com>
Sent: Tuesday, September 26, 2023 11:58 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Casino development

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,
I am adamantly opposed to this project. It will adversely impact the Shiloh Ranch Regional Park. The park is home to a rich variety of wildlife including 117 species of birds (see the Cornell ebird website). This diversity depends on keeping the rural agriculture which surrounds the park intact.

Thank you,
Mary Grishaver

Sent from my iPad

From: Jeanne Powell <jeannehpowell@yahoo.com>
Sent: Tuesday, September 26, 2023 12:09 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Chad,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,
Jeanne Harris Powell

Jeanne Harris Powell
208 Johnson Street
Windsor, CA 95492
jeannehpowell@yahoo.com
707-548-4444

From: RICHANDSHERYL LAWTON <rslawton@aol.com>

Sent: Tuesday, September 26, 2023 1:14 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] EA comments Kio nation casino project Shiloh, Windsor ca

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Hello,

I would like to express my deep negative support for the proposed development by the Kio Nation on the Shiloh site in Windsor, CA.

This location is directly across from residential development as well as a city park. Families and young children would be negatively exposed and impacted by adjacent gambling activity.

This location has been under recent mandatory evacuations due to wildfires and traffic congestion has already been witnessed. The highway 101 on ramps and off ramps can not handle the additional influx of vehicles potentially associated with this development.

The environmental impacts would be catastrophic especially on our water supply, dark sky opportunities, and noise levels.

I restate my negative support of this project and hope that my concerns are recognized, valued, and concerned.

Thank you for your time.

Sheryl Lawton

5338 Cassandra Way

Santa Rosa, CA 95403

Rslawton@aol.com

Sent from my iPhone

From: Ginna Gillen <ginnagillen@sbcglobal.net>
Sent: Tuesday, September 26, 2023 1:29 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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From: Virginia H Gillen, 9559 Ashley Drive, Windsor, CA 95492

Red flags! Fire Weather Watch! Nixles! As a resident of Windsor for the last 17 years, these are terms we have come to live with every Fall. And if you didn't know that you live in a "moderate to high fire zone" as the environmental reports calls it, you know it's serious when your water company sees the need to enclose a full-color, trifold brochure on emergency preparedness (including an Evacuation Map) in with your monthly bill. Two copies, actually, one for our spanish-speaking neighbors.

But what good is the evacuation map when you try to escape and find the only roads out clogged by the thousands (up to 2,450) cars that are pouring out of the casino several miles to the south. Not to mention the thousands of local residents also in mortal danger. We know that typically the fires begin to the north of us and the Diablo winds push the flames to the south, therefore Old Redwood Highway (2 lanes) and Highway 101 (4 lanes) are the only way out. Having experienced a controlled evacuation during the Kincade fire, I know that it can take hours to go several miles during the best of circumstances and without all the additional vehicles that the proposed casino would contribute.

I believe that for many, many reasons: water availability, traffic congestion, proximity to a residential area and local schools, etc, etc, the Koi Casino should not be built in the proposed location. But above all, the real impact would be to the lives of who knows how many Sonoma County residents who would be put in jeopardy by this reckless proposal. Just look at how many poor souls died in their cars in the Paradise and Maui fires. Don't let this happen here!

There are no evacuation zones, alarms, warnings, or sirens that could begin to mitigate the real danger of another fire sweeping thru our county with no way out because people failed to recognize what Mother Nature has already demonstrated. Please, stop the Casino!

From: Jeanne Duben <jduben@sonic.net>
Sent: Tuesday, September 26, 2023 2:10 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Oppose Koi Nation's Proposed Casino-Resort in Windsor

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We vehemently oppose the proposed casino-resort in the Shiloh neighborhood of Windsor/Santa Rosa. Our primary concern is traffic as the streets nearby are already busy throughout the day. Adding a hotel/resort/restaurants and parking will only increase the traffic. Also, we ask that you consider the impact when an evacuation is ordered for the neighborhood.

While we don't live in the immediate area, our opposition to a casino/resort stems from a profound belief that this project is ill-suited for the area.

It is incumbent upon the County to consider the concerns we have articulated above. We sincerely hope that a more suitable location can be identified.

Jeanne & Richard Duben
9496 Lakewood Dr
Windsor, CA. 95492

From: Karen Reynolds <dualtoys@gmail.com>
Sent: Tuesday, September 26, 2023 2:20 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Casino in Windsor

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I am writing to voice my disapproval of the proposed casino by the Koi tribe in Windsor, California. I moved to Windsor in 1988 with my husband. We loved the Town of Windsor from our first day here due to its small town charm. We raised two children here. We watched Windsor change and grow and for the most part are pleased with the growth. However, a casino here does not fit in with the Windsor community feel. During the Kincaid fire and evacuation, I witnessed how even more difficult an evacuation would have been if a casino/hotel full of tourists were also trying to leave. I evacuated early, but had friends that left later and it took them over an hour to get to the freeway. I cannot imagine the traffic that a casino would have added.

Sonoma County, and all of California, have been dealing with droughts. Allowing a casino/hotel to be built will also cause strain on our available water. I continue to conserve water in my landscaping and daily use. Will patrons of a casino/hotel? I think not.

Please help us keep Windsor the wonderful place it is by stopping the proposed casino/hotel from being built.

Sincerely,
Karen Bronder-Reynolds

Sent from my iPad

From: julius orth <myntjulius@yahoo.com>
Sent: Tuesday, September 26, 2023 2:29 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino,"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

The objections from area casinos seem to dominate any news releases about the proposed Koi nation project, with the Graton Casino leading the way. Their objections are not in any way related to any environmental concerns, only business impacts on their properties and the concerns about "reservation shopping" (which is how the Graton Rancheria landed in its current location.

Form an environmental impact perspective, a casino is probably the most benign type of business for any location as the only thing they generate is human visitation and the waste that humans generate. This type of waste is efficiently handled by the business, making it minimally impactful. It will not result in the removal of any "native vegetation" as the proposed site is already significantly stripped from its natural form that would have existed at the time when our indigenous people were the primary occupants.

Environmental concerns from the neighbors are equally disingenuous. The subdivisions in the surrounding area have already had a massive impact on the environment, and no one will be volunteering to undo their impact.

The reality is that it is people that have already impacted the environment, and if there is to be another development the proposed project is no more or less impactful than most construction projects. The vast majority of the traffic will be from the freeway access, and with appropriate management and input, the proximity to the freeway is a huge advantage. It will take minimal adjustment to better accommodate arrival and departure traffic.

The reality is, this is as minimally impactful a development of the location, that can generate maximum benefit to the indigenous people that have been harmed by the history of the non indigenous arrival. It is the least we can do to support the Koi, and deliver them a pathway to security and prosperity after we destroyed their way of life.

Sincerely, Julius

From: Jackie A Ganiy <kashmere2u@icloud.com>
Sent: Tuesday, September 26, 2023 2:29 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

WeQDerar Mr. Broussard;

I am writing to express my opposition to the casino project that is being proposed for the area near Shilo Park in Sonoma County, off River Road between Windsor and Santa Rosa, California.

This project is ill planned and will syphon scarce resources that our overall communities depend on. The project will be within yards of a large neighborhood, where a vineyard now stands. A casino in this area is a horrible idea and will negatively impact the surrounding area, environment and quality of life for the people who have lived there for decades.

In addition, the county of Sonoma already has two large casinos, The Graton Resort and Casino in Rohnert Park that is the largest casino in Northern California with over 135,00 square feet of gaming space alone, and the River Rock Casino in Geyserville with 62000 square feet of gaming space. Both of these casinos have sought approval from the county for major expansion projects with the Graton Casino already breaking ground on their 1billion dollar project.

Neither of the two tribes who have ancestral ties to the land here in Sonoma County want this casino. The Koi tribe doesn't even have ancestral ties to Sonoma County! Their ties are in Lake County, where there are no casinos. They simply purchased the vineyard in Sonoma, near neighborhoods and a state park, and are now trying to build a huge gambling site on a pristine rule area of our county even though historically their ancestors were never here.

Neither county officials, citizens of Sonoma County nor the two tribes within this county want an outside tribe to be able to simply purchase land here and start building casinos. This would set a terrible precedent. Where will it end?

I hope you consider very carefully the ramifications of allowing this casino project to go forward. Thank you for your time.

Sincerely
Jackie Ganiy

From: Kathleen Rowland <wiedhopper@me.com>
Sent: Tuesday, September 26, 2023 6:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Robert <rowlando@prodigy.net>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Mr. Broussard,

I respectfully urge you to reject and or reduce the plans for a casino or any gambling entity proposed for the property on Shiloh Road in Windsor. This property was never a "homeland" for the Koi "tribe" according to four other tribes in Sonoma County. The Koi homeland is in Lake County as I understand the historical perspective. So I'm confused as to how this commercial project has reached this point. This project has been opposed by four fellow Indian Tribes and possibly more if research was conducted.

My family and I have lived within a mile of the proposed property for 34 years. The impact of such development will not only affect our safety in the event of fire evacuation but will affect our quality of life. Issues such as water and sewer resources, our rural dark sky's threatened by unnatural lighting from such a huge project, not to mention the riparian issues of the creek running through the property.

I have a degree in anthropology from the University of Denver and have been employed in the past doing field work for University of Denver and the U.S. Park Service in archaeology work. I only bring this up in reference to my appreciation of Native Americans. This is not the right place or the right time for this project. Please help protect the rural area.

Sincerely, Robert Rowland and Family

September 26, 2023

email rowlando@prodigy.net

From: MICHAEL SKAGGS <maskaggs@comcast.net>
Sent: Wednesday, September 27, 2023 5:13 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard

It is clearly obvious to anyone who is familiar with the location of the proposed Koi gambling casino, that this location is completely inappropriate. I am sure you have heard all the arguments about tiny one lane roads, neighborhoods and parks literally feet away from the planned casino. I have lived in the area for nearly all of my 60+ years and have never been so disturbed about a development.

The idea that some non indigenous tribe could be allowed to destroy our lives and property values in pursuit of the almighty dollar is borderline insane. They could have procured land just half a mile west on Shiloh road in a commercial zone next to highway 101 and that would have been safer and frankly a better and lower cost to build venue.

The massive Tubbs fire (2017) burned right to the edge of their property and we will certainly have fire again. I remember evacuating during that fire and the Kinkaid fire (2019) when it took nearly two hours to drive two miles on Old Redwood at Shiloh Road. Since then, there is even more development in the area and if you add a 24/7 casino, it will be a disaster.

I implore you and the Director to come up here to Windsor and see the site for yourself. Then you can truly see why the local population and "actual" local tribes are so upset. This is nothing but an attempted end run around the law by an out of area tribe and should not be allowed to proceed.

Best regards,
Mike Skaggs
Windsor, CA

From: Bill Bolster <billbolster@gmail.com>
Sent: Wednesday, September 27, 2023 8:46 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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I am the owner of the property at 6500 Faught Rd., Santa Rosa, CA 95403. My family has lived here 46 years. The property has 2 wells, both in the last 5 years have started going dry. One is totally unusable. The proposed development will further stress the groundwater of the area. Without a source of water other than wells, this project should not proceed. Who compensates me when my 2nd well goes completely dry.

Also, if the project proceeds in any scale, having access to this proposed project off of Shiloh Rd. (a residential and rural residential road) makes no sense. Old Redwood Highway is the obvious entrance.

William Bolster
6500 Faught Rd.
Santa Rosa, CA 95403

From: Roger Nichols <roger5cents@icloud.com>
Sent: Wednesday, September 27, 2023 9:42 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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From:

Roger Nichols
4241 Chanate Rd
Santa Rosa, CA 95404

To Whom it May Concern
Re: EA Comments on Koi Nation Shiloh Resort and Casino

The proliferation of gambling-based resorts in California and around the country on small plots of land which end up being designated exempt from state and local restrictions regarding such business is a disease for our society. The worst-case example of the entire state of Nevada allowing such businesses make for places like Las Vegas which, while driving significant economic up-side, result in a thin shiny facade covering human behavior riddled with addiction, crime, and corruption.

From the environmental perspective, the direct impacts of the planned resort will include significant addition of automobile traffic with the natural increase of noise pollution, air pollution, and humanity's unfortunate tendency to litter. This will happen in an otherwise quiet section of the county and Windsor proximity.

An underlying problem will be the increase of automobile traffic piloted by intoxicated drivers which will exacerbate the issues described above. The counter-arguments are that such behavior exists without casinos, bars, and hotels. But it must be acknowledged that such establishments drive a concentration of such behavior to the communities and general proximity of the locale.

While it is not a direct environmental impact, it must also be considered that Fought Road and Shiloh Road are common cycling routes for those wishing for a quiet bypass of Old Redwood Highway, and shorter routes to places like Chaulk Hill Road. The incremental traffic is dangerous enough for the cyclists without being augmented by inevitable intoxicated drivers exiting (and perhaps even entering) the casino and bar. So the impact will be to reduce cycling and increase automobile traffic in the vicinity which is the opposite of a positive impact on the environment. Also it is good to keep in mind that at least two alternate routes to this location from the Old Redwood Highway to the resort go past public schools.

While those planning the resort will claim that they cannot be held responsible for the behavior of their clientele, there is no doubt that the mere existence of such an establishment will

concentrate this kind of behavior.

This general community and the entirety of Sonoma county has no need for incremental gambling establishments.

Sincerely,

Roger Nichols

From: Murray Evans <studentsportssw@yahoo.com>
Sent: Wednesday, September 27, 2023 9:43 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Sincerely,
Murray Evans

From: Richard zolli <richard.zolli@att.net>
Sent: Wednesday, September 27, 2023 11:04 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino"

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I am extremely opposed to a casino at Shiloh and Old Redwood HWY. That is absolutely no place for a 24 hour casino. The 3 other corners of that area are primarily residential.....I would not want to live across the street from one. If anything is to be approved , #3 option is the only one although none are really necessary....

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

September 13, 2023

2023 SEP 18 AM 11:39

Dear Chad Broussard,

I am not in sympathy with the proposed project in the Shiloh neighborhood for several reasons.

This project will cause congestion in an area that is already subjected to stopped traffic during rush hour. Hwy 101 creeps along, so commuters zip over to Old Redwood Highway only to creep along in more traffic. Cars mean pollution.

In the event of fire evacuation many people will not make it out. My house burned in the Tubbs Fire and I will never forget my terror that night. I wondered if I would burn in my car because there were so many other cars trying to escape the flames that night. You have no idea!

The area where the casino is proposed is made up of family neighborhoods which include schools, parks and churches. Families moved here for the safety and relative quiet. Can you imagine the negative impacts of a casino on this area? Crime, drunk driving, night noise, more lights to add to an increasingly light sky at night. The area is popular for cyclists - me included. Just wait for the first drunk to kill a cyclist. It will happen.

I am sure you know that our supervisors and Sonoma County tribe members are opposed to this casino project. We have 2 casinos in Sonoma County and the poor of the county do not need another one. You know it is called "a poor tax" because it is predominantly those who have little enough money as it is who try to "strike it rich". That's a crime in itself. Gambling is a social evil.

Finally, you know, as do we all, that this casino would be run by a management company out of Oklahoma. Outsiders all round - the KOI, Oklahoma, and the gamblers to be arriving on buses.

This location as it is now is a beautiful, vine-filled stretch of countryside backing up to lovely Shiloh Regional Park. Please find somewhere else more appropriate (with more elbow room) to stick your buildings.

I am astounded at the line "the BIA will decide whether to reach a Finding of No Significant Impact" They don't have to live here. Read them my letter!

For shame!

Mary Hess

From: Spencer Pahlke <spahlke@WalkupLawOffice.com>
Sent: Thursday, September 28, 2023 1:19 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Tina Sessions <tsessions@gmail.com>; Spencer Pahlke <spahlke@WalkupLawOffice.com>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad Broussard,

I write regarding the possible Koi Nation Shiloh Resort and Casino.

I am a homeowner east of this location, and drive along Shiloh Road frequently. Every time I drive through, I am struck by how incongruous a casino / resort would be in this location. This casino would be just across the street from a long-time residential neighborhood and a historical park, in sharp contrast to Graton and River Rock. It is unimaginable to me what life would be like for these homeowners if they have a 68-acre casino move in next door.

More frighteningly, this is a high-fire danger location. Twice in recent years major fires have burned up to or into the Shiloh Estates development, necessitating immediate evacuation. Having a bottle neck for evacuation at the bottom of the hill in the form of an enormous casino is terrifying.

Even in good times it is completely unclear how the land could support a casino. Water is a precious resource that our community carefully monitors and protects. The water that would be pumped from the local aquifer to support a casino of this size is extremely concerning.

There are other places for this casino, and I hope that the BIA elects to follow practices it has in the past, and ensure that casinos are only built in locations where they are appropriate. This is not one of those locations.

Thank you,
Spencer

THIS ELECTRONIC MESSAGE, INCLUDING ANY ACCOMPANYING DOCUMENTS, IS CONFIDENTIAL and may contain information that is privileged under federal and/or state law. If you are neither the intended recipient nor responsible for delivering the message to the intended recipient, you are not authorized to read, share, forward, distribute, copy, or take any other action with respect to the message or any attachments to the message. Further, you are not authorized to take, or forbear from taking, any legal action in reliance upon the contents of the message. If you have received this communication in error, please notify the sender immediately. Thank you.

From: Alexandria Mangold <alexmangold25@gmail.com>
Sent: Wednesday, September 27, 2023 1:35 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Wednesday, September 27, 2023 2:14 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad,

As a resident of Windsor I'm disheartened by the wholly inadequate environmental assessment that's been done. The suggestion to rip out riparian crossings is destructive to our community and the opposite of protecting wildlife.

Researching urban wildlife by googling the Cal Fire website is completely negligent and unacceptable.

There has been no mitigation offered for the 24/7 noise and light this project will cause.

This tribe has NO LINKS to this area and they are casino shopping. The local tribes are AGAINST this project.

This is the wrong location for the casino. This is a residential neighborhood.

The casino will bring an increase in crime and Windsor cannot currently even fill the open police officer positions it has.

This project will destroy the neighborhood and home values.

This project should not move forward.

Mary-Frances Makichen
241 La Quinta Drive
Windsor 95492

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Wednesday, September 27, 2023 10:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Chad,

It became more and more apparent throughout the night as speakers left comments through the zoom meeting that everyone understands how catastrophic this project would be to the community and neighborhood.

It also became more and more apparent how ineffective the environmental assessment was, that Acorn consulting did. On every front on every issue they said it would not create significant damages again, there is not a person that attended that meeting for public comment that did not know this was not true. It was brought up many times. That report itself is inadequate, insulting, and I question the validity of what the report considers significant.

The Koi tribe should be looking for land in Lake County not Sonoma County. This is fact. It is undisputed fact they do not belong in Sonoma county let alone in a residential area for a casino. They are casino shopping.

The harm that this casino would do will be irreparable and will go on for years and years to come. If people die in fires, the blame will sit squarely with the BIA. When, not if, crime increases the pain of victims will sit squarely on the BIA. When the wells of residents dry up because the water table is depleted by the casino the responsibility will sit squarely with the BIA.

It's not even a question that the casino will cause damages to residents through crimes like drunk driving, endanger all of us when we have to evacuate for the next fire, harm the wildlife, create horrible traffic issues which the report clearly states basically, "oh, well, we don't have authority over that, but you know we suggest something happen to not make it bad." This doesn't even begin to touch on the unregulated wastewater system, and the problems that would cause.

The extent of the damage is beyond measure. It is completely a joke that this report says there is not significant damage on all these fronts.

The BIA must deny this project. Clearly, it could be denied on the basis of the tribe not being from Sonoma County. They do not have standing here.

If the BIA does not deny this, it will be responsible for the series of catastrophic events that will come from this project and come they will.

I feel very strongly that more attention needs to be brought to this issue. The media really needs to be alerted to what is going on here because it is extremely unacceptable and if we were a

town like Healdsburg or Palo Alto or Menlo Park, this would never even be considered.

Sincerely,
Mary Makichen
241 La Quinta Drive Windsor

From: Gary Furness <kreepshow@comcast.net>
Sent: Wednesday, September 27, 2023 6:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi project

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Dear Sir

I likely will not called.
I have lived. And had a Family Medicine practice since 1982.
While I feel a bit sorry for those living near the proposed site, I have seen
The same complaints about River Rock and Groton casinos.
The hyperbole about crime, traffic etc, have not played out.
Please allow this tribe and their members allow to make money similar
To many other tribes in California.
Thank you.
Gary Furness,MD
331 Gemma Circle
Santa Rosa,CA
95404

From: Beth Allen <b_allen22@yahoo.com>
Sent: Wednesday, September 27, 2023 7:25 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Comments on Koi Nation Project in Windsor

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

I want to share my comments for this project. I do strongly oppose a casino in this location, I feel strongly that our town cannot support the traffic and additional people that a casino will bring. That said, I do feel that a nice resort would be a nice addition to our town, i am in favor of the resort without the casino.

Respectfully,
Elizabeth Allen
166 Courtyards East, Windsor
Sent from my iPhone

From: KEVIN WARREN <cajunce@comcast.net>
Sent: Wednesday, September 27, 2023 8:05 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

The proposed casino plan and assessment has numerous flaws. I believe the consultant group preparing this report could provide a compelling case that the earth is flat.

The traffic reports are averages that do not reflect the existing realities. Traffic is backed up on Shiloh numerous times of the day already. The data does not take into consideration the 134 apartment unit building that is under construction nor senior housing proposed closer to the freeway.

Crime levels of an estimated 1433 police calls a year. This is suppose to be okay for the community.

Noise levels are being underestimated with plans stated for concerts and 24 hour activities. Cars coming and going, doors opening and closing, loud operational noise. Noise would be a huge problem.

Unemployment levels are already low ~3.8% with numerous helped wanted signs throughout Sonoma County. The report lists Marin County as a potential place to get workers. Marin County is over 30 minutes away without traffic. Marin County has a 3.7% unemployment rate and it is a very high priced area. Very few if any workers would come up North for a casino job. Any interested worker from Marin County would work at Graton Casino in Rohnert Park. Housing is already in short supply in Sonoma County and expensive.

The casino market is already saturated in Sonoma County.

The proposed casino is in a horrible place for the community. A casino does not belong right next to a subdivision. This land is agriculture land that was part of a community separator between Larkfield and Windsor.

A on site visit to the area will show that the costs to the community and thousands of people far out weighs a 90 member tribe that is from Lake County looking for money at the expense of everyone else.

Please reject this flawed proposal!

Thank you,
Kevin Warren
cajunce@comcast.net

From: Pat Warren <patdjw7@comcast.net>

Sent: Wednesday, September 27, 2023 8:08 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] EA Comments, Koi Nation Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

The proposed Koi Casino project is in a horrible place for the community. Across the street from a subdivision is a alternative that can NOT be mitigated. The report gives questionable facts about the reality of the area.

Traffic, crime, light pollution and noise are understated and the proximity to a neighborhood across the street make these items all the more problematic. The casino would destroy the character of the area with 24 hours of activity.

The economic impact to the community is being overstated. Unemployment is low and many businesses are looking for employees already. Housing is scare and expensive.

There are already casinos in Sonoma County from tribes from the area. The report is flawed when it down plays the effects to the existing casinos. River Rock Casino's revenue dropped immensely after Graton Casino was established. Could they survive another big hit on their business? The casino market is saturated in Sonoma County. The Koi are from Lake County and may be within a crow fly distance but if you drive to Lake County from here you will see it is a totally different area.

An on site visit will show that this is not a project that will fit into the community.

Please keep this casino out of the neighborhood.

Thank you,
Patsy Des Jardins Warren
patdjw7@comcast.net

From: Molly Weiss <weiss.mollyj@gmail.com>
Sent: Wednesday, September 27, 2023 8:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Against Shiloh proposed casino site

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Hi Chad,

I am deeply concerned with the proposed project on Shiloh road. I live about .5 miles away and drive Faught Road every day to drop my daughter off at school. As one person mentioned at the public meeting, this place is magical. A casino does not fit here, and brings heightened water and fire risk that will directly impact my family. Please listen to the community.

Molly

Sent from my iPhone

From: Robert Kloetzer <rgkloetzer@gmail.com>
Sent: Wednesday, September 27, 2023 8:45 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Tribe Hearing Comment

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Hi Chad,

My family and I live 0.5 mile away from this proposed site near San Miguel elementary school. I fear that if a casino goes up in the proposed site there are too many safety and environmental issues that have not been addressed by the Koi Nation. This area is a rural agricultural area and this project is not suitable for this location.

Please do not approve this project.

Cheers,
Bobby Kloetzer

From: Karen Guerin <lucyfan1@sbcglobal.net>
Sent: Thursday, September 28, 2023 4:40 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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A casino resort of this size does not belong in a neighborhood. Families currently living in the area where this is being proposed would have never purchased homes to live and raise their family had they known this would be considered. The lights, traffic, noise 24/7 will impact and disrupt their lives.

#1 My family barely made it to safety during the 2017 fires that raced through our town. Traffic was the problem! This area, these roads cannot handle 5000 more cars per day.

#2 We don't need jobs! Businesses are closing due to lack of employees. I run a business and am responsible for doing the hiring. It's extremely difficult finding workers. There are an abundance of jobs.

#3 A resort casino of this size will bring down property values. People don't choose to live where there is traffic, noise, bright lights and crime 24 hours a day, 7 days per week. A casino resort absolutely does not belong across the street from a park and a church and homes. Families purchased homes there because it's quiet and safe and it's surrounded by vineyards and parks. The Riparian Corridors are going to be ripped out in order to build this resort. Families chose this area because of the beauty of the natural surroundings.

#4 A casino resort of this size has never been built in an existing neighborhood. Why? Obvious reasons! Would someone choose to build their home between two skyscrapers? Absolutely not! It doesn't belong there.

A casino resort DOES NOT BELONG IN A NEIGHBORHOOD! If this project goes through, the "Town" of Windsor will be forever changed. The people living there will have their lives disrupted and turned upside down.

Regards,
Karen Guerin

[Sent from AT&T Yahoo Mail on Android](#)

From: Paige Mazzoni <paigemazzoni@gmail.com>
Sent: Wednesday, September 27, 2023 9:01 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Comments on environmental impact of proposed casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I am writing to voice our strong opposition to the proposed casino off of Shiloh Road. As you are no doubt aware, the Koi Tribe from Lake County has recently purchased vineyard acreage adjacent to a series of single-family residential neighborhoods, located at the crossroads of Old Redwood Highway and East Shiloh in North Santa Rosa/Windsor. They have announced plans to build a large casino complex, including multiple restaurants and a 200-room hotel. Our neighborhood, and all neighborhoods in the surrounding area, are very distressed by this plan and ask for your support in stopping this development. While we understand the need to address the wrongs committed against indigenous people in our country, we are confident that this proposed development is not an appropriate manifestation of those efforts. There are several reasons for our lack of support:

- It is well documented that the Koi tribe comes from Lake County. That is their tribal heritage and land. They did have a trade route through Sonoma County. All history and knowledge of this trade route shows that the path followed the Russian River and did not pass through the Windsor area. That was not the direct path followed. There should be no claim to this land as tribal land for a tribe from Lake County, either inherently or via a trade route. Rather, the land is prime real estate that is attractive. That does not justify tribal trust land jurisdiction.
- The neighborhoods adjacent to this proposed casino are middle class, mostly long-time resident neighborhoods. We are families, retired couples and citizens that have invested in our properties for a lifetime, planning to retire in the area because it is quiet, safe and family oriented. To introduce a casino in the midst of these neighborhoods would immediately and irreparably damage both the quality of the residents' lives as well as their lifetime investments.
- It is well established that casinos cause an increase in prostitution, drunk driving and crime in the immediate area. In the Thompson, Gazel and Rickman study of 1996, the researchers found that, "that the casino or near casino counties had rates of major crimes 6.7% higher than expected and Part II offense arrest rates were 12.2% higher than non-casino counties. They concluded that the **introduction of casino gambling is associated with increased crime.**" (Thompson, Gazel, & Rickman, 1996). This increase in crime will not be isolated in a remote area, focused on the casino. It will spread into multiple nearby residential neighborhoods.
- In addition, there are several elementary schools and two high schools within a 7-mile area of the proposed casino. This increase in crime will play out in the lives of these youth and, without a doubt, be an enticement to them in terms of underage drinking and possible crime.

- Traffic in our area has already been increased due to the shopping center on Shiloh and the Sonoma County Airport area. Most days the commute to work involves a 20-minute journey from Old Redwood highway to the freeway access at Shiloh and 101. There is no other clear pass for an on ramp, since all potential pathways run directly through residential neighborhoods. There is no place for traffic to a casino and 200-room hotel to go but onto Shiloh and Old Redwood Highway. This will create incredible backups and traffic issues, increase accidents and clog the flow of movement for everyday life in the area.
- Our neighborhoods that directly adjoin the proposed casino property have all been evacuated consistently during fires in Sonoma County. The evacuations cause traffic. In the Tubbs fire, as you know, lack of planning for traffic in emergencies caused deaths due to people not being able to drive or get to safety fast enough. We are very concerned that a casino will exacerbate this issue in our area, causing horrific impacts that can be avoided.
- While we understand that tribal land developments are not held to CEQA standards, the surrounding areas are. We have red tailed hawks, barn owls, fox, flowers, bobcats and many other forms of wildlife in our area. We see them frequently. There is no way that a development in that vineyard will not significantly damage the environmental surroundings and wildlife present.
- We already have infrastructure issues in our area. Cable lines are overloaded and have not been upgraded. Internet is not strong. To put the size of a development proposed, with the individual televisions, internet connections and technology needs required of a hotel and casino, would completely damage the ability of our neighborhoods to enjoy such needed activities as working from home or basic recreation such as watching a movie at home. In addition, we are in a drought and already limiting our water intake, plant care, etc at the request of the city and county. To put this large a facility in the middle of a fire zone affected by drought seems irresponsible and very inequitable to the local residents being asked to cut back.
- Water-- We are all on water mitigation measures in the nearby neighborhoods. We can only water on certain days, we are held to very tight water standards. To put a 200- room hotel in this area is just not environmentally sound. Water mitigation measures would suggest we already not support the housing in place, including the new low income housing on the corner of Shiloh and Old Redwood Highway. To add a resort with high water needs, who are not monitored in the same way, will have environmental impact on other residents in the area who are already limited in their water consumption.

For all these reasons, we feel this casino must be stopped. We are asking for your support in stopping this development. We are happy to discuss any further points with you. Thank you for your consideration.

Respectfully,

Paige Mazzoni and Brad Pighin

From: Sean Jones <sjirish@gmail.com>
Sent: Thursday, September 28, 2023 9:50 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, KOI Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

Please find this email as my opposition to the project in its entirety. I am a Windsor resident but do not live close to the project site. My comments are not to be taken as a NIMBY type of response, rather as a common sense review of the project, specifically as it relates to public safety.

I am a local first responder and was involved in the multiple evacuations of Windsor residents during our unprecedented firestorms of 2017 and 2019. The Town of Windsor and its unincorporated surrounding neighborhoods do not have the infrastructure to support this type of project. In the event of another natural disaster, it will take the residents of Windsor and surrounding communities over two hours to get to safety. That is without the presence of all the additional employees and patrons this project would bring. Without additional evacuations routes being built, multiple fatalities would occur before everyone could be rescued.

Also, article 2.1.7 of the EA mentions the tribes intent to partner with the local Sheriff's Office for law enforcement services. I do not see any letter of intent from the Sheriff's Office to actually supply those resources. It could be because both the Sheriff's Office and Town of Windsor Police are severely understaffed and incapable of supporting the increased workload generated by this project, regardless of how much money the tribe throws at them. Law Enforcement staffing at the local and national level have seen a significant decrease in staffing in the last few years, so much so that most agencies are offering significant hiring bonuses and still unable to staff their ranks. Local law enforcement will be unable to manage the increase in crime this casino will surely bring in.

I echo every local resident's opposition to this project. The only ones in favor of this project are the union carpenters who clearly voiced their support from pre-printed messages from their union representatives. I urge you to deny this project completely.

Thank you.

From: Joan Chance <joanchance@comcast.net>
Sent: Thursday, September 28, 2023 10:25 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Please accept this as I accidentally sent a rough draft to you previously.
One attachment • Scanned by Gmail

September 27, 2023

Dear Mr. Broussard,

For over 30 years, we have lived in this neighborhood, our children were raised here, attended the local schools here, discovered wildlife in Shiloh Regional Park, played baseball at Esposti Regional Park and had adventures exploring up and down the Pruitt Creek bed in the summer when it's not running. Unfortunately, if there is a casino, our grandchildren will not be able to enjoy those pleasures because of the noise, crowds and traffic. It will no longer be safe in our serene neighborhood.

We have two major concerns, fire and water. It would be hard for anyone to understand an evacuation unless you have been through one yourself. No matter how well prepared you are for an evacuation, gathering last minute belongings, rounding up pets & livestock and heading out the driveway is just the beginning. It took 1 1/2 hours to drive one mile to Highway 101 in 2019 fire when we received the evacuation request. The flames and smoke were visible at the top of Shiloh Ridge. Pruitt Creek became a wind tunnel while the fire raged our way chased by the wind. A planned, organized evacuation for a compound of what the casino proposes to build cannot be executed when the flames are on your heels. People are not always rational especially when they have been partying and drinking at all hours. The roads would be completely grid locked with little or no chance to escape.

Most of us in the immediate area are on wells and are conservative with our water. The casino will be using more water in one day than the locals will use in one year. When the water levels drop, the quality of our water drops as well. This is a problem with no solution. Our water is a precious commodity that we depend on. Also, the sewer reclamation site on the property will have an aroma and extra noise from the pumps no matter how much this is denied in the impact report. The excess runoff and treated water will be released into Pruitt Creek according to the impact report. Pruitt Creek ties into Mark West Creek. In the past, Mark West Creek has backed up and flooded neighborhoods. We were a victim of the flood and had to raise our house 2 feet to prevent flooding in the future. The other neighbors are still at risk for flooding.

There is mention of widening Shiloh Road. We didn't notice where the expansion was noted on the casino property maps. How the road would be widened was not acknowledged. At least four immediate neighbors front doors are approximately 35 feet from the road currently. Does that mean that our property would be taken by eminent domain? This would uproot many people in the neighborhood that have lived in their homes here for many years.

It is completely perplexing why a casino would be planned in a residential neighborhood. I have not met any parents who would support a casino to be built near the 3 elementary schools close by. Our quiet community would be inundated by traffic, drunk driving, crime, public safety

concerns, and continual noise & lights. THIS IS NOT THE RIGHT PLACE TO BUILD A CASINO.

The Town of Windsor supported the resolution to oppose the casino. The city of Santa Rosa supported the resolution to oppose the casino. The greater population of the neighbors oppose the casino. Representatives in Washington have spoken against the casino. Please consider this plea to build the casino in a commercial or industrial area that is appropriate, not here.

Sincerely, Brad & Joan Chance
141 East Shiloh Road

From: Janice Lon <janlonny@gmail.com>
Sent: Thursday, September 28, 2023 2:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Tribe casino

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Dear Sir,
As a former resident of Chalk Hill Rd and present home owner in Santa Ross
I strongly oppose this proposed casino development. I totally agree with the local Indigenous Peoples logic and reasons as well as the present residences objections.
Please reject this project.
Thank you,
Janice Kane
janlonny@gmail.com

Sent from my iPhone

From: Ken Moholt-Siebert <kmsarchitect@gmail.com>

Sent: Thursday, September 28, 2023 2:44 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Cc: Melissa Moholt-Siebert <mmoholtsiebert@gmail.com>

Subject: [EXTERNAL] Koi Nation Casino Project with conversion of vineyard land.

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Dear Mr Broussard,

I read in the paper that public comments are accepted until October 27 on this project. This I am writing you now. These are my thoughts:

I live and farm a vineyard property at 4120 Old Redwood Hwy, Santa Rosa, CA 95403. My property is pretty much at the southern end of a greenbelt between the city of Santa Rosa to the south and Windsor to the north. The property that the Koi nation proposed to convert to a casino is at the northern end.

Sonoma county cherishes its agricultural identity. A hallmark of that identity is its wine industry. The county produces some of the very best wine in the nation, and is second only to Napa in recognition. This is because of the rare combination of suitable climate and soil in a large enough valley to support enough growers that a community has developed and can sustain this industry.

The suitable land for our vineyard industry is finite, and in fact, the total acreage in vineyard has not increased for decades. Over time, the better vineyard sites are converted to urban use, and the topsoil forever lost.

To some extent, more difficult sites with many environmental issues are converted from grazing land or forest use to vineyard, but this replacement is not like for like, and such a process is unsustainable. Only six percent of the land in Sonoma County is in vineyard. The other ninety-four per cent is either already urbanized, or unsuitable.

The county has sought to enforce urban growth boundaries, and preserve an agricultural identity by limiting land conversion in the greenbelts between cities. This is especially important on the 101/ Old Redwood Highway corridor.

But the greenbelt between Santa Rosa and Windsor is particularly vulnerable. On the one hand, it is an area known for growing excellent wine grapes since at least the 1870s, and in recent times, has been identified as the Eastern Hills "neighborhood" of the Russian River Valley, with distinct and desirable characteristics that show up not only in the tasting notes of wine reviewers, but also in rigorous chemical analysis done at UC Davis. As such, it is one of five "species" you might say of vineyard identified the

Russian River Valley. On the other hand, it is the neighborhood or species of the Russian River Valley most fractured by urbanization and with the fewest number of remaining viable vineyards, and therefore most endangered.

The simple fact is, urban uses and vineyards are not compatible. In my own operation, I have a school next door, which severely limits the time that I can spray for mildew. I have backed up traffic on Old Redwood Highway in front of my driveway a different times of day, making it difficult to get my truck and trailer with my tractor in or out. A couple years ago, as I was coming back from another vineyard I farm, a motorcyclist was following me, unseen by me. As I proceeded to make a right turn in at my gate, he chose to pass on the right, with disastrous consequences. These, and other such interactions, are the consequence, direct and indirect, of urbanization of rural land and resulting increase in points of conflict.

I have deep roots here; I follow a furrow first plowed by my grandfather almost seventy years ago. But, the day may come when I no longer have the will to fight the tide of urbanization. Grape growing is not something you do all alone. There's a community of growers and wineries and support businesses that require certain environmental conditions to survive. If I am to continue as a grape grower and pass that on to my daughter and son, then either I need that environment to be protected, or I need to move to another place where those conditions still exist.

So far, I hold out. The Tubbs fire came, and burnt everything, including our vines. My wife and I took our insurance money, and used it to replant the vineyard my grandfather first planted. We still don't have our house rebuilt; we are building that, by ourselves, piece by piece. Meanwhile in the vineyard, it has been a long wait, but this year, we finally get our first crop of significance since the fire!

It would be a shame, to have worked so hard to save the family farm after that disaster, only to lose it another way, through urbanization.

There are a certain number of viable vineyards and other farms between my place and the site that Koi nation has proposed to convert. But they are few in number and the one that Koi nation has purchased is one of the larger ones. It is a keystone property, and if it goes, all the farm and vineyard property along Old Redwood Hwy between me and them will go also. And so also, the environment which my farm depends. So what happens there matters much to me.

Some will say that the Koi nation development preserves a certain amount of vineyard. But the amount that will be saved is vestigial. To farm a given site economically, you need the vineyard blocks to be of sufficient size with as few turns at the ends of rows as possible. You need the freedom to get dirty now and then, and you need some place to store your equipment. The site plan for the proposed casino takes most of site area, and puts the casino and its parking in the middle of the site, leaving small bits of vineyard around the edges as decorative landscaping.

The proposed development makes much of the local heritage of grapes and winemaking. The development materials are big on a vineyard theme. But the development is actually destroying the thing it is supposedly honoring. A viable vineyard is not landscaping; it has to be a real farm, of sufficient size and with a suitable layout that a farmer can actually make living from it.

Ninety-four percent of the land in the county is not vineyard. Only six percent is vineyard. The Koi nation and their partners in Gaming have plenty of suitable land to choose from. They have chosen this land because it has been zoned agricultural, and being so restricted by zoning, is priced less than urban land. In other words, they get to play by different rules, and their plan has been to get the land on the cheap as a result. But they of course plan to convert it into urban use.

If there was virtually unlimited vineyard land, or land suitable to vineyard available, this might be reasonable from a public policy point of view. And it might seem less critical if the greenbelt were very wide and not already tenuous. But in fact, the Koi nation has selected land that cannot be replaced for its present use as vineyard, and which, when converted, will greatly degrade the farming environment that the remaining few farms depend upon.

And they do have other options. There is land that can be acquired, both existing urban land, and agricultural land, but with less significance for such a key industry. Fully ninety-four percent of the land in the county might be considered, without endangering vineyards. For these reasons, I oppose the project.

—Ken Moholt-Siebert

4120 Old Redwood Highway, Santa Rosa, CA 95403 * (707) 542-3099 * kenms@teleport.com

From: Laurel Jew <lmj.talk@gmail.com>
Sent: Thursday, September 28, 2023 2:50 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Tribe Casino proposal

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I missed the zoom meeting on this last night for Sonoma County residents, but I too would like to register my DISapproval of this project in the strongest terms. I live less than a mile from the proposed site and my family's quality of life would suffer significantly from the increased traffic, power requirements, additional lighting, and groundwater availability associated with this project, not to mention the issues of crime and enforcement on unincorporated county land where the Sheriff's Office is already overburdened trying to meet demand for services. Further more, I am outraged that a non-local "tribe" that has no ancestral connection to the land they recently purchased, is planning to bring in a non-California tribe to manage (and receive a large portion of revenues) a project that will impose significant increased costs on the County to administer and police. Our neighborhood does NOT need or want a casino, and furthermore, Sonoma County already has more than enough casinos in place and creating costs to police and supply with resources!

Please DISapprove this project!!

Regards,
Laurel Jew
95403 (zip)

Sent from [Mail](#) for Windows

From: Jon Phillips <jbphilli@gmail.com>

Sent: Thursday, September 28, 2023 2:52 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] Public Comment - In opposition of the Koi Tribe's proposed casino project between Wikiup and Windsor

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Good afternoon,

I'm writing as a member of the community in opposition to the Koi Tribe's proposed casino project between Wikiup and Windsor.

Please consider the following points when making your decision.

To begin with, this tribe is NOT a member of our community. They should consider incorporating their project near where their tribal lands are.

If this project were to be approved, it would have the following negative impacts:

Water - we already face a limited amount potable water resources in northern Sonoma County. This project would only make availability of that resource even more precious and less sustainable.

Traffic - Ingress and egress to this property is already a challenge with our existing roadway infrastructure. If the prediction of 1600 more cars a day is accurate, our traffic will significantly increase, which also will subsequently impacts public safety response from day-to-day calls for service, to a severe emergency situation like another wild fire.

Tourism - as seen by the other casinos in our region, people coming up to gamble are NOT interested in other tourism activities. This is already quantifiable based on data that's been gathered by the other casinos. The point is that this will not benefit other businesses in the region - this will only benefit the casino.

In addition, we already have 4 casinos within 1 hour of Santa Rosa - and a 5th that's an hour 15 min. I know firsthand that these 5 casinos are struggling to make it financially. Adding one more casino will only dilute the pool of gamblers coming to the region and will only make it more difficult for the existing tribes that are already operating their casinos. It makes no sense to build another casino, given that these other casinos can barely maintain their staffing and their financial obligations. Having outside interests coming into Sonoma County only makes this an insult to those tribes who are struggling and have the excess capacity that's not being utilized.

I respectfully oppose this project and ask that you deny approval.

Best regards,

Jon Phillips
Ridgway Historic District - Santa Rosa, California
707.529.4990

From: mccrelliott@sonic.net <mccrelliott@sonic.net>
Sent: Thursday, September 28, 2023 3:55 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Proposed Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad -

I am writing to voice my strong opposition to the proposed casino complex in the Wikiup/Windsor area north of Santa Rosa. There are so many reasons this is a bad idea, not the least of which is that it would essentially destroy what is a vibrant neighborhood. I am stunned that the proposal has even progressed to this point.

Please reject this outrageous proposal.

Thanks,

Glenn McCrea

Beaver Street, Santa Rosa, CA

From: Lynne Alarie <lynne_alarie@yahoo.com>
Sent: Thursday, September 28, 2023 5:24 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Casino

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As a 60 year resident of Sonoma County I oppose the building of a Casino in Windsor. Between traffic generated on a rural road, water issues, fire issues and the fact that this tribe is not local, there will be more harm than good. Sonoma County does not need another casino!

Sincerely,
Lynne Alarie

Sent from my iPhone

From: Robin Weller <robinweller203@gmail.com>
Sent: Thursday, September 28, 2023 5:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi project in Windsor, Ca

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Please do not allow this project to go forward.

The negative impacts to our neighborhood and community are beyond measure.

The infrastructure is not built to accommodate the large increase in traffic that this would cause and the hazard this would bring with added traffic. Water demand when we are already warned regularly about conserving water.

The increased noise levels for such a large venue would be terrible for the whole area.

We love our little town and don't want this here!

I don't understand how this could get to this point, the other casinos in the area are not in neighborhoods, they are in the rural areas, as they should be.

--

Thank You,

Robin Weller
707-548-8085

From: BELVA MITCHELL <mmitchellbc@aol.com>
Sent: Thursday, September 28, 2023 6:38 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Belva Mitchell <mmitchellbc@aol.com>
Subject: [EXTERNAL] EA Comments,Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I am strongly opposed to the proposed Casino due to many factors.I live within 300 ft of the Shiloh road entrance/ exit as proposed.This surface street infrastructure at Old Redwood highway and at 101 experience heavy traffic volumes at peak travel times.This will only worsen in coming years due to more population resulting from projects under construction now. The Casino project is indicating some improvements to address infrastructure but I can't foresee this will address the highway 101 approaches and exit ramps.

All of the concerns do not begin to reflect an emergency evacuation situation. I see no indication that noise will be addressed once operations are underway and complete.Over the last several years commercial and private vehicles with loud exhaust systems create an extremely undesirable situation that continues into late at night. There does not seem to be any effort to patrol for this situation.

There is also a great concern that safety will be compromised due to the influx of people that will be present and those looking for an opportunity to traffic drugs and sex if this project becomes a reality

. Finally this is a residential community not a commercial or business location.

From: anne.terry123@comcast.net <anne.terry123@comcast.net>

Sent: Thursday, September 28, 2023 6:49 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] Koi

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Please add my name to those opposed to grant permission for the Koi to buy land and/or build a casino or hotel in Sonoma County.

From: David Lemos <davidlemos1991@hotmail.com>
Sent: Thursday, September 28, 2023 7:53 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Chad Broussard,

My Name is David Lemos. I have lived in Windsor my entire life and I am now currently raising my children here. I don't know what impact this email will make if any, however I feel so strongly about this I need to try and make a difference if possible. I as many other Windsor residents do NOT want a casino in or near our town for countless reasons. I have personally been abused by someone with a gambling addiction and have seen and felt the irreparable damage and pain that never goes away. I understand that it's just business and money needs to be made but there are plenty of other places for a casino in Sonoma county to be built. Windsor and its surrounding areas are a safe place for families and I do not want my kids growing up around the crime that casinos attract. There are plenty of other reasons such as more traffic and accidents that will come from this. Please choose another area for the casino as the majority of Windsor residents don't want this. Thank you for taking the time to read my opinion.

Best,
- David Lemos

From: Ron Blanc <ronb5555@sbcglobal.net>
Sent: Tuesday, October 3, 2023 3:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Casino/resort plan in Larkfield California

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

We have lived about one mile away from the Shiloh property purchased by the Koi Nation for 33 years now. We oppose any large- scale development of the rural land which borders our beloved Shiloh Regional Park and a great number of residential neighborhoods (both houses and apartments). We feel a large commercial business is not appropriate with the composition of the area. The addition of the enterprise would reduce the quality of life of local residents.

Another major point of concern is the fragile nature of fire evacuation routes for residents and visitors. We and our home survived the scary Tubbs Fire of 2017 which greatly affected this area. We relive the fear and preparation to evacuate on a yearly basis ever since. It is the new normal for much of California, as we are sure you are aware.

We hope this project will not be approved and thank the agency for taking our opinions into serious consideration.

Ron and Michelle Blanc

From: Tonie Bass <trecchia@gmail.com>

Sent: Friday, September 29, 2023 9:32 AM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] The Koi tribe should Not be allowed to establish a reservation so far from their indigenous lands

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear BIA,

AS A RESIDENT OF SONOMA COUNTY I OPPOSE THE KOI TRIBE IN THIS RESERVATION, GAMBLING PURSUIT IN MY COUNTY. I SUPPORT THE LOCAL TRIBES.

RESPECTFULLY FOLLOW THE PRESENT BUREAU OF INDIAN AFFAIRS NO FARTHER THAN 15 MI AND THEY'RE INDIGENOUS LANDS.

ALSO THE BURDEN OF THIS GAMBLING, RESERVATION ESTABLISHMENT IMPACTS THE CURRENT RESOURCES BEYOND THE CAPACITY. THIS IS NOT A NECESSARY ESTABLISHMENT IT CANNOT BE APPROVED.

THANK YOU,

TONIE BASS

From: Tracy Wallace <twallaceprop@yahoo.com>
Sent: Friday, September 29, 2023 9:53 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] OPPOSITION TO THE PROPOSED CASINO IN SONOMA COUNTY

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good Morning Mr. Broussard,

We are writing to you, to vehemently oppose the Koi Tribe's proposed casino project between Wikiup and Windsor.

This project would have disastrous & endless negative effects on the direct area & so many surrounding areas. Besides taking untold daily amounts of groundwater from wells nearby that people, animals & crops depend on, what about the thousands of cars creating more traffic & pollution?

What about evacuation of those in the entire area in an emergency? There are very limited roads out and many people will die. Have you thought of that?

The Koi tribe has no ties to the area - why are they even allowed to propose this?

Just like Graton casino, this will bring crime in & outside the casino, more gambling addicts, drunks and criminals to the area. Sonoma County does NOT NEED ANOTHER CASINO.

There will be so many MORE drunk drivers on our roads.

This project is irresponsible, bad for the environment, and the people here.
PLEASE DO NOT LET THIS HAPPEN. DO NOT DESTROY OUR QUALITY OF LIFE FURTHER WITH THIS CASINO.

Thank you,
T & A Wallace
Sonoma County, CA

From: Peter Stickney <peter@shareprayer.com>
Sent: Friday, September 29, 2023 11:21 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] No Koi Casino

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Hi, I have just read a summation of the recent hearing about the proposed casino in Windsor and want you to closely consider the legitimacy of this project and its negative consequences on our community.

We own a home and live in the Larkfield community down Old Redwood Hwy. from this proposed project and the traffic and evacuation consequences will negatively affect our ongoing lives. Local tribes have two casinos in Sonoma County already, and a third is proposed for another part of Windsor. Let's keep the local tribes welfare, and community health, as the top priority.

Thank you,

Peter

Peter Stickney and Barbara Linthicum
434 Las Casitas Ct. A
Santa Rosa, CA 95403
707 478-6752

From: Lisa Bollman <elisabethbollman@sbcglobal.net>
Sent: Friday, September 29, 2023 3:25 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Proposed Koi nation casino in Windsor, CA

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

Please do not approve this project. We had a terrible firestorm here in Windsor in 2017. 5000 homes were lost. 40 people died. People died trying to drive out of the way of the fire. It would be very dangerous to add a busy casino to this rural east Windsor location that has only one two-lane road passing through. This tribe appears to have no ancestral ties to this particular area, either, unlike the Pomo. Water shortage is also a problem.

Yours truly,
Lisa Bollman
9464 Wellington Cir.
Windsor, CA

From: Neise Turchin <ncturchin@gmail.com>
Sent: Friday, September 29, 2023 3:36 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Adding to the voice of Democracy

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I'll make it a short note because you know all the facts. I'm requesting that the casino project between Wikiup and Windsor does Not Get Approved.

The disruption in traffic, pollution of all kinds, and disturbance of the environment including the way of life of the people living in the area, plus all the other premises for building this weigh negatively toward approval of this project.

Please add my voice to the request to deny it.

Thank you very much.
Neise Turchin.

Neise's iPhone

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Friday, September 29, 2023 4:43 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Please note my vehement objection to allowing a casino to be built in in the middle of my a residential area in Windsor, California. It is clear that the Environment Assessment is a weak and unsubstantiated document designed to check the box and move this project forward with no regard for the actual impact on community and public safety.

The Koi Nation has no historical roots to Sonoma County. The proposed site is 49 miles from their original reservation. Never has the Department of Interior taken restored lands into trust farther than 15 miles from their original rancheria. This would certainly open up a can of worms by setting a new precedent.

There are NO casinos in the whole state of California where a casino has been allowed to be built in the middle of a residential area not to mention being next to an elementary school and several churches.

The current vineyard that would be ripped out to accommodate this casino serves as a fire break from historical fire/wind tunnels that in 2017 destroyed 2500+ homes in nearby Larkfield and Santa Rosa. The roads leading to the proposed casino are two lanes and cannot possibly support the increase in traffic. During the 2019 fires when we had to evacuate, it took one to two hours to reach Highway 101. It was complete gridlock. Can you imagine having 20,000 more cars trying to escape a fiery death. It isn't a question of "if" but "WHEN" they next wildfire occurs.

Water is also a huge concern as wells have been drying up from historical droughts we've experiences over the last decade. Can we really support a 540,000-square-foot casino with 2,750 gaming machines, five restaurants, five bars, a coffee shop, a 2,800-seat event center and two ballrooms, plus an adjacent 400-room hotel and spa. Less than two years ago we were not allowed to water our yards and asked to reduce consumption by 25%. Where is the water supposed to come from?

As a resident who lives across the street from where this proposed casino would be built, my property values will be drastically and negatively affected. The noise, the traffic, the light pollution, the inevitable crime rate that would escalate would make life unbearable. PLEASE do not let this land go into trust and ruin our way of life in Windsor. Please.

Sincerely,
Barbara Collin

224 Lea Street
Windsor, CA 95492

From: Ferrera, John <John.Ferrera@asm.ca.gov>
Sent: Tuesday, September 26, 2023 1:07 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Letter regarding Koi Nation Proposal

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

The Assembly Speaker pro Tempore would appreciate her comments on the Koi Nation proposal for land in trust and a gaming facility in Sonoma County, California, being included in the record.

I am happy to answer any questions you may have.

Best,

John

John D. Ferrera
Chief of Staff
Assembly Speaker pro Tempore Cecilia Aguiar-Curry
1021 O Street, Suite 8320
Sacramento, California 95814
916-319-2004

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STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0004
(916) 319-2004

DISTRICT OFFICES
600 A STREET, SUITE D
DAVIS, CA 95616
(530) 757-1034

2721 NAPA VALLEY CORPORATE DRIVE
NAPA, CA 94558
(707) 224-0440



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WILDFIRE PREVENTION

JOINT COMMITTEES
FAIRS ALLOCATION AND CLASSIFICATION
EMERGENCY MANAGEMENT

September 25, 2023

The Honorable Deb Haaland
Secretary
U.S. Department of Interior
1849 C Street, NW
Washington DC 20240

Dear Secretary Haaland,

I am writing to express my grave concern about the Koi Nation's application to acquire 68 acres of land into trust for a casino in Sonoma County near my Fourth Assembly District of California. As the representative of numerous tribes in this part of Northern California, I've taken great pride to have worked with my constituents and statewide tribal nations to protect cultural resources and provide opportunities for economic development.

I need not tell you how complex these issues can be. However, when I seek wisdom on issues of tribal rights, my consultation begins with tribes that have the closest ancestral ties to the lands in question. While it is my great hope that the members of the Koi Nation find opportunities to overcome our state and nation's devastating history with regard to our treatment of indigenous people, it is also my responsibility to weigh their proposals in the context of their neighbors, both tribal nations and the communities that may be impacted by plans for development. In this instance, it does not appear that the site in the Koi proposal satisfies the federal legal requirement of having a "significant historical connection" to ancestral lands, nor evidence of cultural ties such as ancestral villages, burial sites, or subsistence use.

Several of my constituent tribes and those in neighboring areas that *are* indigenous to Sonoma County including the Federated Indians of Graton Rancheria, Dry Creek Rancheria Band of Pomo Indians, Cloverdale Rancheria, Kashia Band of Pomo Indians of the Stewarts Point Rancheria, and Lytton Rancheria oppose both the proposed project and the Koi Nation's ancestral claims to the land. I have also heard of grave concerns from the Sonoma County Board of Supervisors and neighbors of the proposed site that a location in a residential neighborhood is not only inappropriate but could represent a danger to local schools and residences.

It is with great respect, and regret, that I express concern about the Koi Nation proposal. While I hope that you will give your full, fair and serious consideration to their proposal, I must ask if you find the facts consistent with what I have learned, that you reject the Koi Nation's application to acquire this land in trust and the proposed casino.

Should you have any questions, please feel free to have your staff contact my Chief of Staff, John Ferrera at john.ferrera@asm.ca.gov or 916-319-2004.

Sincerely,

A handwritten signature in black ink, reading "Cecilia Aguiar-Curry". The signature is written in a cursive style with a large, stylized "C" at the beginning.

CECILIA AGUIAR-CURRY

Assembly Speaker pro Tempore
Assemblymember, Fourth District

From: Kenneth Pietrelli <ken.pietrelli@gmail.com>
Sent: Friday, September 29, 2023 5:40 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mr. Broussard,

In reviewing the EA for the Koi Nation Shiloh Resort and Casino, I do not find an adequate mitigation plan to address the neighboring communities needs to egress down Shiloh Road to the Highway 101 interchange.

Adding yet more traffic for the proposed destination would totally overwhelm the existing infrastructure, especially the feeder roads of Shiloh Road and Old Redwood Highway as well as the existing "undersized" Shiloh Road interchange at the overpass for Highway 101.

My family has been evacuated twice since 2017 due to fires in Sonoma County, in both cases we had to drive several backed up streets to reach Highway 101 to drive south to San Francisco. I own at Shiloh Estates at the end of Shiloh Road and I am very concerned about fire evacuation that would be made almost impossible if the casino is sited at the intersection of Shiloh Road and Old Redwood Highway.

I also had a recent experience in West Maui, Hawaii where we also have a home. Due to the fires in Lahaina, the sole remaining road was closed during the fire and for over a week after. To leave we had to take a helicopter from the West Maui airport to depart Maui. Even now as they try to reopen the schools in West Maui, high school and elementary, the parents are demanding that "evacuation plans be well thought out and prepared-and not only prepared and talked about, but actually completed. They want to see improvements to the roads done before they are willing to send their kids back to the schools."

This is what needs to be done before allowing the planning for the Casino to go forward. The existing infrastructure is "undersized" for the existing traffic patterns which experience backups, especially during the summer and fall months when we have fires in Sonoma County. Adding yet more traffic for the proposed destination would totally overwhelm the existing infrastructure. There has to be an actual plan and funding to improve the surface roads and highway interchange to support a valid evacuation plan for everyone East of Highway 101 who would use Shiloh Road to reach Highway 101. Failure to include this in the evaluation of the EA would border on being "criminally negligent".

Kenneth Pietrelli
4873 Hoen Avenue
Santa Rosa, CA 95405

From: Peter Walker <mmraminvest@yahoo.com>
Sent: Friday, September 29, 2023 8:41 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Protect Sonoma: Say No to the Koi Nation Casino Resort!

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

From Peter Walker to Chad Broussard on behalf of Sonoma County residents in opposition to the proposed Koi Nation Casino-Resort.

The proposal for the Koi Nation's casino-resort in Sonoma County, particularly near Windsor, is a glaring mistake that threatens the harmony, ecology, and very character of our beloved region. We vehemently oppose this establishment for a myriad of reasons:

- **Environmental Sacrilege:** Sonoma's delicate ecosystems stand at the precipice of irreversible damage. Our indigenous species, which have thrived here for centuries, are now under threat. It's bewildering that an environmental study even suggests minimal impact when the stakes are so high.
- **Traffic Chaos:** Our roads, already grappling with congestion, will be paralyzed with further traffic. Transforming tranquil intersections into bustling, light-controlled arteries is not the progress we need.
- **Water Overconsumption:** In a region already grappling with drought, the proposed casino's astronomical daily water consumption would deplete our precious resources. We cannot prioritize fleeting entertainment over basic human needs and agricultural sustenance.
- **Crime Surge:** The establishment of large casino resorts invariably attracts unsavory elements. Are we ready to jeopardize our community's safety and deal with the inevitable spike in crime rates?
- **Property Value Debacle:** Residents have invested their lives in this region, and now face the prospect of plummeting property values. The disruptions from noise, traffic, and possible crime are a direct threat to our investments and peace of mind.
- **Cultural Erasure:** Sonoma's rich cultural tapestry is under siege. It's not only about the fact that the Koi Nation is not indigenous to Sonoma, but it's also about protecting the heritage and traditions that make our county unique.
- **Wildfire Nightmares:** Given our recent, traumatic experiences with wildfires, adding a sprawling resort to the mix complicates evacuation and puts countless lives at risk. The memory of the Tubbs Fire is still fresh, and we cannot afford any more potential triggers for catastrophe.

- **Noise Pollution:** Our serene landscapes stand to be shattered by the incessant cacophony emanating from the resort. Our wildlife, not to mention our peace-loving residents, deserve better.
- **Economic Polarization:** While the allure of revenue is dangled before us, we need to be wary of the deeper economic disparities such establishments introduce. Local businesses, the backbone of our economy, might be overshadowed or driven to extinction.
- **Overwhelming Local Rejection:** The resounding voices of opposition from both our residents and esteemed political entities cannot be ignored. We are not an isolated few; we represent the majority of Sonoma County's heart and soul, and our concerns are valid.

In essence, the Koi Nation's casino-resort proposal is not just about a singular establishment; it's about the future trajectory of Sonoma County. We cannot allow our region to be remodeled into something unrecognizable, sacrificing its essence for transient gains. The stakes are high, and our opposition is resolute.

I hereby authorize the public duplication, distribution and reproduction of the above declaration.

Please contact me if you have any questions.

-Peter Walker

From: b.nies603@gmail.com <b.nies603@gmail.com>
Sent: Friday, September 29, 2023 8:53 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Re: EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Chad,

I am writing you as residents of Windsor in opposition of the proposed Koi Nation Shiloh Resort & Casino. To express our concern about the affect this resort & casino will have not only on the environment in Windsor and the surrounding areas but also on the communities and culture of the surrounding areas and how they will be adversely affected with the proposed addition of a casino & resort to such a small community.

As residents of Windsor we are acutely aware of the restrictions and limitations on our natural resources available in the area. We are already struggling with affordable housing, and are in the process of building that housing as we speak. If this resort is built, where would the water come from? When there is already so little to spare as it is, especially with so many new households being added into Windsor over the next few years. Our roads are not built to accommodate the monuments amount of traffic that would come with the inclusion of a resort and with the removal of an incredibly important natural fire break. We would add to the chaos should there be another wildfire with the additional cars, people and traffic that would come from adding that resort and removal of that vineyard.

I understand that Native Americans are entitled to reestablish lands throughout the US, however, Windsor is the the Koi's native land and for a resort of the scale they are proposing. Windsor's entire way of life will be changed. Our children will no longer be able to ride home from school on their bikes due to crime and traffic that will inevitably be a biproduct of the casino. And with small communities just across the street you are knowingly imposing negative affects on those households simply for your own profiteering. I implore you to consider other options far away from Windsor. If Sonoma is not at concentration levels then you should looks for places that are not in the middle of communities. I look forward to your response.

Brittany, Andy, Dorian (Age 15 Sophmore at Windsor High) & Evie (Age 12 6th grade at Windsor Middle)

229 Samantha Way, Windsor CA 95492

From: Victoria Petersen <vpetersen@e3planning.com>
Sent: Friday, September 29, 2023 8:58 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,

I live in Santa Rosa, CA, 1/4 mile from the proposed Koi Nation Resort and Casino. This area is a mix of residential and agriculture. A resort and casino in the proposed location will negatively impact my neighborhood in several ways.

- Faught Road connects to Shiloh Rd and is a very rural 2 lane with no shoulder and 90 degree turns. We already have problems with drivers missing the turns and increased traffic will exacerbate this issue. This route is a "short cut" to southbound Old Redwood Highway from the proposed parking lot.

- Faught Rd also has an elementary school and increased traffic will be dangerous for students.

- Wildfires have hit this area several times over multiple years. Evacuation routes are quickly overwhelmed with just the current population.

- The light pollution will be directly visible 24/7 from Shiloh Regional Park, currently a haven for multiple native animal species.

Thank you for taking the time to receive local input on the proposed Resort and Casino development.

Best Regards,
Victoria Petersen

From: Leigh Meyer <leigh_meyer@hotmail.com>
Sent: Friday, September 29, 2023 9:15 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Leigh Meyer <leigh_meyer@hotmail.com>
Subject: [EXTERNAL] EA comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I live in Santa Rosa, CA, about ½ mile from the proposed Koi Nation Resort and Casino.
As you know, this area is a mix of residential and agriculture.

A resort and casino in the proposed location will negatively impact my neighborhood in several ways:

1. Faught Road connects to Shiloh Rd and is a very rural 2 lane with no shoulder and several 90 degree turns. This road already has challenges as people that are not familiar with the road lose control on the sharp corners and miss the turns, ending up in ditches or the fields here. Increasing traffic will make this situation worse and add troubles to those of us living in the area. My concern is that this route is the most direct route to several stores on HWY 101 and will become the main route for people from Santa Rosa heading to the Casino.
2. Faught Rd also has an elementary school (San Miguel) and increasing traffic along this street will increase risk to the children and parents.
3. Wildfires have hit this area several times over the past few years and the evacuation routes are not sufficient for the current population, much less the crowds planned at the Casino.
4. Right now we have owls and many night creatures in the area using this area, including Shiloh Park - The light pollution will be directly visible 24/7 from Shiloh Regional Park and our house that will not be great for these creatures or for the people living here.

Please consider rejecting this request by the Koi nation and asking them to locate the Casino in a city / industrial area where the noise already exists, rather than a neighborhood where people live and is adjacent to a really nice park.

Thank you for taking the time to receive local input on the proposed Resort and Casino development
Leigh Meyer

From: Stephannie Starr <starrsall@icloud.com>
Sent: Saturday, September 30, 2023 2:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Chad, I am a resident of Sonoma County, and am writing to protest the addition of a casino, especially one with no ties to this county.

I was here in 2017 when the fires broke out here. It was hard enough to evacuate the people that live here. Now you want us to add another 16k to the list of those who need to be evacuated from here.

Our rural areas need to be protected more, not less. They should be for the use and enjoyment of those who have a tie to the area. We cannot sell these rights today the highest bidders. Locals come first.

Please do not allow the Koi tribe to usurp our rights to the free spaces of this county. The Koi's have a home in Lake county. Let them build there in their ancestral home.

Thank you,

Stephannie Starr
A Cherokee in Sonoma County

Sent from my iPhone

From: SARAH BLAKLEY <sblakley18@aol.com>
Sent: Sunday, October 1, 2023 10:58 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Proposed casino Shiloh Rd Windsor CA

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Mr. Broussard,

I am writing today to encourage you NOT to allow the proposed casino in the town of Windsor on Shiloh Rd.

My husband and I moved here 2 years ago after he got a new job in Santa Rosa. I too work in Santa Rosa, but we chose to buy our house in Windsor because we liked the small, quiet, family friendly community here. We live less than a mile from the proposed site for the casino. This is an issue for many reasons.

This casino will cause immense changes in traffic. Just with the construction of the adjacent apartments, time has been added to my commute. I can't imagine how much longer it will be during the construction and even more so when the casino is actually open and there's 15+ THOUSAND additional people on that road per day. That's over half the amount of RESIDENTS in this city, just on that street alone.

My husband and I bought a fixer upper house that we were planning on putting a lot of money into to renovate and increase the property value. That will not be the case if this casino goes in. Our property value will decline even with our improvements because WHO WANTS TO LIVE 1 MILE FROM A CASINO??! No one does. This is a 4 bedroom home that was going to be a forever home for our future family. And now, we may be forced to move because of property values declining and most importantly SAFETY issues.

I recently found out I am pregnant with our first child. I am terrified of the idea of all the drunk drivers driving so close to my home where my child will be playing, or hitting us while we're driving. Additionally, a large part of Old Redwood Highway doesn't even have sidewalks and people are forced to walk in the bike line, mere feet from where these drunks will be driving, every single day and night. Also, how am I supposed to get my new family to safety in the case of a fire when the entire town plus THOUSANDS of other cars from non locals are trying to escape through the same one lane streets? Even if they were to expand the streets, it would still lead to the same one lane entrance to the 101.

The only people who will benefit from this are people who do NOT live here. Notice how the only people who were for this project during your call last week were contractors/ union workers, clearly reading from a script, and the people of the tribe who stand to financially benefit from this? Not one single resident wants this. Not ONE.

Please. I am begging you for the safety of the actual residents of Windsor, for myself, my

husband, and my unborn child, do NOT approve this project.

Thank you for your time,
Sarah Vandegriff

From: Vad, Aaron <Aaron.Vad@asm.ca.gov>
Sent: Monday, October 2, 2023 1:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Letter - Assemblymember Connolly

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Chad,

Attached is a letter from Assemblymember Connolly expressing his respectful opposition to the Koi Nation of Northern California Proposed Casino Resort project.

Please let me know if you have any questions or comments on this letter.

Best,

Aaron Vad

One attachment • Scanned by Gmail

Assembly
California Legislature



DAMON CONNOLLY
ASSEMBLYMEMBER, TWELFTH DISTRICT

COMMITTEES
AGRICULTURE
BUDGET
ENVIRONMENTAL SAFETY AND TOXIC
MATERIALS
JUDICIARY
UTILITIES AND ENERGY

BUDGET SUBCOMMITTEE NO. 3 ON
CLIMATE CRISIS, RESOURCES,
ENERGY, AND TRANSPORTATION

JOINT COMMITTEE
VICE CHAIR: LEGISLATIVE COMMITTEE
ON CLIMATE CHANGE POLICIES

October 2, 2023

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: Koi Nation of Northern California Proposed Casino Resort

Dear Director Dutschke,

I write to express my respectful opposition to the Koi Nation of Northern California's proposed casino resort project in Sonoma County. As the representative of the 12th Assembly District, I have worked closely with local and statewide tribal nations to create opportunities for improved economic conditions and advocate for the protections of cultural resources.

While these issues can be complex, it is also important to weigh these proposals within the context of neighboring tribal nations and communities that will be impacted by this development. In this case, it does not appear that the site proposed by the Koi Nation satisfies the federal legal requirement of having a "*significant historical connection*" to ancestral lands, nor evidence of cultural ties such as ancestral villages, burial sites, or subsistence use. Several tribes neighboring the area, such as the Federated Indians of Graton Rancheria, which is within the 12th Assembly District, oppose both the proposed project and the Koi Nation's ancestral claims to the land. I also echo concerns shared by the Sonoma County Board of Supervisors regarding the proposed site's location within a residential neighborhood, as it is inappropriate and could represent a public safety risk to residents and local schools in an area already designated as having a high fire risk.

It is for these reasons that I must regretfully oppose the Koi Nation proposal, and ask with great respect that you consider rejecting the application to acquire this land in trust and establish the proposed casino. Should you have any questions, please feel free to contact my Chief of Staff, Aaron Vad at aaron.vad@asm.ca.gov or (916) 319-2012.

Sincerely,

DAMON CONNOLLY
Assemblymember, 12th District

From: Eric Pham <shagrila@yahoo.com>
Sent: Monday, October 2, 2023 2:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

I have been a resident of Wikiup since 2010. My wife and I are both healthcare professionals for Kaiser Santa Rosa and we relocated up here because of the people and small town feel. Over the years, we realized that we wanted to grow our roots and raise our 3 children here because Santa Rosa is a great place to raise a family. If a casino was built in our backyard, I believe that would change. The surrounding area/neighborhoods of casinos always go downhill with increasing crime, drugs, prostitution, etc. The casino may be making lots of money but our community will suffer. We already have Graton and River Rock. Why do we need another casino? I vote no on having more degenerate gamblers coming into my community. I've worked very hard to try to provide my children the best living situation possible. I don't want them to have to be afraid when walking over to Shiloh regional park

Sincerely,

Eric Pham
Wikup resident

From: Amy Hoover <amychoover@gmail.com>
Sent: Tuesday, October 3, 2023 6:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Casino in Santa Rosa CA

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr Broussard,

I am writing to express my strong feelings about the potential Koi Casino project in North Santa Rosa, Town of Windsor borderline. I drive Redwood Highway at Shiloh very regularly. There is no appropriate way to integrate such a large ambitious project into this residential area.

Windsor is very concerned about issues related to evacuation for fires and any other crisis in our area.

Our county supports two casinos already. Neither of them border neighborhoods with schools and churches.

I am particularly concerned with the fact that the Sonoma County tribes are both unsupportive of this project. Of course the competition is an issue, but they are concerned that the Koi was not legitimately part of the Sonoma County landscape. I understand that they were here at some point, but this is not where they originated.

Please reconsider this ambitious project. Help the Koi thrive another way. Thank you.

Respectfully,
Amy C Hoover
225 La Quinta Drive
Windsor, CA
95492

From: Nathan Strong <nathan.strong@gmail.com>
Sent: Wednesday, October 4, 2023 11:03 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Chad,

I would like to voice my objection to all variants of the Koi Nation Shiloh Resort and Casino proposed project. I live in the Oak Creek neighborhood just north of the area in question off of Merner Drive in Windsor California, in a well established development of single family homes that would be considered "middle class" - 3 to 4 bedroom, 2 to 3 bathroom. Our community of houses have no streetlights, because they were built under county guidelines in the 1980s and then later incorporated into the Windsor township. Our housing community backs up to Esposti Park, a well loved local park that serves thousands of children and adults per year - a park that would literally be across the street from the proposed casino.

I am concerned that the Impact Studies and Environmental assessments did not take into account the direct proximity of this proposed development to residential housing, churches, parks, and via Shiloh Road and Faught Road, a school. The church across the street ironically provides the only gambling addiction recovery program in Sonoma County. This would be a horrible place for a casino to be built for those involved in trying to recover from gambling addiction.

The documents predict no negative impact to property values for residential homes when a casino is built in the community, and I'm sure that is true when the casino is built in a business area of a city, far away from homes. However, building a casino literally across the street from parks and homes was not a data point that the study identified -- there are no data points referenced that would be a match for this setup, and I am concerned this will negatively impact resale value of these homes that are directly adjacent to the property or within several hundred feet of the project. Property values are mainly governed by location - I would never purchase a home this close to a casino, and nor would the other people who live in our neighborhood. This basic buying inclination is intuitive, and will inevitably drive property values down.

Page 22 - Appendix B - Socioeconomic Information - compares casinos in Vegas and Atlantic city to isolated urban areas surrounded by rural or major roads. Stating there are few sidewalks, buildings, etc that would lend themselves to street prostitution, making a claim that this won't a problem in our area.

The document also mentions the property owners will patrol and manage their property to prevent prostitution from becoming an issue, but there is no mention of securing or patrolling the adjacent neighborhoods like our family's with no street lights, providing a poorly lit meeting area within a 2 min walk from the proposed casino area both in our neighborhood and in the park across the street.

Again, there are no comparable data points for the consulting firm who wrote these impact studies to predict what would happen with prostitution in a poorly lit adjacent residential neighborhood. **The impact study just doesn't account for this specific scenario.**

As others have probably voiced, I have had to evacuate my family multiple times during fire emergencies, and sat in bumper to bumper traffic just to get out of the immediate area. The roads and infrastructure are not ready for the additional 16,000 visitors per day, and on site employees, if they have to be evacuated in a hurry.

There are already several casinos within a 20 minute drive of this area, this also doesn't make sense from a competitive standpoint. The Koi nation isn't native Sonoma County.

Best Regards,
Nathan Strong
nathan.strong@gmail.com
Oak Creek Subdivision
Moll Drive, Windsor CA

From: Bill Bolster <billbolster@eoc-inc.com>
Sent: Wednesday, October 4, 2023 9:47 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

My wife and I have lived at 6500 Faught Rd., Santa Rosa, CA since September, 1977 (46 years).

Here are our objections to the Koi Nation Shiloh Resort and Casino:

1. We live in the country and have 2 wells on our property. Until the drought, we had no problems. In the last 5 years one well is dry and the 2nd is marginal. We do not irrigate our landscaping anymore and keep our fountain dry. If the Koi Nation builds the development they will draw down the water table more. I will have to drill an expensive deep well. The very least they should do is to get their water from the Town of Windsor or the County of Sonoma so that they live with the same restrictions other developments do.
2. This development will have a significant impact on traffic on all the surrounding roads. People avoiding the congestion will spill onto our narrow winding country road (Faught Rd.). It is not designed for that.
3. Fire danger. This development is in the path of the last 2 fires, Tubbs and Kinkade. The vineyard is supposed to be a fire break. The development will be fuel for the next big fire.
4. This location is not near the Koi Nation's home. That is 48 miles away in Lake County. No other tribe has built a development farther than 15 miles from their home. This is a terrible precedent to set.
5. Sam Salmon, former mayor of Windsor and now on the town council, suggested that the suitable land for this development was on the vacant land south of Home Depot on the south side of Shiloh Rd. Easy access, wide road and just off Hwy 101.

Do not let this development proceed. There are too many issues with the impact of it. Again a terrible precedent to set.

Thanks,

Bill Bolster
6500 Faught Rd, Santa Rosa, CA 95403
707-843-6453

From: mhanes10@gmail.com <mhanes10@gmail.com>
Sent: Thursday, October 5, 2023 2:27 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I am writing to voice my objection to yet another casino in Sonoma County. I understand that the Koi Nation does not currently own a casino, but the market appears to be saturated. The location requested in Windsor would likely be underutilized as both a conference center and hotel. Windsor is not exactly a boom town and any traffic generated by a project of this sort would greatly affect this small town and the towns to the north.

Thank you for allowing comments.

Mona Hanes
228 2nd Street
Healdsburg, CA 95448

Sent from [Mail](#) for Windows

S-I118**Support of the Koi Nation of Northern California**

Support Form <info@koinationsonoma.com>

Thu 9/21/2023 2:57 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Angelito Andaluz

Emailangelito_andaluz@yahoo.com**Comments**

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

S-I119

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 9/29/2023 11:29 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Crysta Diamante

Email

diamantec71@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

S-I120

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 9/29/2023 3:25 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Kevin Desai

Email

kdesai@sonomahi.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

S-I121

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 9/19/2023 6:14 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Calvin Kandarian

Email

Ckandarian@yahoo.com

Comments

Department of the Interior

Attn: Bryan Newland, Assistant Secretary - Indian Affairs

1849 C Street, N.W.

Washington DC 20240

Dear Bureau of Indian Affairs:

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We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

S-I122

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 9/28/2023 10:46 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Erendira Garcia

Email

erengarcia@gmail.com

Comments

Department of the Interior

Attn: Bryan Newland, Assistant Secretary - Indian Affairs

1849 C Street, N.W.

Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

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We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

From: C Plaxco <cplaxco143@gmail.com>
Sent: Friday, October 6, 2023 11:03 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

- I have lived on E. Shiloh for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on E. Shiloh Rd. I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

Christine & Richard Plaxco
143 E. Shiloh Rd.

From: Bonnie Farrow <bonnie-business@sonic.net>
Sent: Friday, October 6, 2023 1:14 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Indians

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Chad,

I was on the call on Sept. 27th which was my birthday. I stayed on the call for 3 1/2 hours.

All the people who spoke up against having a Casino in our residential neighborhood made a lot of good points.

The comment that I liked the best was the woman who was using her rinse water in her laundry to water her fruit trees.

She also said that she also wondered where the water would come from for a 400 room hotel with people taking long hot showers.

I live on Mathilde Dr. which is 4 houses away from your Casino.

I do not approve of any of your plans. The property should stay a vineyard as it was zoned to be.

The tribe needs to look for commercial property in Clear Lake.

Thank you,

Bonnie Farrow

From: marcia singer <marcia.lovearts@gmail.com>
Sent: Friday, October 6, 2023 2:16 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Mr, Broussard,

I lift my 78 year old voice on behalf of hundreds of residents, many of whom are seniors with no means to move elsewhere, who live along the western periphery of the proposed project. Additionally, there are hundreds of wealthy residents living both along the northern periphery and east, near Shiloh Regional Park: NO ONE WANTS THIS TO HAPPEN! Signs have been out in protest for months.

It's unthinkable, the chaos and impediments a casino, hotel, event center or even wine tasting operation would bring, if the vineyard is replaced. And if we need to evacuate again, due to wildfire: terrifying to contemplate what adding hundreds more persons and vehicles, all trying to escape would create!! .

I read two of the environmental reports offered to the public: one regarding traffic, the other noise.. It's an unimaginable nightmare, altering our quality and way of life, totally -- both in the constructing, and if completed, an influx of vehicles and people to an area not designed for it.

I wrote to the man in charge from the Koi Nation: we certainly wish the tribe well, and prospering: but please, not at the expense of our sanity and property values, such as they are.

Thanks for your eyes and ears,
Marcia Witrogen, Santa Rosa CA

From: marcia singer <marcia.lovearts@gmail.com>

Sent: Friday, October 6, 2023 2:24 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>; Dutschke, Amy <Amy.Dutschke@bia.gov>

Subject: [EXTERNAL] Koi Nation Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I just received a comprehensive letter, to forward to your attention. You may have already gotten it, but it's so thorough, and can't be over-stated. Thank you again.

Aesthetics – Visitors come to Sonoma County for the aesthetics of the area which is generally bucolic, rolling hills, forest. Residents buy homes and live in neighborhoods that incorporate this same aesthetics. This project destroys the beauty of the region and replaces it with buildings, parking lots and structures, artificial light, traffic and congestion and crime, in a residential area. There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals who are from another region of California. Please study alternative sites for this business.

Local air pollution and public health - In addition to greenhouse gas pollution, please study the possibility of local air pollution and public health impacts from increased vehicle traffic on neighborhood roads and highways, as well as the impacts from idling vehicles (including construction, delivery, and passenger vehicles). The review should consider all phases of the proposed project, including the foreseeable increase in air pollution from commercial trucks and off-road construction equipment during the project's construction, from delivery trucks and other commercial vehicles during the project's daily operations, and from buses, shuttles, and other passenger vehicles.

The EPA has found that people who live, work or attend school near major roads appear to have an increased incidence and severity of health problems associated with air pollution exposures related to roadway traffic. It is likely that a project of this size will have a measurable impact on air pollution in nearby neighborhoods. Please assess the possibility that there will be a public health impact due to an increase in particulate matter, air toxics, and NOx, as well as any other foreseeable air pollutant.

Loss of Aesthetic Quality of Neighborhood Populations Adjacent to location - study how many residents will be impacted by traffic/ noise/ light pollution/ loss of scenic corridor/ inflow of tens of thousands of visitors daily into area with increase in crime and accidents/ increase in drunk and intoxicated driving accidents on local residents. Please study how many families live in these neighborhoods, how many students attend the local elementary and middle and high schools served by the residents in this area – in Windsor and NE Santa Rosa, Mark West, Fulton, Wikiup/Larkfield. This loss of aesthetic quality will result in decline in property values for the many homes and housing units impacted by the direct visibility of the large buildings, the flux of vehicles to/from the casino resort and the noise caused by the increase in vehicle traffic as well as entertainment, both inside and outside during evening hours and weekend hours when the residents in the adjacent neighborhoods desire peace and quiet after working all day or for those who work night-time shift, peace and quiet during the day.

Decline in Property Values - Please study the expected decline in property values during construction (for how many years?) and after completion as a consequence of the impact of noise, traffic, loss of aesthetic quality of life. RE: Aesthetic/ social/ public safety – wildfire evacuation, intoxicated driving/ crime, residential property value impacts, noise, residential life activities, proximity to major public parks, transit routes to the casino.

Location of Other Northern California Casinos - Please study the location of the other 47 casinos in Northern California and identify casino resorts that are 1) built in locations surrounded by long-established communities of residential neighborhoods, in areas specifically zoned for residential/ agricultural use only and not commercial use, where development is regulated for the benefit of all the residents of the County. 2) built in commercial-zoned areas consistent with the operations of a casino resort and entertainment center and hotel. 3) built in rural areas isolated from established residential communities. 4) built 15 miles from the closest casino, with 3 casinos in 30 mile distance along a major highway (15 minute driving between casinos). 5) built with single purpose/ direction transit route to the casino resort that separates casino resort traffic from local business and residential traffic. Please study the cumulative impact of these concerns now, during construction, and for the following 50 years. This is relevant because the size and dominance of a gambling casino resort at this location will dominate the landscape and residential life activities, overwhelm the resources of the public

...

Peter Walker
12620 DuPont Rd.
Sebastopol, CA 95472
1-415-386-7111
pwalker49@gmail.com

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

September 30, 2023

Subject: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Amy Dutschke, Regional Director,

The proposal for the Koi Nation's casino-resort in Sonoma County, particularly near Windsor, is a glaring mistake that threatens the harmony, ecology, and very character of our beloved region. We vehemently oppose this establishment for a myriad of reasons:

- **Environmental Sacrilege:** Sonoma's delicate ecosystems stand at the precipice of irreversible damage. Our indigenous species, which have thrived here for centuries, are now under threat. It's bewildering that an environmental study even suggests minimal impact when the stakes are so high.
- **Traffic Chaos:** Our roads, already grappling with congestion, will be paralyzed with further traffic. Transforming tranquil intersections into bustling, light-controlled arteries is not the progress we need.
- **Water Overconsumption:** In a region already grappling with drought, the proposed casino's astronomical daily water consumption would deplete our precious resources. We cannot prioritize fleeting entertainment over basic human needs and agricultural sustenance.
- **Crime Surge:** The establishment of large casino resorts invariably attracts unsavory elements. Are we ready to jeopardize our community's safety and deal with the inevitable spike in crime rates?
- **Property Value Debacle:** Residents have invested their lives in this region, and now face the prospect of plummeting property values. The disruptions from noise, traffic, and possible crime are a direct threat to our investments and peace of mind.
- **Cultural Erasure:** Sonoma's rich cultural tapestry is under siege. It's not only about the fact that the Koi Nation is not indigenous to Sonoma, but it's also about protecting the heritage and traditions that make our county unique.
- **Wildfire Nightmares:** Given our recent, traumatic experiences with wildfires, adding a sprawling resort to the mix complicates evacuation and puts countless lives at risk. The memory of the Tubbs Fire is still fresh, and we cannot afford any more potential triggers for catastrophe.

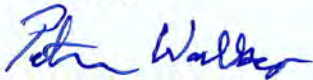
- **Noise Pollution:** Our serene landscapes stand to be shattered by the incessant cacophony emanating from the resort. Our wildlife, not to mention our peace-loving residents, deserve better.
- **Economic Polarization:** While the allure of revenue is dangled before us, we need to be wary of the deeper economic disparities such establishments introduce. Local businesses, the backbone of our economy, might be overshadowed or driven to extinction.
- **Overwhelming Local Rejection:** The resounding voices of opposition from both our residents and esteemed political entities cannot be ignored. We are not an isolated few; we represent the majority of Sonoma County's heart and soul, and our concerns are valid.

In essence, the Koi Nation's casino-resort proposal is not just about a singular establishment; it's about the future trajectory of Sonoma County. We cannot allow our region to be remodeled into something unrecognizable, sacrificing its essence for transient gains. The stakes are high, and our opposition is resolute.

I hereby authorize the public duplication, distribution, and reproduction of the above declaration.

Feel free to contact me if you have questions.

Sincerely,



Peter Walker

September 28, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825
RE: EA Comments, Koi Nation Shiloh Resort and Casino

2023 OCT -2 AM 11:29

Dear Ms. Dutschke:

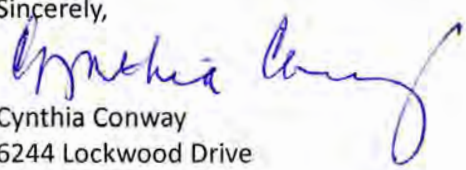
I have lived in the Town of Windsor for 18 years, approximately ½ mile from the proposed Koi Shiloh Resort project in Oak Creek housing development. I spent almost 4 hours last evening listening to every comment made during the Environmental Assessment Public Hearing and it was heartbreaking to hear the fear from members of our community regarding the proposed destruction of our way of life and our safety. I must add my voice in extreme opposition to this project. I echo all the objections made at the public hearing regarding this project but emphasize the following:

- **Wildfire Evacuation** – This cannot be emphasized enough. I have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first hand how dangerous and scary it is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would very likely cause gridlock and a real potential for loss of life robbing us of our peace of mind and causing constant fear for our safety in our own homes. The EA is faulty in the assumption that we will have adequate warning to evacuate the casino property prior to the Town of Windsor. Wildfires are completely unpredictable.
- **Traffic** –As mentioned, Shiloh and Old Redwood Highway are 2 lane roads and the Shiloh Road overcrossing is one of only 2 primary connectors to both sides of Windsor. A large apartment building is currently under construction at the corner of Shiloh and Old Redwood Highway and more developments are currently under consideration in that area. The stretch of Shiloh Road between Old Redwood Highway and the freeway onramps is already so congested that at times one must wait for several light changes before being able to cross the intersection at Hembree Lane. The addition of the traffic from this project is simply unmanageable.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired live, children go to school and play in the park, wildlife live, and we all enjoy the incredible natural beauty of this area.

I support the Koi Nation's ability to better itself economically and promote the welfare of their people but this location is absolutely not the right location for this project. I wholeheartedly request that you implement **Alternative D, no action**.

Sincerely,


Cynthia Conway
6244 Lockwood Drive
Windsor, CA 95492

9/25/23

TRADING NATIONAL OFFICE
JOURNAL OF FINANCIAL AFFAIRS

2023 OCT -2 AM 11:30

Regarding: **EA Comments, Koi Nation Shiloh Resort and Casino**

Dear Amy Dutschke,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,
Jeanne Harris Powell

Jeanne Harris Powell
208 Johnson Street
Windsor, CA 95492
jeannehpowell@yahoo.com
707-548-4444



Oct. 28, 2023

PACIFIC REGIONAL OFFICE
BUREAU OF INDIAN AFFAIRS
2023 OCT -2 AM 11:34
Amy Dutschke Regional Director
Bureau of Indian Affairs Pacific Regional Office,

I have been living in Sonoma Co. for over forty years. I have been a community activist for this entire time. I formed a women's networking group that includes almost all the women elected in the county. At last count there were 375 members. For over 5 years I was president of the Brady Campaign here in Sonoma.

For almost twenty years I have been president of the Advisory Board for the two high schools in Roseland. We have raised about \$280,000 for the last two years for scholarships. Ninety-six % of the seniors continue their education, and we have been able to provide funds for all of them to at least start.

I have been a supporter of Yaelon Rancheria tribe since before they put their land in trust. I was on their board and also formed an advisory board to

support their effort to build a casino. At this point the tribe is totally respect due to their extreme generosity. The majority of the people in Sonoma Co. do not support the Koi Nation's plan to build a casino outside of Windsor for the following reasons:

1. The Koi Nation's land is in Lake County.
2. All five Federally recognized tribes who are aboriginally from Sonoma Co. They all oppose the tribe's coming into their land.
3. The Graton Tribe would lose the right to oversee the protective sacred sites which are clearly in Southern Pomo territory.
4. Wildfire evacuation concerns increase the chances of both lives and property being destroyed.

I appreciate the opportunity to address this issue.

Sincerely yours,
Susan Moore

email: susanmalimoore@gmail.com

EA Comments, Koi Nation Shiloh Resort and Casino

Brad and Joan Chance
141 East Shiloh Road
Santa Rosa, CA 95403

SACRED FIRE NATIONAL OFFICE
BUREAU OF LAND MANAGEMENT
2023 OCT -2 PM 1:54

September 27, 2023

Dear Mr. Broussard,

For over 30 years, we have lived in this neighborhood, our children were raised here, attended the local schools here, discovered wildlife in Shiloh Regional Park, played baseball at Esposti Regional Park and had adventures exploring up and down the Pruitt Creek bed in the summer when it's not running. Unfortunately, if there is a casino, our grandchildren will not be able to enjoy those pleasures because of the noise, crowds and traffic. It will no longer be safe in our serene neighborhood.

We have two major concerns, fire and water. It would be hard for anyone to understand an evacuation unless you have been through one yourself. No matter how well prepared you are for an evacuation, gathering last minute belongings, rounding up pets & livestock and heading out the driveway is just the beginning. It took 1 1/2 hours to drive one mile to Highway 101 in 2019 fire when we received the evacuation request. The flames and smoke were visible at the top of Shiloh Ridge. Pruitt Creek became a wind tunnel while the fire raged our way chased by the wind. A planned, organized evacuation for a compound of what the casino proposes to build cannot be executed when the flames are on your heels. People are not always rational especially when they have been partying and drinking at all hours. The roads would be completely grid locked with little or no chance to escape.

Most of us in the immediate area are on wells and are conservative with our water. The casino will be using more water in one day than the locals will use in one year. When the water levels drop, the quality of our water drops as well. This is a problem with no solution. Our water is a precious commodity that we depend on. Also, the sewer reclamation site on the property will have an aroma and extra noise from the pumps no matter how much this is denied in the impact report. The excess runoff and treated water will be released into Pruitt Creek according to the impact report. Pruitt Creek ties into Mark West Creek. In the past, Mark West Creek has backed up and flooded neighborhoods. We were a victim of the flood and had to raise our house 2 feet to prevent flooding in the future. The other neighbors are still at risk for flooding.

There is mention of widening Shiloh Road. We didn't notice where the expansion was noted on the casino property maps. How the road would be widened was not acknowledged. At least four immediate neighbors front doors are approximately 35 feet from the road currently. Does

that mean that our property would be taken by eminent domain? This would uproot many people in the neighborhood that have lived in their homes here for many years.

It is completely perplexing why a casino would be planned in a residential neighborhood. We have not met any parents who would support a casino to be built near the 3 elementary schools close by. Our quiet community would be inundated by traffic, drunk driving, crime, public safety concerns, and continual noise & lights. **THIS IS NOT THE RIGHT PLACE TO BUILD A CASINO.**

The Town of Windsor supported the resolution to oppose the casino. The city of Santa Rosa supported the resolution to oppose the casino. The greater population of the neighbors oppose the casino. Representatives in Washington have spoken against the casino. Please consider this plea to build the casino in a commercial or industrial area that is appropriate, not here.

Sincerely, Brad & Joan Chance
141 East Shiloh Road

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.



Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

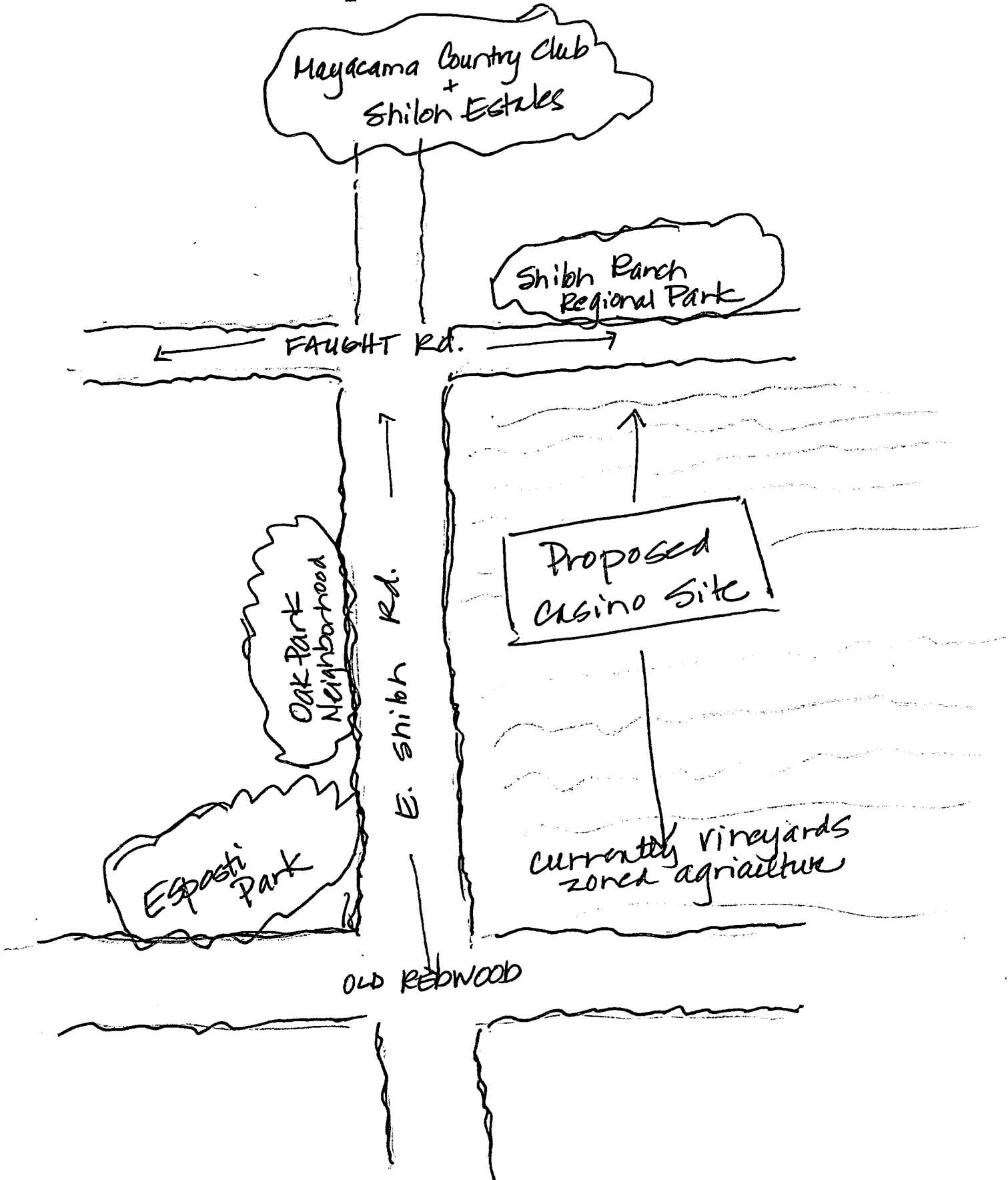
WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



October 2, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825
RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

I have lived in the Town of Windsor for 60 years, approximately ½ mile from the proposed Koi Shiloh Resort project in Oak Creek housing development. I spent almost 4 hours, on September 27, listening to every comment made during the Environmental Assessment Public Hearing and it was heartbreaking to hear the fear from members of our community regarding the proposed destruction of our way of life and our safety. I must add my voice in extreme opposition to this project. I echo all the objections made at the public hearing regarding this project but emphasize the following:

- **Wildfire Evacuation** – This cannot be emphasized enough. I have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first hand how dangerous and scary it is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, & event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would cause gridlock and a real potential for loss of life robbing us of our peace of mind and causing constant fear for our safety in our own homes.
- **Traffic** –As mentioned, Shiloh and Old Redwood Highway are 2 lane roads. A large apartment building is currently under construction at the corner of Shiloh and Old Redwood Highway and more developments are currently under consideration in that area. The stretch of Shiloh Road between Old Redwood Highway and the freeway onramps is already so congested that often one must wait for several light changes before being able to cross the intersection at Hembree Lane. The addition of the traffic from this project is simply unmanageable.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired people live, children go to school and play in the park, wildlife abounds, and we all enjoy the incredible natural beauty of this area.

I support the Koi Nation's ability to better itself economically and promote the welfare of their people but this location is absolutely not right for this project. I wholeheartedly request that you implement **Alternative D, no action.**

Sincerely,



Mary Catelani
6240 Lockwood Drive
Windsor, CA 95492

October 2, 2023

Amy Dutschke, Regional Director
 Bureau of Indian Affairs, Pacific Regional Office
 2800 Cottage Way, Room W-2820
 Sacramento, CA 95825
 RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

I have lived in the Town of Windsor for 38 years, approximately ½ mile from the proposed Koi Shiloh Resort project in Oak Creek housing development. I spent almost 4 hours, on September 27, listening to every comment made during the Environmental Assessment Public Hearing and it was heartbreaking to hear the fear from members of our community regarding the proposed destruction of our way of life and our safety. I must add my voice in extreme opposition to this project. I echo all the objections made at the public hearing regarding this project but emphasize the following:

- **Wildfire Evacuation** – This cannot be emphasized enough. I have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first hand how dangerous and scary it is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, & event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would cause gridlock and a real potential for loss of life robbing us of our peace of mind and causing constant fear for our safety in our own homes.
- **Traffic** –As mentioned, Shiloh and Old Redwood Highway are 2 lane roads. A large apartment building is currently under construction at the corner of Shiloh and Old Redwood Highway and more developments are currently under construction or consideration to the west along Shiloh Road. The stretch of Shiloh Road between Old Redwood Highway and the freeway onramps is already so congested that often one must wait for several light changes before being able to cross the intersection at Hembree Lane. The addition of the traffic from this project is simply unmanageable.

Additionally, the EA failed to acknowledge the traffic impact to Faught Road which begins at Old Redwood Highway south of Airport Blvd and ends at Pleasant Avenue just a mile north of the proposed Casino. Faught Road borders the east side of the proposed resort property and can access East Shiloh at the north east corner of the proposed project. Faught Road goes through a residential area at the southern end and directly past San Miguel Elementary School with more than 400 students. Once past the school area Faught Road becomes an undivided paved road handling two-way traffic following the base of the Mayacamas mountain range. It is natural to assume that much traffic would use this route to avoid the congestion on Old Redwood Highway when both coming and going from the proposed casino.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired people live, children go to school and play in the park, wildlife abounds, and we all enjoy the incredible natural beauty of this area.

I support the Koi Nation's ability to better itself economically and promote the welfare of their people but this location is absolutely not right for this project. I wholeheartedly request that you implement **Alternative D, no action.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis Catelani', with a long horizontal flourish extending to the right.

Dennis Catelani
6240 Lockwood Drive
Windsor, CA 95492

MARKY PULCHERON
8793 MARIANNA DR.
FORESTVILLE, CA 95436

S-1134

10/03/23

EA COMMENTS, KOI NATION SHILOH RESORT AND CASINO.

GREETINGS MS. AMY,

I AM WRITING TO YOU WITH A DESPERATE PLEA TO PLEASE HELP STOP THE PROPOSED MASSIVE CASINO DEVELOPMENT BY THE KOI NATION IN WINDSOR, CA.

THERE ARE A MYRIAD OF REASONS TO PUT A STOP TO THIS BUT MY TWO MAJOR CONCERNS ARE WATER RESOURCES AND TRAFFIC:

WATER IS SO VERY SCARCE IN CALIFORNIA AND ADDING THIS MASSIVE DEVELOPMENT WOULD ABSOLUTELY DEVASTATE THE LOW NUMBERS ASSOCIATED WITH AMOUNT OF POTABLE & NON POTABLE WATER AVAILABLE. NOT TO MENTION AMOUNT OF WASTEWATER THAT WOULD BE GENERATED.

AS FAR AS THE TRAFFIC GOES I JUST CAN'T IMAGINE A PLAN THAT WOULD EVER WORK WITH THE PROPOSED NUMBER OF GUESTS AND THE AREA THAT THEY WOULD HAVE TO "DEVELOP" IN ORDER TO DEAL W/ THE AMOUNT OF TRAFFIC. THROWN THE INEVITABLE FIRE INTO THE MIX AND I WILL GUARANTEE THE OUTCOME OF PEOPLE TRYING TO ESCAPE WOULD BE HORRIFIC. UNFORTUNATELY IN SO. CO. FIRE IS NOT IF, BUT WHEN.

PLEASE, PLEASE, PLEASE
HELP THE LAND & PEOPLE OF SO. CO. AND DO NOT LET THIS HAPPEN.

THANK YOU -

~~~~~

**From:** robert rowland <[rowlando@prodigy.net](mailto:rowlando@prodigy.net)>  
**Sent:** Thursday, September 28, 2023 4:21 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Broussard,

I respectfully urge you to reject and or reduce the plans for a casino or any gambling entity proposed for the property on Shiloh road in Windsor.

This property was never a "homeland " for the Koi "tribe " according to four other tribes in Sonoma County. The Koi homeland is in Lake County as

I understand the historical perspective. So I'm confused as to how this commercial project has reached this point. This project has been opposed by four fellow Indian Tribes and possibly more if research was conducted.

My family and I have lived within a mile of the proposed property for 34 years. The impact of such development will not only affect our safety in the event of fire evacuation but will affect our quality of life. Issues such as water and sewer resources , our rural dark skys threatened by unnatural lighting from such a huge project, not to mention the riparian issues of the creek running through the property.

I have a degree in anthropology from the University of Denver and have been employed in the past doing field work for the university of Denver and the U.S. Park Service in archaeology work. I only bring this up in reference to my appreciation of Native Americans. This is not the right place or the right time for this project. Please help protect the rural area .

Sincerely, Robert Rowland and Family

**From:** DennyB <[db6478@att.net](mailto:db6478@att.net)>  
**Sent:** Thursday, September 28, 2023 11:42 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region

Dear sir;

I listened to all 3 1/2 hours of calls to the Public Hearing for the Environmental Assessment for the Koi Nation. It became abundantly clear, the only people that called in and were for the project stood to gain financially. They were not the ones who would have to live with the consequences of having that horrible thing in a residential neighborhood.

Everyone is against it, all the neighbors, the Windsor City Counsel, the Sonoma County Board of Supervisors, Congressman Jared Huffman, and Senator Dianne Feinstein.

I can't see how you could possibly consider letting the Koi Nation develop here. In fact I think they should be forced to sell the property and keep it in agriculture.

Dennis Blasi  
Oak Creek Subdivision  
[jd3223@att.net](mailto:jd3223@att.net)



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**From:** Stefan and Kathy Parnay <[skparnay@sonic.net](mailto:skparnay@sonic.net)>  
**Sent:** Wednesday, September 27, 2023 9:05 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Tribe Casino on Shiloh Road - Community Comment

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Chad Broussard,

We would like to include an additional concern to our previous email regarding the Koi Tribe's Shiloh Road casino/hotel/events center project.

Having just learned about the extent of the partnership between the Koi Nation and the Chickasaw Nation, we are extremely concerned about the nature of this partnership and the ramifications it will have on our community.

Per the [Koi Nation website](#), the Koi Tribe publicly announced on January 2022 that they had partnered with the Chickasaw Nation to **develop, manage and operate** the Shiloh property. As you are aware, the Chickasaw Nation is a tribe of "more than 73,000 citizens" from Oklahoma with **no ancestral ties to Sonoma County**. What stands out is the vast incongruity between the scale of the proposed casino/hotel/events center project and the resources of the Koi Nation, a small tribe of 90 members, **who also do not have ancestral ties to Sonoma County**, and that the **Koi Nation WILL NOT actually be the ones running the casino/hotel/events center**.

**What percentage of this project and the stewardship of the land will ACTUALLY fall under the purview of the Koi Tribe? Who is actually benefiting from the Koi Nations' sovereignty (if it is approved)?**

It is clear to us that this is **NOT** a project about the repairing of wrong doings or safeguarding the accessorial rights and cultural heritage of the Koi Tribe, but an opportunist venture focused on Native American politics, power dynamics and profit at the expense of harming a small urban community of established families, like ours.

We urge the BIA to please take this under consideration when making your final decision. Not only is a project of this magnitude grossly incompatible with the character and environment of our neighborhood, but this partnership raises valid concerns about the intentions of both the Koi and Chickasaw Nations and their ability to meet the needs and protections of our peaceful and safe community.

Thank you taking the time to hear our additional concern and adding it to our original statement.

Respectfully,

Kathy and Stefan Parnay  
Oak Creek Subdivision  
190 Barrio Way  
Windsor, CA 95492

**From:** Carrie Marvin <[caretoride@yahoo.com](mailto:caretoride@yahoo.com)>  
**Sent:** Friday, September 29, 2023 2:25 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments KOI NATION SHILOAH RESORT/CASINO

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To: Bureau of Indian Affairs  
9/29/2023

On 9/27/23 there was a meeting held to discuss the Environmental Assessment report via zoom call. Although I have already written a letter, and I spoke on the zoom call, I wanted to write about a few things that were touched on/discussed but I hadn't addressed.

I was extremely pleased to know that the true Sonoma County tribes are NOT wanting the Koi tribe, who is a Lake county tribe, from 50 miles away, to open a casino here in Windsor. This would be a terrible precedent to set – to allow a non-native tribe to open up a casino in a community that is not theirs and that directly is in another tribes location. The Lytton Rancheria band of Pomo Natives has 124 acre site with 147 homes here in Windsor. This tribe has worked hard to communicate and work with our town. The Lytton tribe and the Sonoma County supervisors reached a deal where they are never going to build a casino in our town or anywhere else in the county. [www.pressdemocrat.com/article/news/sonoma-county-supervisors-amend-lytton-rancheria-deal-to-include-permanent](http://www.pressdemocrat.com/article/news/sonoma-county-supervisors-amend-lytton-rancheria-deal-to-include-permanent) so to have another tribe come in, where they are not even native to, and then want to build an enormous hotel, casino and parking for over 5,000 cars is untenable.

The EA was to me, a ridiculous and useless document. To say that there is no impact on SO many things that, without even any analysis – but just living here, you would know would have major impact, is absurd in the very least. There should be someone who can do this assessment who isn't being paid by the KOI who could give an honest assessment. Residents should be allowed more time to review this document but we should also be allowed our own environmental assessment if this one is so incomplete. To hear from so many people on the Zoom call who fled in the fires that it took them hours (I left quickly earlier than most) and to know that there would be thousands of additional cars evacuating is unimaginable. No one at the BIA has experienced a fire the way we have. It is unimaginable and terrifying. Many of us have lost homes. I personally was out of my home for several months due to smoke damage. No \$20/hr hired person is going to stand in a parking lot to help evacuate cars at the casino when smoke / ash / fear is looming overhead. When the ex-mayor of our town spoke on the zoom call and talked about how our town almost was completely wiped out, I had heard that exact story from my neighbor across the street. She was a policewoman here in town and she was with the firefighters the whole time. She had called me to tell me our neighborhood was likely going to be gone. We were only saved because of the wind

change but she said there were firefighters in every single driveway ['They did it perfectly': Inside the fight to save Windsor from the Kincade fire](#) My neighbor, the police officer, her partner and many others have moved from Windsor due to the fires. It is an actual reason why people move from our county. To put a casino in a neighborhood, in an area known for fires, is irresponsible at the very least and I would imagine there would be one hell of a lawsuit against the BIA if lives were lost in the future. Because you were warned for 4 hours straight on that Zoom call by people who live here and experienced what we did.



The infrastructure around here is rural. There are small roads all around the property and the amount of change that would need to occur is substantial. The EA report on this is not up to par.

Not one person on the Zoom call was in favor of this land grab/casino who wasn't directly involved financially. Every call that was clearly read from something from the Carpenters Union was just about their being able to have a job. That is not why the casino is being built. How many of the 90 KOI will be working at the facility?

This is disruptive to the neighborhood directly abutting the property. When the KOI mentioned that they would offer people double paned windows I laughed out loud. As though double paned windows will stop the noise that will come from building this monstrosity. They will never be able to open their windows (I bet many of the homes don't even have air conditioning) due to the dust and the noise. Will they be purchasing people AC units with HEPA filters? This is absolutely disruptive. And not truly addressed on the EA.

As I mentioned in my previous letter, I have a deep concern about the water situation. We have had a drought for many years and when it does rain, there is flooding, particularly on that property. Concerns about the creek need to be addressed.

Please listen to the local tribes. Please listen to people living in the neighborhood, from the schools to the pastor of the church, to the families this will affect. We do not want this casino/hotel/parking lot in this neighborhood. Please come yourself to see it. This is wrong on so many levels and we can only hope and pray you make the correct decision, to not allow this to occur in the town of Windsor.

Carrie Marvin  
237 La Quinta Drive  
Windsor CA 95492  
707-338-4377

**From:** Tisha Zolnowsky <[Tisha.Zolnowsky@kp.org](mailto:Tisha.Zolnowsky@kp.org)>  
**Sent:** Thursday, September 28, 2023 9:54 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I am writing to provide comments on the proposed **Koi Nation Shiloh Resort and Casino** Project. **I can't believe this is even an option. Really, why is putting a GIANT casino in a neighborhood even an option!** 50' from backyards where families, animals, and children play.

That vineyard saved the surrounding neighborhoods by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go? I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons. **Why do us citizens continue to get pushed around by organizations that put their profit before population safety.** Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.



So sad  
Tisha Zolnowsky

**From:** Katherine Schram <[schram@sonic.net](mailto:schram@sonic.net)>  
**Sent:** Saturday, October 7, 2023 8:17 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I oppose the Koi Nation's Sonoma County Casino Project for several reasons:

1. The Koi do not have "significant historical connection" to the site, a requirement for the development of tribal casinos. The Koi have long standing ties to Lake County, not Sonoma County. I completely support Tribal Nations right to economic self-sufficiency through casino operations, but only in their ancestral homelands.
2. The proposed project is in a residential area with elementary schools, parks, and churches in proximity. This project is inappropriate for this area. The traffic from such a large casino would create significant noise and reduce air quality.
3. The area has had to evacuate twice in the past 6 years due to major wildfire. I have serious concerns about the evacuation routes being able to cope with thousands of more cars on the road. I truly believe this project would put lives in danger.



Thank you for your consideration of my views.

Sincerely,

Katherine Schram

Sonoma County Resident (40 years)

**From:** Don And Barbara Wolf <[teamwoof@yahoo.com](mailto:teamwoof@yahoo.com)>  
**Sent:** Sunday, October 8, 2023 1:27 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Re proposed Koi Nation casino on East Shiloh Road

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Chad Broussard,

First let me say that I do not gamble and have never been inside a casino. To me it just seems like a way to get money from people that don't understand probability or simple math. That said, I think that the proposed location is a good one. It's only ½ mile from the Hwy101/Shiloh Road freeway interchange and less than that to a big box shopping center, so it's not like it would damage some idyllic rural setting. Yes it is currently a vineyard, but that is bordered on three sides by building developments, so the neighbors shouldn't reasonably think that vineyard would remain undeveloped forever.

The neighborhood group that is resisting the proposed casino contacted the cycling club that I've been a member of for 38 years to solicit support to oppose the casino on grounds that it would negatively impact the cycling community since Esposti Park on East Shiloh Road is a commonly used starting point for rides. Well, we normally ride roads that are much more heavily trafficked than East Shiloh Road will be if the casino is built, so to me that just seems like the NIMBY community grasping at straws to oppose the development.

My 2 cents.

Thank you for your consideration,

Don Wolf

445 Nikki Road

Santa Rosa, CA 95401

**From:** [tmcsmbg@aol.com](mailto:tmcsmbg@aol.com) <[tmcsmbg@aol.com](mailto:tmcsmbg@aol.com)>  
**Sent:** Monday, October 9, 2023 11:13 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Tracy Wallace <[twallaceprop@yahoo.com](mailto:twallaceprop@yahoo.com)>  
**Subject:** [EXTERNAL] Casino Proposal at North Santa Rosa/Windsor

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To whom this may concern,

My family and I have lived in Sonoma County for the last 57 years.

It is a beautiful place. We strongly object to people's home's being destroyed, privacy invaded, increased traffic to build yet, another casino in our county. We have roughly about 5 of them already within a 30 mile drive each way. Graton casino is huge. This proposal is also being considered by a tribe that is not even from here. We urge you to please reconsider this proposal and relocate to another place outside Sonoma County. If there is any protest, we will be part of it!

Thank you for reading my letter and again, please do not build this casino.

Respectfully,

Tim & Martha Meiburg

**From:** Lance Cottrell <[lance@lancecottrell.com](mailto:lance@lancecottrell.com)>  
**Sent:** Monday, October 9, 2023 4:06 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Lance M. Cottrell  
853 Shiloh Glen  
Santa Rosa, CA 95403  
[Lance@Lancecottrell.Com](mailto:Lance@Lancecottrell.Com)  
703-592-6772  
10/9/2023

Mr.Chad Broussard  
Environmental Protection Specialist  
BIA Pacific Region  
2800 Cottage Way  
Sacramento, California 95825  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Re: Environmental Assessment Report for the Proposed Koi Nation Casino near Windsor, California  
Dear Mr. Broussard,

I am writing to express my strong objections to the proposed Koi Nation Casino near Windsor, California, as outlined in the environmental assessment report. While I recognize the potential economic benefits such a project may bring to the tribe, I believe that the assessment understates critical concerns that could have dire consequences for the safety and livelihood of the local community.

Firstly, I emphasize my profound concern regarding the assessment's inadequate consideration of the heightened risk of wildfires in the surrounding area and the potentially disastrous impacts on evacuations. Over the past six years, I have personally experienced multiple evacuations, sometimes facing immediate danger from advancing flames. Shiloh Road, where the casino is planned to be constructed, serves as the sole viable evacuation route for most communities located east of the proposed location.

The inadequacy of evacuation planning and the high wildfire risk in the region should not be underestimated. Opening a casino in this area will significantly exacerbate the already perilous situation, putting countless lives at risk during an evacuation. The proposed mitigation is grossly insufficient to address the risk to the lives of nearby residents. It is essential that the environmental assessment takes into account the safety of residents and visitors alike, and any project that increases the risk of disaster-related casualties should be thoroughly reconsidered.

Secondly, I am deeply skeptical of the assessment's assertion that the casino would be a net positive for the local economy due to job creation. While job creation is an important consideration, the local economy in Windsor and its vicinity already faces a severe shortage of workers in the hospitality sector. The addition of this venue would only exacerbate this shortage, potentially harming other businesses in the area that rely on the same pool of workers.

Furthermore, there is a critical shortage of affordable housing in the region, which means that there are limited opportunities for new workers to relocate to the area. Without addressing these housing

challenges, the proposed casino is more likely to strain the existing labor market than contribute to its growth.

In conclusion, I urge the Bureau of Indian Affairs to reconsider the approval of the proposed Koi Nation Casino near Windsor, California. The potential for increased wildfire risks and the adverse economic impacts on the local community deserve serious consideration. It is crucial that the environmental assessment thoroughly addresses these concerns and explores alternative options that prioritize the safety and well-being of residents and the stability of the local economy.

Thank you for your attention to these critical matters. I trust that you will carefully evaluate the information presented here and make a decision that truly serves the best interests of the community and the environment.

Sincerely,  
Lance Cottrell, local resident

**From:** SusanV <[suzseed@yahoo.com](mailto:suzseed@yahoo.com)>  
**Sent:** Monday, October 9, 2023 8:27 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] opposing the Koi Nation Shiloh casino

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Please consider my opposition to the Koi Nation's proposed casino-resort project in the Shiloh neighborhood in Windsor, CA.

I had to evacuate at 2:15am Oct. 8th for the Tubbs fire. My home was the last one standing afterwards. I was stuck for an hour on Old Redwood hwy just outside the area the Koi nation want to build a casino. In no way can we afford more people with cars on the road for emergencies.

Also, this road is very backed up for hours in the morning & evening rush hour. Visitors who do not have to live with this nightmare will make this even worse.

And the lack of water we have. This will make our matters even worse.

All these reasons support my opposition.

If this does go through, hundreds of us are already gathering together to picket & block the entry ways for years so builders cannot build here.

NOT IN OUR BACKYARD!

***Susan Rineman***

**From:** Angela Somawang <[asomawang@mwusd.org](mailto:asomawang@mwusd.org)>  
**Sent:** Tuesday, October 10, 2023 9:27 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good morning Mr. Broussard,

I am writing to you today to express my concerns about the location of the casino and the impact to the environment. I am the school psychologist for the Mark West Union School District, a parent of a Riebli Elementary student, and a resident of a Larkfield neighborhood. I am very concerned about the proximity of the casino to our elementary schools, in particular San Miguel and Mark West. Our kids often walk to and from school or ride their bikes. Having a casino that close, especially a casino that serves alcohol, puts our kids at risk. After Rohnert Park opened their casino, their crime rates increased. Even after Sutter hospital was built, our crime rates increased in the Larkfield area. I can't imagine what a casino would do and I am deeply concerned for our schools, safety, and the mental health impacts for our parents and children.

When doing an environmental study, I hope that the environmental risk for our residents, children, and school safety are also taken into consideration because our children are the most important part of this environment. This casino is too close to schools and should not be built in that location.

Thank you,

--

Ella Somawang, M.Ed  
District Psychologist  
Mark West Union School District  
(707) 524-2980 x3104  
[asomawang@mwusd.org](mailto:asomawang@mwusd.org)



**From:** Beth Wolk <[blwolk@gmail.com](mailto:blwolk@gmail.com)>  
**Sent:** Tuesday, October 10, 2023 8:31 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Casino, Shiloh Road, Windsor, CA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing this email to express my opposition to the building of a casino on Shiloh Road in Windsor, CA. I am a retired school administrator and a twelve year resident of Windsor. I am concerned about this project for many reasons, the first being that it will be located in a residential neighborhood, across from a church, a mile from one elementary school as well as 1.5 miles from another. I believe it is dangerous to have a casino that serves alcohol all hours of the day and night so close to a school. There is a distinct possibility that accidents will happen as children are crossing the street as they travel to and from school. Additionally, there is a tremendous amount of traffic that is generated when students are traveling to and from school which will be made worse with the traffic from a casino. The building of a project as large as this one will also generate a great deal of heavy equipment and the blocking of roads making it difficult to get into the schools and dangerous in an emergency situation or a fire. I strongly urge the BIA to listen to me and the citizens of Windsor who oppose this project.

Sincerely,

Beth Wolk

Retired School Administrator

*Thanks,*

*Beth*

Beth Wolk  
415-717-9734

**From:** Santinka Taylor <[santinka.taylor@gmail.com](mailto:santinka.taylor@gmail.com)>  
**Sent:** Wednesday, October 11, 2023 10:18 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Department of the Interior  
Attn: Chad Broussard, Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

**From:** Barbara Cottrell <[barb@horormistress.com](mailto:barb@horormistress.com)>  
**Sent:** Wednesday, October 11, 2023 10:44 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Casino near Windsor, California

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Barbara Cottrell  
853 Shiloh Glen  
Santa Rosa, CA 95403  
[barb@horormistress.com](mailto:barb@horormistress.com)  
10/11/2023

Mr. Chad Broussard  
Environmental Protection Specialist  
BIA Pacific Region  
2800 Cottage Way  
Sacramento, California 95825  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Re: Environmental Assessment Report for the Proposed Koi Nation Casino near Windsor, California

Dear Mr. Broussard,

I am writing to express my strong objections to the proposed Koi Nation Casino near Windsor, California, as outlined in the environmental assessment report.

While I recognize the potential economic benefits such a project may bring to the tribe, I believe that the assessment understates critical concerns that could have dire consequences for the safety and livelihood of the local community.

First, I want to emphasize my concern regarding the assessment's inadequate consideration of the heightened risk of wildfires in the surrounding area and the potentially disastrous impacts on evacuations. I have personally experienced multiple evacuations over the past six years, sometimes facing immediate danger from advancing flames. Shiloh Road, where the casino is planned to be constructed, serves as the only evacuation route for most communities located east of the proposed location. Opening a casino in this area will significantly exacerbate the already perilous situation, putting countless lives at risk during an evacuation. It is essential that the environmental assessment takes into account the safety of residents and visitors alike. Any project that increases the risk of disaster-related casualties should be thoroughly reconsidered.

I am also skeptical of the assessment's assertion that the casino would be a net positive for the local economy due to job creation. While job creation is an important consideration, the local economy in Windsor and its vicinity already faces a severe shortage of workers in the hospitality sector. The addition of this venue would only exacerbate this shortage, potentially harming other businesses in the area that rely on the same pool of workers.

I urge the Bureau of Indian Affairs to reconsider the approval of the proposed Koi Nation Casino near Windsor, California. The potential for increased wildfire risks and the adverse economic impacts on the local community deserve serious consideration. It is crucial that the environmental assessment thoroughly addresses these concerns and explores alternative options that prioritize the safety and well-being of residents and the stability of the local economy.

Thank you for your attention to these critical matters and for allowing me a chance to voice my concerns.

Sincerely,

Barbara Cottrell, Local Resident

**From:** Chris Lamela <[chris@chrislamela.com](mailto:chris@chrislamela.com)>  
**Sent:** Tuesday, October 10, 2023 11:59 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Objection to the proposed Koi casino in Sonoma County

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,  
Please find attached our outlined objections to the proposed Koi casino in Sonoma County. It is our sincere hope that you will read this report in detail and act upon it accordingly. Please confirm receipt. Thank you.

Regards,

- Chris Lamela  
[chris@chrislamela.com](mailto:chris@chrislamela.com)  
707-566-8790 PST

One attachment • Scanned by Gmail

Chris Lamela and  
Anushka Coverdale  
200 Lea Street  
Windsor, CA 95492

October 10, 2023

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific region  
chad.broussard@bia.gov

**Subject: Objections to Environmental Assessment report for proposed KOI casino**

This communication is to express our opposition to the Environmental Assessment report submitted on behalf of the Koi Nation so they can construct a massive casino on Sonoma County land, adjacent to the Town of Windsor, California. The objective of this complaint is to have the Bureau of Indian Affairs deny the validity of the Environmental Assessment and to ultimately disallow that development.

**Our backgrounds**

I am Chris Lamela. I hold multiple university degrees including a Masters Degree. Anushka Coverdale holds two university degrees, one from Europe and one from the United States. We both own businesses and are well known in our community. We trust these credentials will lend credibility to our objections we have laid out in this document. We happen to live in the development directly across the street from the proposed casino.

**Objections to the Environmental Assessment**

The Environment Assessment is extremely flawed in a number of areas which are described below. Much of this was covered verbally during the public hearing of September 27 and there were numerous other objections expressed then.

During that call the only people who were in favor of that development were from the carpenters union; many were obviously reading from scripts clearly provided by others with financial interests in this project. This demonstrates that any support for this casino is extremely limited and only one-sided.

We know there are many, many objections to this EA. Here we will lay out six specific objections.

## 1. Fire

If you have never had a wildfire barreling down the mountainside heading toward your home you have no idea of the **terror and helplessness** that overwhelms you.

In 1997 the Tubbs fire, which originated in Napa county, 15 miles away and over a mountain range away destroyed 5,643 buildings including entire very large neighborhoods less than three miles south from this site. The only thing that saved us from that fire was the miraculous shift in winds that blew the fire away from us. If not, our homes would have also been destroyed. That fire killed 22 people. As the EA states, this fire was the fourth deadliest wildfire in California history. We experienced horror as the Tubbs fire came within a few hundred yards of our home, a wall of fire so close we could feel the heat on our faces.

In 1999 the Kincade fire destroyed 374 structures and thankfully there were no fatalities. That fire originated nearly 10 miles north of the site and came within hundreds of yards of the development. That fire clearly threatened this site.

The map shown in figure 3.12-2 shows a zone 4 (high risk) region less than a few hundred yards from the development.

***It is worth noting that the occurrence of another devastating wildfire is not if, but when.***

The EA says that in the event of a fire that approximately 2,450 vehicles would have to be evacuated taking 2.5 hours to do so.

Understand that during the wildfires of 2017 and 2019 a sheriff's deputy knocked on our door and told us we had **5 minutes to leave!** We live only one mile from Highway 101, yet during the fires of 2017 and 2019 it took us nearly one hour to reach the freeway with only the population we have now.

The EA described how twelve attendants will evacuate 4,310 vehicles which is assumed will be a smooth operation with no panic by people driving those vehicles looking in their rear-view mirrors at flames racing down the mountain to kill them. That the attendants will not be panicked and will not flee themselves is ludicrous. **In addition to us trying to flee, those 4,310 vehicles will have no place to go creating an enormous traffic jam.** Remember that it took nearly an hour to reach Highway 101 during the Tubbs and Kincade fires with only the traffic we had then. Evacuation in such a situation will be impossible. **Many people will die. The question is**



**can you live with knowing that the BIA decision makers could have prevented such a tragedy?**

As stated in the EA, Highway 101 can handle 2,000 vehicles per hour. These numbers show that even with this optimistic assessment the numbers do not match. There is no room for such new traffic. None.

Make no mistake. In the event of another catastrophic fire (not if, but when) **many people will die. Are you sure you can live with that?**

This EA is extremely flawed in its assessment of fire safety. Its ludicrous plan for evacuation is downright fraudulent.

## **2. Crime**

The EA denies that there will be significant increases in crime due to the casino.

**This defies logic.**

The Graton casino is located only a few miles from this site. As reported by the Rohnert Park Police Department crime jumped from about 100 in 2013, the year the casino was completed, to 755 in 2014, the first full year of operation. By 2015 and 2016 it rose to 21% year-over-year to 925 in 2017 and has likely continued to climb since then. Rohnert Park's violent crime rate is 6.57 per 1,000 people vs. 4.4 for California overall. This means that many more people experienced violent crime in Rohnert Park than the average Californian likely caused by the casino.

The types of crimes associated with casinos are auto break-ins, burglaries, robbery, drug sales and prostitution.

To say there will be no rise in crime at the casino sight is pure nonsense. While much of the crime will be centered on the casino property the local neighborhoods see rises in auto break-ins and burglaries caused by a casino.

The Environment Assessment is extremely flawed in its trite handling of crime which is an extremely serious matter nearly swept under the rug in this EA.

## **3. Water**

According to the EA report, the project is planning on pumping 170,000 gallons per day from wells on the property. This EA seems to think that the underground aquifers are without limits. However, there are dozens of wells used by residents near the site. There is little doubt those 170,000 gallons per day will lower the water table enough so that the local residents' wells will most likely run dry. These residents have had many years where they had to

conserve because of the drought years. These residents probably don't use 170,000 gallons in a month because they are afraid of running out of water.

Understand that this region goes through cycles of drought and rain, with the last drought lasting four years. This affects the water table and the draw of 170,000 gallons will have devastating effect on local residents reliant on well water.

The EA states this so matter of fact. It is clear that they want us to overlook this enormous impact.

Once again, we are witness to the poor quality of this Environment Assessment that overlooks such a concerning matter.

#### **4. Traffic**

The casino property is located only one mile from Highway 101, a modestly traveled freeway. According to Caltrans data, 2,800 cars a day pass Shiloh Road on Highway 101 in both directions on peak traffic days, less than 200 vehicles per hour on average. Assuming a turnover of six times a day at the casino (four-hour stays by casino guests) this proposal could add as many as 14,700 vehicles a day, more than five times the traffic on Highway 101 now.

While there is no available measure of traffic for Shiloh Road, a narrow two-lane road, from Highway 101 to the site, that traffic flow is probably measured in the low hundreds per day. So again using the 14,700 number **this road could experience hundreds of times more traffic.**

Going back to the topic of wildfires described earlier, that will make evacuation **impossible** and again **many people will die.**

This Environmental Assessment's description of traffic as trivial is extremely flawed and once again tries to belittle a very important issue that **may be a matter of life or death.**

#### **5. Claim to tribal homeland**

The 89 members of the Koi nation claim to be indigenous to Sonoma County.

**That claim is false.**

In 1916, the federal government acquired a rancheria for the Koi Nation in Lake County. In fact, the Koi Nation was previously known as Lower Lake Rancheria, a reflection of its geographic and cultural ties to the area. They changed its name in 2012, amid prior attempts to acquire a gaming site

in the Bay Area. They were clearly originally established in Lake County which is their homeland to this day.

It is well known that they have been “Casino shopping” with their first attempt at reservation shopping in the early 2000’s when they tried to acquire a casino site near Oakland Airport. They again tried more recently when they attempted to build a casino on Mare Island near Vallejo in 2015. In both cases local leaders were able to overcome their desire. Obviously Sonoma County was not their homeland then. **Was Oakland their homeland? Was Mare Island their homeland? Is now Sonoma County their homeland? NO!**

As for their claim to be indigenous to Sonoma County, Dr. Greg Sarris, chairman of the Federated Indians of Graton Rancheria, says that the Koi Nation has “never been associated with Sonoma County linguistically or culturally,” and he says this with some authority as a professor at Sonoma State University who has worked closely with renowned ethnohistorians and linguists. “This effort ignores federal law requiring restored tribes to demonstrate a significant historical connection to the lands on which they propose to game.”

The city of Clearlake is currently trying to build a recreation center to which the Koi object. According to Koi tribal leaders, Clearlake is required by law under the California Environmental Quality Act (CEQA) to consult with the Koi Nation about the potential effects of the project on important cultural sites of the tribe, whose ancestors have lived in the region for over 17,000 years. This is a quote from tribal leadership stating clearly that Clear Lake is their ancestral home.

The Koi Nation is suing the city claiming they have violated their homeland. Koi Nation Chairman Darin Beltran stated in a direct quote, “The City of Clearlake and the City’s leaders must respect the law, our cultural heritage and our tribal sovereignty.” The term “tribal sovereignty” clearly means “This is our homeland.” If it were not their homeland he would not have stated it was their homeland and they would not be objecting to what the city is planning. Clearly he was once more confirming that Clear Lake is their homeland to this day. Let’s be absolutely clear about this subject:

**Clear Lake is their ancestral homeland, not Sonoma County.**

**Sorry, only one homeland to a customer.**

This flawed Environmental Assessment did not take any of this into account when it stated that the Koi are native to Sonoma County which they clearly are not. The EA should have stated that their homeland is not Sonoma County if it was truthful. This clearly is a gigantic misstatement in the EA deliberately put into that document desperately trying to mislead us.

## 6. Impacts on Quality of life

While the EA does not describe quality of life for the surrounding area, we are the residents of the surrounding area and **we are therefore part of the environment** and should have been considered in this flawed document.

### Geographical background

We live in a quiet neighborhood exactly north of the proposed development separated only by narrow two-lane Shiloh Road. Our homes are literally a “stone’s throw” from the development. Our home, located on the corner of Lea Street and Gridley Drive is only 246 yards (less than three football fields) to the proposed main casino building. It is worth noting that the proposed plans extend Gridley Drive straight into the development. **We cannot be subjected to such a plan that will prevent us from easily getting into or out of our neighborhood, especially in the case of fire.**

For the reasons stated here, the quality of life for the neighboring areas will be hugely impacted. These are only a few of the impacts.

1. **Right to quiet enjoyment.** As Americans our right to a quiet and peaceful life is enshrined in our value system and the law. We are homeowners who have worked our whole lives to achieve what we have and many of us have lived in our homes for decades. We are entitled to quiet enjoyment. The constant noise, traffic, lights and commotion would be ongoing 24/7. There is no question that this development **will destroy our lives** by denying us quiet enjoyment and force us to either move from our homes or to put up with the anxiety and worry this will bring on.
2. **Right to safety.** We have the inherent and legal right to feel safe and to be safe. As mentioned in this response, our right to safety will be in great peril. Evacuating from wildfires, crime and other outcomes of this development will hugely impact our right to live in safety.
3. **Value of our homes.** As stated earlier, we have worked our whole lives to be able to purchase our homes. According to a study by the National Association of Realtors, Indian casinos create a negative impact on home values of 4.6% on average. Again, we have worked very hard to purchase our homes, many of us are retired and will be devastated by this impact.



Clearly this devastating omission of impacts on Quality of Life were dismissed in this flawed document. The reason for that omission is simple: it doesn't tell a pretty story. But it is a story that will be devastating to those who will be impacted. Once again, another strong statement of omission or misinformation from this flawed Environmental Assessment.

## **CONCLUSION**

Beyond the Environmental Assessment, it is impossible to comprehend how a tribe of only 89 people **not native** to Sonoma County could be permitted to destroy the lives of thousands of honest citizens. **You should not permit this!** Our objections have nothing to do with the perpetrators of this disaster and are purely about the concerns stated here.

Regarding the Environment Assessment, the information shown here clearly demonstrates that the Environment Assessment is **extremely flawed** and should not be accepted by the Bureau of Indian Affairs. The EA document was clearly written to favor this development which defies the logic of an objective review. **This Environmental Assessment is not objective.**

We further ask that this entire project be rejected by the Bureau of Indian Affairs and that this development will not be allowed to proceed.

**You need to understand that such a monstrosity being built in the middle of residential neighborhoods will destroy the lives of thousands of residents for miles around.**

We submit this objection with the sincerest expectations of this being taken seriously and that the right action will be taken accordingly by the Bureau of Indian Affairs.

Respectfully,

A handwritten signature in black ink, appearing to read 'CL' or 'Chris', written over a horizontal line.

Chris Lamela

Chris Lamela and  
Anushka Coverdale  
200 Lea Street  
Windsor, CA 95492

October 10, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific regional office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**Subject: Objections to Environmental Assessment report for proposed KOI casino**

This communication is to express our opposition to the Environmental Assessment report submitted on behalf of the Koi Nation so they can construct a massive casino on Sonoma County land, adjacent to the Town of Windsor, California. The objective of this complaint is to have the Bureau of Indian Affairs deny the validity of the Environmental Assessment and to ultimately disallow that development.

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I am Chris Lamela. I hold multiple university degrees including a Masters Degree. Anushka Coverdale holds two university degrees, one from Europe and one from the United States. We both own businesses and are well known in our community. We trust these credentials will lend credibility to our objections we have laid out in this document. We happen to live in the development directly across the street from the proposed casino.

**Objections to the Environmental Assessment**

The Environment Assessment is extremely flawed in a number of areas which are described below. Much of this was covered verbally during the public hearing of September 27 and there were numerous other objections expressed then.

During that call the only people who were in favor of that development were from the carpenters union; many were obviously reading from scripts clearly provided by others with financial interests in this project. This demonstrates that any support for this casino is extremely limited and only one-sided.

We know there are many, many objections to this EA. Here we will lay out six specific objections.

## 1. Fire

If you have never had a wildfire barreling down the mountainside heading toward your home you have no idea of the **terror and helplessness** that overwhelms you.

In 1997 the Tubbs fire, which originated in Napa county, 15 miles away and over a mountain range away destroyed 5,643 buildings including entire very large neighborhoods less than three miles south from this site. The only thing that saved us from that fire was the miraculous shift in winds that blew the fire away from us. If not, our homes would have also been destroyed. That fire killed 22 people. As the EA states, this fire was the fourth deadliest wildfire in California history. We experienced horror as the Tubbs fire came within a few hundred yards of our home, a wall of fire so close we could feel the heat on our faces.

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The map shown in figure 3.12-2 shows a zone 4 (high risk) region less than a few hundred yards from the development.

***It is worth noting that the occurrence of another devastating wildfire is not if, but when.***

The EA says that in the event of a fire that approximately 2,450 vehicles would have to be evacuated taking 2.5 hours to do so.

Understand that during the wildfires of 2017 and 2019 a sheriff's deputy knocked on our door and told us we had **5 minutes to leave!** We live only one mile from Highway 101, yet during the fires of 2017 and 2019 it took us nearly one hour to reach the freeway with only the population we have now.

The EA described how twelve attendants will evacuate 4,310 vehicles which is assumed will be a smooth operation with no panic by people driving those vehicles looking in their rear-view mirrors at flames racing down the mountain to kill them. That the attendants will not be panicked and will not flee themselves is ludicrous. **In addition to us trying to flee, those 4,310 vehicles will have no place to go creating an enormous traffic jam.** Remember that it took nearly an hour to reach Highway 101 during the Tubbs and Kincade fires with only the traffic we had then. Evacuation in such a situation will be impossible. **Many people will die. The question is**



**can you live with knowing that the BIA decision makers could have prevented such a tragedy?**

As stated in the EA, Highway 101 can handle 2,000 vehicles per hour. These numbers show that even with this optimistic assessment the numbers do not match. There is no room for such new traffic. None.

Make no mistake. In the event of another catastrophic fire (not if, but when) **many people will die. Are you sure you can live with that?**

This EA is extremely flawed in its assessment of fire safety. Its ludicrous plan for evacuation is downright fraudulent.

## **2. Crime**

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**This defies logic.**

The Graton casino is located only a few miles from this site. As reported by the Rohnert Park Police Department crime jumped from about 100 in 2013, the year the casino was completed, to 755 in 2014, the first full year of operation. By 2015 and 2016 it rose to 21% year-over-year to 925 in 2017 and has likely continued to climb since then. Rohnert Park's violent crime rate is 6.57 per 1,000 people vs. 4.4 for California overall. This means that many more people experienced violent crime in Rohnert Park than the average Californian likely caused by the casino.

The types of crimes associated with casinos are auto break-ins, burglaries, robbery, drug sales and prostitution.

To say there will be no rise in crime at the casino sight is pure nonsense. While much of the crime will be centered on the casino property the local neighborhoods see rises in auto break-ins and burglaries caused by a casino.

The Environment Assessment is extremely flawed in its trite handling of crime which is an extremely serious matter nearly swept under the rug in this EA.

## **3. Water**

According to the EA report, the project is planning on pumping 170,000 gallons per day from wells on the property. This EA seems to think that the underground aquifers are without limits. However, there are dozens of wells used by residents near the site. There is little doubt those 170,000 gallons per day will lower the water table enough so that the local residents' wells will most likely run dry. These residents have had many years where they had to

conserve because of the drought years. These residents probably don't use 170,000 gallons in a month because they are afraid of running out of water.

Understand that this region goes through cycles of drought and rain, with the last drought lasting four years. This affects the water table and the draw of 170,000 gallons will have devastating effect on local residents reliant on well water.

The EA states this so matter of fact. It is clear that they want us to overlook this enormous impact.

Once again, we are witness to the poor quality of this Environment Assessment that overlooks such a concerning matter.

#### **4. Traffic**

The casino property is located only one mile from Highway 101, a modestly traveled freeway. According to Caltrans data, 2,800 cars a day pass Shiloh Road on Highway 101 in both directions on peak traffic days, less than 200 vehicles per hour on average. Assuming a turnover of six times a day at the casino (four-hour stays by casino guests) this proposal could add as many as 14,700 vehicles a day, more than five times the traffic on Highway 101 now.

While there is no available measure of traffic for Shiloh Road, a narrow two-lane road, from Highway 101 to the site, that traffic flow is probably measured in the low hundreds per day. So again using the 14,700 number **this road could experience hundreds of times more traffic.**

Going back to the topic of wildfires described earlier, that will make evacuation **impossible** and again **many people will die.**

This Environmental Assessment's description of traffic as trivial is extremely flawed and once again tries to belittle a very important issue that **may be a matter of life or death.**

#### **5. Claim to tribal homeland**

The 89 members of the Koi nation claim to be indigenous to Sonoma County.

**That claim is false.**

In 1916, the federal government acquired a rancheria for the Koi Nation in Lake County. In fact, the Koi Nation was previously known as Lower Lake Rancheria, a reflection of its geographic and cultural ties to the area. They changed its name in 2012, amid prior attempts to acquire a gaming site

in the Bay Area. They were clearly originally established in Lake County which is their homeland to this day.

It is well known that they have been “Casino shopping” with their first attempt at reservation shopping in the early 2000’s when they tried to acquire a casino site near Oakland Airport. They again tried more recently when they attempted to build a casino on Mare Island near Vallejo in 2015. In both cases local leaders were able to overcome their desire. Obviously Sonoma County was not their homeland then. **Was Oakland their homeland? Was Mare Island their homeland? Is now Sonoma County their homeland? NO!**

As for their claim to be indigenous to Sonoma County, Dr. Greg Sarris, chairman of the Federated Indians of Graton Rancheria, says that the Koi Nation has “never been associated with Sonoma County linguistically or culturally,” and he says this with some authority as a professor at Sonoma State University who has worked closely with renowned ethnohistorians and linguists. “This effort ignores federal law requiring restored tribes to demonstrate a significant historical connection to the lands on which they propose to game.”

The city of Clearlake is currently trying to build a recreation center to which the Koi object. According to Koi tribal leaders, Clearlake is required by law under the California Environmental Quality Act (CEQA) to consult with the Koi Nation about the potential effects of the project on important cultural sites of the tribe, whose ancestors have lived in the region for over 17,000 years. This is a quote from tribal leadership stating clearly that Clear Lake is their ancestral home.

The Koi Nation is suing the city claiming they have violated their homeland. Koi Nation Chairman Darin Beltran stated in a direct quote, “The City of Clearlake and the City’s leaders must respect the law, our cultural heritage and our tribal sovereignty.” The term “tribal sovereignty” clearly means “This is our homeland.” If it were not their homeland he would not have stated it was their homeland and they would not be objecting to what the city is planning. Clearly he was once more confirming that Clear Lake is their homeland to this day. Let’s be absolutely clear about this subject: **Clear Lake is their ancestral homeland, not Sonoma County.**

**Sorry, only one homeland to a customer.**

This flawed Environmental Assessment did not take any of this into account when it stated that the Koi are native to Sonoma County which they clearly are not. The EA should have stated that their homeland is not Sonoma County if it was truthful. This clearly is a gigantic misstatement in the EA deliberately put into that document desperately trying to mislead us.

## 6. Impacts on Quality of life

While the EA does not describe quality of life for the surrounding area, we are the residents of the surrounding area and **we are therefore part of the environment** and should have been considered in this flawed document.

### Geographical background

We live in a quiet neighborhood exactly north of the proposed development separated only by narrow two-lane Shiloh Road. Our homes are literally a “stone’s throw” from the development. Our home, located on the corner of Lea Street and Gridley Drive is only 246 yards (less than three football fields) to the proposed main casino building. It is worth noting that the proposed plans extend Gridley Drive straight into the development. **We cannot be subjected to such a plan that will prevent us from easily getting into or out of our neighborhood, especially in the case of fire.**

For the reasons stated here, the quality of life for the neighboring areas will be hugely impacted. These are only a few of the impacts.

1. **Right to quiet enjoyment.** As Americans our right to a quiet and peaceful life is enshrined in our value system and the law. We are homeowners who have worked our whole lives to achieve what we have and many of us have lived in our homes for decades. We are entitled to quiet enjoyment. The constant noise, traffic, lights and commotion would be ongoing 24/7. There is no question that this development **will destroy our lives** by denying us quiet enjoyment and force us to either move from our homes or to put up with the anxiety and worry this will bring on.
2. **Right to safety.** We have the inherent and legal right to feel safe and to be safe. As mentioned in this response, our right to safety will be in great peril. Evacuating from wildfires, crime and other outcomes of this development will hugely impact our right to live in safety.
3. **Value of our homes.** As stated earlier, we have worked our whole lives to be able to purchase our homes. According to a study by the National Association of Realtors, Indian casinos create a negative impact on home values of 4.6% on average. Again, we have worked very hard to purchase our homes, many of us are retired and will be devastated by this impact.

Clearly this devastating omission of impacts on Quality of Life were dismissed in this flawed document. The reason for that omission is simple: it doesn't tell a pretty story. But it is a story that will be devastating to those who will be impacted. Once again, another strong statement of omission or misinformation from this flawed Environmental Assessment.

## CONCLUSION

Beyond the Environmental Assessment, it is impossible to comprehend how a tribe of only 89 people **not native** to Sonoma County could be permitted to destroy the lives of thousands of honest citizens. **You should not permit this!** Our objections have nothing to do with the perpetrators of this disaster and are purely about the concerns stated here.

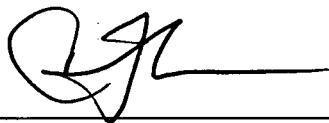
Regarding the Environment Assessment, the information shown here clearly demonstrates that the Environment Assessment is **extremely flawed** and should not be accepted by the Bureau of Indian Affairs. The EA document was clearly written to favor this development which defies the logic of an objective review. **This Environmental Assessment is not objective.**

We further ask that this entire project be rejected by the Bureau of Indian Affairs and that this development will not be allowed to proceed.

**You need to understand that such a monstrosity being built in the middle of residential neighborhoods will destroy the lives of thousands of residents for miles around.**

We submit this objection with the sincerest expectations of this being taken seriously and that the right action will be taken accordingly by the Bureau of Indian Affairs.

Respectfully,

A handwritten signature in black ink, appearing to be 'CL' followed by a horizontal line.

---

Chris Lamela

Chris Lamela and  
Anushka Coverdale  
200 Lea Street  
Windsor, CA 95492

October 10, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific regional office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**Subject: Objections to Environmental Assessment report for proposed KOI casino**

This communication is to express our opposition to the Environmental Assessment report submitted on behalf of the Koi Nation so they can construct a massive casino on Sonoma County land, adjacent to the Town of Windsor, California. The objective of this complaint is to have the Bureau of Indian Affairs deny the validity of the Environmental Assessment and to ultimately disallow that development.

**Our backgrounds**

I am Chris Lamela. I hold multiple university degrees including a Masters Degree. Anushka Coverdale holds two university degrees, one from Europe and one from the United States. We both own businesses and are well known in our community. We trust these credentials will lend credibility to our objections we have laid out in this document. We happen to live in the development directly across the street from the proposed casino.

**Objections to the Environmental Assessment**

The Environment Assessment is extremely flawed in a number of areas which are described below. Much of this was covered verbally during the public hearing of September 27 and there were numerous other objections expressed then.

During that call the only people who were in favor of that development were from the carpenters union; many were obviously reading from scripts clearly provided by others with financial interests in this project. This demonstrates that any support for this casino is extremely limited and only one-sided.

We know there are many, many objections to this EA. Here we will lay out six specific objections.

## 1. Fire

If you have never had a wildfire barreling down the mountainside heading toward your home you have no idea of the **terror and helplessness** that overwhelms you.

In 1997 the Tubbs fire, which originated in Napa county, 15 miles away and over a mountain range away destroyed 5,643 buildings including entire very large neighborhoods less than three miles south from this site. The only thing that saved us from that fire was the miraculous shift in winds that blew the fire away from us. If not, our homes would have also been destroyed. That fire killed 22 people. As the EA states, this fire was the fourth deadliest wildfire in California history. We experienced horror as the Tubbs fire came within a few hundred yards of our home, a wall of fire so close we could feel the heat on our faces.

In 1999 the Kincade fire destroyed 374 structures and thankfully there were no fatalities. That fire originated nearly 10 miles north of the site and came within hundreds of yards of the development. That fire clearly threatened this site.

The map shown in figure 3.12-2 shows a zone 4 (high risk) region less than a few hundred yards from the development.

***It is worth noting that the occurrence of another devastating wildfire is not if, but when.***

The EA says that in the event of a fire that approximately 2,450 vehicles would have to be evacuated taking 2.5 hours to do so.

Understand that during the wildfires of 2017 and 2019 a sheriff's deputy knocked on our door and told us we had **5 minutes to leave!** We live only one mile from Highway 101, yet during the fires of 2017 and 2019 it took us nearly one hour to reach the freeway with only the population we have now.

The EA described how twelve attendants will evacuate 4,310 vehicles which is assumed will be a smooth operation with no panic by people driving those vehicles looking in their rear-view mirrors at flames racing down the mountain to kill them. That the attendants will not be panicked and will not flee themselves is ludicrous. **In addition to us trying to flee, those 4,310 vehicles will have no place to go creating an enormous traffic jam.** Remember that it took nearly an hour to reach Highway 101 during the Tubbs and Kincade fires with only the traffic we had then. Evacuation in such a situation will be impossible. **Many people will die. The question is**



**can you live with knowing that the BIA decision makers could have prevented such a tragedy?**

As stated in the EA, Highway 101 can handle 2,000 vehicles per hour. These numbers show that even with this optimistic assessment the numbers do not match. There is no room for such new traffic. None.

Make no mistake. In the event of another catastrophic fire (not if, but when) **many people will die. Are you sure you can live with that?**

This EA is extremely flawed in its assessment of fire safety. Its ludicrous plan for evacuation is downright fraudulent.

## **2. Crime**

The EA denies that there will be significant increases in crime due to the casino.

**This defies logic.**

The Graton casino is located only a few miles from this site. As reported by the Rohnert Park Police Department crime jumped from about 100 in 2013, the year the casino was completed, to 755 in 2014, the first full year of operation. By 2015 and 2016 it rose to 21% year-over-year to 925 in 2017 and has likely continued to climb since then. Rohnert Park's violent crime rate is 6.57 per 1,000 people vs. 4.4 for California overall. This means that many more people experienced violent crime in Rohnert Park than the average Californian likely caused by the casino.

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To say there will be no rise in crime at the casino sight is pure nonsense. While much of the crime will be centered on the casino property the local neighborhoods see rises in auto break-ins and burglaries caused by a casino.

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**You need to understand that such a monstrosity being built in the middle of residential neighborhoods will destroy the lives of thousands of residents for miles around.**

We submit this objection with the sincerest expectations of this being taken seriously and that the right action will be taken accordingly by the Bureau of Indian Affairs.

Respectfully,

A handwritten signature in black ink, appearing to be 'CL' followed by a long horizontal stroke.

---

Chris Lamela

**From:** RICHARD BOYD <[richard11boyde@comcast.net](mailto:richard11boyde@comcast.net)>  
**Sent:** Friday, October 13, 2023 9:31 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Windsor, KOI EA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I appreciate your conducting the Zoom in of Sept. 27. It would have been difficult for you not to notice the virtually unanimous opposition to the project by the residents of Windsor. The only comments in support seem to have come from construction workers (many of whom were apparently reading the same script). Windsor seems at present to be one huge construction zone, so it's difficult to see how they could be wanting for jobs!

Attached is my letter to Ms. Dutschke.

Sincerely,  
Richard N. Boyd, Ph.D.  
Professor Emeritus

**One attachment** • Scanned by Gmail

5846 Leona Court  
Windsor, CA 95492  
October 10, 2023

Ms. Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Dear Ms. Dutschke,

I am writing in regard to the Environmental Assessment of the parcel of land adjacent to Windsor, CA in Sonoma County currently under consideration by the Koi Tribe for a casino/hotel facility. This EA is apparently intended to whitewash the problems associated with that location for the Koi's facility. In fact, the EA is so woefully inadequate that, if the BIA approves the facility, it will surely be sued due to the many factors that the EA fails to adequately consider. I'll address the two concerns I regard as most critical. These are with regard to traffic and water.

Since the assessment of the traffic was done, a huge 4 story unit housing complex is nearing completion at the corner of Old Redwood and Shiloh, and another is being built on Shiloh a quarter mile closer to US101. These will vastly increase the traffic along Shiloh Rd over what the EA claims to have determined.

But the EA assessment of current traffic also has nothing to do with what most worries those of us who must access Shiloh to go anywhere. That is the traffic that would be associated with a fire evacuation order. We've been evacuated twice in the past few years, and climate change ensures that we will surely be evacuated in the future. **This is a fact of life in this area, and it cannot be ignored.** Most of the people I know who live in this area have active plans if they need to evacuate again.

The last time this happened there were major traffic jams where Shiloh intersects Old Redwood Highway and another at US101. What happens in the next evacuation when there are several hundred more cars from the housing complexes as well as additional hundreds or thousands from the casino/hotel? The crush of cars trying to evacuate and access either Old Redwood Highway or US101 from Shiloh Rd. would be huge. The number of people who were incinerated in their cars in the Paradise and Lahaina fires would be insignificant compared to the many hundreds who would probably die, unable to get off Shiloh Road. Thus, any of the four versions of the Koi Tribe's proposal would create an extremely hazardous situation in an evacuation, but the one with a casino/hotel would be murderous. **The EA must address this!**

I also note that the suggested mitigation in the EA, that is, widening Shiloh to 4 lanes, would not mitigate anything. The logjams would still be at the Old Redwood Highway-Shiloh or Shiloh-US101 interchange, and that wouldn't change if Shiloh were even widened to 8 lanes. Another mitigation suggested was airlifting people from the casino/hotel. Given the small number of people who can be transported each trip, I'm guessing this would ensure safety for the executives of the casino/hotel, but not many more than that.

My other primary concern is with respect to water. The amount of daily water that is estimated for any of the versions of the facility will surely result in area wells running dry. It's not at all clear how that level of usage can be sustained even if one just drills deeper wells. Groundwater has been assumed to last forever in many places, and this has often been found to be wrong. The



assumption for the Koi proposals is certainly no exception. I presume that there are estimates of duration associated with our groundwater. If not, more absolutely must be known before a level of usage like this could be deemed acceptable. There would be differences in the consumption between the four possible Koi proposals, but they must be specified before any meaningful EA could be done.

The other aspect of this, though, is with regard to Pruitt Creek, which runs adjacent to the proposed site. When we had an atmospheric river, a year ago, some of that rainfall was absorbed in the vineyard. But the Creek still flooded. Now consider what happens when a large fraction of the Koi's proposed site is paved over for a parking lot. A much larger fraction of the rain will go into the Creek, turning it into a serious flooding problem. I don't see any mitigation strategy that could prevent that. And climate change ensures that we will have more atmospheric rivers.

Furthermore, where will the waste water from the casino/hotel waste processing facility be dumped? Presumably into Pruitt Creek. That sounds like an environmental insult of the first magnitude.

Finally, I believe the Koi Tribe should be allowed to build their casino/hotel somewhere. I'm an honorary Native American, and my natural tendencies are to support the efforts of tribes to support themselves. However, there are already three large casino/hotels in this area, and one of them is currently approved to double in size. Indeed, one of the speakers at the Sept. 29 town hall was a representative of one of the local tribes. He opposed the Koi's proposal, and noted that the proposed site for the Koi's facility is far from their historical homeland. Furthermore, the BIA has never approved a proposal anywhere close to that distance from the homeland.

Please reject every version of this proposal. There are certainly other possible sites. But any new site would have to have an EA that addressed the problems I discussed. But it would surely make sense for the Koi to check out other potential sites, especially some much closer to their homeland. This one is wrong!

**In any event, the EA for the Windsor site is completely invalid.**

Yours sincerely,

Richard N. Boyd, Ph.D.

Cc: Chad Broussard

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The other aspect of this, though, is with regard to Pruitt Creek, which runs adjacent to the proposed site. When we had an atmospheric river, a year ago, some of that rainfall was absorbed in the vineyard. But the Creek still flooded. Now consider what happens when a large fraction of the Koi's proposed site is paved over for a parking lot. A much larger fraction of the rain will go into the Creek, turning it into a serious flooding problem. I don't see any mitigation strategy that could prevent that. And climate change ensures that we will have more atmospheric rivers.

Furthermore, where will the waste water from the casino/hotel waste processing facility be dumped? Presumably into Pruitt Creek. That sounds like an environmental insult of the first magnitude.

Finally, I believe the Koi Tribe should be allowed to build their casino/hotel somewhere. I'm an honorary Native American, and my natural tendencies are to support the efforts of tribes to support themselves. However, there are already three large casino/hotels in this area, and one of them is currently approved to double in size. Indeed, one of the speakers at the Sept. 29 town hall was a representative of one of the local tribes. He opposed the Koi's proposal, and noted that the proposed site for the Koi's facility is far from their historical homeland. Furthermore, the BIA has never approved a proposal anywhere close to that distance from the homeland.

Please reject every version of this proposal. There are certainly other possible sites. But any new site would have to have an EA that addressed the problems I discussed. But it would surely make sense for the Koi to check out other potential sites, especially some much closer to their homeland. This one is wrong!

**In any event, the EA for the Windsor site is completely invalid.**

Yours sincerely,



Richard N. Boyd, Ph.D.

Cc: Chad Broussard

**From:** Amy Ramsey <[amyramseyhmb@icloud.com](mailto:amyramseyhmb@icloud.com)>  
**Sent:** Saturday, October 14, 2023 11:49 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

Thank you for taking the time on September 27 to hold the community zoom regarding the Koi Nation Casino proposal on Shiloh Rd. My husband and I attended the call and were grateful for the opportunity to comment on the proposal.

We are residents in the Shiloh community just east of the proposed casino location. During the 2017 and 2019 fires, we had to evacuate our home as the fires burned through our community with devastating effects. We were very lucky to get out without personal injury to ourselves or animals, unlike the many residents of other communities like Paradise, CA and Lahina, Maui who were tragically impacted when they could not evacuate. If you've spent any time trying to get onto Highway 101 @ Shiloh Road during the evening commute hours, you'll understand just how challenging it will be to accommodate the vast number of additional cars that any large development will add to the community traffic, let alone the devastating consequences during a mass evacuation effort.

There are so many reasons to reject all of the KOI nation's proposals for this specific location, but the **incredible potential for the loss of life should be sufficient for the BIA to reject the proposed options.** After almost 4 hours of listening to the comments during the Sept. 27th meeting, it was apparent that NO ONE that lives in the surrounding community supports these proposals. The favorable comments were almost entirely from tradesman with whom the KOI nation has promised work. These people do not live in our community nor will they have to live with the impact of a casino, hotel, event space, etc.

**We ask you to reject these proposals** and encourage the KOI nation to explore other locations for their casino that will not have such damaging and potentially devastating impacts on the surrounding communities.

One additional concern I have is for the precedent it would set for the BIA to grant land to tribes that are so far away from their native lands. It seems like this would open the door for other tribes, potentially even from out of state, to move into locations where other tribes are successfully making a living.

In addition to the reasons above, below are additional reasons to reject the KOI proposals. I hope you'll take time to carefully consider each of our concerns below. Lives are at stake and the future of our community depends on this decision.

- TRAFFIC - THE STREETS WERE NOT DESIGNED TO HANDLE THE AMOUNT OF TRAFFIC THAT WILL COME WITH THE CASINO. THERE WILL BE A CONFLUENCE OF CASINO TRAFFIC WITH RESIDENTIAL COMMUNITY TRAFFIC CAUSING GRIDLOCK/ CONGESTION. **It is clear that the traffic study conducted was incomplete.**

- NOISE 24/7 IN OUR OTHERWISE QUIET NEIGHBORHOOD. **Mitigation efforts to upgrade resident's windows is ridiculous. We have chosen to live in Northern California so we can spend much of our time outside. Is the answer for all the residents to retreat inside for the rest of their lives?**

- WILDFIRE RISK TO PUBLIC SAFETY INCREASED BY TRAFFIC GRIDLOCK DURING EVACUATION. THIS IS A HUGE ISSUE GIVEN THE GEOGRAPHY AND SINGLE LANE ROADWAYS TO EXIT THE NEIGHBORHOOD. **There is NO mitigation to solve this problem.**

- HARM TO ESPOSTI PARK, SHILOH REGIONAL PARK AND LOSS OF OPEN SPACE/ GREENBELT - **NO mitigation to solve this problem.**

- ZONING OF PARCEL DOES NOT ALLOW COMMERCIAL GAMBLING CASINO RESORT BUSINESS;

- BUSINESS OPERATION OCCURS 24/ 7 IN LOCATION SURROUNDED BY RESIDENTIAL NEIGHBORHOODS - **This is unprecedented in Northern California.**

- PUBLIC SAFETY AND INCREASE RISK OF DUI AND INJURY/ DEATH 24/7 - **The study saying this isn't the case is not accurate.**

- HARM TO WATER AVAILABILITY, QUALITY, LOSS OF FLOODPLAIN AND RECHARGE OF GROUND WATER AND WELLS - **NO mitigation to solve this problem.**

- LOSS OF RIPARIAN CORRIDOR, WATER FLOW, AND HABITAT FOR WILDLIFE - **NO mitigation to solve this problem.**

- LOSS OF PROPERTY VALUES FOR ALL REASONS ABOVE

Sincerely,  
Amy Ramsey  
840 Shiloh Oaks, Santa Rosa, CA 95403

**From:** Brian Williams <[totemz1956@gmail.com](mailto:totemz1956@gmail.com)>  
**Sent:** Saturday, October 14, 2023 4:20 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

My name;  
Brian Williams  
5801 Mathilde Dr.  
Windsor CA 94592

The EA report comes with clear pictures of the proposed site. It sits right in the middle of a suburban community, homes, parks and churches. The obvious impact is clear with noise, light, water, vehicle abundance and the documented extreme fire danger. We live right across the street in Oak Park, a housing area in Windsor city limits, this casino and it's impact will loom over us. For these reasons alone I strongly oppose this plan. This project and the wisdom of the B.I.A. to understand this project will impact all who call this place home and their futures.

In the report, under 2:1 it speaks of Purpose and Need for the Koi Nation; this project will hurt the new nation and it's people. The Koi Nation is from Lake County, they are currently in court litigation about people building there and hurting their historical remains there. They did open up an office in Santa Rosa for convenience, a move to sell this project. We in Sonoma County embrace our local tribes and citizens, the Pomo, the Miwok live harmoniously with us all. Bringing in a non local tribe and out of state corporate money to build such a site will be bad blood among the tribes and not good for the newly recognized Koi Nation. The B.I.A. in the past wisdom has not approved such a controversial and big casino in such a suburban zone, we people await your decision.

**From:** Barbara <[bcoen@sonic.net](mailto:bcoen@sonic.net)>  
**Sent:** Sunday, October 15, 2023 10:28 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Koi Development Shiloh - EA Comments

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I object to the subject development. I live nearby and believe the proposed development is bad for the environment, traffic, fire evacuation and many other reasons. Please do not let this happen!

Barbara A. Coen  
411 B Las Casitas  
Santa Rosa, CA 94503

[bcoen@sonic.net](mailto:bcoen@sonic.net)  
797-529-6163



---

**From:** Jim Quinn <[jimq675@gmail.com](mailto:jimq675@gmail.com)>  
**Sent:** Sunday, October 15, 2023 11:56 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,  
PLEASE - NO APPROVAL on Shiloh Resort and Casino!!!!!! NO APPROVAL!!

I live very close to the casino's proposed location at the intersection of Old Redwood Hwy and Shiloh Rd in Windsor. It has always been a very congested area often with heavy traffic. There's a very large residential neighborhood directly across Shiloh Rd from the casino.

As you should know, a HUGE apartment complex is currently under construction directly across the intersection from the casino location. It will open soon and will add 100s of vehicles to this already heavily trafficked area. During the 2017, 2019 and 2020 fire seasons this particular area was clogged with many, many vehicles trying to escape the flames.

PLEASE DO NOT APPROVE THE SHILOH CASINO at the current location. Please encourage the Koi Nation to seek another location.

Thank you for your time and consideration.  
Jim Quinn

**From:** Amanda Claiborne <[shandyite@yahoo.com](mailto:shandyite@yahoo.com)>  
**Sent:** Sunday, October 15, 2023 12:32 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Please don't let this be built.

1. The proposed location is currently vineyards which form a protective barrier between wildfires coming down Shiloh Ridge and the densely populated residential areas on the other side of Old Redwood Highway. These vineyards have protected us twice in the last six years.
2. Proposed location (Shiloh Road) is on a narrow two-lane road leading to a county park, off another narrow two-lane road (Old Redwood Highway) that already carries too much traffic.
3. This will hugely increase traffic and noise and light pollution and accidents. There are two senior mobile home parks across the street serving about 350 households and a large low-income housing development being built on that corner. There are already accidents exiting and entering these parks off busy Old Redwood Highway. Can you imagine how many more this will cause? Not to mention the increase in drunk drivers.
4. This will compete with two other Indian casinos (Graton and River Rock) that benefit tribes from our area and will reduce their revenues. The Koi band is from Lake County not Sonoma County and is TINY. This plan is really to benefit outside investors not Indians from Sonoma County. Better this small group should enroll with one of the two tribal casinos already in Lake County.

Sincerely,  
Amanda Claiborne  
266 Colonial Park  
(across Old Redwood Highway from proposed Koi development.

Sent from my iPhone

**From:** Debra <[d\\_avanche@yahoo.com](mailto:d_avanche@yahoo.com)>  
**Sent:** Sunday, October 15, 2023 5:37 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Thank you for the opportunity to comment during the zoom meeting on this Casino project on E Shiloh Rd in Santa Rosa in September. I thought the comments were respectful and heartfelt by the many participants and you were a gracious host.

I would like to add a few more comments in writing to be considered regarding the Environmental Assessment prepared by the Koi Nation and their financial backers. Though it was very extensive, as these usually are, I feel like the conclusions were predictable and not realistic given the site chosen. The drilling of a 700 foot deep well to accommodate the A, B and C proposals is going to have an outsized effect on the private wells we personally maintain. My well is 155 feet deep and, I think its realistic to assume that one dry year could have dramatic consequences for the water table and put our wells at risk. Furthermore, the mitigations mentioned were rather vague and not reassuring that we would be able to be made whole if our wells failed. Combined with the increased tendency for wildfires and the two evacuations in the last 6 years we've had to flee, the absence of adequate water resources due to overuse is not sustainable and frankly freaks me out. Many people commented on the problems with safe evacuations with so many additional cars due to casino use trying to leave. Moreover, the plan for wastewater discharge/disposal is horrifying considering the aquifer and the riparian corridor they refer to in their plan.

To choose the site on E Shiloh Rd for a 24/7 casino operation seems illogical. On no level does this make sense. This is a rural, residential, agricultural, wildlife intensive area. It is serene, Shiloh Regional Park is right east of this proposed property, Esposti Park recreational fields border this site, a church that hosts a weekly food drive borders this site, a senior mobile home site, as well as all of our homes in the Oak Park subdivision and the properties like mine directly across the road from this site. I've heard none of these points will weigh on the decision of whether to put the 65 acres into Sovereign status, but its our community. Its heartbreaking to think we won't see stars or ever have peace and quiet here again.

I said during my public comments that the Koi Nation certainly has been treated unfairly and deserves a home and chance to thrive. But it is Lake County that is their ancestral home, not Sonoma. That is where the project should be sited. And the fact that a corporation from Oklahoma is pushing the project so they can make a huge profit off this casino while upsetting this whole area is not acceptable. Its hard to believe Lake County doesn't have some land available that would suit the Koi tribal needs yet not destroy an entire existing community,

Please do not allow this project to proceed. I hope you personally have been able to actually come here to see what the project intends and what effect it will have. The renditions I have seen from the EA and the video put out by the Koi Nation both misrepresent the actual scope of this project.

Thank you for your time and consideration,

Debra Avanche

127 E Shiloh Rd  
Santa Rosa, CA 95403

Harold Minkin  
807 Dizzy Gillespie Way  
Windsor, CA 95492  
707-837-5696(h)ee  
707-799-6798(c)ee  
haroldminkin6@gmail.com

S-I157

RECEIVED

OCT 16 2023  
DCN: IA00014004  
Executive Secretariat - Indian Affairs (ESIA)

October 4, 2023

Darryl Lacounte  
Bureau of Indian Affairs  
MS - 4606  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Mr. Lacounte,

Regarding: **"EA Comments, Koi Nation Shiloh Resort and Casino"**

I am writing to you as I am a citizen of Windsor, California. I participated on the zoom call on September 27, 2023 at 6 PM. A majority of the people who were on the call were against having a casino built at the proposed location.

Here are the many issues brought up:

The Koi Nation is from Clear Lake, CA not from Santa Rosa, CA. They are 60 miles from their native lands. No casino has been built in California farther than 15 miles from their native lands.

The land has always been for Residential, agricultural and limited commercial use as mentioned in your EA report. It has Pruitt Creek that runs through the property and floods every year.

The road is only a two lane road and would cause extreme problems for the citizens who live nearby if and when they have a fire, earthquake or other natural disaster. The proposed casino stated in their Environmental Impact report expects to have approximately 2,000 to 5,000 people traveling on Shiloh Road each day. This could be the equivalent of 2500 cars each day.

The U.S Fish and Wildlife Service has stated the endangered Tiger Salamander can be found throughout Windsor, CA. This was in an article on August 31, 2011 from Patch.com.

It has been proven that where there is a casino an increase in crime, drunk driving, accidents and more have substantially increased. Currently Santa Rosa and Windsor police forces are understaffed as well as the Sonoma County Sheriff's Department. Nothing is mentioned about the Koi Nation paying to increase staff to accommodate the increase of people.

During the proposed construction phase lasting from 2023 until the opening date of 2028, the large construction trucks and workers building from 7 am until 5 pm will create a lot of noise, traffic congestion and increase smog in the area.

The needed water of 170,000 gallons per day as mentioned in 2.1.3 in the report would require several wells at a depth of 700 ft. Currently the surrounding wells on homeowners properties, according to those who

spoke on the zoom video, are drying up or are not useable. This brings up many issues, one is where will the casino get the needed water and how will this be done and who will pay for this? Another item mentioned in the report is that the casino would be located in a "high fire zone". I did not find where the Koi Nation would be building a fire station nearby. Other major concerns are how to get all the people safely evacuated.

Both the council members of Sonoma County, including Santa Rosa and Windsor are opposed to having this casino built. The Graton and Dry Creek Pomo tribes have also stated they are against the casino. Many callers from union construction companies that were told they would be hired by the Koi Nation were the very few in favor of the casino.

I am hoping the Koi Nation decides to do either Alternative C: Non-Gaming Alternative or Alternative D: No Action Alternative

Regards,  
Harold Minkoo

CC: Amy Dutschke, Pacific Regional Director  
Chad Broussard, Environmental Protection Specialist  
Deb Haaland, Secretary of the Interior  
Gavon Newsom  
Darryl Lacounte  
Jared Huffman  
Mike Thompson



Harold Minkin  
807 Dizzy Gillespie Way  
Windsor, CA 95492  
707-837-5696(h)  
707-799-6798(c)  
haroldminkin6@gmail.com

October 4, 2023

Amy Dutschke  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Dear Ms. Dutschke,

Regarding: **"EA Comments, Koi Nation Shiloh Resort and Casino"**

I am writing to you as I am a citizen of Windsor, California. I participated on the zoom call on September 27, 2023 at 6 PM. A majority of the people who were on the call were against having a casino built at the proposed location.

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Another item mentioned in the report is that the casino would be located in a "high fire zone". I did not find where the Koi Nation would be building a fire station nearby. Other major concerns are how to get all the people safely evacuated.

Both the council members of Sonoma County, including Santa Rosa and Windsor are opposed to having this casino built. The Graton and Dry Creek Pomo tribes have also stated they are against the casino. Many callers from union construction companies that were told they would be hired by the Koi Nation were the very few in favor of the casino.

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Harold Minkin

CC: Chad Broussard, Environmental Protection Specialist  
Deb Haaland, Secretary of the Interior  
Gavon Newsom  
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haroldminkin6@gmail.com

October 4, 2023

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Dear Mr. Broussard,

Regarding: **"EA Comments, Koi Nation Shiloh Resort and Casino"**

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Regards,  
Harold Minkin

CC: Chad Broussard, Environmental Protection Specialist  
Deb Haaland, Secretary of the Interior  
Gavon Newsom  
Darryl Lacounte  
Jared Huffman  
Mike Thompson

**From:** Norah Laffan <[norahlaffan@yahoo.com](mailto:norahlaffan@yahoo.com)>  
**Sent:** Monday, October 16, 2023 12:20 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing to plead with you consider the impact that the Koi Nation Shiloh resort and Casino will have on the people that now live in the Larkfield-Wikiup and Windsor communities:

Currently we are very short of water and must ration in the summer

Currently the road (Old Redwood Highway) is small and often over crowded

Adding this large construction to the area will make our lives impossible. Please do something about this potential problem.

Very truly yours,

Norah Laffan

441C Las Casitas

Santa Rosa, CA

**From:** Jim Quinn <[jimg675@gmail.com](mailto:jimg675@gmail.com)>  
**Sent:** Monday, October 16, 2023 1:26 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA comments, Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,  
PLEASE DO NOT APPROVE THE SHILOH RESORT-CASINO!!!

I live in the immediate area. It is a very quiet, long established residential neighborhood. A 24-hour gaming facility would destroy the unique charm and character of this area. It would also create deep resentment among the community towards the Koi Nation that likely would last for generations. Why would the BIA want that?

Plus a huge apartment complex is under construction directly across the intersection from the casino location. That will add daily 100s of vehicles to a severely congested neighborhood especially during wildfire evacuations as we experienced during the 2017, 2019 and 2020 fire storms.

PLEASE encourage the Koi Nation to move this project to a more sustainable and suitable location. Both River Rock and Graton casinos did this and built in large open areas away from long established communities. Why can't the Koi Nation also do this?

The Koi Nation secretly bought the land and then "sprung" this project on an unsuspecting and unknowing neighborhood. That act alone has caused severe distrust of the Koi and irrevocably damaged any good will they once had.

Why would the Koi want that? How can they ever be trusted again at this proposed location? I would have hoped the Koi would have wanted to live in harmony with their neighbors, not sow resentment and anger.

As a retired archaeologist who worked at Sonoma State University for 30 years, the Koi absolutely have NO claim to this portion of Sonoma County!!!!!!

Please encourage the Koi to seek a better and more appropriate location for their casino. Thank you for your time.

Thx!  
Jim Quinn

**From:** Richard Plaxco <[rplaxco@gmail.com](mailto:rplaxco@gmail.com)>

**Sent:** Monday, October 16, 2023 5:57 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] EA COMMENTS, KOI NATION SHILOH RESORT AND CASINO

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

**DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

- I have lived on E. Shiloh for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on E. Shiloh Rd. I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

**I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

Richard Plaxco  
143 E. Shiloh Rd.  
Santa Rosa, Ca. 95403

Sent from my iPad



Amy Dutschke, Region Director

OCTOBER 15, 2023

Bureau of Indian Affairs, Pacific Regional Office

**I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD ON E. SHILOH RD. SANTA ROSA, CA**

- I have lived on E. Shiloh for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on E. Shiloh Rd. I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

**I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

Richard Plaxco  
143 E. Shiloh Rd.  
Santa Rosa, CA 95403



October 12, 2023

# AMY DUTSCHKE

REGIONAL DIRECTOR  
BUREAU OF INDIAN AFFAIRS, PACIFIC  
REGIONAL OFFICE  
2800 COTTAGE WAY, ROOM W-2820  
SACRAMENTO, CA 95825

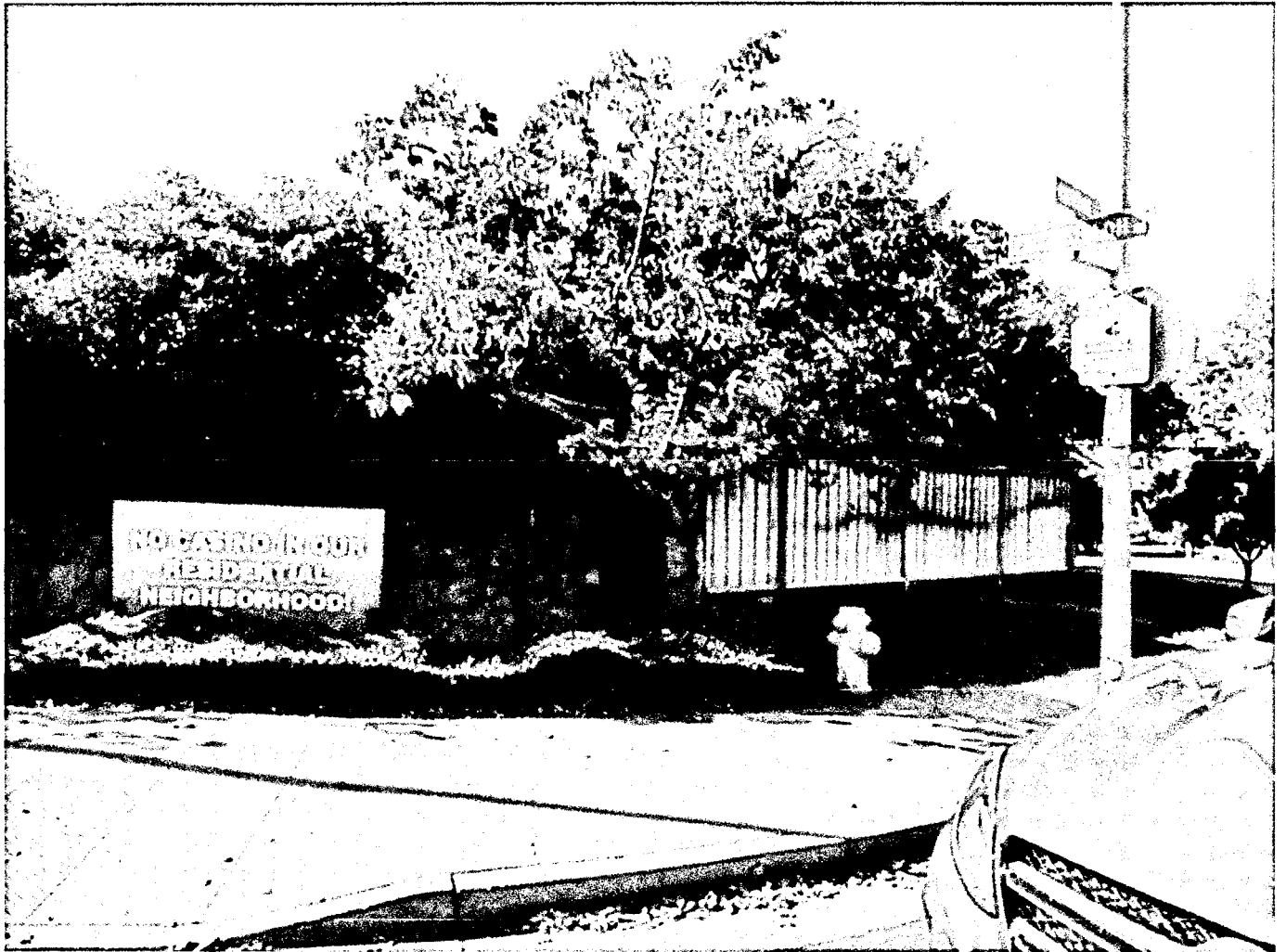
RE: Koi Nation Shiloh Resort and Casino

Ms Dutschke:

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I oppose the proposed location of this casino, and request reconsideration for the benefit of preserving the current bucolic setting and peaceful neighborhood.

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Sincerely,

*Pietrina Cargile*

PIETRINA CARGILE  
4585 OLD REDWOOD HWY  
SANTA ROSA, CA 95403  
(707)478-4269



**October 12, 2023**

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REGIONAL DIRECTOR  
BUREAU OF INDIAN AFFAIRS, PACIFIC  
REGIONAL OFFICE  
2800 COTTAGE WAY, ROOM W-2820  
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 2800 Cottage Way,  
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**RE: EA Comments, Koi Nation Shiloh Resort and Casino**

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wrong place. Shiloh Road, Faught and Old Redwood Hwy, is where kids wait for the school bus, and workers wait for the City Bus. Those are roads we the neighbors use to get to work, Dr. Appointments, grocery stores, schools, and where kids ride bikes and visit friends. The neighborhoods are where we seek our refuge at the end of the day. We are families, retirees and we have established lives in this area that will not be benefited by a Casino. Instead it will be greatly impacted by noise, traffic and an unwanted lifestyle of gambling that doesn't belong in neighborhoods and by our two elementary schools, and local High School.

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Thank you for your time and consideration

Laurie Landry  
5830 Leona, Ct  
Windsor, CA 95492  
7074801351

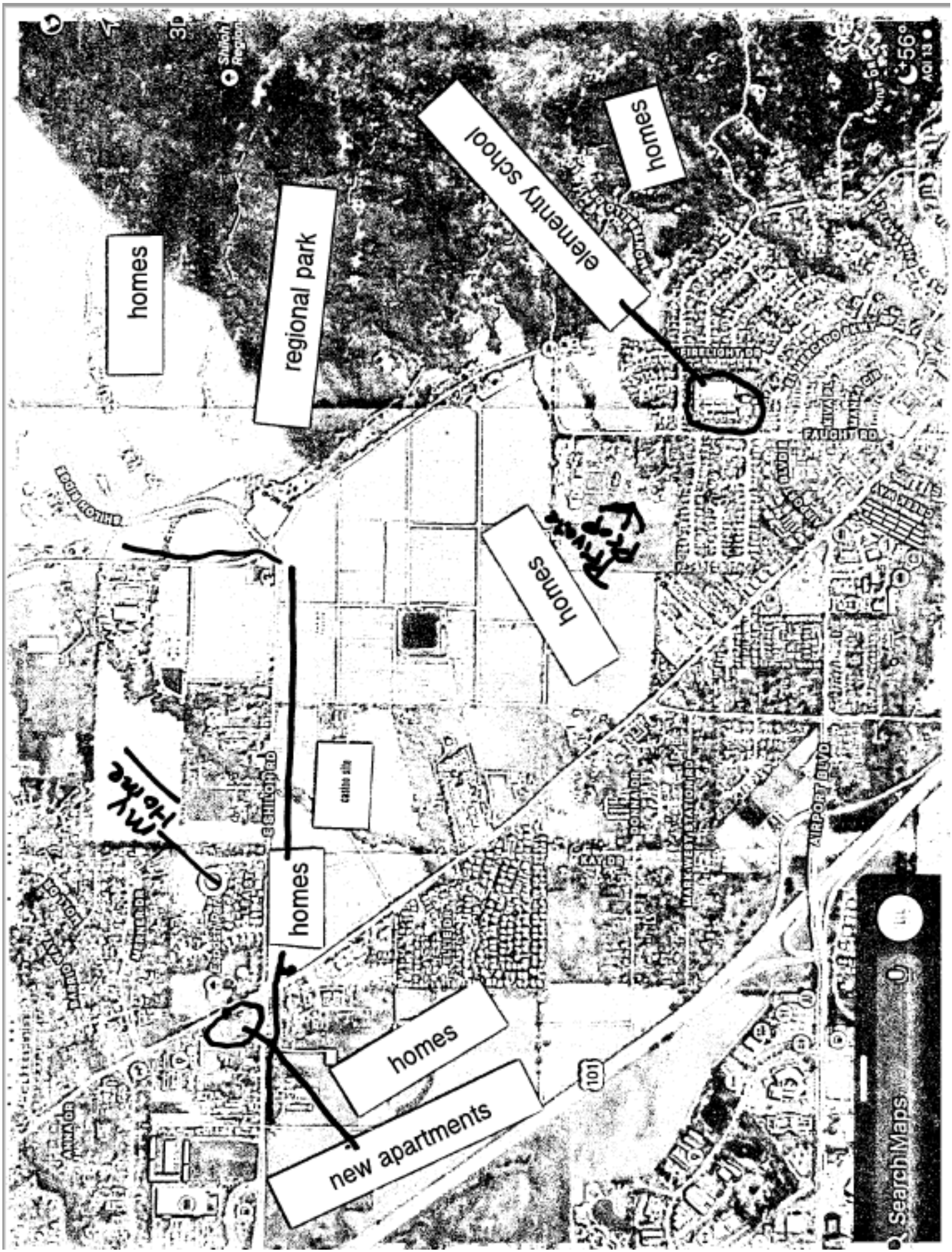




2019  
fire over Wikiup

view from my driveway at Chris and Leona CT





homes

regional park

elementary school

homes

homes

cell site

homes

homes

new apartments

Mike

Private

SearchMaps

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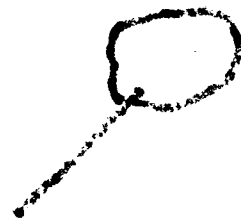
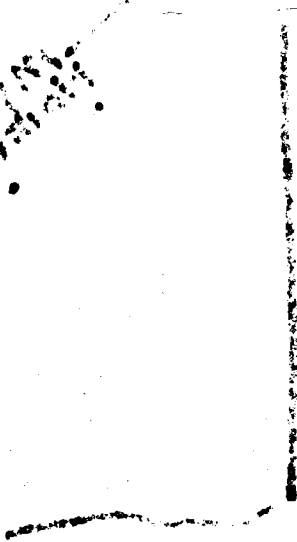
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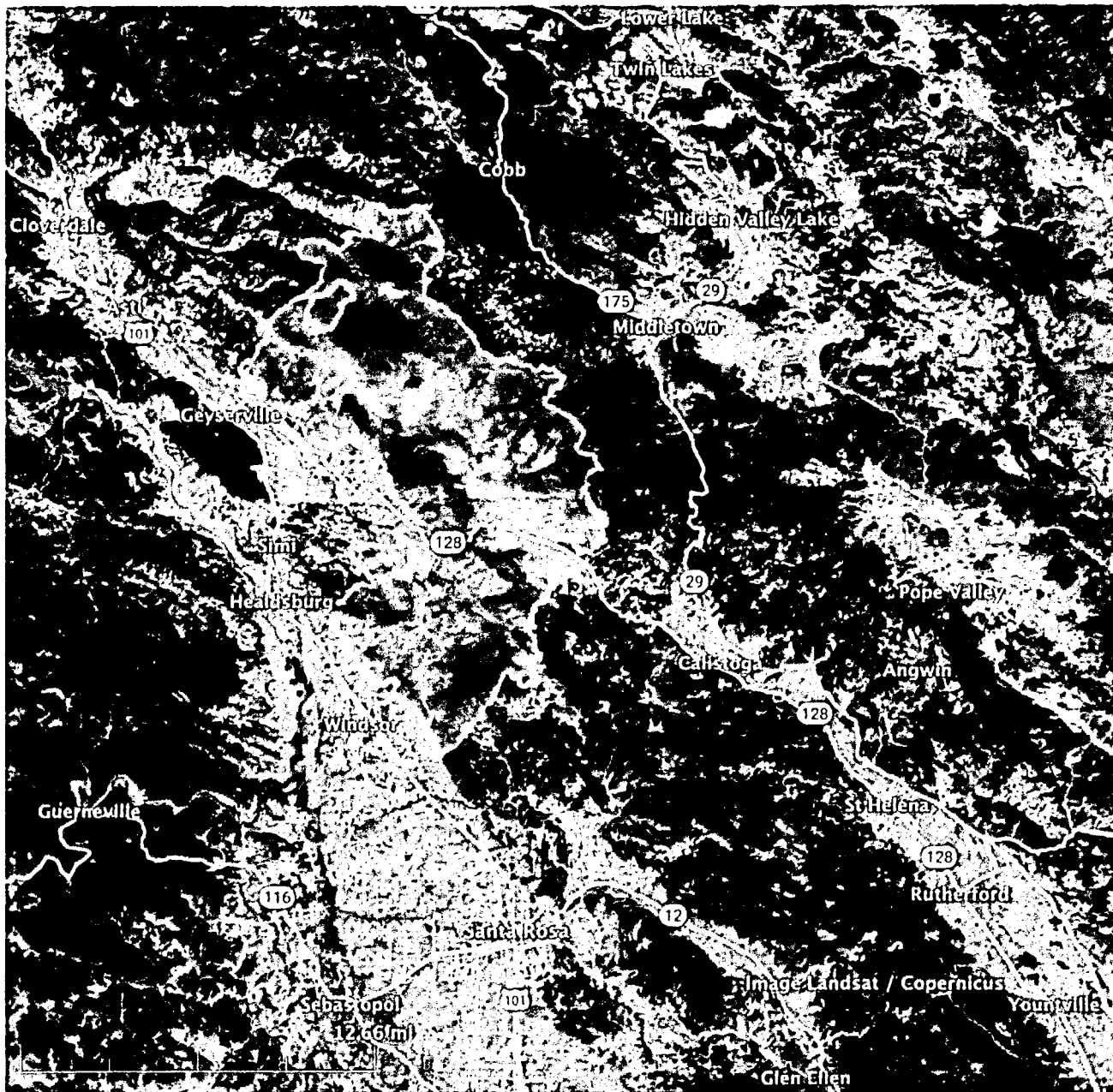
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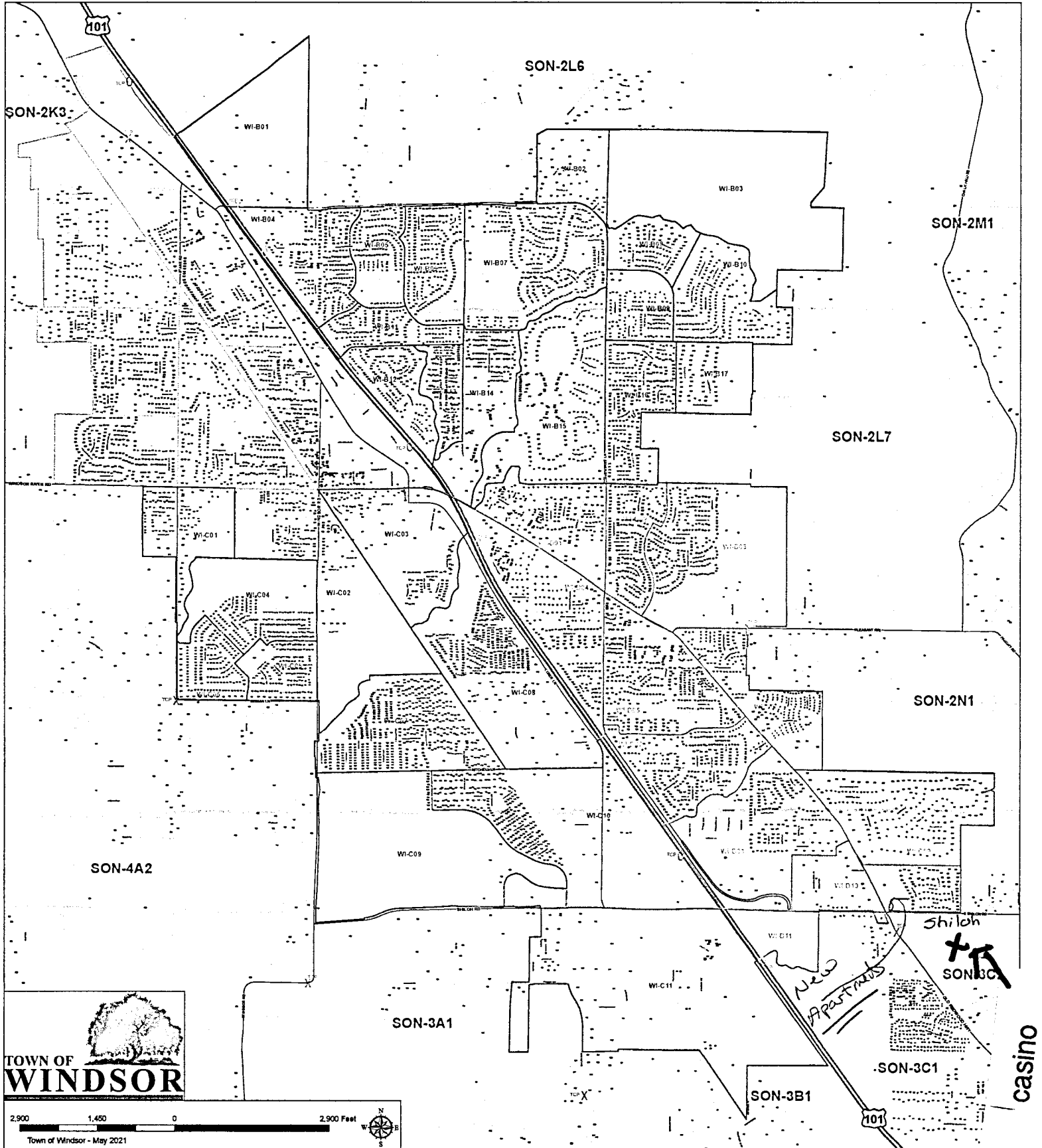




Kincadee Fire map, final, November 9, 2019.



# WINDSOR EVACUATION SUB-ZONES



Amy Dutschke, Region Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way,  
Room W-2820  
Sacramento, CA 95825

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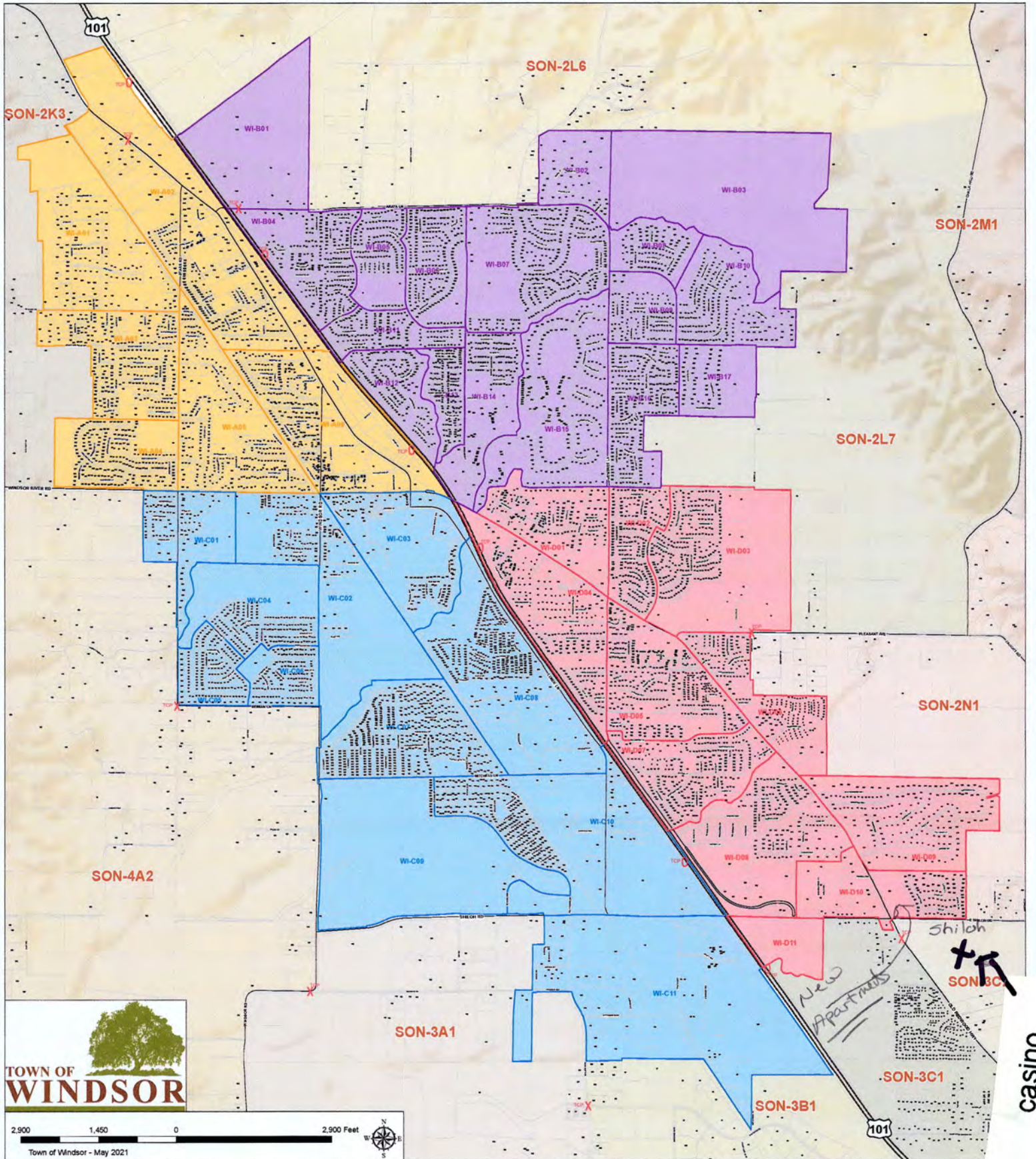
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Laurie Landry  
5830 Leona, Ct  
Windsor, CA 95492  
7074801351



# WINDSOR EVACUATION SUB-ZONES







2019  
fire over Wikiup

view from my driveway at Chris and Leona CT





101

AIRPORT BLVD

MARK WEST STATION RD

DONNA DR

KAY DR

homes

new apartments

homes

casino site

Espositi Park

E SHILOH RD

my home

homes

Private Prop

regional park

homes

elementary school

homes

CREEK WAY

AIRPORT BLVD E

FAUGHT RD

KIVA PL

MANKA CIR

EL MERCADO PKWY

FIRELIGHT DR

MONTABELLO DR

SHILOH RIDGE

ANNA DR

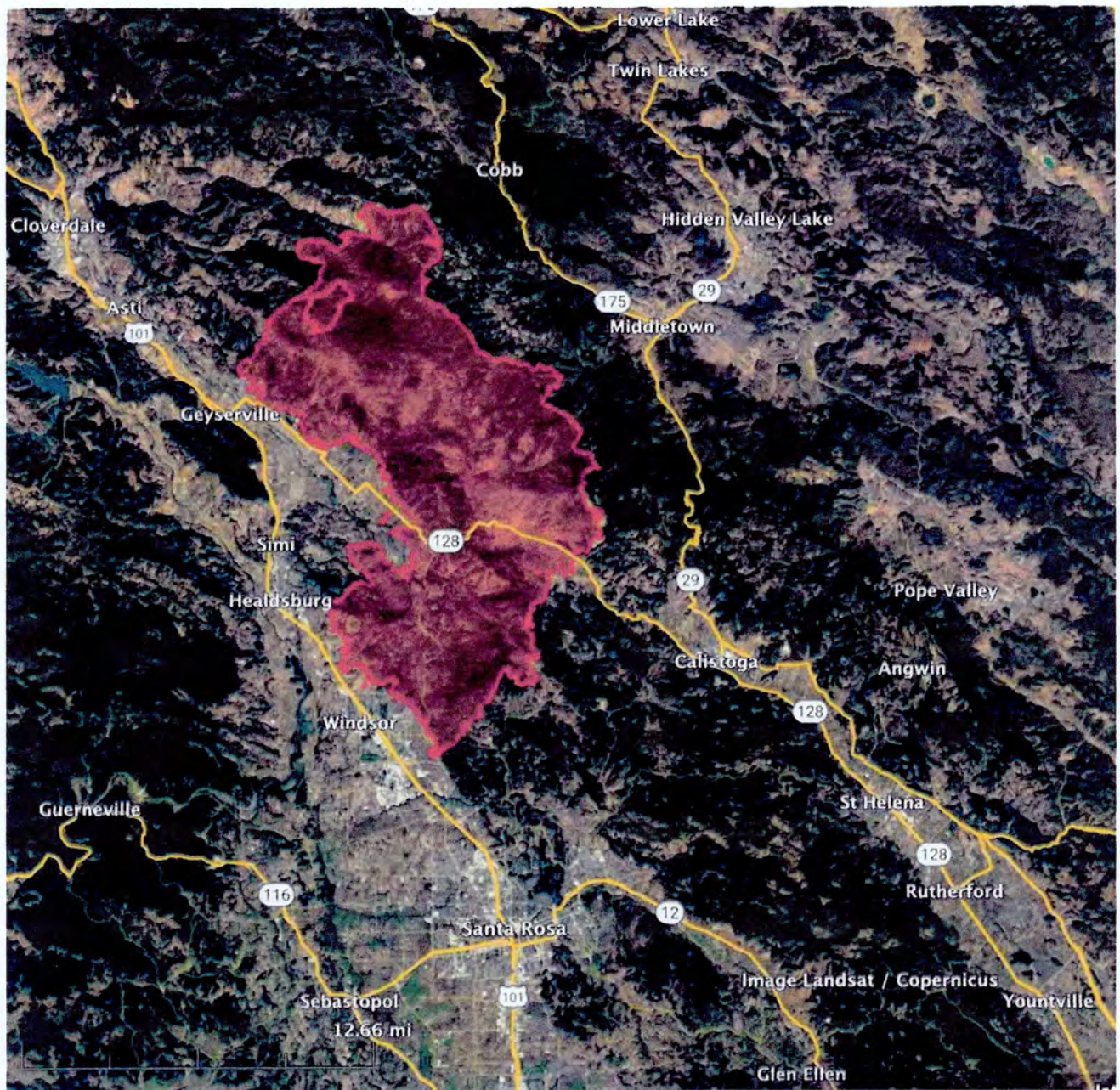
BARRIO WAY

MOLL DR

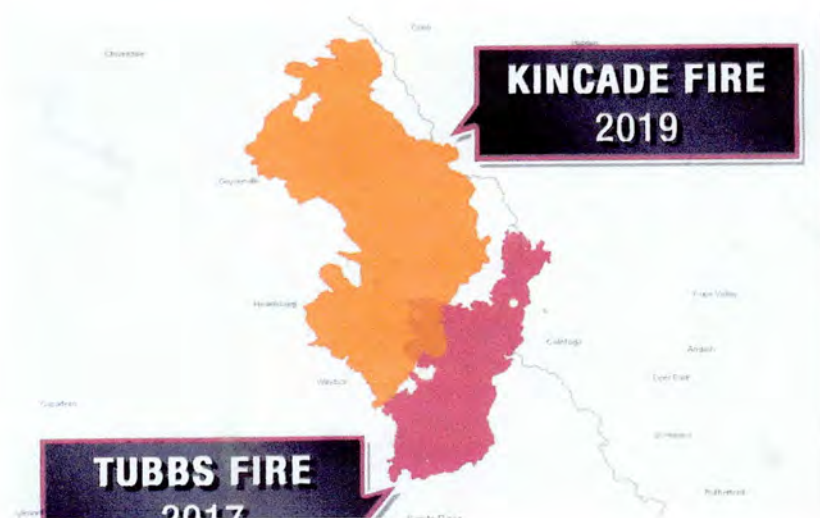
OLD REDWOOD HWY

LOCKWOOD DR





Kincadee Fire map, final, November 9, 2019.



**From:** Claudia Volpi <[vavolpi@icloud.com](mailto:vavolpi@icloud.com)>  
**Sent:** Thursday, October 19, 2023 7:08 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort + Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I am writing to communicate my strong opposition to this Casino in our neighborhood. Beyond the fact that this tribe has no legitimate claim to this land, there is the undeniable fact that the residential tract of East Shiloh Road is already in dire straits every time there is a wildfire evacuation- which the EA discusses with a greater focus for the area immediately around the casino to the West, neglecting the areas to the East. Residents of Shiloh Ridge, Crest, Shiloh Oaks (Shiloh Estates) and the Mayacama Club as well as many on Faught Road and Chalk Hill Road, are constrained to one way out: Shiloh Road. Adding 2-5,000 others to this path is dangerous and negligent.

My other concerns are water, traffic, public safety, noise and light pollution and the impact on the wildlife that lives in the Shiloh Recreation area and the mountains across the street from the casino.

There are already constraints on our water usage- where will the water for the casino come from? How could the town of Windsor and the state approve this project when there are two other casinos within 50 miles of this one in areas that are NOT residential?

Your EA states that the project would have a less than significant effect on traffic and transportation with mitigation incorporation. Are you going to build more roads? Where? How do you mitigate the fact that there is ONE ROAD for us all to use along with the casino traffic? Already there have been injuries caused as a result of people using Faught Road as a back up to get to Old Redwood Hwy- it is not meant for high volume traffic.

This is a residential neighborhood where we enjoy nature in the Shiloh Recreational Area and the many animals that live in and around our neighborhood. To say that we and they will be minimally impacted is a farce. The human and automotive traffic and the waste that will be created by the Casino will have a huge impact on the environment. The noise and light will impact our views and enjoyment of our homes and will most definitely impact the wildlife.

A casino in a quiet residential neighborhood will most definitely impact public safety and change the character of the neighborhood. Casinos bring all kinds of visitors as well as an increase in the rate of crime, driving under the influence, violence and should not be located near schools and children- which are in close proximity to the proposed location of this casino.

This project seems to be a masked attempt by organized crime to use yet another front of a Native American tribe to grab land and profit with disregard to the neighbors and community in which they operate. I am not opposed to casinos, but I am opposed to them being placed in a



residential neighborhood.

Sincerely,

Claudia Volpi  
7300 Shiloh Ridge Road

**From:** Elizabeth Acosta <[acostalcsw@gmail.com](mailto:acostalcsw@gmail.com)>  
**Sent:** Thursday, September 28, 2023 5:55 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,  
I attended the public hearing your office held last night; I intend to submit written comments but in my review thus far of the EA I am finding a multitude of areas which beg for rebuttal and correcting faulty assumptions.

**I am urging the US Bureau of Indian Affairs to grant a 60-day extension to the deadline for public comment.** Even as we are all working diligently to meet the October 27 deadline, we fear that without ample time to adequately address each faulty evaluation and conclusion in this report, the BIA will make an ill-informed and irreversible decision. As this decision has permanent impacts, please allow our community this relatively brief period to ensure every and all facts are made available to decision-makers.

Regards,  
Elizabeth Acosta

October 9, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, California 95825

Re: EA comments,  
Koi Nation Shiloh Resort  
and Casino

Frances Soiland  
7000 Shiloh Ridge  
Santa Rosa, Calif  
95403

TO WHOM IT MAY CONCERN

My husband and I moved to the Shiloh area over 33 years ago. It has been a lovely place to raise a family relax and enjoy the area that has been created here. The nearby park (Esposti Park) has been a very active place for the kids, and adults. The other park is the Regional Park where people can hike, ride their bikes, ride their horses to a lake at the top of the mountain, or just have a picnic. Open year round. Both parks easily accessible from all around this area.

CONCERN

There have been two major fires in this area in the last five years. (We were evacuated two times with notice from the fire department—twice when there was a chance of another fire tragedy and we chose to leave with our pets) The street was very busy and luckily most everyone got out but there were some buildings burned in one of the fires. Now even if the existing street were made wider the additional traffic from the casino site would probably block exiting homeowners in the area. It also would take a lot of the man power away from existing structures in surrounding neighborhoods and would be using a major portion of the water supply.

WATER

As we are now the vineyards take a lot of the water that is available in this area and, I believe, reduces some of the water power in the process. Another drain on the system does not sound like a good idea.



## CASINO SITE

The big question in my mind is why another casino here when there are two other casinos (one in Geyserville—one in Rohnert Park—each within 30 minutes of this site). Some years ago I lived in <sup>7ND</sup> owned a home in Rohnert Park. Since the casino went in there crime has increased considerably, traffic has increased substantially and prostitution is a considerable problem. It seems that the local police have no jurisdiction over what happens at the casinos. WHY WOULD ANYONE WANT TO INFLICT THIS ON A QUIET FAMILY NEIGHBORHOOD. There must be other open land in Sonoma County that would (or could be) some distance from family neighborhoods.

I can't believe the KOI people are the ones who are pushing this. I understand their ancestral home is in Lake County. This seems to be the logical location for them. I attended schools in Lake County and had some Indian friends and found them to be very nice people.

My prayer would be that you find another location where these people can have an income but also "pride of ownership" or as least, some acknowledgement.

God Bless,  
*Frances Soiland*

Frances Soiland  
7000 Shiloh Ridge  
Santa Rosa, California  
95403

October 5, 2023

Amy Dutschke, Regional Director  
 Bureau of Indian Affairs, Pacific Regional Office  
 2800 Cottage Way, Room W-2820  
 Sacramento, CA 95825  
 RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

We have lived in the Town of Windsor for 8 years, approximately ½ mile from the proposed Koi Shiloh Resort project in Oak Creek housing development. We spent last evening listening to every comment made during the Environmental Assessment Public Hearing and it was heartbreaking to hear the fear from members of our community regarding the proposed destruction of our way of life and our safety. We must add our extreme opposition to this project. We echo all the objections made at the public hearing regarding this project but emphasize the following:

- **Wildfire Evacuation** – This cannot be emphasized enough. We have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first hand how dangerous and scary it is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would very likely cause gridlock and a real potential for loss of life robbing us of our peace of mind and causing constant fear for our safety in our own homes.
- **Traffic** –As mentioned, Shiloh and Old Redwood Highway are 2 lane roads. A large apartment building is currently under construction at the corner of Shiloh and Old Redwood Highway and more developments are currently under consideration in that area. The stretch of Shiloh Road between Old Redwood Highway and the freeway onramps is already so congested that at times one must wait for several light changes before being able to cross the intersection at Hembree Lane. The addition of the traffic from this project is simply unmanageable.
- **Safety** – Additional vehicle traffic will increase the safety risk for the children and their families that play at and attend games at the park/ballfield located almost directly across the street from the proposed entrance to the project.
- **Pollution/Air Quality** – The construction, ongoing operation and additional emissions from vehicles attending the proposed casino/event center will cause more pollution endangering the health of local residents and wildlife.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired live, children go to school and play in the park, wildlife live, and we all enjoy the incredible natural beauty of this area.

We support the Koi Nation's ability to better itself economically and promote the welfare of their people but this location is ***absolutely not the right location*** for this project. We wholeheartedly request that you implement **Alternative D, no action**.

Sincerely,

A handwritten signature in blue ink, appearing to be 'S. Marcelino', with a large, sweeping flourish at the end.

Karen Marcelino

Stephen and Karen Marcelino  
6250 Lockwood Drive  
Windsor, CA 95492



October 4, 2023

Amy Dutsche - Regional Director

The Koi Nations proposal to construct a casino in Windsor is a project that will have a negative impact rather than positive one. The additional demand on water resources is one of many major concerns. The hundreds of gallons a day the site would require is incredibly substantial in a county that has not yet fully emerged from a years long drought.

The proposed construction site borders an established residential community and two senior mobile home parks. Nearby residents would experience an enormous increase in noise and traffic. There is also the sites potential in attracting undesirables which would subsequently lead to a rise in crime. This would undoubtedly jeopardize these safe and quiet neighborhoods.

Sonoma County has two existing gaming houses -River Rock Casino and Graton Rancheria - the construction of neither has infringed on established neighborhoods. The Koi Nations project however would put the casino right next door to residentially/agriculturally zoned land.

To allow the building of this casino by a tribe with an unsubstantiated claim to the land in question would set a precedent. Indigenous or not who would be next in line to claim Sonoma County land as their own.

There has been tremendous opposition to the Koi Nations proposal. The Sonoma County Board of Supervisors, the Mayor of Windsor and its Town Council object. State Senators, Representatives as well the five indigenous tribes of Sonoma County have all voiced objection.

If a vote were taken today it is almost certain that an overwhelming majority of Sonoma County ballots would say no.

There is no doubt the Koi Nation deserve land of their own but closer to the tribes established roots which do not include 222 E. Shiloh Road in Windsor.

Respectfully,

Debra M. Marincik  
68 Ellie Drive  
Santa Rosa, CA 95403

September 29, 2023

Amy Dutschke, Region Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

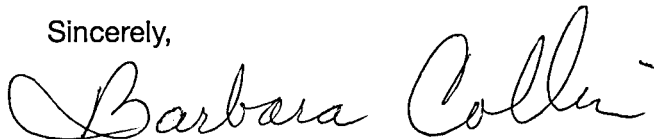
**SUBJECT: EA Comments, Koi Nation Shiloh Resort and Casino**

Please note my vehement objection to allowing a casino to be built in in the middle of my a residential area in Windsor, California. It is clear that the Environment Assessment is a weak and unsubstantiated document designed to check the box and move this project forward with no regard for the actual impact on community and public safety.

- The Koi Nation has no historical roots to Sonoma County. The proposed site is 49 miles from their original reservation. Never has the Department of Interior taken restored lands into trust farther than 15 miles from their original rancheria. This would certainly open up a can of worms by setting a new precedent.
- There are NO casinos in the whole state of California where a casino has been allowed to be built in the middle of a residential area not to mention being next to an elementary school and several churches.
- The current vineyard that would be ripped out to accommodate this casino serves as a fire break from historical fire/wind tunnels that in 2017 destroyed 2500+ homes in nearby Larkfield and Santa Rosa.
- The roads leading to the proposed casino are two lanes and cannot possibly support the increase in traffic. During the 2019 fires when we had to evacuate, it took one to two hours to reach Highway 101. It was complete gridlock. Can you imagine having 20,000 more cars trying to escape a fiery death. It isn't a question of "if" but "WHEN" they next wildfire occurs.
- Water is also a huge concern as wells have been drying up from historical droughts we've experiences over the last decade. Can we really support a 540,000-square-foot casino with 2,750 gaming machines, five restaurants, five bars, a coffee shop, a 2,800-seat event center and two ballrooms, plus an adjacent 400-room hotel and spa. Less than two years ago we were not allowed to water our yards and asked to reduce consumption by 25%. Where is the water supposed to come from?

As a resident who lives across the street from where this proposed casino would be built, my property values will be drastically and negatively affected. The noise, the traffic, the light pollution, the inevitable crime rate that would escalate would make life unbearable. PLEASE do not let this land go into trust and ruin our way of life in Windsor. Please.

Sincerely,



Barbara Collin  
224 Lea Street  
Windsor, CA 95492

**From:** Chaaban, Ezra <[Ezrah.Chaaban@sen.ca.gov](mailto:Ezrah.Chaaban@sen.ca.gov)>  
**Sent:** Friday, October 20, 2023 1:05 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Comment Letter: Koi Nation Shiloh Resort & Casino Project -- Oppose

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Broussard,

Please find the attached letter from Senator Dodd regarding the Environmental Assessment and Draft Conformity Determination for the Koi Nation of Northern California Shiloh Resort and Casino Project.

Thanks for your time and consideration of the comments.

Best,

Ezrah

---

**Ezrah J. Chaaban, Esq.**

Chief of Staff

Senator Bill Dodd

District 3 | Representing: Solano, Sonoma, Napa, Yolo, Contra Costa, and Sacramento Counties  
(916) 651-4003 | [ezrah.chaaban@sen.ca.gov](mailto:ezrah.chaaban@sen.ca.gov)

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# California State Senate

**BILL DODD**

SENATOR, THIRD DISTRICT



CHAIR: SENATE GOVERNMENTAL ORGANIZATION COMMITTEE

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BUSINESS, PROFESSIONS AND  
ECONOMIC DEVELOPMENT  
VETERANS AFFAIRS  
SELECT COMMITTEE  
CALIFORNIA'S WINE INDUSTRY  
CO-CHAIR

October 20, 2023

Amy Dutschke  
Regional Director Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825  
Via email to [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

**RE: ENVIRONMENTAL ASSESSMENT AND DRAFT CONFORMITY DETERMINATION FOR THE KOI NATION OF NORTHERN CALIFORNIA SHILOH RESORT AND CASINO PROJECT - OPPOSITION**

Dear Director Dutschke,

As a Senator representing Sonoma County, I write to echo the position of the U.S. Senators, U.S. Representatives, tribal governments and local elected officials in Sonoma County in opposing the allowance of a new casino contiguous to the Town of Windsor.

The Department has provided standards for "significant historical connection" and simply put, those standards have not been met relative to the Koi Nation's proposed site in Sonoma County, and the Department should accordingly reject the application. The Koi Nation's ancestral homelands are over 50 miles away in the Lower Lake area of Lake County.

As the County of Sonoma notes in the unanimously passed resolution from its Board of Supervisors, "The five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) each sent the Board of Supervisors a letter or tribal resolution expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior to accept the Subject Land into trust for gaming purposes due to the Koi Nation's lack of significant historical connection to the Subject Land."

I respectfully request that you thoroughly review the objections raised and fairly and reasonably apply the Department's existing standards, and reject the project. Thanks you for your consideration of the foregoing comments. Please reach out to my office if you need further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Bill Dodd". The signature is fluid and cursive, with the first and last names being clearly legible.

Bill Dodd  
Senator, District 3

cc The Honorable Deb Haaland, Secretary of the Interior



**From:** DINAH COSTELLO <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Sent:** Sunday, October 22, 2023 4:24 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** WINDSOR <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort & Casino

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Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Sacramento, CA 95825

Dear Mr Broussard,  
This is a follow up to my recent letter. The attached October 20 Lake County newspaper article is further proof that the Koi Nation is a Lake County tribe that has no historic or legal claim to land in Sonoma County. We appreciate your consideration in this matter.

Sincerely,  
Dinah Costello  
Windsor, CA

Sent from my iPad

Begin forwarded message:

**From:** DINAH COSTELLO <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Date:** October 21, 2023 at 2:43:34 PM PDT  
**To:** WINDSOR <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Subject:** Lake County News, California - Clearlake sets aside half a million dollars to defend against tribal lawsuits over city projects

<https://lakeconews.com/news/76942-clearlake-sets-aside-half-a-million-dollars-to-defend-against-tribal-lawsuits-over-city-projects>

Sent from my iPad

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# LAKE COUNTY NEWS



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## Clearlake sets aside half a million dollars to defend against tribal lawsuits over city projects

ELIZABETH LARSON POSTED ON FRIDAY, 20 OCTOBER 2023 01:34



20 OCTOBER 2023



LAKE COUNTY, Calif. — The Clearlake City Council has approved increasing the funding the city will devote to defending itself against legal challenges involving major park and road projects filed by the Koi Nation tribe, with one of those cases set to go to trial on Friday.

At its Oct. 5 meeting, the council was unanimous in approving the request from City Manager Alan Flora to double the city's expenditures with the Downey Brand law firm from \$250,000 to \$500,000.

In his written report for that council meeting, Flora said the legal contract was primarily for the purpose of defending the city against "the recent onslaught by the Koi Nation to challenge all economic development projects in the City of Clearlake."

The tribe, whose traditional territory includes the city of Clearlake and Lower Lake, sued in March to halt the city's projects for the 18th Avenue extension, which is related to a new hotel development.

It filed another suit in July regarding the Burns Valley sports complex and recreation center project, alleging the city has not conducted state-required consultation with its tribal government.

Koi Vice Chair Dino Beltrans did not respond to a message requesting comment for this story.

In December, Congressman Mike Thompson secured \$2 million for the Burns Valley project, which will include construction of a large sports and recreation center complete with baseball fields, soccer fields, a 20,000 square foot rec center, a small amount of retail space and a public works corporation yard.

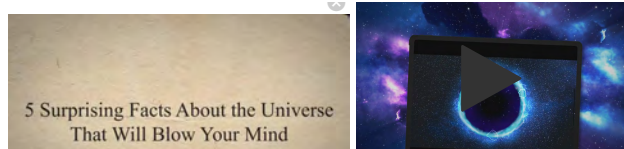
The 18th Avenue project suit is set to go to trial in Lake County Superior Court on Friday, Oct. 20. No date has been set for the Burns Valley lawsuit.

Council members on Oct. 5 were united in calling the tribal lawsuits "frivolous" and damaging to the city's efforts to complete beneficial projects, including those focused on the community's children.

The council had initially approved the \$250,000 figure for legal defense in March after the tribe sued to stop the city's extension of 18th Avenue as part of a new hotel development at the former Peace Field airport site.

The tribe has alleged that the city violated the California Environmental Quality Act, or CEQA, and abused its discretion in adopting a mitigated negative declaration rather than completing an environmental impact report for the project.

Specifically, the tribe has pointed to AB 52, the Tribal Cultural Resources Bill of 2014, which requires that, as part of CEQA, public agencies must consult with a local Native American tribe when a project will have significant impact on tribal sites.





"The City ignored substantial evidence of direct and cumulative impacts to tribal cultural resources within the aboriginal territories of Petitioner Koi Nation, and the City failed to engage in meaningful and legally adequate government-to-government consultation with Petitioner Koi Nation as required by CEQA through AB 52," according to case documents.

In its defense, the city has said it conducted that consultation and followed CEQA's requirements fully, and that the tribe is reading things into the law that aren't there.

The city had been set to start road and utility work on the 18th Avenue Project in July, the week after a temporary restraining order hearing that took place on July 13 before Judge Michael Lunas.

At that time, it had been anticipated that Lunas would issue a ruling within a month, but that decision finally came down within recent weeks.

Lunas denied the tribe's request for a preliminary injunction but issued a stay on ground disturbing work until the outcome of the Oct. 20 trial.

With Lunas expected to issue a ruling within 30 days of the trial's conclusion, and no date yet set on the sports complex, Flora said there is "little likelihood" the city will be able to do any work on the projects this year. However, he said he remains "ever hopeful" some work could be done on the 18th Avenue project, depending on weather.

The Koi tribal leadership has appeared to heighten its willingness to fight the city at the same time as they are working to establish a new casino in Windsor in neighboring Sonoma County.

The tribe had been known as the Lower Lake Rancheria Koi Nation until 2011, when it changed its name to the Koi Nation of Northern California.

In the fall of 2021, the tribe went public with its plans for the Windsor casino. By that year's end, the tribe's koination.com website was gone and now redirects to Koinationsonoma.com.

On that website's "Mission" page, it does not mention Lake County. Rather, it says the tribe is "committed to protecting and exercising our inherent sovereign rights as a federally recognized tribe to their fullest extent, including obtaining land to re-establish a permanent land base for our people who have lived in this region for thousands of years, and creating self-sustaining economic activity to support the tribal government and its people, and the entire community of Sonoma County."

So far, the Koi — who will partner with the Chickasaw Nation of Oklahoma to operate the casino — have not gotten a welcome reception either from tribes or government agencies in Sonoma County, which have joined to push back on the plan.

The Sonoma County Board of Supervisors passed a resolution against the casino, the Graton Rancheria accused the Koi of “reservation shopping” and in a federal hearing last month, the tribe’s plans even received opposition from elected leaders at the federal and state levels.

The tribe has, however, gotten support from a group of union workers with whom it has signed an agreement to ensure union labor is employed in building the casino, as well as retired Lake County Sheriff Brian Martin, featured in a support video released in July, and actor Peter Coyote, who has narrated a documentary involving the tribe.

### **Heightened disagreements**

The Koi’s working relationship with the city has most noticeably deteriorated over the last three years, as the tribal leadership and its attorneys have aimed increasingly sharpened criticism at city leadership over the handling of projects.

Much of the tribe’s tension with the city has appeared to involve tribal monitoring. Specifically, the tribe wants trained tribal members to be paid by the city to monitor all operations when there is ground disturbance in order to look for artifacts and human remains, which trigger work stoppage.

The tribe has maintained this is important because of past instances in which lack of monitoring resulted in removal of human remains and historical soils, and destruction of artifacts.

Flora said during a Clearlake Planning Commission meeting in June that the city doesn’t believe that every project it does that involves ground disturbance requires tribal monitoring.

The Koi haven’t just taken aim at city projects.

In the fall of 2020, the Lake County Tribal Health Consortium began work on its new Southshore Clinic at 14440 Olympic Drive. The consortium consists of six Lake County tribes, but the Koi does not participate.

Flora said the Koi tribe was aware of the project, but when construction started, “They came out and kinda caused a ruckus and asked for Dr. Parker to come out.”

Flora said Dr. John Parker, the Koi’s preferred archaeologist, went to the project and concluded there were no issues. In all, Flora estimated that construction on the project was stopped for as much as a day and a half while those matters were resolved.

When it held its official grand opening in May, Tribal Health presented the city with a \$150,000 check in support of the Burns Valley sports complex project, pointing to the health benefits to the community.

Flora said that in 2022, the Koi had threatened to sue to stop completion of the city’s new splash pad at Austin Park. Because the council had wanted to move forward with the contract and completing the project, he said they agreed to the monitoring the Koi wanted.

However, while the splash pad was completed, Flora said there was other work planned at Austin Park that won’t be completed because underground work would have been required and it was expected to result in further issues with the tribe.

That included shade structures in front of the bandstand that were to be paid for with grant funds. Flora said the city is now reallocating those funds elsewhere.

“We know with their pattern of working with us that it’s just not worth the fight at this point,” he said.

In January, during an initial discussion with the Board of Supervisors about designing a regional skate park at Austin Park — and upgrading the existing park with an above-ground concrete structure — Koi representatives again raised issues.

Robert Geary, the tribal historic preservation officer for Habematolel Pomo of Upper Lake who has been working with the Koi in response to city projects, said the site of the existing park is a village site and that they wanted protocols in place before any action was taken.

“This is only for the design,” said Supervisor Bruno Sabatier, whose district includes Clearlake.

“We have discussed the sensitivity of the area as well,” said Sabatier, which is why they are looking to build up, not to dig into the earth in order to do the least disturbance possible.

Holly Roberson, the tribal cultural resources counsel for the Koi Nation, told the board the tribe isn’t against development in Lake County.

She followed up by saying, “It’s great that you’re interested in development above ground. That doesn’t necessarily mean there won’t be tribal cultural

resources impacts.”

Roberson said they would have “significant legal risk” if the tribal resources aren’t fully addressed.

Sabatier said he planned to work to make sure the project happened correctly, but didn’t support adding any requirements to the memorandum of understanding for the project’s design cost.

During a June discussion the Clearlake City Council had on that project, Roberson and Geary appeared and reiterated comments they had made at the supervisorial meeting about the skate park project’s potential impact on tribal resources. The council went forward with approving the MOU at that time.

There are other projects the city also is holding off on because they’re concerned about more threats of litigation by the tribe, including installing electrical vehicle charging stations at City Hall. He said the city isn’t planning any such installations there because they believe the tribe would try to stop it.

In addition, a water line replacement down Dam Road needed to serve the Cache fire area, including one of the mobile home parks where there are 50 mobile homes needing water supply and another park where rebuilding needs to take place, has been held up for the Konocti County Water District, according to Flora.

Flora said the tribe is insisting that any sensitive materials that have been dug up due to the water line work be reburied in the same location. In some instances, that’s not possible. The city is offering another reburial location and the tribe is refusing. The result is the district is going to have to come up with more money to pay the tribe for monitoring and reburial.

### **Situation comes to a head**

For the Burns Valley project, the situation comes down to monitoring.

The city purchased the 31-acre parcel at the end of 2020. In May of 2022, the city completed the sale of a five-acre parcel at 14795 Burns Valley Road to Arcata-based Danco Communities, which is building an 84-unit apartment complex with mixed-income family units there. That project had no opposition from the tribe.

“They did not raise issues with Danco because Danco agreed to full tribal monitoring, even though there was no requirement to do so,” said Flora. “Danco was more concerned about the timing of the project being held up and how that would impact their financing stack.”

The tribe wants the entirety of the 26 acres where the sports complex and city corporation yard will be located to be monitored, rather than just the location of two habitation sites, which they have argued is actually one large village.

“They say it’s always about the monitoring but they feel like they should make all decisions when it comes to tribal resources,” said Flora.

There are no state or federal laws requiring tribal monitors, although projects have increasingly included them out of respect for tribes.

Flora said if an item is found, the tribe believes it gets to tell the city what to do about it. “They get to decide and we get to pay for it,” he said, adding that’s

not the state law.

The Clearlake Planning Commission's approval of the Burns Valley project's environmental analysis over the Koi's objections on April 25 brought the disagreements between the city and the tribe to a head over the summer.

The Koi appealed the commission's action. Over the course of several meetings — regularly scheduled meetings on June 1 and 15, and a special meeting in June 6 — the Clearlake City Council discussed the Koi's appeal.

At the June 6 meeting, Tribal Chair Darin Beltran — brother of Vice Chair Dino Beltran — spoke to the council about the project.

Beltran's comments led city officials to understand that he was offering to have the tribe — not the city — pay for the monitoring it wants of the site.

The city created a separate video clip of that discussion from the meeting and posted it on its Youtube page in order to explain the matter.

However, the following week, when Mayor Russ Perdock and Councilman David Claffey met with the Koi tribal council, Perdock said that offer was rescinded.

At the June 15 council meeting, Darin Beltran did not speak to the matter. Instead, Roberson told the council that it was a "misunderstanding," and that the tribe was not extending Darin Beltran's offer, which would have required a vote of the tribal council.

She said it was "confusing," although council members were firm in saying Beltran's offer had been clear.

While his brother didn't speak, Dino Beltran did. "We have not told you no. We want this to happen," he said of the project.

He said it was a social justice, cultural and religious issue, not one of CEQA.

Beltran said they were going to start reaching out to the community. "We are not getting through here," he said about interactions with the council. He said they would not pay for tribal monitoring.

"This isn't a legal issue so much as it is a moral issue," he said.

During the discussion, another tribal member requested that the sports complex be named for the tribe, which Flora later said wasn't something that had ever been discussed before then.

Roberson, who returned to the microphone, said there are numerous cultural sites around the city, and not all cultural resources have been identified or mitigated.

She said sites have historically been desecrated. "Are you going to keep going? Are you going to double down on what happened in the past?"

Tom Nixon, a retired park ranger for Anderson Marsh, said during public comment that he respected both the city and the Koi, which he said wanted to be part of the process.

Part of that is legitimizing compensation, Nixon said. "I think you should pony up."

Flora later noted that, from listening to comments from the public, there was not a clear understanding of the mitigations, which includes tribal monitoring of specific sites and cap and fill.

He said the city purchased the property two and a half years before and immediately started consultation with the tribe. Dino Beltran raised issues of burials, and that information was passed on to archaeologist Dr. Greg White, who found no evidence of burials on the property.

Councilman Dirk Slooten said it was interesting that, only that day, the tribe raised environmental and social justice issues about the project.

Councilman Russ Cremer said he had been specific in asking the tribe about paying for monitoring during the special meeting in which Darin Beltran had made the offer.

Cremer said that cultivation has happened on the property — which had been part of a working farm and orchard — for over the past 100 years.

Recently, the city had the property disked to knock down vegetation for fire safety, and the tribe criticized the city for taking that measure, which Cremer said was ridiculous.

He said they've tried to get to a happy medium and that the tribe hasn't heard them.



"Quite honestly, I'm somewhat, I shouldn't say I'm shocked," he said. "There was no misunderstanding on what I asked and what Mr. Beltran agreed to."

Cremer said something happened over the weekend or the ensuing three or four days after the meeting in which Darin Beltran had offered to pay for monitoring.

He said he didn't see a requirement for city to pay for monitoring outside of areas we agreed to pay for. "We're stretching to make this thing work."

Cremer added, "You say you want this to happen, but your actions are not showing me that."

Councilwoman Joyce Overton was less diplomatic. "I'm not quite sure why we're even here on the issue."

She faulted Parker for having gone onto city property without permission to conduct surveys — which Flora also had stated during council meetings on the matter — adding she has personally seen Parker make copies of artifacts.

Overton said there is always going to be monitoring, and that she felt the city had gone above and beyond in its responsibilities. "I don't think there's any give anymore."

Flora said during the discussion that the city if human remains are found, work within 100 feet needs to stop.

"This is a unique opportunity for the city of Clearlake," said Slooten, with a amazing sports complex with amazing health benefits to the community.

He pointed out that Lake County has some of the worst health outcomes in the state because it doesn't have these types of facilitiesxs.

Perdock added that the city has changed the site designs and made other adaptations. At the tribal meeting, he said he had told them they hoped to extend an olive branch.

However, he said the city's budget is stretched pretty thin to get the project done and across the finish line.

The council voted unanimously to continue forward and deny the Koi's appeal.

### **Arguing in the court of public opinion**

On July 14, the tribe sued, and the tribe and city began exchanging news releases.

The Koi, who said their ancestors have lived in the region for more than 17,000 years, accused the city of "blatant disregard of state laws that mandate the protection of tribal cultural resources," and said it is insisting the Burns Valley project meet state laws on oversight.

The tribe maintained that city officials "have approved a wholly inadequate and rushed approval of the project that excludes the required protection of tribal cultural resources and meaningful tribal consultation."

The Koi's news release did not quote Tribal Chair Darin Beltran, but instead much of it was attributed to his brother, Dino Beltran.

"The City of Clearlake and the City's leaders must respect the law, our cultural heritage and our tribal sovereignty before and during the development of the Burns Valley Sports Complex," said Beltran. "Protecting burial sites and artifacts of our people is a legal and moral obligation, and we hope that this action will persuade Clearlake officials to recognize their obligations and meaningfully consult with us."

The statement by Beltran continued, "The Koi Nation provided lots of evidence of impacts to tribal cultural resources on the project site and many ideas to reduce harm or avoid impacts, but the City just wouldn't listen. We asked them to keep consulting, and to work it out with us so the project could move forward, but they walked away from the table."

Beltran accused the city of claiming the tribe opposes the development, which he said is "categorically untrue."

"The Koi Nation does not object to development in the region, so long as it is done respectfully and legally. The Koi Nation supports the creation of this facility for our friends and neighbors who live in the City, which has a shortage of outdoor recreation options, and is taking this action to ensure that the Burns Valley project moves forward in a way that conforms to the law and does not cause more harm to tribal sites," Beltran said in the statement.

The statement continued, "The City wants to pit us against our neighbors by these false statements, when we have said publicly that we support the development. It is disappointing and upsetting that the City's leaders would make such statements in an attempt to create animosity toward us. We are not seeking to stop the project, but rather to ensure that Clearlake officials follow the law."

Beltran added, "We can and must find a way to co-exist. This place is the land of the original inhabitants of the Clearlake basin, the Koi people. When the City builds projects, it needs to be respectful and take into account all of the tribal cultural resources it could impact and find a way to avoid harming them. The City must do everything it can to build projects in a responsible way, which could save the City money and actually help projects get done faster with less opposition."

In its response, the city said its on a path to revitalization and that it has "pressing community needs, such as infrastructure, education, medical care and public services. The sports complex is intended to serve as a gathering place for families, friends, and neighbors, strengthening community bonds and fostering a sense of belonging and camaraderie among residents."

The city added, "Not only is the sports complex needed for the youth in the community, but it will also help convey the necessity of a healthy lifestyle for the whole family. Lake County has some of highest negative health statistics in the State so the City is doing everything it can to help improve the quality of life for their residents."

The city's statement also noted that while it continues to hear Koi Nation is "not opposed," "yet the approach they take and the litigation they filed seems to suggest otherwise. The Sports Complex litigation follows on the heels of the recent Koi lawsuit which has temporarily halted the hotel development and new road project on 18th Avenue in Clearlake."

"Litigation seems to be routine with the Koi on our projects which is incredibly frustrating and disappointing. During the CEQA process, we worked with the Koi for over two years, and we thought we had made good progress," Flora said in the statement.

The city said it redesigned the sports complex project to avoid any impacts to tribal cultural resources — primarily by utilizing a cap and fill method of building above any sensitive areas without excavation — and that it made many concessions beyond what was legally required in order to respond to the Koi's concerns.

Among its offerings to the tribe were a discussion about naming the sports complex, tribal interpretive panels and displays, native plantings and agreeing to allow the tribe free use of the complex up to four times a year for their own events.

In the statement, Perdock said that after their meetings with the Koi, the city believed a feasible agreement was possible, referring to Darin Beltran's offer to cover tribal monitoring costs. "We were thrilled to feel like we could move forward in unison. However, a week later at the June 15 City Council meeting, the tribe rescinded their offer. I can't tell you how disheartened our community is at the thought of the Koi holding up yet another project."

City officials said the tribe's "continued frivolous lawsuits" are wasting scarce city resources in terms of time and money, and it could destroy the city's future plans.

Perdock encouraged anyone interested to review the documents about the project themselves. "We hope the Koi Nation won't take this community asset away from us."

### **Council discusses legal expenses**

Flora's written report for the Oct. 5 council meeting explained. "While the City continues to believe these lawsuits and the tribe's actions to be an overreach and frivolous, significant taxpayer funds will nonetheless be required to defend these projects."

"I know, it's frustrating," Flora told the council during the meeting, "These are project funds that were identified to be used for sidewalks, playground equipment, batting cages, etc."

He said a number of those items will have to be pulled out of the projects when the city is authorized to move forward or else additional funding is identified.

"I think it's essential that we defend ourselves against these frivolous efforts and the future of clearlake depends on it," Flora said.

He said the city has spent about \$3.5 million on the sports complex so far, with another \$9 million in the budget for work on the project this fiscal year.

Some of that money comes from grant funds and is not being used for legal expenses, Flora said.

Claffey said that some of the biggest problems the city has faced have involved roads and parks, and set out to address those very issues. ""We as a small city cobbled together enough money to start making some significant improvements."

He added, "This is a lot of money going to a purpose that really isn't needed."

That's just on the city's side. Claffey said money is being spent on the other end — a reference to the tribe — that could be invested in this community that is not right now. All of it is being done on the backs of taxpayers, he added.

"We have to defend it now or it's going to continue to haunt us into the years to come as we try to continue to do projects within the city to improve it for our citizens and our community. So we have no choice but to continue," said Cremer.

Slooten concurred with Claffey and Cremer. "We need to do this."

He added, "Otherwise they'll continue with these frivolous lawsuits."

Overton agreed. She said she didn't see any choice. "I'm just saddened that we're going to be taking away from our children."

"I echo the comments of my peers," said Perdock.

He said he was very disappointed in the city's public hearings on the projects, hearings that had been dominated by the disagreements between the tribe and the city.

Agreeing that the legal action by the tribe is frivolous, Perdock maintained Clearlake has complied with all of the CEQA laws and requirements and had tribal monitors in place as required by law.

It was when the tribe wanted extras — an apparent reference to the larger scope of tribal monitoring the Koi wanted — that the city said no and that work needed to get started. Perdock said the city didn't want to pay for unnecessary services "as I see them."

"The tribal chairman agreed for a solution and then they backtracked. Remember that," said Slooten.

Because the city is in litigation on the matter, Perdock said they were limited in what more they could say.

Claffey moved to increase the legal contract amount from \$250,000 to \$500,000, with Slooten seconding and the council voting 5-0.

**Email Elizabeth Larson at [elarson@lakeconews.com](mailto:elarson@lakeconews.com) (<mailto:elarson@lakeconews.com>). Follow her on Twitter, @ERLarson, or Lake County News, @LakeCoNews.**



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UPCOMING CALENDAR

- Oct  
28

10.28.2023 10:00 am - 1:00 pm  
Farmers' Market at the Mercantile (/newcal/6898)
- Oct  
28

10.28.2023 10:00 am - 12:00 pm  
Lake County Genealogical Society cemetery tour (/newcal/7200)
- Oct  
28

10.28.2023 5:00 pm - 9:00 pm  
Lake County Land Trust 30th anniversary dinner (/newcal/7152)
- Oct  
31

10.31.2023  
Halloween (/newcal/g-4-20231031\_36klpu9coljcnm9nfgjth27al4\_20231031)
- Nov  
1

11.01.2023  
First Day of American Indian Heritage Month (/newcal/g-4-20231101\_tv17hiji8jipl7hrutr4h62v5o\_20231101)
- Nov  
2

11.02.2023 5:00 pm - 9:00 pm  
Every Beat Counts benefit (/newcal/7163)
- Nov  
4

11.04.2023 10:00 am - 1:00 pm  
Farmers' Market at the Mercantile (/newcal/6899)
- Nov  
4

11.04.2023 2:00 pm - 3:00 pm  
Lakeport Library hosts Hank Smith (/newcal/7199)
- Nov  
5

11.05.2023  
Daylight Saving Time ends (/newcal/g-4-20231105\_drikm9rqmroskv6c07ug7t5l8o\_20231105)
- Nov  
7

11.07.2023  
Election Day (/newcal/g-4-20231107\_fc8f1530s4lqftcnc9c75jccok\_20231107)

MINI CALENDAR

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October 2023

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**From:** Kristine Hannigan <[kristine.hannigan@gmail.com](mailto:kristine.hannigan@gmail.com)>  
**Sent:** Sunday, October 22, 2023 6:30 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Hi Chad,

I am following-up with a letter to the recent EA call. The responses against casinos are so strong. I can't stress enough that 222 E Shiloh is the wrong place for a casino. I think what burns in my mind is the fact that when I first moved to Windsor trying to evacuate multiple times and being stuck in traffic. There could be a devastating impact to me and my young family. I was worried about my own family and elderly neighbors that live around here. I think about the one lady that talked about the fear of burning in her car - it seems all real as something that could definitely happen if this casino is built.

I also want to mention that so much was not mitigated in that report - water run off, light pollution, construction noise. The report was completely biased and not well written. There are so many reasons this is a bad place to build. But the main one is fire and safety - if any of us die in a fire blood will be on the hands of the BIA.

My parents live in El Dorado Hills and they have Red Rock Indian Casino up there. It is on 70 Acres - that casino has its very own exit. In my opinion this is how these casinos should be built - away from residential neighborhoods, in a business district far away from neighborhoods with their own off ramp so that it does not disrupt the day to day of the working people trying to make a living.

Additionally, I do think that this would set a terrible precedent for other Indian tribes. Lytton was denied building a casino only to have a tribe outside of Sonoma county try to grab this land and build on it. It's terrible, I support the Koi building a casino in Lake County.

I don't approve A, B or C - please deny the Koi building anything on the land. Please do not approve this casino (A and B) and C. It would be devastating to our community, our little town and possibly our lives.

Thank you,  
Kristine  
6166 Lockwood Dr.  
Windsor, CA 95492



**From:** Sue Frey <[suefrey@sonic.net](mailto:suefrey@sonic.net)>

**Sent:** Sunday, October 22, 2023 5:54 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Project. Comments on Environmental Assessment Published Sept 2023

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Dear Mr. Broussard,

Following are my comments regarding the Koi Nation Shiloh Resort and Casino Project environmental assessment published in September 2023.

Regarding Water Resources

- The proposed 6-17 acres of vineyard to remain are intended to be irrigated with recycled water. The proposed irrigation exceeds (by a factor of 20) the current ETc requirements for the Windsor Water District set by the state. This is unacceptable.
- Reimbursement is inadequate for owners of nearby wells that become unusable. Five years is not a reasonable timeframe to determine failure of a well. Well failure should be measured after a minimum of 10 years of drought. I live less than a mile from the proposed site, and my well is less than 100 feet deep (within the top aquafer). The water is delicious and contains no sulfur. I have lived in the same house for 38 years and have had no water issues through many years of drought. If my well were to fail, I should receive full compensation for the cost of a new well. In addition, I would likely need to go into the second aquafer for water. Neighbors whose wells go into the second aquafer have horrible water. There is so much sulfur that the sinks, tubs, toilets, and showers are stained deep orange. The water is undrinkable. A water filtration system sufficient to take care of any issues presented from tapping into the second aquafer should be provided.

Transportation and Circulation

- Objections to Existing Plus Project and Opening Year 2028 plus Project findings: Shiloh Road access is already inadequate, and soon we will have an additional 300 apartment units open up at the corner of Old Redwood Hwy and Shiloh Road. In the last several years I have been evacuated twice due to out-of-control wildfires and was also put on evacuation warning for a 3<sup>rd</sup> wildfire threat. I did not always receive advance warning, and many roads were closed due to the wildfires. The roads that were open were packed with vehicles trying to escape. Residents in the neighborhood directly across the street from the proposed project spent up to 2 hours trying exit their neighborhood onto Shiloh Road in an attempt to escape the wildfires. Adding a casino and hotel with an additional 500+ vehicles trying to use the same evacuation route, is likely to cause people to be trapped and unable to escape when we have another wildfire similar to those experienced recently.
- Objections to both the 2028 and 2040 plus Project Findings: I assume the widening of Shiloh Road is expected to be achieved using eminent domain. This is unacceptable. Eminent domain is the power of government to take private property for a public use determined to be in the best interest of the people. It is typically used for things like infrastructure or services such as schools. Our local Windsor government has come out against the casino. Our State Senator Mike McGuire is against the proposal, and our federal Assemblyman Jarod Huffman

and Senator Diane Feinstein came out strongly against this project. There is no appropriate government use that warrants using the power of eminent domain for this project.

- The traffic analysis needs to consider the impact of large events, not just average daily operations.
- The traffic impact study does not include an analysis of the impact caused by visitors to the casino. Consideration of employee vehicle miles travelled is insufficient.

#### Land Use

- The proposed casino, hotel, and convention center do not fit with the Town of Windsor General Plan for land use. Properties to the north and west of the project site are planned for low density and mixed-use development housing.
- The land use designation for the project site in the Sonoma County General Plan is Land Intensive Agriculture. The vineyard currently at the proposed project site is consistent with the plan. Hotels, restaurants, and gaming facilities are not included in the plan.

#### Other - Financial Loss Incurred by Local Residents

- The value of homes in the vicinity of the proposed casino will drop by hundreds of thousands of dollars with the addition of the casino. Homeowners should be compensated for their loss.

Indian tribes should only be allowed to buy land for a casino within their local community or such other community that is in favor of selling them land for the purpose of building a casino. This is especially true when the casino is inconsistent with the current general plan, and opposed by local Indian tribes, local residents, and local, state, and federal government officials.

The current Environmental Assessment should be rejected. The whole project should be rejected. If it is decided to go forward, an unbiased Environmental Assessment is needed.

Best Regards,  
Susan Frey

**From:** [jazzbear@earthlink.net](mailto:jazzbear@earthlink.net) <[jazzbear@earthlink.net](mailto:jazzbear@earthlink.net)>  
**Sent:** Monday, October 23, 2023 4:53 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Chad Broussard  
Bureau of Indian Affairs  
Sacramento, California

October 23, 2023

Dear Mr. Chad Broussard,

I am a resident in the Oak Park neighborhood who lives on Gridley Drive in the Town of Windsor directly across from the proposed casino and hotel project site along Shiloh Rd. I have reviewed the Environmental Assessment (EA) and would like to respond and comment on certain issues raised in the document.

Best Management Practices (BMPs)

2.1.10 - BMPs - indicates the Tribe will ensure that BMPs will be followed. Who oversees, regulates, and ensures that the Tribe is adequately enforcing BMPs? How does the Tribe become trained and responsible for enforcing compliance? You can design to State and Local standards, but will state and local inspectors regularly inspect during construction and ongoing operation?

Wastewater Treatment Plant Operation

I guarantee you that nighttime odors are experienced today in Milpitas that come from the perfectly and legally designed advanced wastewater treatment plant in nearby San Jose, CA. Call up the Bay Area Air Quality Management District (BAAQMD) and ask them if they regularly receive odor complaints from people living next to wastewater treatment plants around the Bay Area. (Hint: they do.)

Do I get to file an odor complaint from the operation of the nearby tribal wastewater treatment plant with local BAAQMD inspectors? Or, is the Koi tribe exempt because it's now Tribal land and therefore the Tribe is only subject to Federal inspectors and their Federal laws? Federal laws are weaker than the more-stringent California State and local environmental laws. Federal inspectors do not have the experience nor authority to inspect more stringent California State and local environmental laws.

Hazardous Materials and Hazardous Wastes

For example, the Federal Resource Conservation and Recovery Act (RCRA) hazardous waste law enforced by the US EPA is much weaker than the California State (HWCL) Hazardous Waste Control Law. The HWCL incorporates RCRA and then additionally regulates hazardous wastes that are not regulated by RCRA. Spills from equipment containing waste oil, waste coolant, or other liquid metal bearing wastes containing nickel, copper, and zinc aren't even recognized as being hazardous wastes federally by RCRA; but they are hazardous under the stronger California HWCL. So, who enforces HWCL if tribal lands are only subject to RCRA? If the answer is nobody or if it's the Feds, then you are messing with Mother Nature.

As far as receptors like people, watersheds, aquifers, hydraulic gradients, soil, and air basins are concerned, a chain is only as strong as its weakest link. Moving environmental contaminants don't recognize politically contrived boundaries from town limits, unincorporated county property lines, and tribal lands. If all the businesses and organizations surrounding the Koi tribal property have to comply with more stringent state and local laws while the tribal land itself only complies with weaker Federal laws, then unregulated contaminants from releases on tribal property could migrate via air, land, and water to contaminate nearby receptors who have to comply with more stringent state and local laws. Not only is this unfair, it's potentially dangerous to the environment and the people who live and work nearby; as well as to those who would work on the tribal land itself.

#### Hazardous Materials Reporting

Federal Emergency Planning Community Right to Know Act (EPCRA) requirements are much weaker than the more-stringent CA Hazardous Materials Business Plan (HMBP) requirements. The types and amounts of chemicals to be disclosed plus emergency plans are more extensive under HMBP than EPCRA. Even though the EA discloses an MOU with local fire departments, I didn't notice any discussion from the environmental consultant about tribal chemical inventory disclosure issues and emergency planning requirements that local emergency responders would require.

#### Hazardous Materials Chemical Inventories

There should be exact quantifications of the locations, amounts, storage systems, and monitoring requirements for all hazardous materials and wastes. Are chemicals going to be stored under pressure, vacuum, or at standard temperature and pressure (STP)? Are chemicals stored aboveground or below ground? Are chemicals to be stored in tanks or containers? How big are they going to be? Will there be secondary containment for all chemicals? How will the chemicals be monitored? Will there be visual and/or electronic monitoring performed? There are at least going to be hazardous fuels stored in 5 tanks for emergency backup generators, chemicals used to operate the water and wastewater treatment plants, pesticides and fertilizers for agricultural purposes, hydraulic fluids for elevators, plus cleaners, paints, and lubricants for ongoing maintenance. There will be e-waste generated from spent computers, batteries, paints, other electronic devices, lighting, etc. There will be California hazardous wastes generated (Non-RCRA wastes) from the use and accidental releases of these

chemicals. There will be hazardous materials used and California hazardous wastes generated during construction.

I don't like living down the block from a business entity that doesn't have to comply with California hazardous materials and waste laws because it's on tribal land and only subject to Federal US EPA regulations that are not as strict as California environmental laws. Meanwhile, all other businesses and organizations that surround the site have to comply with the stricter State and local laws.

Who reviews, approves, and permits the plans for construction of these hazardous materials storage and waste systems? After installation, who periodically inspects these systems to ensure compliance? If a system fails or needs to be upgraded, who oversees that? At the end of life of these systems, who oversees the properly permitted, safe closure of these systems?

In the EA, I did not read that the Cal OES and the local CUPA were ever consulted to discuss HMBP chemical inventory disclosure, hazardous waste requirements, or permitting inspection requirements. Or, are tribal lands exempt from more stringent local disclosure and environmental requirements even though the Koi tribe will be relying on local fire departments to respond to fires, medical emergencies, and any hazardous materials releases occurring on their property?

The proposed Koi casino site is different than the Graton and River Rock casinos. The Graton casino appears to have been constructed in an existing business industrial/agricultural area and is discharging its wastewater into another entity's sewage collection system that already has a proper NPDES discharge permit.

The River Rock casino has a permitted wastewater treatment system but is located away from urban residential areas where higher numbers of environmental receptors exist that could be negatively impacted like here in Windsor.

The proposed Koi site is next to residences, churches, and schools. The site is adjacent to the Windsor Town limits. The Koi site can't discharge into another entity's existing wastewater treatment system and needs to obtain its own NPDES permit and build both a wastewater treatment system and a water treatment system. Pumping water from underground aquifers could negatively impact other existing wells nearby. As the EA indicates, the Koi tribe will be compensating existing well owners that are negatively impacted as a mitigation measure. You can pay people all you want. It doesn't change the fact that the underground aquifer may be excessively depleted. I personally find this offensive. The number of pre-existing nearby environmental receptors (both man-made and natural) that can be negatively impacted are greater here in the surrounding area than elsewhere.

I will live a couple of blocks away from a casino that operates 24/7. As an added "bonus", I will also live near a water treatment plant and a wastewater treatment plant that will also operate 24/7. These types of plants are usually situated away from

residences with isolated buffer zones surrounding them. The EA shows process diagrams but no actual drawings of what these treatment plants will look like and how they will exactly operate. Assumptions are being made, but nothing yet quantifiably precise. It is not clear to me that there will be sufficient amounts of separation and isolation for these plants to operate.

Throughout the EA, the authors of this document arrive at conclusions that environmental impacts are “less than significant”. Some of these compare observations against thresholds or standards while others make assumptions that seem qualitative, convenient, and are open for debate. In places, this report feels biased, arbitrary, and not completely objective as required. When you use adverbs like “probably” or “most-likely” when associating an observed value against a standard, it’s not 100%. “Less than significant” becomes argumentative and unclear.

I appreciate that a lot of work went into this EA. A lot of data were collected, calculations made, comparisons of observations against standards performed, and conclusions were decided. But here’s the problem, just because you say that something is “less than significant”, it doesn’t necessarily mean that it is so.

Here’s an example. For noise, if the standard for “significance” for a construction activity is an increase of 5 or more dBA, you would conclude that a sound level meter increase reading of 4.8 is “less than significant” because it is less than 5 dBA. Tell that to a person with sensitive hearing and they will tell you that your conclusion was wrong because they “perceived” it as being louder than your standard.

The point here is the issue of “perception”. I don’t care what environmental issue you want to talk about (noise, light, air quality, water quality, traffic). If you locate a project in an area next to a larger number of pre-existing environmental receptors (neighborhood residents, businesses, school students, church congregations, etc.) you are going to have a problem because there will be a larger number of differing “significant” perceptions versus your “less than significant” conclusions in your EA.

From all of the issues discussed above it is clear that analyses of this proposed project are incomplete and insufficient to allow approval of this project. I believe that this project should be relocated to a location where the number of environmental receptors that are negatively impacted is less. I would recommend selection of Alternative D for reasons stated above. At the very least, a full-blown EIS is warranted. If a Finding of No Significant Impact is issued, I think that subsequent litigation will be most-likely imminent.

A final note. I learned that the Koi tribe was recently involved in litigation in Lake County in a legal proceeding against the City of Clearlake. To me, this verifies that the Koi tribe is still a Lake County tribe; not a Sonoma County tribe. You can’t have it both ways. You can’t be a little bit pregnant. Either you are, or you aren’t a Lake County tribe. I would encourage and support the placement and development of their casino in Lake County

near their original, historical land at a location that doesn't significantly impact the environment and others.

Sincerely,  
Richard Owens  
Oak Park Resident



**From:** [b.nies603@gmail.com](mailto:b.nies603@gmail.com) <[b.nies603@gmail.com](mailto:b.nies603@gmail.com)>  
**Sent:** Friday, October 20, 2023 7:18 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Mr. Broussard,

After reading the environmental assessment of the Koi Nation Shiloh Resort & Casino, I implore you to reconsider this site for due to its catastrophic environmental impacts.

Given the proximity this large scale development will be sitting between two small towns. Both of which if added together don't come anywhere close in total to the number of residents that is proposed for the occupancy of this casino. Would have a devastating impacts on the infrastructure & safety of both communities (Windsor & Larkfield) it borders.

The proposed water usage, both potable and recycled far exceeds what this area takes in. With the current scheduled development, housing & pre-agreed upon small scale hotels that fit the size of this town. This casino will run our town and surrounding towns dry. With no rules or laws applying to this property and anticipated usage 80x what is currently being accessed this highly limited resource will no longer be available to the residence of the surrounding towns or to the economy that keeps these towns alive.

Finally, the placement of this proposed resort is a lifeline and a fire road. The only exit for multiple communities up Shiloh Road. With the building of this resort, not only will you remove a natural firebreak that the vineyard provides but create a bottleneck with the traffic from the hotel that will cost lives in the event of an emergency. Please I beg you to reconsider this site and if a casino and resort is necessary choose a different location that is not in the middle of multiple communities that will be so adversely affected.

Brittany Nies, Andy Nies, Dorian Nies & Evie Nies  
Windsor Residents  
229 Samantha Way, Windsor Ca 95492

**From:** RALPH MELARAGNO <[dralphm@comcast.net](mailto:dralphm@comcast.net)>  
**Sent:** Saturday, October 21, 2023 10:33 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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I reside in Wikiup Greens, a senior complex south of the proposed casino. I wish to offer my profound disagreement with the establishment of this casino, for a numbr of reasons. The environmental impact would be terrible, including water usage, air pollution, and traffic congestion. There are already casinos in the area and another one is excessive. The Koi Nation is actually based in Lake County and has proposed a casino in Sonoma County that should be placed in Lake County. Please do not approve this bad idea.

Ralph J. Melaragno, PhD

441D Las Casitas

Santa Rosa CA 95403

707 528-1811

**From:** JOANN-RICHARD KIPP-HONEY <[honeykip@comcast.net](mailto:honeykip@comcast.net)>  
**Sent:** Saturday, October 21, 2023 12:39 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Shiloh resort and casino project

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I live in California; I am 97 years old. Years ago gambling was not allow in Calif. Now that it is allowed in Calif. there is too much gambling; which can cause big problems. Two of my 5 sisters married to addicted gamblers which ended their marriage which was devastating to their families. Also, married friends who were were gambling addicts and had serious financial problems and who gave birth to a blind baby caused me much concern. I hoped they were able to properly care for that infant.

There are already enough Casino near where I live; we don't need any more! Though these resorts have restaurants, hotels, event centers, spas and meeting space WE DO NOT NEED ANY MORE CASINOS.

My husband and I have visited these resorts and enjoyed the restaurants and I am shocked at the number of gamblers! Please, consider these negatives that attract addicts.

Thank you, JoAnne Kipp

**From:** Greg Heath <[gregjanine.heath@gmail.com](mailto:gregjanine.heath@gmail.com)>  
**Sent:** Sunday, October 22, 2023 11:31 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Hello Mr. Broussard,

Thank you for hosting the call with our community regarding the Shiloh Resort and Casino. We participated in the call but also wanted to send our written comments for the record. We are shocked and very disappointed that the Koi Nation wants to build a casino in our residential community. The property they have purchased is surrounded by homes, churches, parks and schools. After reading the EA we were even more disappointed. The repeated statement that the impact on the local community would be "less than significant" was especially upsetting. Not only will the quality of life in our community be significantly negatively impacted but also the community safety itself.

- We will lose the beauty and fire protection of the vineyard and have it replaced with a 65 foot tall building that is open 24/7 with a constant stream of outsiders.
- There will be a significant impact on the water supply (which is already restricted from long term drought).
- The local environment will be not only be significantly impacted by the huge amount of water consumed but also used in waste treatment.
- There will be constant light and noise and traffic.
- There will be an increase in crime.
- Property values will decrease. I refer to a CNN article that states the National Association of Realtors say the impact of casinos on local property values is, "unambiguously negative".
- The biggest concern is of the impact on fire evacuation for the following reasons:
  - Shiloh Estates and Mayacamas collectively consists of about 100 residences (Mayacamas also has a golf course and clubhouse with nonresident guests). There is only one exit out of these neighborhoods.
  - These neighborhoods have experienced evacuations and fires in the very recent past.
  - We already have bottlenecks when there is a fire evacuation. This includes the 101 freeway.
  - There are new residential housing projects being built now and planned along Shiloh road between Old Redwood Highway and the 101 that will further contribute to this bottleneck.
  - The diagram for the proposed casino suggests that buses would enter on the easternmost entrance traveling from the 101 east on Shiloh road toward Faught Road further contributing to the bottleneck.

It is absolutely frightening to think about the next evacuation and the number of people who could die.

We understand that the Koi Nation wants to support their tribe but why can't the casino be in an

area that is more appropriate and not threatening the quality of life and life itself of the local community?

Please do not allow this casino to be built.

Thank you,  
Janine and Greg Heath  
730 Shiloh Terrace  
Santa Rosa, CA 95403

**From:** Carmel <[cbsonomacounty@gmail.com](mailto:cbsonomacounty@gmail.com)>  
**Sent:** Sunday, October 22, 2023 1:57 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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My main 3 objections to the Koi Shiloh Casino are:

1. Environmental: With our dire worldwide climate crisis where water is a precious commodity and the necessity to reduce fossil fuels, building a resort/casino that will tap into our natural water table and create increased traffic for the profits of a few is unbelievably short sighted, greedy and dangerous. Sonoma County already does not have enough housing for working people so hundreds of folks would drive hours to work at the casino adding to fossil fuel consumption.
2. Wildfires: This area of Sonoma County has already experienced devastating fires destroying homes and businesses and evacuation is limited to the freeway and other arterial roads that already have too much traffic. The casino means greater fire evacuation risk for our local population.
3. Casino's attract drugs and crime and this proposed casino will inflict local families and single older people to car and home thefts and intoxicated drivers in our neighborhoods.

Carmel Papworth-Barnum  
PO Box 3215  
Santa Rosa CA 95402

**From:** [slkdl@comcast.net](mailto:slkdl@comcast.net) <[slkdl@comcast.net](mailto:slkdl@comcast.net)>  
**Sent:** Sunday, October 22, 2023 3:39 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort & Casino

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EA Comments, Koi Nation Shiloh Resort & Casino

Stephen & Kathleen Lawrence  
582 Coachlight Pl.  
Santa Rosa, C 95404

October 22, 2023  
To Whom it May Concern:

We are submitting this letter in response to the Environmental Assessment (EA) prepared by Acorn Environmental on behalf of the Koi Nation in their quest to open a gaming casino on Shiloh Road, Windsor. We live at the north end of Larkfield, with just vineyards and Faught Rd. separating us from the proposed project. We noted several shortcomings in the AE and are adding our opposition to the project at this location due to these shortcomings. While we support the right of the tribe to engage in such a project, this is not the location for many reasons, including the following:

**Environmental Report Bias:** Acorn Environmental was cherry picked by the Kio Nation based on their previous work providing EA reports for other tribal casino proposals, as stated by Tribal Chairman Jose Simon during his opening remarks in the Zoom meeting of September 27, 2023. Clearly the result is a biased report that minimizes or ignores actual environmental issues. At the very least a non-biased report written by a neutral agency should be provided to properly and accurately summarize the environmental assessments.

**Emergency Evacuation:** During the 2017 Tubbs fire, we left Larkfield at 1:45 AM, turning off of Carriage Road and headed North on Faught Road to Shiloh Road due to congestion heading south. This route is just over one mile, but it still took 45 minutes, joining the residents living across from the proposed casino, to get to old Redwood Highway. The whole time we were at risk of becoming trapped by the flames. The evacuation of thousands of people at the casino at the same time would cause true gridlock and potential death. This was not a one-time event and carries a very real potential of reoccurring.

**Drunk and Impaired Driving:** Not even mentioned in the EA, but inevitably some number of patrons will overindulge. Leaving the casino in any direction will ultimately cause property damage and personal injury. Many of these drunk drivers may look at alternate routes to avoid detection. One obvious direction is to head east on Shiloh to



Faught Road and exit through Larkfield. This will take them directly in front of San Miguel Elementary School. There is no stretch of imagination needed to foresee a tragic accident involving elementary students.

Again, these flaws, shortcomings and inaccuracies in the EA should preclude this property from consideration. Alternative property options are available that will not have the same negative impacts and would be more welcoming by the community. We can not support any of the options, except for D.

Sincerely,

Stephen & Kathleen Lawrence

**From:** Richard Addison <[Raddison@sonic.net](mailto:Raddison@sonic.net)>  
**Sent:** Sunday, October 22, 2023 3:51 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** ICE <[mhanna4@sonic.net](mailto:mhanna4@sonic.net)>  
**Subject:** [EXTERNAL] Application for Shiloh Casino and Hotel

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Dear Mr. Broussard,

I am writing to register my concern about the Koi Nation's proposal to build a hotel and/or casino on their Shiloh property. The main concern my family and I have relate to the situation of the Tubbs Fire in 2017, as well as increased risk of successful evacuation during a future fires.

All of the comments at the recent public hearing (close to schools, parks, nature, increased crime possibilities, et al.) were quite salient. The most significant is the burden of extra traffic in our Wildlands Urban Interface area during the next disaster that requires evacuation.

In 2017, we and others in the Wikiup neighborhood had incredible difficulty evacuating our home because of the traffic situation. It took us 45 minutes for what is usually a 3 minute trip, far longer than it should have. We are extremely fortunate to still be alive. When the next fire comes, I am concerned that with a huge hotel and/or casino, traffic will be much worse, and successful evacuation will be less assured. The Shiloh location is a terribly dangerous location for such projects. The current situation is difficult enough without adding a hotel and casino and all the traffic they entail. Our rural roads cannot hold the additional car traffic in case of another fire.

Thank you,

Richard B. Addison  
Margaret Addison  
5386 Vista Grande Drive  
Santa Rosa, CA 95403-1336  
707-576-9813

**From:** Steve Hogle <[ohana@sonic.net](mailto:ohana@sonic.net)>  
**Sent:** Tuesday, October 24, 2023 9:09 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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October 24, 2023

Regarding proposed casino project 222 E. Shiloh Road, Windsor CA

To ALL concerned,

This letter is to address my families concern related to the proposed development of a casino on the 68.6-acre property located at 222 E. Shiloh Road bordering Windsor and Santa Rosa California.

After evaluating the plan for this project, I must consider the impact that it will have on our surrounding community, families, traffic, and the general wellbeing of this area. At this time, the town is being developed at a rate which is challenging the surrounding environment. This project will over stress the common welfare of this neighborhood by demanding excesses in every aspect of its infrastructure which was never designed into the adjacent area.

It has always been my impression that the Native Americans, the first settlers who inhabited these sacred lands were most concerned about preservation and wellbeing of all natural resources. That these lands were to be respected as sacred and to be preserved for what they would bare for generations in their natural forms. A land once developed loses its soul and the earth it is on is forever forsaken.

Please reconsider your plan for this casino project by finding a more suitable location that will not have such an extreme affect the neighbors and our community.

Sincerely,  
Steve Vogle Family

**From:** Leonsyki Strachan <[funnyfoxxx98@gmail.com](mailto:funnyfoxxx98@gmail.com)>  
**Sent:** Wednesday, October 25, 2023 12:42 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello,

My name is Leo Strachan and I am a student who lives in the area and attends Cloverleaf Ranch (a nearby summer camp) over the summer. The idea to build a casino on the land may be one of the worst ideas I have heard all year, as it will be highly disruptive to traffic and nearby companies. This will also cause issues during the summer when children are going to Cloverleaf Ranch, as the casino will cause noise and trespassing issues, which is especially bad when its that close to private property where children are living. This will also cause some of the magic of the camp to die out, as part of the experience is that you're outside and completely disconnected from the real world. Again, this is a very bad idea for ever who lives nearby, as the noise, light, and traffic issues will make their everyday life harder. Please keep in mind what you will be doing to hundreds of people if you decide to go through with this project, and keep all of this in mind as well while making the final call.

Thank you for your time,  
Leo Strachan

**From:** Nancy Daher <[nldaher48@gmail.com](mailto:nldaher48@gmail.com)>  
**Sent:** Thursday, October 26, 2023 4:59 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Casino

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To Whom It May Concern,

I am against the casino on Shiloh and Old Redwood Highway because it is in a residential neighborhood, it is a 2 lane road and there is a county park right across the street. Also the fire barrier created by the vineyards will be removed and the roads could not handle an evacuation from a fire, like the Tubbs fire. It is not an appropriate location for a casino.

Thank you,  
Nancy Daher

Sent from my iPhone

**From:** Dale Webb <[dalewebb@sbcglobal.net](mailto:dalewebb@sbcglobal.net)>  
**Sent:** Wednesday, October 25, 2023 3:52 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Mr. Chad Broussard,

If one were to set out to pick the most horrific spot possible in Sonoma Countyon which to locate the Koi Nation casino project, this would be it. I live and breathe and have my being a very short distance from the proposed sight and have a life and death interest in the outcome.

The site maps for the project tell the story of what is seen and not seen about this project. When I look at proposal documentation of the site, I can understand why outsiders may see only a chunk of land to be sold to the highest bidder. That is what is seen by outsiders. If you live here, you see green space, open space, a much-needed fire-break in an area prone to wildfires. If you think that is hyperbole, take note of the growing number of insurance companies that are refusing to renew policies or write new policies in this area. Some companies are pulling out altogether. They aren't stupid. Neither am I.

The maps of the project are drawn so tightly that you really get no sense of the community at all, and therefore, existing community is utterly disregarded:

Directly across the street from this proposed monstrosity, just across a narrow, two-lane country road named East Shiloh is a community park where the children play, Esposti Park. Right next to the park to the east is a housing development of some size. Would that be the place where you would choose to raise your kids? Perhaps. Nice park, nice neighborhood, at least until the proposed monstrosity came to town. Who wants to live directly across the street from a monstrous casino? Do You?

Just across the street on the Old Redwood Highway side is a neighborhood Church, and as I understand it, the main entrance to the casino is directly across the street from the worship center, now, with an ample view of the vineyard. Under the proposed plan, the vineyard is gone, likely replaced by neon signs advertising a casino. Do you really want to approve dropping this enormous monstrosity, complete with a 5,000-space parking lot right on the doorstep of a church? Really?

Another thing we don't see on the map is schools. I know of at least one school in the area. "Nothing like a 544,000 square foot casino with 2,750 gaming machines, and the absolutely necessary 5 bars to teach our children well!" said absolutely no one in the area. The opposition at the hearing was virtually unanimous. In fairness, a representative of the Koi Nation did offer support, but that doesn't count for much. Of course, they support their own project. But they don't live here! By their own admission, their ancestral lands are in Lake County, the original Rancheria over 50 away. This is not their tribal land.

Beyond that, the trade union had a few folks who weighed in, after securing a promise that the tribe would use union labor to build the monstrosity. I detect the scent of narrow self-interest on the part of the union, and not much more. Beyond that, the resistance to the proposal was strenuous and relentless at the BIA hearing on Sept. 29<sup>th</sup>. I listened to hours of testimony at the BIA community hearing. No other support was heard, not one peep. Every, and I mean every municipality and elected leader flatly opposes this project. The Town of Windsor, The County of Sonoma, state and national elected officials all oppose it.

Another thing not seen—again, out of view. Just immediately west of the project is a 250+ unit apartment complex that is under construction and nearing completion. We have traffic congestion already and are about to add vehicles associated with over 250 housing units. This is not shown on the project maps, either but it is not going away. Even more high-density development is underway just west of that, all of this standing between the casino site, numerous communities and mobile home parks and the only real escape route, Hwy 101, in the event of fire. Someone who suggested that casino visitors and guests at the 400-room hotel could evacuate first, clearing the way early for the rest of us. Really? No one who lives in the area could think of this as nothing more than very thinly disguised self-interest. Totally absurd! If Cal Fire can't put out the fire, I think that we can rest assured that a puny casino fire department can or will

Here is another thing that is not seen: the chronic conditions of drought. This is an area where a great many homes use wells. We are keenly aware that water does not come from nowhere, and we are very drought conscious. It is not at all uncommon for people to remove thirsty landscaping and replace it with drought-resistant plants or nothing at all. Some collect meager rainfall into barrels for irrigation. At the risk of being a bit indelicate, some use captured water from bathing to water indoor plants and flush the toilet perhaps only every three or four visits, take fewer showers and turn off the water when lathering up. Into this immediate context this tribe wants to drop this monstrosity, blithely stating that it will suck up only 288,000 gallons per day. *Per day!* Hotel guests don't care how long their shower is. They flush toilets every time, and fresh linens will likely be available on demand. How anyone can look at the drought-ridden landscape



and say, "No significant impact." defies explanation and is totally without credibility. The truth is, 288,000 gallons of water per day is impact. It is significant. Let's not stick our heads in the sand.

I can reasonably guarantee that more wildfires will come. As quoted in the Press Democrat of September 29, 2023, Heidi Jacquin stated it well, "If you aren't moved by water, traffic, schools, churches, wildlife, the creek, maybe you would be moved by death." If you approve this project, people will die because of it. More deaths than would otherwise occur during the next wildfire. Wish as the Koi Nation might, their guests, right along with community members will not be somehow magically immune. This proposal is absolutely insane.

Say "Yes!" to life by just saying "NO to this disastrous, colossal abomination!" I urge you, I beg you. Just say no.

Dale L. Webb

123 Shamrock Circle

Santa Rosa,, CA 95403

**From:** denyse specktor <[denysespecktor@gmail.com](mailto:denysespecktor@gmail.com)>  
**Sent:** Thursday, October 26, 2023 10:16 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

No Casino!  
Bad idea  
Wrong bad dumb STUPID for our family oriented neighborhood.



Please do NOT build here  
Thank you.

**From:** Geoff Coleman <[geoffreycoleman@aol.com](mailto:geoffreycoleman@aol.com)>  
**Sent:** Friday, October 27, 2023 9:49 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

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Chad,

I appreciate the opportunity to offer the attached letter in response and opposition to the Koi Nation Shiloh Resort and Casino project in Sonoma County and the environmental impact report prepared for this project, which fails to adequately mitigate the impacts of this development.

Thank you,

Geoff Coleman PE, LS, CDT  
**One attachment** • Scanned by Gmail

Chad Broussard  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

October 26, 2023

Chad,

I am writing today to express concern, as a 39-year resident of Sonoma County, a registered professional engineer, a licensed land surveyor and college engineering/land planning professor, about the casino proposed along east Shiloh Rd in the unincorporated area of Sonoma County. I am not opposed to the concept of a casino, but am bewildered how any responsible entity could consider urban development at this location, let alone a casino of this magnitude. This is a selfish and blatant disregard to the environment, neighborhood and our community.

The County of Sonoma and Town of Windsor, which this proposed monstrosity of a development borders, have active policies in place that prohibit development of this nature. The land use designation in the Sonoma County General Plan "Land Intensive Agriculture" was created to enhance and protect lands best suited for permanent agricultural use. These policies are established to promote responsible growth and prevent urban sprawl in accordance with the Local Agency Formation Commission's (LAFCO) policies.

It would be an irresponsible violation of these policies and completely inappropriate to build a casino in a residential area with our families and schools, inviting crime, drugs and prostitution, particularly when the residents of Sonoma County relied upon these policies and the actions of our Board of Supervisors approving them when purchasing their homes and nesting in this area. A development of this nature is not allowed under the California Environmental Quality Act (CEQA) and would not be permitted if proposed by any other entity, so I'm astonished that this is even being considered. In summary:

- The casino would introduce unwelcome noise, odors and light pollution which violate the County's policies. The environmental impact report suggested the development would fund dual pane windows for residents adjacent to the entry road who request them. However, this isn't sufficient to mitigate the additional noise hundreds of other nearby residents will be forced to endure. Lighting will be downward facing and shielded, but this doesn't mitigate the impacts generated by light cast from 4 story structures which this development proposes. The environmental impact report also fails to adequately address how odors from the wastewater treatment plant will be mitigated.

- Shiloh Road is currently operating at a Level of Service of "D". The Press Democrat noted that the casino would bring 1,100 employees and draw 20,000 people a day, degrading the Level of Service to an unacceptable level.
- California now evaluates the environmental impact of a development based on the number of vehicle miles traveled when accessing a facility (VMT). Adding 1 vehicle a day for an unplanned land use would violate this policy. The casino will bring 20,000 people a day, substantially increasing VMT and greenhouse gas emissions. The traffic consultant for the casino side stepped this impact noting there isn't a VMT model for casinos, so they allegedly can only evaluate the impact created by employees which we all know generate a very small percentage of the number of vehicle trips this development would draw. Even when limiting their VMT analysis to employees alone, they noted these few trips would have an impact on VMT.
- Shiloh Road is planned as a 2-lane road with a single travel lane in each direction in the Town of Windsor's governing documents. Development is progressing along this corridor based on traffic counts supporting this configuration. Most roads in Sonoma County are built by the developments fronting them. It would be an unfair burden for the Town to require all property owners along Shiloh Road to give up right of way, and build a wider road as a condition of their respective developments, purely to benefit the casino. The environmental impact report noted the development would pay their fair share for traffic improvements, but didn't identify what this entails. Any other development of this magnitude would be required to completely fund the acquisition of right of way and the improvement of Shiloh Road from the development to Highway 101 as a condition of development.
- Sonoma Water and the Town of Windsor provide sewer service to the unincorporated area of Sonoma County and the residents of the Town. Their facilities do not extend, nor were they ever planned to accommodate the waste discharge from the casino. Therefore, the casino would have to build their own sewage treatment plant in the back yards of our residents, bringing unsightly facilities and unwanted odors. The Casino is proposing uses that may generate up to 400,000 gallons of wastewater daily. Even considering a use that draws enough people to generate this much wastewater at this site is preposterous.
- The Town of Windsor and California American Water provide potable water service to this area for drinking, irrigation and fire protection. Their facilities do not extend to, nor were they ever planned to serve this site. Therefore, the casino would have to drill their own well(s) and further diminish groundwater supply in this area. The

environmental impact report noted they intend to drill deep wells to help ensure they have enough water and to mitigate the impacts of their wastewater groundwater recharge efforts. California American Water and Sonoma water have wells in this area to serve the existing residents and would be forced to compete for this water, drilling new deeper wells and passing these costs along to existing residents.

- The casino is proposed immediately adjacent to a Wildland Urban Interface Area (WUI). We have observed two devastating fires in this immediate area in the last 5 years. Residents attempting to flee their homes during the Tubbs fire, which took more than 5,600 structures in a matter of hours, were grid-locked in traffic trying to lead their families to safety, down the only viable evacuation route for many local residents. The Casino will eliminate an existing agricultural greenbelt and provide additional strain on our roads and ability to seek refuge during emergency events.
- Although Sonoma County residents are in dire need of housing, Permit Sonoma won't allow a residential lot to be split to build another home within a WUI area as a life/safety precaution, but developers want to build a casino?
- The local water supply network is designed to provide approximately 1,500gpm for firefighting. California American Water's tanks ran dry when fighting the Tubbs fire. A development of this magnitude having wood framed construction would require a flow rate of 8,000gpm (4,000gpm for sprinklered buildings). The local water purveyors don't have the capacity for this or the infrastructure to support this flow rate. Therefore, the casino will need to build their own tank or tanks which may require more than 500,000 gallons of water if computed using NFPA1142. However, this code wasn't intended to be used for sizing firefighting facilities in an urban design setting. When considering the California Fire Code, the water tank storage requirement could approach 1 Million gallons, even for sprinklered buildings.
- Pruitt Creek traverses the proposed casino property. Even if the property could be developed, our local land development policies require that the creek be preserved and enhanced with landscape and development be setback from the creek.
- Sonoma Water, our local flood control agency and the Town of Windsor, in their Stormdrain Master Plan, identify Pruitt Creek as being incapable of handling the design storm event. The existing mobile home park and other downstream residents already experience flooding during inclement weather. The northbound

Shiloh Road off ramp at Hwy 101 also floods and experiences closures on a regular basis. Substantially increasing the amount of impervious surface upstream will add runoff and create exacerbate flooding. A development this size might generate as much as 100cfs (~45,000gpm). This might require a 2-acre detention basin to help offset and mitigate the additional runoff. However, as an existing low laying agricultural use, the site already floods, providing several acre-ft of attenuation, protecting downstream properties from inundation. Therefore, development of this site will remove this needed amenity, requiring further mitigation. The combination of filling the site, removing the ability to attenuate water and adding impervious surface might require a 5-acre detention basin.

- The Russian River and its tributaries, including Pruitt creek are listed as impaired water bodies under the Clean Water Act. The State of California requires that development draining to these tributaries treat and infiltrate stormwater. A development this size could require 4-acres of bioretention, aside from the requirement to temporarily detain the peak runoff to help mitigate flooding.

As may be gleaned from the summary above, Shiloh Road is the wrong place for a casino, creating an unsafe environment for our residents on multiple levels. I am bewildered how a development of this magnitude proposed on this site made it as far as it has through our government process. I reviewed the environmental impact report and as a professional in this industry would be embarrassed to have my name associated with the measures their consultants think will be adequate to mitigate the impacts of this development.

I don't understand why the BIA would consider giving priority to a tribe that doesn't have roots in this area, allowing them to partner with a financial enterprise to irresponsibly and harmfully destroy an entire community and I would be equally bewildered if the BIA finds that their environmental document adequately addresses and mitigates the impacts of this development.

Respectfully,



---

Geoff Coleman PE, PLS, CDT



**From:** Geoff Coleman <[geoffreycoleman@aol.com](mailto:geoffreycoleman@aol.com)>  
**Sent:** Friday, October 27, 2023 12:57 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Casino in Sonoma County

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

Thank you for the opportunity to comment on the EIR for the proposed Koi Nation Casino in Sonoma County. The EIR notes that they intend to contract with local law enforcement and emergency services but didn't quantify the amount needed to accommodate these services which is likely to be in the millions of dollars. Instead, they noted if they fail to reach an agreement that they would retain private security and staff their own firefighters. However this doesn't mitigate the majority of the impacts that will be increased crime and medical calls in the area surrounding the casino. They need to contract with local agencies to truly mitigate impacts and an amount should be negotiated and noted in the EIR prior to adoption.

Thank you,

Geoff Coleman

---

**From:** Sasha Fuller <[sfuller1224@gmail.com](mailto:sfuller1224@gmail.com)>  
**Sent:** Friday, October 27, 2023 10:23 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello,

This email is to object to the Shiloh Resort and Casino.

I currently reside in the neighborhood across from the planned location. In the report it noted that they were supposed to widen the road on Shiloh to 4 lanes in 2032 even though the planned opening of this location is 2028. The traffic congestion that will be caused at an already crowded intersection of Old Redwood Hwy and Shiloh Rd, would create increasing delays just for those living on Shiloh Road to get to and from their homes. Especially in an emergency how would this work? Regardless of if they are required to evacuate when the evacuation level is voluntary, this would still cause additional hazards to those living in the area. Widening the roads wouldn't work regardless of what is forecasted. Due to the numerous residential buildings being built in the surrounding area it would not provide the relief the environmental study says it would.

There's already a low income housing apartment complex being built down the street and an additional one on the other end of shiloh. The traffic and congestion by putting a casino here will be multiplied even more tremendously and it will greatly have a negative impact on the surrounding areas.

There was also a recommendation to utilize the Sonoma County sheriff's for assistance with law enforcement. The sheriff's office is already suffering from short staffing and only has around a 25% success rate of hiring staff. The fact that local law enforcement would be pulled away for a casino would cause additional shortages throughout the area.

This would also affect the well water supply of those in surrounding areas, the creek that runs through the planned area and the wildlife that roam this area.

The tribe claiming to be able to build here because they have ancestral ties is false as well.

This casino would also greatly affect the housing costs in surrounding areas, increase crime, have increased substance abusers in surrounding areas, and increase wreckless driving and traffic in a place surrounded by children and wildlife.

Please don't approve this casino. This is a neighborhood. And a home to wildlife. And a safe place for children to play and families to build a life.

Thank you.

S. Fuller

**From:** erin clark <[erinclark10@gmail.com](mailto:erinclark10@gmail.com)>  
**Sent:** Monday, October 30, 2023 10:04 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] No Casino in Windsor CA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

My husband and I lost our home to the Kincaid fire in 2019. We lived approximately 1.5 miles from the proposed Koi nation casino. The area was a nightmare for many weeks after the fire. We still have not been able to rebuild due to several issues but we do plan to return to our property someday. We now are renting approximately 2 miles from the proposed casino. We do not want to see a huge complex built in this residential area for many reasons. However the main reasons are drought and fire. Unfortunately for Californians today fire is here to stay, and drought is the new normal. We do not want to live through that type of disaster again and with a huge influx of people staying at the proposed casino lives will surely be lost. Sonoma County does not need yet another casino. River Rock casino suffered greatly when Graton Rancheria built their casino in Rohnert Park and now Graton is planning to double their size. Any new casino will surely not be viable compared to the other two options available to patrons. Please do not let the Koi nation proceed with this folly of an idea.

Very Sincerely,

Erin Easton Clark  
825 Leslie Road  
Healdsburg, CA 95448  
707-953-7034

**S-I190**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 8:04 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

**Name**

Laura Ruiz

**Email**

[laura28ruiz@yahoo.com](mailto:laura28ruiz@yahoo.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

**S-I191**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 10:21 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Verna campbell

**Email**

[mzverna@gmail.com](mailto:mzverna@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I192**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/29/2023 12:07 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Victoria

**Email**

[sourdough5@sbcglobal.net](mailto:sourdough5@sbcglobal.net)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.



**S-I193**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 10/19/2023 2:18 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

**Name**

Lev Gutman

**Email**

[lev.gutman@yahoo.com](mailto:lev.gutman@yahoo.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 10/19/2023 4:14 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Erlinda

**Email**

[Ediala@sbcglobal.net](mailto:Ediala@sbcglobal.net)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 10/19/2023 1:02 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

**Name**

Edwardbreslin@gmail.com

**Email**

[edwardbreslin@gmail.com](mailto:edwardbreslin@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I196**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 10/19/2023 8:11 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Sandy Kummer

**Email**

[sandybarajas18@gmail.com](mailto:sandybarajas18@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I197**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 10/20/2023 4:18 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Cecilio Draculan

**Email**

[leodraculan1122@outlook.com](mailto:leodraculan1122@outlook.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I198**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 12:54 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Timothy Farris Sr

**Email**

[Timfinish@aol.com](mailto:Timfinish@aol.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I199**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 6:51 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Michael Smith

**Email**

[Mikobsmith1@yahoo.com](mailto:Mikobsmith1@yahoo.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.



**S-I200**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 4:08 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Janice Quan

**Email**

[jlquan888@gmail.com](mailto:jlquan888@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I201**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 9:06 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Todd Ashman

**Email**

[tashbrew@gmail.com](mailto:tashbrew@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

**S-I202**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 11:30 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Gil Minjares

**Email**

[minjar02@yahoo.com](mailto:minjar02@yahoo.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I203**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/21/2023 8:53 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

**Name**

Benh Lama

**Email**

[benhlama@gmail.com](mailto:benhlama@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

**S-I204**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Mon 10/23/2023 3:41 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Sheena EstherMarie Vergara

**Email**

[teetee8434@gmail.com](mailto:teetee8434@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

**S-I205**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 10/24/2023 5:53 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Alejandro Alejandro

**Email**

[arrescurrenagamoriluis@gmail.com](mailto:arrescurrenagamoriluis@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I206**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 10/24/2023 12:00 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Cheech JR

**Email**

[cheech415505@gmail.com](mailto:cheech415505@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.



**S-I207**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 10/24/2023 9:08 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Mikaley Monlo

**Email**

[Mikaleymonlo@yahoo.com](mailto:Mikaleymonlo@yahoo.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I208**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 10/27/2023 3:34 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Jose sanchez

**Email**

[sanchezant@yahoo.com](mailto:sanchezant@yahoo.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.

**S-I209**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 9:41 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Husam ahalim

**Email**

[s.ahalim@yahoo.com](mailto:s.ahalim@yahoo.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

**S-I210**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 3:45 PM

To:biasupportforkoination koination.org <biasupportforkoination@koination.org>;Noah Starr <noah@singersf.com>

**Name**

Mello Masalunga

**Email**

[jemasal@yahoo.com](mailto:jemasal@yahoo.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

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We would appreciate your expedited approval of this application.

**S-I211**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 11:03 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

**Name**

Zachary Adams

**Email**

[zadams@gmail.com](mailto:zadams@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

**S-I212**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 10/27/2023 7:49 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Arthur Seagraves

**Email**

[art218@gmail.com](mailto:art218@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

**S-I213**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 10:35 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Felix alden Mandap

**Email**

[felixaldenmandap@gmail.com](mailto:felixaldenmandap@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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We would appreciate your expedited approval of this application.



**From:** Patricia <[pa-k@att.net](mailto:pa-k@att.net)>  
**Sent:** Friday, October 27, 2023 11:50 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** [pa-k@att.net](mailto:pa-k@att.net) <[pa-k@att.net](mailto:pa-k@att.net)>  
**Subject:** [EXTERNAL] Please Say NO to the Koi Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

**One attachment** • Scanned by Gmail

**My name is Patricia Arnold-Kempton.**

September 9, 2023

I live on East Shiloh Road. The driveway to your proposed casino, or the parking lots for it, likely will open right across from the driveway to my home. You are proposing to create a nightmare for me and my neighbors.

I grew up in Las Vegas, Nevada. I still have family there. While I was growing up, casinos in Las Vegas morphed from picturesque resorts to bulging, neon, and plastic monstrosities.

Our father was in the casino business, back in the day when Las Vegas fashioned itself to be an elegant gaming mecca much like the better era of the high-end casinos of Monte Carlo.

Long driveways led casino goers past beautiful landscaping to the elegant hotel and casino buildings.

For years, Las Vegas lived two very separate lives, ONE WORLD, of course, showcased the glitz and glamour of the uber-elegant Strip, which, at that time, by order of the town's city fathers, was intentionally located WAY Out of Town on the highway leading to Los Angeles and Hollywood, far away from homes and schools, churches, and neighborhoods.

The underbelly of that same world began growing downtown: There also grew up within the five-block-long section of Fremont Street, with its gritty carnival atmosphere of the Old West Frontier gambling halls, the pawn shops, tattoo parlors, thinly disguised sex shops, and other dubious and unsavory businesses.

People in Las Vegas, whose homes fronted on Fremont Street just one block east of Fremont and Fifth Street, knew the side streets and alleyways near their homes were steadily growing unsafe. Petty thievery, home-invasions, prostitutes and the destitute, wandering their neighborhoods, led people living within blocks of downtown Fremont Street to sell out and move away to keep themselves and their families safe. Because their neighborhoods were becoming blighted by the influx of gamblers and their camp-followers, those Homeowners fleeing the casino row areas typically sold at a loss, their misfortunes coming in the wake of a Gamblers' Paradise.

Slowly, the long-term residents of the old Las Vegas, moved farther and farther away from the downtown gaming area, because even then it was not truly safe to be on the streets at certain hours of the night.

Out on the glitzy Strip: Back in those days, many of the high-end casinos had a policy of cutting off gamblers who were seeking to hock every possession they had. Then, those unfortunate gamblers were sent away; they were told not to return.

And two, there was the Other Neighborhood WORLD of Las Vegas, the one I knew as a Child: the ultra-conservative neighborhoods supporting local families and strong family values.

Unfortunately, and overtime, big corporations purchased interests in the Las Vegas and Reno casinos, expanded the most lucrative gaming devices, such as the slot machines, and digital poker machines. The Casino Hotels of old were ripped out and rebuilt to cover every inch of property, to haul in every penny and dime from the endless stream of gamblers who came hoping to win, and left, mostly as losers.

The same thing happened in Reno, and elsewhere in Nevada. And it probably happens around nearly every card room or casino here in California.

Gamblers, and gambling addicts were, and continue to be, fleeced, or bankrupted in ever-increasing numbers.

People drive from miles away to gamble in Nevada. And here we see a constant flow of busses bringing scores of gamblers to the existing California casinos. We know that will happen here on Shiloh Road and Fought Road, as well.

For too many decades thousands of people have lost every dollar they had, many have hocked their jewelry, many have hocked their vehicles, and found themselves with no means to return home. From gambling, too many marriages have been destroyed, children's lives torn apart, families ruined. Many failed gamblers and their families have had to turn to the lowest forms of crime in order to survive. Don't we have enough homeless living all around us as it is? Do we need to build a venue having the potential for creating even more?

If you truly believe there still must be more casinos, can you not at least locate them away from long-established neighborhoods?

Many bankrupted gamblers become overnight homeless, living in the corners of the casino's parking garages, ducking the casino's private security. Many of them join tent encampments wherever they are able to find shelter. I am not telling you urban legends. I am speaking from fact. I grew up around casinos, due to my father's business. Until recently, both my brothers worked in the casino hotel business, one in Las Vegas, one in Reno.

There can be no one in the office of the City Council, or the County Board of Supervisors, or the office of Environmental Assessment, who has not seen for themselves what areas around casinos become.

When one steps outside most Reno or Las Vegas casinos, there is, in line of sight, a plethora of pawn shops, and businesses offering to loan money for vehicles, even bicycles, or to make other questionable loans to the desperate gamblers – Years ago, those same locations in downtown Reno and downtown Las Vegas were mostly homes, restaurants, shops and theatres, all gone now, all replaced by more casino property and by more sites that prey upon gamblers, and all the other unfortunates who ply their various sorts of shady trade in the dark recesses nearby.

Perhaps the KOI Tribe casino will be limited by its newly minted pseudo-ancestral Reservation. But the camp-followers will invade as well. They will add to the degradation of our community, forcing those of us who have lived here for years to sell, probably at a loss, and possibly be forced to leave California because we will not be able to replace what we have now for a price we can afford now.

All of us are familiar with the scourge of smog, the grim miasma that plagued many California towns until Clean Air Acts were put in place.

**Casino Smog is a thing:** There always hovers, in the air around gambling centers such as Las Vegas and Reno, and even near other local California casino operations, an unseen miasma of misery, an emotional fog of despair and desperation. Gamblers down on their luck, people who have lost more than they have, people seeking loans at horrific interest rates.

Anyone can feel the sense of desperation exuding from those hoping to win back what they have lost.

### **THE CASINO IS THE HOUSE –and - THE HOUSE NEVER LOSES.**

The Casinos take, and keep, from 30 cents to nearly 40 cents of every dollar laid down for a bet. The remaining 60 cents is what is used to pay out to the 'winners.'

For anyone to win big, a lot of gamblers must lose big. As I said, the House never loses.

Now big money from somewhere, wants to put one of those places right here, right in the middle of our neighborhood. Clog our country roads with tourists, delivery trucks, and resulting homeless, and the underworld characters who most certainly will come to prey on the tourists, the gamblers, the winners, and the losers.

Then we will see them streaming into our quiet family neighborhoods, the other predators, the camp followers that are part of the stock in trade of the casino neighborhood. We will see the inflow of prostitutes, male and female, who ply their trade at all levels of wealth or poverty. We will see the destitute and the newly destitute strolling past our homes, drunkards, drug-addicts, relieving themselves, and sleeping on our front yards, and in the nearby parks where our children play, where families gather on Sundays.

We will see the streets outside our homes lined with vehicles not only for the visiting gamblers, but also for the marginally housed forced to live in their travel trailers, campers, and cars.

Those street-liner live-ins will be using our front yards for bathrooms and garbage dump locations. Those of us that have a small family garden will see passersby helping themselves to the fruits and vegetables we raise to feed our families.

Many of us depend on wells for our water for ourselves and for the food we grow. A large mega casino such as is being offered here, likely will suck out what water may be available to us.

The risk of stream bed and water source contamination is very real

All those people, all those buildings, and the sewer lines that will drain them, will be going beneath, or very near our creeks and streams. An 'oh, we are so sorry that happened' .....sewer spill is inevitable. The leak will happen, and it will be too late to do anything about it other than watch our beautiful environment die an agonizing death.

Even before the inevitable sewage pollution, there most certainly will be light pollution. We will be forced to install blackout draperies on our windows to keep out the bright lights of the casino and the parking lots.

We will lose the gorgeous night sky to light pollution that you promise won't be a problem; but even you must know already that it will.

We will lose the wildlife that drew us here and that is precious to us, the coyote, foxes, raccoons, the rabbit, the squirrel, the hawks, the owls, the falcons, the quail, even the frogs and the fish, and so forth, all will be forced to move on to make room so outside interests may move into our midst and spoil our lives.

### **FIRE DANGER**

The **Fire Danger** in our community is an enormous elephant in the room. The fire danger has not gone away. I believe it is here to stay. I was here in the middle of the 2017 fire and the ones that followed. On two occasions, huge cinders flew overhead, and in the last big fire, the flames came within a quarter mile of our home.

The developers need only look at Coffey Park, Fountain Grove, and Wickiup, and the area next to Kaiser Hospital on Old Redwood Road to see how flaming cinders flew several miles before burning to the ground the wide swaths of homes in all those areas.

With the narrow roads, evacuations were difficult, some people fled on foot because they feared the line of vehicles on the road in front of them would not get out of the way in time. Their vehicles burned and melted into the road, leaving streams of aluminum and other metals embedded into the roads and driveways.

We heard that the casino interests assure us they will use their employees to direct traffic away from the fire and ensure everyone can get out safely.

**This insults our intelligence.** If there is a wall of fire coming down Shiloh Road, the Casino's employees are not going to stand in the intersections directing traffic until the last vehicle exits safely – unless they are actually fully trained firefighters or law enforcement, those employees, just like everyone else, will be running for their lives. And those employees, just like everyone else, will hope to be among the fortunate who get away from the fire first. They will be at the head of the line.

#### **ARE THERE BEHIND CLOSED DOORS DEALINGS WE SHOULD KNOW ABOUT:**

Should we Owners have reason to suspect there may be secret, not-yet-revealed long term plans for outright land grab by Sonoma County for the benefit of the Koi Indian Tribe? –

Can the County or City Officials reveal what tax breaks and other fiscal concessions are the public officials preparing to make in favor of the Koi Indian Tribe? And at Taxpayer Expense?

Or may we know whatever onshore or offshore consortium may be funding the development of a casino complex in our community beyond the Midwest Native American corporation that helps other native American groups find land for casinos?

Does Sonoma County and the City of Santa Rosa, and the Carpenters' Union have plans for future property confiscation so more buildings may be built, keeping carpenters busy....carpenters whose homes likely are nowhere near Shiloh Road – (We heard pleas from 'carpenters' and their family members who admittedly do not live anywhere near here, saying the casino will be good for the economy, that it will provide good jobs to carpenters.) **Please get their names and addresses, build your casino near them.**

In what other ways will this proposed project benefit City and County Officials, and carpenters, and other workmen, people whose property values won't go in the tank as the KOI Tribe casino complex grows like a giant carbuncle on our neighborhood?

Will we witness the specter of eminent domain removing some or all our property from us in the name of progress, if 'progress' is a casino complex?

What does the County have in mind for fire storm evacuation? If the casino is built, will the roads around us be widened to four-lane or six-lane thoroughfares? To do that, will the County's next step be to declare imminent domain, and take our homes to make space for wider roads, and more parking for the casino enterprise?

#### **SOVEREIGN NATION: NO TAXES, ITS OWN LAW ENFORCEMENT, ITS OWN COURTS –**

Is it the County's plan to force us all to move out so the Koi Nation may move in, and take our land and our homes?

Those of us living in this community that have homesteads or who have Reverse Mortgages will be the biggest losers. The dregs of society will invade our property, many will feel free to burgle our homes and property to find things to hock so they can continue to lose money to the casino. Our property values will suffer.

My husband and I shopped for a long time to find the perfect place to create a home for our family. We have worked hard to make our home and our property a thing of beauty, a haven, a gathering place for our children and grandchildren.

Your proposed casino will steal that from us.

Your proposed casino will fill our night air with police and fire sirens, and the endless stream of traffic, the casino tour busses, the delivery trucks.

Many of the people your proposed casino will attract will make us much less safe in our own homes.

Your proposed casino will uproot families, negatively impact our children's schools, our neighborhood churches, ruin our beautiful parks and community, and it will change forever, this lovely part of Sonoma County.

**I implore you to say NO to the plan the Lake County KOI Tribe has in mind for us.**

I implore you to protect my rights as a citizen of Sonoma County, a Tax payer, and a homeowner.

I implore you to think of the people who live here now and who voted you into office. I implore you to put our interests ahead of a business group from out of the area that seeks only to find a place to plant a land-gobbling casino business that will harm the people already here.

Patricia Arnold-Kempton  
5899 Caporale Court (also shown as 189 E. Shiloh Road)  
Santa Rosa  
925.381.0885  
pa-k@att.net

**From:** Kayla Patane <[patanekayla@gmail.com](mailto:patanekayla@gmail.com)>  
**Sent:** Saturday, October 28, 2023 8:56 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Casino in Santa Rosa on the Windsor Border

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

To whom it may concern,

I am writing in regards to the negative impacts of the proposed casino on the location of Old Redwood Highway in Santa Rosa. As a longtime Sonoma county resident, I have observed the impacts of various casinos around our cities: Graton, River Rock primarily. These two do offer a myriad of jobs for individuals in the area, however, both are in locations that are more remote and removed, not in any way heavily impacting their surrounding neighborhoods or communities. The traffic impact alone in this new proposed site will be extremely detrimental to an already very congested area. In addition, the fact that is is right adjacent to not only apartments, houses and neighborhoods, it will also be across from a very busy park that is filled with young children playing all different sports. The idea of having a casino across the street is devastating and a disgrace to these young children. The drinking, smoking, and drug use that often accompanies casinos is not welcome near this location filled with young families and children. It would cause a severe decline in the value and young population interested in growing their families in a once safe area.

I am really hoping a more appropriate location is found that will be more removed and have less impact on this area.

Thank you for your time in rational considering all of these important points.

Kindly,  
Kayla Patane



**From:** Chris Thuestad <[chris2esta@comcast.net](mailto:chris2esta@comcast.net)>  
**Sent:** Saturday, October 28, 2023 10:06 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation's Proposed Casino in Sonoma County

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Broussard,

The Koi Nation bought a 68-acre property near Windsor, in Sonoma County, CA and announced its intentions to open a new casino there. I am deeply concerned about this for a number of reasons and feel that this should not be allowed to happen.

The proposed casino is at the corner of Shiloh Road and Old Redwood Highway. From that intersection, there are two traffic lights on Shiloh Road to get through in order to get on Hwy 101, the main freeway. It can already take up to three turns of the lights to get through those lights, and another light beyond the on-ramp to Hwy 101 can also cause traffic to back up. This is a two-lane road that is already inadequate for the existing traffic. There are several high-density housing developments currently under construction on both Old Redwood Highway and Shiloh Road, and several more lots are posted with signs indicating that they are also ready for development. The traffic study done by the Koi Nation didn't include any impacts from the new developments already underway or from the planned developments. The southbound traffic on Hwy 101 is already bad during the commute hours, stop and go from Windsor to and beyond Santa Rosa. We've been told the Graton casino in Rohnert Park gets 20,000 guests a day. If the Koi casino is even larger, what will that do to the street traffic in Windsor and the freeway traffic heading south? It will be a nightmare.

The proposed site is in a high fire danger area that has been forced to evacuate for wildfires or been put on alert for possible evacuation several times in the last six years. When we had to evacuate during the Kincade fire in 2019, my husband was at Home Depot on Shiloh -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! Adding a casino to the area with around 2,000 employees and an untold number of guests is insane. When the next wildfire goes through, people could die in their cars like the tragedy that happened in Paradise, CA.

I'm also concerned about water usage. In addition to a gaming area, the proposal includes six restaurants, a spa, and a 400-room hotel. We don't have enough water for the people who are already here let alone for all these extra people. The scientific community has warned that our droughts will increase in frequency and duration. During the recent multi-year drought, we were headed to a real disaster until the rains finally came last season. I've heard that the proposed casino will put in a 700'

well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought (or before), there could be problems with ground subsidence leading to property damage. Once the land is taken into trust, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, and washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns on certain days each week, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water?

When the Graton Casino in Rohnert Park opened for business, it cannibalized 50 – 70% of the River Rock Casino's business in Geyserville according to the Press Democrat. The Koi Nation is a Lake County tribe with roots 50 miles away yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes – and I don't think that was a coincidence. They plan to take business away from the two Sonoma County casinos. There are two other local tribes in the area that have expressed an interest in building casinos. The Koi Nation may have the right to build a casino in California, but it needs to happen on their own ancestral land. It isn't fair to the local tribes to have to compete with them.

The proposed site is right next to housing developments and a church, and less than a mile from an elementary school. That is a horrible choice for a business which will bring more traffic, crime, noise, and light pollution. Admittedly, the treatment of Native Americans in this country hundreds of years ago was terrible, but the people who own houses across the street from the proposed casino aren't responsible. They will be severely impacted by this casino, and their property values will plummet. How can it be fair to let a ninety-member tribe from outside the area take so much from so many people?

No one wants to live by a casino! Everyone who lives in Windsor will be impacted by the increase in traffic, noise, and crime, and many will see a sizable reduction in their property values. We already don't have sufficient water or adequate roads. The Graton and River Rock casinos will see a significant reduction in their profits taken by a tribe from another county. Please, please do not allow the Koi Nation to build this casino in Sonoma County!!

Respectfully,  
Chris Thuestad

**From:** Suzanne Calloway <[suzannecalloway@yahoo.com](mailto:suzannecalloway@yahoo.com)>  
**Sent:** Sunday, October 29, 2023 9:24 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

From: Suzanne Gillen Calloway 531 Coachlight Place, Larkfield/Wikiup (unincorporated Santa Rosa)

I have lived at my home on Coachlight Place, in the Larkfield/Wikiup neighborhood that borders the proposed casino, since 2002.

I am also an elementary school teacher at San Miguel school on Faught Road.

I attended the Zoom discussion of the EA "report" and am following up to express my deep concern about this proposed project.

The report seems to gloss over some very major issues (and when I learned at the meeting who did the "research", I am not surprised).

Between the roads and resulting fire evacuation impossibilities, the proximity to an elementary school, and the lack of infrastructure in our unincorporated area, it is absolutely mind-boggling to consider a project like this at this location.

Having lived through the Tubbs fire and the Kincade fire, evacuation is absolutely a life and death situation. In fact, as I write this, we are in a Red Flag warning. Attached is a photo taken on my cul-de-sac on the night of the Tubbs fire. Those flames are directly behind our street, in direct line to the proposed casino property. We barely escaped. The local roads were clogged with just the residents of this little area. Then in 2019 (Kincade) although we had more warning, the freeway was still gridlocked for hours! And the question isn't IF we will have another wildfire, it is WHEN. People will die next time if there are the added thousands of people and cars. We have seen this happen, it is not hyperbole.

Our neighborhood is a bit of an "orphan" area - we are covered by the sheriff's department, not Santa Rosa PD, so law enforcement emergencies take an inordinate amount of time to get a response. The increased crime that will accompany this type of business will go unchecked - the casino security may police their parking lots but what happens when nefarious activities then move to Shiloh Park and San Miguel School? We can't get a sheriff to regularly patrol when we have had incidents now, so what will happen then?

Another example - our roads are finally being repaved after 20+ years, but the project is so mismanaged that it has taken over 4 months and no one at the county level seems to care. (Many residents have called and written.) We have been without proper stop sign and crosswalk markings for this duration, creating a very unsafe situation. Extrapolating to the future, the

increased traffic will not only increase the wear and tear on our shoddy roads and no one will be maintaining or even monitoring them. Another impact will be that Faught Road will be a shortcut to the casino, with thousands of cars passing through a quiet street all day and night, right in front of an elementary school where neighborhood kids walk and bike to school.

There are so many other locations that would have less of an impact on so many lives and less potential for a deadly situation.

I would hope that the Koi tribe could research some of those options and use this property for housing. (There's a great school nearby that their children could attend.)

Please do not allow this project to proceed!

Sincerely,  
Suzanne Calloway



**From:** Lyn Henderson <[lyn95403@gmail.com](mailto:lyn95403@gmail.com)>  
**Sent:** Sunday, October 29, 2023 2:15 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] opposing Casino On Shiloh Rd

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

please note our vote in opposition to the casino on corner of Old Redwood hwy and Shiloh in Windsor!!

Lyn Henderson and Bruce Marks  
124 Eton Ct  
Santa Rosa 95403  
Larkfield-Wikiup area  
Sent from my iPhone

**From:** jcarter276 <[jcarter276@comcast.net](mailto:jcarter276@comcast.net)>  
**Sent:** Sunday, October 29, 2023 9:36 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Shilo Resortc& Casino

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Please don't let this project happen.  
This will ruin Northern Sonom County.  
We are an agriculture area specializing in Wine.  
Another casino, along with approved expansion of the other Casinos, will permanently change this county.  
It will be overrun with Casinos & gambling. More DUI's, Crime, & property values start to decline.  
Why does every tribe have to build Casinos where there not wanted.  
This is a massive land grab by the various Indian Tribes.  
Sonoma county has 2 Casinos which are planning on expanding.  
Why can't they have stores, shops, etc.  
Why always a Casino. The tribe can use the land for housing, winery, school, etc.  
Why a Casino with all its related issues.  
That area is already surrounded by homes. Why put a Casino next to a Neighborhood?  
Also the resources a Casino requires.  
By there estimates we're adding a small cities worth of water & sewage into a system that's already taxed.  
Our water tables have been depleted by drought & will continue to be an area of real concern. The requirements of 336,000 gpm flow rate would be devastating to an already burdened system.  
If there has to be anything, at least make it option C, only the hotel & winery. That shows the least use of natural resources.

There's a lot of issues that are not in the environmental report & some of the figures & estimations are biased.  
It looks like Koi nation paid for the report & made sure it was favorable to them.  
After review, that is not an objective report. Looks like there may be grounds to file an injunction to get a 2nd opion.  
Undo influence by the Koi nation.  
That's being looked into.

If approved this will cause an major split between Town of Windsor & the Koi nation.

There will be major issues that will arise.



Regards,  
Jacques Carter  
[Jcarter276@comcast.net](mailto:Jcarter276@comcast.net).  
President of the Windsor Neighborhood Coalition.

Sent from my Galaxy

**From:** ct6k2 <[ct6k2@protonmail.com](mailto:ct6k2@protonmail.com)>

**Sent:** Sunday, October 29, 2023 9:37 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Koi Nation is from Lake County

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Dear Mr Broussard,

Please do not approve of the Koi Nations plans to create a Koi Nation at 222 East Shiloh Road.

They plan to build a large gaming casino.

\*They are from Lake County 45 miles away

\*It would be severely damaging to the residential area that exists close by.

\*Runoff from parking lots would go into Shiloh Creek, which feeds into Mark West Creek, which has a salmon and steelhead population.

Thank you for your consideration,

Chad Thistle

3529 Deer Park Dr

Santa Rosa, CA 95404

707 481 4893

Sent from Proton Mail mobile

**From:** kimberly stone <[kimberly.stone@me.com](mailto:kimberly.stone@me.com)>  
**Sent:** Monday, October 30, 2023 3:00 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Shilo Casino

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I strongly oppose this , this is across from very upscale housing development that's been there for decades, and a family park across the street, also apartments on old redwood , currently under construction , and apartments adjacent both Old Redwood and Shilo are 2 lane roads, traffic is already a mess and the new 3 story apartment on the corner isn't done, limited parking there as well, this oversized casino has no place in our small town

**From:** [kim@brassauto.com](mailto:kim@brassauto.com) <[kim@brassauto.com](mailto:kim@brassauto.com)>  
**Sent:** Monday, October 30, 2023 7:00 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Vehemently oppose the proposed Shiloh Resort & Casino

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Mr. Broussard,  
Please add my name to the list of long-time Sonoma County residents who OPPOSES the Shiloh Resort & Casino.  
I've lived here for over 30 years. I've raised family here. I bicycle here. Until I retired, I worked here too.  
What we DO NOT NEED OR WANT is another casino/resort.

Regards,  
Kimberly Simoni

**From:** Rita Nickles <[rnickles@gmail.com](mailto:rnickles@gmail.com)>  
**Sent:** Tuesday, October 31, 2023 5:08 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Mr. Broussard:

Re. the Koi Nation Shiloh and Casino, I am totally against it.

As a 33 year resident of Windsor I don't think another casino in our area would improve our quality of life. Windsor is a family oriented town, a casino doesn't belong here.

Thank you,  
Rita Nickles

**From:** Lyn Henderson <[lyn95403@gmail.com](mailto:lyn95403@gmail.com)>  
**Sent:** Tuesday, October 31, 2023 9:33 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Indian Casino

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10-31-23

please Let this email show that as a resident of Larkfield since 1963 I am opposed to the proposed Casino at Shiloh rd and Old redwood Hwy.

I live 2.4 miles from the intersection listed above.

My concerns are :

increased traffic through Larkfield/Wikiup up to the Casino.

The increased element of robberies, Drug sales and home invasions from criminal perpetrators into our area.

Our water supply has been decreased the past 6 years by drought and a business of this size will be over and above water allotted to residents here!

All our roads leading to the casino are not meant for the traffic flow projected to this Casino.

We are a rural community not a City!

Should the existing residents have to see these changes just because an Indian Tribe wants this built?

The Tribe isn't from Santa Rosa/ Larkfield/ Windsor/ sonoma county area and therefore should be denied a permit to Build.

Thank You

Lyn Henderson

124 Eton Ct

Santa Rosa, Ca 95403

Sent from my iPhobe

**From:** Dana O'Gorman <[sun@sonic.net](mailto:sun@sonic.net)>  
**Sent:** Tuesday, October 31, 2023 11:50 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Chad,

My family has been long term residents of Sonoma County. We live in the Northeast and love this area. Our family firmly believes this is an absolute mistake to even be considering this spot for a Resort and Casino. This area is for families to live and enjoy - we do not need the added traffic, noise and people this Resort will bring into our neighborhood.

I honestly have a hard time understanding how this property has been seriously considered. Any new Casino should be outside of neighborhoods, with true visibility from a freeway and easy access into and out of the Resort - not into a peaceful neighborhood. Please - please do not consider passing this - it is a serious mistake and will ruin our area!

Respectfully Submitted, Dana O'Gorman

--

Dana O'Gorman



**From:** Larry <[lsantarosa@aol.com](mailto:lsantarosa@aol.com)>  
**Sent:** Tuesday, October 31, 2023 12:59 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] koi nation Shiloh Road project

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Good day, having read their consultant's environmental report, I can tell you it's like something out of "1984" George Orwell's chilling glimpse into the future, w/phrases and language aimed at lying and mis-representing. This is a residential and natural setting valued by hundreds of residents and the surrounding town of Windsor. The Graton casino, **closer to my home, but one I vocally supported 15 years ago**, is in a much less scenic and much less populated area, lacking in views, creeks, and neighborhoods. It added to Rohnert Park's profile and finances.

This project is a large helping of manure on a much-loved area, which will ruin the pretty setting with traffic lights, a multi-story parking garage, and **a resort we don't need, a 10 minute drive to River Rock casino**. BTW, that casino has stiffed its investors and bond-holders since it was built, overlooking Alexander Valley. That was a bad mistake, and the Shiloh Road project is even worse mistake, so take heed of the feedback you're receiving. Thanks, Larry Scharf

**From:** Anne Gray <[annegray123@sbcglobal.net](mailto:annegray123@sbcglobal.net)>  
**Sent:** Wednesday, November 1, 2023 10:49 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Opposition to Koi Nation Windsor Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Please see the attached letter in opposition to the Koi Nation of Lake County's bid to build the largest casino in California.

There are many reasons why this proposal should be rejected and I've outlined them in the attached. My letter also includes some questions for you that I am requesting answers on.

Please confirm receipt of this email and thank you for your work on this project.

Anne Gray  
Santa Rosa CA

**One attachment** • Scanned by Gmail

# Anne Gray

459 Country Club Drive  
Santa Rosa, CA 95401

[annegray123@sbcglobal.net](mailto:annegray123@sbcglobal.net)

630.815.9277

November 1, 2023

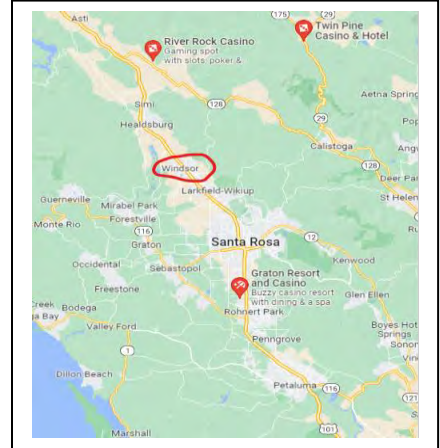
Re: **OPPOSITION TO PROPOSED KOI NATION WINDSOR SHILOH RESORT & CASINO**

To: Chad Broussard  
Bureau of Indian Affairs  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Dear Mr. Broussard:

I am a third generation Californian. My family moved to Sonoma County 35 years ago. My extended family has lived here for over 80 years ago.

I ask that the Bureau reject the Koi Nation's effort to build a casino of **any size** in Sonoma County. In addition to the preferred alternative, other proposed options for what is to be called the **"Shiloh Resort & Casino"** at 222 E. Shiloh Road, Windsor is also unacceptably large. I spoke about this opposition at the Zoom September 2023 Public Hearing.



Sources used for the following information and my understanding of the facts are listed at the end of this letter. The current proposal will include a:

- 540,000 square foot casino
- 400-room hotel
- 2,800 seat event center
- 5,000 parking spots and an estimated 54,000 daily visitors
- Two ballrooms
- Five restaurants
- Additional support and entertainment facilities
- Use 280,000 gallons of water per day

My understanding is that the **Shiloh Resort & Casino** would **become the largest casino in California**. The **Graton Casino in Rohnert Park** is already the **fifth largest casino in California**. It is now embarking on an approved **\$1 Billion** expansion to make it even bigger!

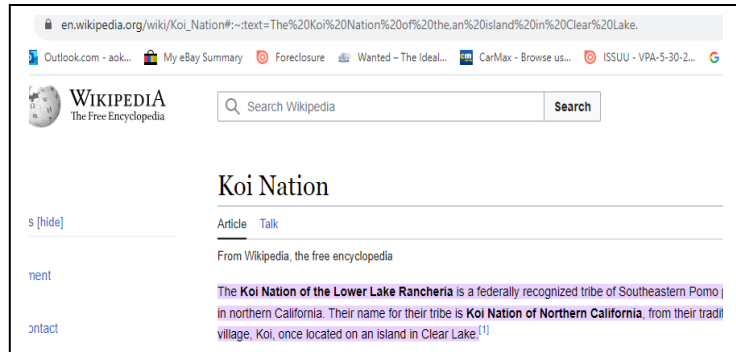
## ***A few key points against the proposal include:***

### **KOI NATION IS INDIGINOUS TO LAKE NOT SONOMA COUNTY**

- It is my understanding that the Koi Nation are **indigenous to Lake not Sonoma County** and therefore have **no significant historical connection or inherent rights** to build this casino in Windsor or anywhere in Sonoma County.
  - Their website acknowledges this history (below)
  - ABC News and others also reported that "Five other tribes question Koi Nation's "historical connection" to Sonoma County, saying their ancestors lived 50 miles away in Lake County."

- And just this month, the **Clearlake City Council, in Lake County** approved increasing funding the city will devote to **defending itself against legal challenges involving major park and road projects filed by the Koi Nation**. The reference notes that **“The tribe, whose traditional territory includes the city of Clearlake and Lower Lake...”**, They go on to note that the money is needed because the tribe, **indigenous to Lake County**, approving \$250,000 for legal defense... **“after the tribe sued to stop the city’s extension of 18th Avenue as part of a new hotel development at the former Peace Field airport site.”** (Lake County News, October 20, 2023)
- Yet in 2021, the Koi Nation purchased 68 acres in Sonoma County at 222 E. Shiloh Road, Windsor, for \$12.3 Million. They did not have approval to build the casino before this purchase and are now requesting permission. Is this a version of **"It's easier to ask forgiveness than it is to get permission"**? Why buy the land first?

***So, which is it? Is the Koi Nation indigenous to Sonoma County? Lake County?***



## **LARGE CASINOS ALREADY EXIST IN SONOMA COUNTY ARE ALREADY HAVING PROBLEMS COMPETING**

By building the Shiloh Resort & Casino, the biggest in California, Sonoma County will become the Las Vegas of California. Forever changing our cherished rural landscape and sense of community, while creating new crime and safety challenges, and contributing to transportation gridlock for all.

- **Just 14 miles, or 15 minutes south** off Highway 101 is the 2013 built **Graton Casino**. It has a:
  - 135 square foot casino – 25% the size of one proposed for Windsor
  - 200-room hotel, and others built nearby to support it
- **In June 2023 Graton began a \$1 Billion expansion** which will add a:
  - Second hotel wing with 200 rooms
  - 3,500-seat theater for live entertainment
  - Rooftop restaurant seating for 480 guests
  - 144,000 square feet of gaming space
  - Five-level parking structure for 1,500 additional vehicles
- Upon completion, **Graton will be the second largest casino in California. The Shiloh Resort & Casino would easily become the largest in the state.** Surrounded by other massive casinos just a few miles away.

- Earlier this year, on March 1, 2023, Sonoma County Supervisors approved the **Dry Creek Rancheria Band of Pomo Indians’ new River Rock resort and casino in nearby Geyserville.** (Rendering Below)



- That location is only 18 miles or 30 minutes north of Windsor
- Why are they tearing down their existing facilities to build a bigger new luxury resort and casino? **During the approval process they argued that business *slowed significantly* after Graton opened. They were granted permission for a complete re-build as they need it to compete! And we need yet a third?**
- This suggests that **Sonoma County cannot sustain *three* massive casinos requiring high revenue targets for financials to meet expectations.** If this turns out to be the case, it will lead to owner neglect as operating funds diminish. **Sonoma County taxpayers** may in the end need to step in with taxpayer monies to fund basic maintenance and security functions. Moreover, Sonoma County may not get the planned tax revenue approval all these new casino builds promise.
- **Twin Pine Casino & Hotel in Middleton, Lake County,** is also just one hour by car from the proposed Windsor site.
- The Dry Creek Rancheria Band of Pomo Indians also plan to build a **large casino in Petaluma south of Windsor.** They have delayed it until 2032 but it is still a strong and viable possibility.
- Again, just 14 miles from Graton Casino and 18 miles from River Rock Casino, **the proposed Shiloh Casino in Windsor would easily become California’s largest casino.** Built in a residential area and location Sonoma County cannot support.

**Sonoma County residents do not need *three* massive Las Vegas style casinos within a 32-mile radius of each other.**



**PROPOSED SHILOH RESORT AND CASINO WOULD BE LOCATED IN THE MIDDLE OF ESTABLISHED RESIDENTIAL NEIGHBORHOODS**



Proposed location  
circled in red

- As the above images prove, the proposed site is smack dab in the middle of established residential communities, and the stores, restaurants, churches and other operations the local community relies on.
- What will the impact be on diminishing rural landscape, the wildlife and natural environment that land currently supports? Crime, drunk-driving, drug use, and noise from this new 24/7 operation? Property values of long-existing residents?

## IMPACT OF NEW URGENT STATE MANDATED PROHOUSING COMMUNITY MULTI-FAMILY HOUSING. HAVE YOU CONSIDERED THIS IN YOUR ENVIRONMENTAL REVIEW?

Have you considered other major expansion projects within Sonoma County in your assessment?

Governor Newsom's Fiscal Year 2019-20 budget established the **Prohousing Designation Program** help meet California's goal of 2.5 million new homes over the next eight years, with at only about 40% of these new homes serving the needs of lower-income Californians. Windsor, Santa Rosa, and Rohnert Park are part of this designated, fast-growth housing program.

According to Gustavo Velasquez, Department of Housing and Community Development (HCD) Director:

"I'm thrilled that we now have 30 communities that have achieved the Prohousing designation," said HCD Director Gustavo Velasquez. "The cities and counties are leading the way by **reducing unnecessary barriers and red tape** that discourage new housing production, instead they are **signaling to developers that are ready to build more housing faster.**"

(California Department of  
Housing and Community Development, August 7, 2023)

"This isn't hype. If it becomes law, the bill could really revolutionize California cities. As currently written, SB 827 would essentially **exempt all new housing built within half a mile of a train stop or quarter mile of a frequent bus stop from most local zoning rules.** So, if a city had zoned an area for single-family homes, developers could invoke the bill to build multifamily apartment buildings **between four and eight stories high.**"

(Cal Matters June 23, 2020)

- One only has to look at the large multi-family housing developments going up all over Santa Rosa now to know there will be major issues going forward with transportation gridlock, parking and community services. Eliminating the "red tape" that is fundamentally needed to successfully incorporate new housing into Sonoma County.
- Windsor, Santa Rosa and Rohnert Park have been designated **Prohousing Communities** by the State of California.
- All three have embarked on building new multi-housing units to address homelessness. Santa Rosa alone is adding almost 4,700 new housing units by 2025 (technically 2031 but they are on-track to finish sooner).
- Highways, roads, and community services such as grocery stores and medical facilities are not equipped to deal with the **Prohousing Community** requirements, let alone a third Las Vegas style casino.
- The State mandate has also put aside many developer requirements in order to get this housing built, including developer money to support new roads, adequate parking and multi-family community services such as nearby grocery stores, and public transportation. This whole program is going to provide needed housing but at great expense to the public, and those who will reside in these new homes.
- The Wal-Mart and Home Depot right off Highway 101 along with other stores and restaurants located there are already destination points for residents **outside of Windsor** which also leads to much more traffic.
- My understanding from the recent public Zoom hearing is that your transportation study was done in the early morning on a winter day. Have you re-evaluated it during afternoons when schools let out and people leave work? Highway 101 already becomes a parking lot at many busy travel times of the day.



## ADDITIONAL NEW MULTI-FAMILY HOUSING GOING UP AT 295 SHILOH ROAD, WINDSOR

- The Corporation for Better Housing and Integrated Community Development received \$40 million in construction financing for Shiloh Crossing, a **171-unit complex**.
- The development will have two buildings plus 8,000 square feet of commercial space. The North Building will include 130 apartments, while the South Building will consist of the remaining residential units, administrative offices, community space and two commercial spaces. It will have a swimming pool, community room and bocce court.
- The development will be located at 295 Shiloh Road near Route 101. Just one mile or a 3-minute drive from the proposed new Shiloh Resort & Casino. This new residential development, one of many fast-tracked to deal with California's housing shortage will also add to traffic congestion, slow wildfire evacuation efforts and pull from depleted water reserves.

Proposed locations for the new casino and 171 new multi-family housing circled in red; 1 mile apart.



## WILDFIRE EVACUATION ROUTES ALREADY STRESSED

It is also quite easy to see from the above map that the proposed casino would hamper wildfire evacuations as evacuees travel west on narrow roads to get to Highway 101 during emergency evacuation. It is also unrealistic in my view to expect casino employees to risk their lives trying to evacuate patrons as the road traffic quickly comes to a standstill and a death trap.

If the Koi Nation's proposal is approved the BIA will share the blame should more wildfires lead to death due to an inability to flee. The BIA knows locating the largest casino in California at this location will add significant wildfire evacuation hurdles.

## SONOMA COUNTY BOARD OF SUPERVISORS UNANIMOUSLY OPPOSES THE KOI NATION PROPOSAL

- There has been great Sonoma County opposition to the Koi Nation plan. In April 2022 the "Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Nation's proposed casino and resort outside Windsor while discounting the tribe's historical ties to the county". (CDC Gaming Reports, April 6, 2022). Many other groups also oppose this new development.

## SUMMARY

The proposed location is not equipped nor the spot for another massive casino. In addition to over-crowding, casino-saturation, the **water table, environment, and wildfire evacuation routes** are also not equipped to support another casino.

Right off Highway 101 by Walmart and Home Depot? Adjacent and near long established residential areas families, children and the elderly call home? Where property owners are already facing low water pressure as their wells dry up? With Prohousing Designations already adding thousands of multi-family housing in Windsor, Santa Rosa and Rohnert Park?

**Please let me know** if you have factored in the impact of the new **Prohousing Community** build in Windsor, Santa Rosa and Rohnert Park in your evaluation, and re-evaluated the impact on roads, water requirements, and the safety of adjacent neighborhoods, which seems flawed as many pointed out during the Public Hearing. **I request a written reply to these questions.**

I urge you to deny the Koi Nation Shiloh Resort & Casino **in any form.**

Sincerely

Anne Gray

Anne Gray

Data sources include:

- The September 27, 2023, Public Hearing, Zoom-moderated by C. Broussard, BIA
- Publications:
  - <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - <https://www.lakeconews.com/news/76942-clearlake-sets-aside-half-a-million-dollars-to-defend-against-tribal-lawsuits-over-city-projects>
  - <https://www.pressdemocrat.com/article/news/sonoma-county-supervisors-approve-casino-agreement-with-dry-creek-rancheria/>
  - <https://www.pressdemocrat.com/article/news/federal-hearing-on-proposed-koi-nation-casino-near-windsor-draws-scores-of/>
  - <https://www.townofwindsor.com/1303/Koi-Nation-Resort-and-Casino-Project>
  - [https://en.wikipedia.org/wiki/Koi\\_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.](https://en.wikipedia.org/wiki/Koi_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.)
  - <https://www.koinationsonoma.com/history/>
  - <https://www.koinationsonoma.com/project/>
  - <https://www.srcty.org/CivicAlerts.aspx?AID=2253>
  - <https://www.hcd.ca.gov/about-hcd/newsroom/california-department-of-housing-and-community-development-awards-prohousing-designation-to-five-new-jurisdictions>
  - <https://www.hcd.ca.gov/about-hcd/newsroom/governor-newsom-designates-three-more-california-communities-prohousing-strides-made-to-accelerate-housing-production>
  - <https://www.townofwindsor.com/DocumentCenter/View/27736/3818-23-Authorizing-Town-Manager-to-Submit-Prohousing-Incentive-Pilot-Program-App-to-CA-HCD?bidId=>
  - <https://calmatters.org/housing/2018/03/what-to-know-about-the-housing-bill-that-has-people-freaking-out-from-marin-to-compton/>
  - <https://www.pressdemocrat.com/article/news/public-hearing-announced-for-koi-nations-proposed-casino-project-near-wind/>
  - <https://huffman.house.gov/media-center/in-the-news/sonoma-county-elected-leaders-react-to-koi-nation-proposal-for-casino-near-windsor>
  - [https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility?utm\\_campaign=trueAnthem%3A%20Trending%20Content&utm\\_medium=trueAnthem&utm\\_source=facebook&fbclid=IwAR2VfPsWJpFRLIH8vIsWcOb8hd\\_IQqZd2bwOTuM3lvK7rOnxKjc6u53MWvo](https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility?utm_campaign=trueAnthem%3A%20Trending%20Content&utm_medium=trueAnthem&utm_source=facebook&fbclid=IwAR2VfPsWJpFRLIH8vIsWcOb8hd_IQqZd2bwOTuM3lvK7rOnxKjc6u53MWvo)
  - <https://www.petaluma360.com/article/north-bay/sonoma-county-dry-creek-tribe-poised-to-extend-agreement-banning-casinos-n/>
  - <https://cdcgaming.com/brief/california-sonoma-county-supervisors-unanimously-oppose-koi-nations-casino-near-windsor/>
  - <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - <https://www.landispr.com/wp-content/uploads/2019/11/PD-Coverage-Koi-Nation-casino-battle-091821.pdf>
  - <https://www.healdsburgtribune.com/windsor-casino-would-increase-fire-risk-impact-residential-communities-opponents-say/>
  - <https://www.shilohresortenvironmental.com/>
  - <https://www.multiphousingnews.com/california-affordable-development-lands-40m/>

**From:** Barbara Gurry <[bgurry@gmail.com](mailto:bgurry@gmail.com)>  
**Sent:** Wednesday, November 1, 2023 1:10 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad,

I am writing to you to let you know that I oppose the proposed building of the Shiloh Resort and Casino by the Koi Nation Indians. We do not need another casino in this area as we already have the huge Graton Casino in Rohnert Park and the River Rock Casino. The Graton Casino is expanding again making it a Mega Casino. Building a casino in this area will contribute to the already massive traffic problem on Highway 101 when customers are traveling there. Also, building a casino there will attract criminals and increase crime in the area. I have seen the bad things that happened to the City of Rohnert Park after the Graton Casino was built. This has resulted in massive traffic congestion in the area of the Casino and on Highway 101 and a huge increase in crime including prostitution, robberies, drug deals, shoplifting, and fraud. There are no benefits of building a casino off Shiloh Road in Santa Rosa so I hope you can convince the Indians to locate their casino to a different location. The City of Rohnert Park was ruined by a huge Las Vegas casino being built there called the Graton so no one wants the Shiloh area to be ruined also by putting a casino there. Thank you for reading my letter.

Barbara  
Sent from my iPhone

**From:** bill mccormick <[billmccormickiii@gmail.com](mailto:billmccormickiii@gmail.com)>  
**Sent:** Wednesday, November 1, 2023 1:25 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Chad Broussard

I find it hard to believe that I am actually obligated to respond to such a preposterous land development proposal as this one put forward by the Koi tribe for a casino and resort at the border of the Town of Windsor, within Sonoma County. My property is bounded by Shiloh and Faught Rd, immediately east of this project. I am a local, licensed, Certified Engineering Geologist (CEG) who has spent the last 38 years evaluating the engineering and environmental feasibility of proposed development projects in Northern California, and I must say I have never seen such a ludicrous development proposal such as this one; a casino in a residential neighborhood is almost comedic....however, in my case it is an on-going tragedy. I spent 11 years opposing the fee-to-trust development on the western edge of Windsor with another tribe, only to find that even though I moved to the other side of town, I now have to defend my rights and way of life again.

From a professional perspective, I can't say that I have ever read a more flawed, incomplete and down-right unprofessional environmental document than the EA that was produced for this ludicrous development by Acorn Environmental. Clearly this firm is a paid advocate for the Koi tribe and their conduct and work product is subject to further scrutiny and professional investigation. This out-of-town firm clearly has no understanding of the local conditions and has produced this document using desktop study procedure, outdated data and no true field ground-truthing. Miraculously, all issues are deemed to be less than significant, to the public. This clearly shows that the EA was written only to the benefit of the Koi tribe and WITHOUT consideration to the surrounding neighbors or current environmental reality. This study is so flawed that it never even defines what the phrase less than significant means, and to whom. In order to accurately point out the numerous flaws of this 217-page study, it would take another 217-page letter. For sanity sake, I will only include a few examples that clearly demonstrate why the EA is worthless, should not be considered for acceptance and that the only project that is acceptable is Alternative D – No Action Alternative.

## **TRAFFIC**

The provided traffic study is extremely flawed and incomplete. First of all, new traffic volumes will increase by up to 16,000 cars a day, within a residential neighborhood with NO mitigations whatsoever proposed. We cannot accept or be forced to accept such a degradation to our way of living. This amount of traffic will severely decrease the safety of our neighborhood.

In addition to this, the presented traffic study is completely flawed because it does not even consider traffic generated from the major intersection of Shiloh and Faught Rd; the corner I live on. Casino patrons will try to go around the traffic created on Old Redwood Highway at the main entrance, for the Faught Road/Shiloh back entry. For us who live here, we all know that Shiloh road is a part-time drag strip already....adding 16,000 cars to this will result in many injuries, death, property damage and overall degradation to our current peace and lifestyle with endless, 24-hour traffic noise.

## **WATER SUPPLY**

The EA claims that daily groundwater use needs on the site will be 170,000+ gallon per day and require additional wells to be drilled. This will severely affect neighboring supply wells with typical yields of only 10 to 20 gallons per minute and will cause a drawdown effect, possibly drying up adjacent domestic wells. This will also limit firefighting efforts in this wildfire hazard zone.

## **WASTEWATER**

This category is especially disturbing. The EA estimates up to 400,000 gallons of waste per day. The proposed on-site system will include pipes under Pruitt Creek, the need for up to 16 million gallons of onsite storage and/or discharge into Pruitt Creek...which would permanently damage the existing creek environment. There will be so much excess sewage water that the EA states that up to 11 acres of offsite irrigation is possible, if they can find someone willing to take it...if not, the excess will be pumped into Pruitt Creek. We cannot allow Pruitt Creek to become a sewage canal.

The proposed plans call for an on-site sewage treatment plant which will use hazardous chemicals for treatment which would be environmentally disastrous if spills were to occur. What's most important here is that private sewage treatment plants on tribal lands are not subject to local operating guidelines, inspections or oversight. In addition, all waste biosolids would have to be continually trucked offsite to some other disposal site, presenting additional commercial traffic and potential environmental hazards for Sonoma County citizens.

\*If this casino is permitted, the Town of Windsor will be bordered by **TWO UNREGULATED WASTEWATER TREATMENT PLANTS.**

## **OTHER UNMITIGATABLE ISSUES**

There are many other unmitigable issues associated with having a casino in this neighborhood. It has been proven that areas surrounding casinos experience a sharp and lasting increase in **criminal activity**. Even though my property is located somewhat in a rural setting, I have had prostitutes and drug users use my driveway and vineyard access for their business. Criminal activity will increase exponentially with the Casino making our neighborhood unsafe. The tribe erroneously assumes that Sonoma County Sheriffs and Fire will service the project.

There is no way to eliminate new **noise** associated with traffic access to the site from patrons and deliveries, parking for over 5,000 cars and general **24-HOUR-A-DAY** operation of the casino itself. Other forms of **POLLUTION** will be car exhaust and

light pollution. All of these factors will permanently damage our peace and **SEVERELY** reduce the **VALUE** of our properties.

## **SUMMARY**

In a nutshell, this proposal is absolutely ludicrous and the EA is flawed and unacceptable. Let me summarize the fatal flaws for this project:

- The EA as presented does not adequately characterize the overwhelming negative effects to the neighborhood and Sonoma County Citizens.
- The EA and the tribe do not present mitigating factors for critical issues
- There is no definition of Less than Significant and this implication for all issues clearly ignores the concerns of neighbors and Sonoma County citizens
- The proposed development is opposed by every civic organization and the overwhelmingly majority of Sonoma County citizens.
- The proposed development is opposed by existing Tribes that originate from Sonoma County
- We already have two casinos in Sonoma County, we don't need a third

**What is completely omitted from this EA document is the description and acknowledgment of the permanent damage to the existing residential and agricultural culture that exists in this area.** No credence is given to forever changing the lives of the current residents, which far outnumber the 90 Koi members who would be the beneficiaries of residential neighborhood destruction. Clearly none of the Koi would live in this neighborhood once the casino is built. I would also like to point out that never has permission been granted in the past for a tribal casino more than 15 miles from their native origins nor has a casino ever been permitted next to a residential neighborhood...this policy should not be changed!

I have one final comment that needs to be taken into consideration by the BIA. This current process of **RESERVATION SHOPPING** at will needs to cease, and the Federal Government needs to find other more positive ways to assist tribal communities that doesn't destroy the lives of others in the process and is not based on a monopoly of casino greed that creates instant millionaires. Tribal rights should not be more important than all other citizens' rights. We are all **US Citizens** and one group should not be allowed to infringe upon the rights of others for selfish means, especially since the citizens that could be negatively and permanently affected have lived here for many decades.

In closing, I implore you to reject the EA, and only consider **Alternative D- No Action Alternative**. I also strongly encourage you to guide the Koi tribe into finding fee-to-trust land opportunities outside of Sonoma County.

Respectfully submitted,

William V. McCormick, CEG

Neighborhood Resident

November 1, 2023

**TO:** Ms, Amy Dutschke  
Region Director  
Bureau of Indian Affairs -Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**SUBJECT:** EA Comments  
Koi Nation Shiloh Resort and Casino

**FROM:** William V. McCormick, CEG  
5811 Faught Road  
Santa Rosa, CA 95403

Dear Ms. Dutschke:

I find it hard to believe that I am actually obligated to respond to such a preposterous land development proposal as this one put forward by the Koi tribe for a casino and resort at the border of the Town of Windsor, within Sonoma County. My property is bounded by Shiloh and Faught Rd, immediately east of this project. I am a local, licensed, Certified Engineering Geologist (CEG) who has spent the last 38 years evaluating the engineering and environmental feasibility of proposed development projects in Northern California, and I must say I have never seen such a ludicrous development proposal such as this one; a casino in a residential neighborhood is almost comedic....however, in my case it is an on-going tragedy. I spent 11 years opposing the fee-to-trust development on the western edge of Windsor with another tribe, only to find that even though I moved to the other side of town, I now have to defend my rights and way of life again.

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In closing, I implore you to reject the EA, and only consider **Alternative D- No Action Alternative**. I also strongly encourage you to guide the Koi tribe into finding fee-to-trust land opportunities outside of Sonoma County.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'William V. McCormick', with a stylized flourish at the end.

William V. McCormick, CEG

Neighborhood Resident

**S-I230**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/29/2023 10:04 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Sheli

**Email**

[Wrighttranch@rocketmail.com](mailto:Wrighttranch@rocketmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

**S-I231**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Mon 10/30/2023 9:29 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Cornelia Duque

**Email**

[proencons1@yahoo.com](mailto:proencons1@yahoo.com)

**Comments**

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Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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**S-I232**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Wed 11/1/2023 12:46 AM

To:biasupportforkoination koination.org <biasupportforkoination@koination.org>;Noah Starr <noah@singersf.com>

**Name**

Jamie

**Email**

[Jamiehom3@gmail.com](mailto:Jamiehom3@gmail.com)

**Comments**

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Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

**S-I233**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/29/2023 4:07 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

**Name**

Dorothy Stone Inouye

**Email**

[fullcircle@sonic.net](mailto:fullcircle@sonic.net)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.



**From:** Jim Quinn <[jimg675@gmail.com](mailto:jimg675@gmail.com)>  
**Sent:** Wednesday, November 1, 2023 3:13 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA comments, Koi Nation Shiloh Resort Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr Broussard,  
PLEASE DO NOT APPROVE THIS PROJECT!!!

I support the Koi Nation efforts to enhance economic growth and development for its people. However, the current proposed location along Old Redwood Hwy in Windsor, CA is absolutely THE wrong area for a 24-hour gaming and resort facility.

The Koi Nation want to build a 24-hour gaming facility and destination resort immediately adjacent to:

- a long established QUIET residential area;
- a newly constructed multi-story apartment complex;
- already heavily trafficked wildfire evacuation routes.

All of the above on single lane roads.

The Koi Nation secretly purchased the land with no community input beforehand. The neighborhood had no prior knowledge the Koi planned a 24-hour casino literally across the street from their homes. Then the Koi went public and announced their casino plans. It feels like they are trying to ramrod this project down the throats of the surrounding community. All of the Koi's actions thus far has created an enormous amount of ill will, distrust and anger that will be almost impossible to mitigate.

I truly don't understand how the Koi think they will be good community partners when they demonstrate such contempt for the neighborhood they wish to be a part of.

Traffic in the area is already heavy and compromised. The apartment complex when it opens will add 100s of vehicles DAILY to the area. The fire evacuation routes are already heavily congested. Adding a 24-hour gaming and resort facility, and its additional 100s of vehicles, has the potential to make it deadly.

This is NOT the correct location for any casino. The Koi, I believe, chose this beautiful and serene location for its own marketing purposes and without any concerns or regard for the surrounding community.

Please do not approve this project!!!!!!

Thank you for your time.  
Jim Quinn

**From:** [rcdccmy@aol.com](mailto:rcdccmy@aol.com) <[rcdccmy@aol.com](mailto:rcdccmy@aol.com)>  
**Sent:** Wednesday, November 1, 2023 4:28 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

November 1, 2023  
Re: Koi Shiloh Casino Project

Dear Mr. Broussard,

I am writing regarding the Koi Shiloh Casino Project. We have raised our family in the neighborhood directly across the street from the proposed site. We have lived here for 25 years.

It is very alarming that the Koi Nation would choose a residential property on a quiet country road. As I am sure you are aware, not only is the property surrounded by neighborhoods, but by a church, youth park and baseball field, as well as an elementary school. This is not the right spot for a large casino project.

The "experts" who researched this property, used information from 2007. Additionally, the traffic studies were conducted during off-peak times. This area has experienced 2 large disastrous fires after 2007, which necessitated evacuation in the surrounding area. We sat in a 3-hour traffic jam trying to leave our neighborhood on Shiloh Road and make our way to the main highway (101). Recently a large apartment building was also built on the corner of Shiloh Road and Old Redwood Highway. This building could add anywhere from 250-350 extra people trying to evacuate during an emergency. Add to that a casino/hotel and traffic will virtually be stopped. NO one will be able to evacuate.

Not only is the fire danger a real and life-threatening issue in this area, we have experienced drought conditions for several years, which dictated that neighbors water only on specific days, let lawns die and conserve. If there isn't enough water for the neighborhood, how will a casino/hotel be able to provide for the large amount of water that they will need? Will a well really provide enough water?

We would ask that further studies are done, to more accurately represent this area. I believe that current studies would further substantiate that this is not the place for a casino/hotel. **The only viable option right now is Option D.....no project.**

Thank you,  
Respectfully,  
Ron & Carrie Myers

5834 Leona Ct.  
Windsor, CA 95492

November 1, 2023

Re: EA Comments, Koi Nation Shiloh Resort & Casino

Dear Amy Dutschke,

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Ron & Carrie Myers

5834 Leona Ct.

Windsor, CA 95492

**From:** Desiree Langston <[philsdesire23@gmail.com](mailto:philsdesire23@gmail.com)>  
**Sent:** Thursday, November 2, 2023 6:48 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Windsor casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi there, I support the casino going up 100%. Myself and many other friends and family are excited about this news. Just thought that I would let you know YES YES YES PLEASE. Casino would bring jobs and works  
Help our economy.  
Thank you and have a great day.

Sincerely , Desiree Langston  
Sent from my iPhone

**From:** t. Braunstein <[phototanya@yahoo.com](mailto:phototanya@yahoo.com)>  
**Sent:** Thursday, November 2, 2023 11:31 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Windsor Casino

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I'd like to add my voice in opposition to the proposed construction of the Windsor casino. There are so many reasons to oppose this project, but for me, the primary concern is evacuation in the event of fire, earthquake, etc. I am a survivor of the 2017 Tubbs fire. My Larkfield home did not burn down, but the fire came very close to where I was living. I still live in the same house, though with all the subsequent fires that followed and evacuations and smoke alerts, I came very close to quitting the area I've called home since 1989.

Those early morning hours are forever etched in my memory. I was awakened early that day by pounding on my door. My neighbor shouted that I had to get out immediately. I looked at the roaring fire up the street. It took me a few moments to get my bearings. I first needed to find my glasses in the dark and then get my purse and jacket. As I ran out of the house, I was only able to grab one of my two cats. I had no choice but to leave the other who was hiding somewhere in the house and was no doubt as petrified as I was.

Still in my pajamas, I headed towards Old Redwood Highway where traffic was barely moving. Ashes and glowing embers were bouncing off my car. I called my daughter in a panic and was unsure what to do because the fire was so visibly close. I could barely see through the smoke. I didn't know if I should stay in the car or jump out and run. It was around 2:00 a.m. but my middle daughter answered immediately. I said, "I don't know if I should stay in the car or run? I'm coming your way." She replied, "Don't take Reibli Road or Fountaingrove because it's all over Facebook something is happening there. Go towards Occidental (where my eldest daughter lives). Go west. Go away from this area." I did what she said, which required me to make a U-turn away from the line of cars and drive north toward Airport Boulevard. Everyone else was going south, but I broke away from all the cars. This was a relief but also scary because I was going against the masses and unsure if it was a good choice. I called my daughter again for reassurance and she said, "...just keep the fire in your rearview mirror. Keep going west."

This led me to the backroads of the west county. Eventually, after driving through dark backroads, I made it to Occidental close to dawn and was able to stay with my oldest daughter for a day. My middle daughter and her family arrived not long after me. During this entire week, the area around my house was very well barricaded. It was about 5 days before I was able to enter the area, escorted by police to learn that my house had survived the fire and to retrieve my other cat, whom I found very hungry, thirsty, and stressed.

The intersection of Shiloh and Old Redwood Highway is already facing increased traffic due to the new construction of a large apartment complex. I don't understand why a casino in a residential



neighborhood would even be considered by any reasonable person. Only extreme greed and personal gain would motivate support for this project.

Respectfully,

Tanya Braunstein

**From:** claudia abend <[abendclaudia@gmail.com](mailto:abendclaudia@gmail.com)>  
**Sent:** Thursday, November 2, 2023 11:25 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments , Koi Nation Shiloh Resort and Casino

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This is a supplementary comment and rebuttal to the E A report on the Koi Shiloh Casino Project. The location of this proposed project is right in the middle of agriculture, residential, school, church, parks and wildlife areas . This project will also present big threats and hazards to wildfire evacuations, impact area traffic flow, dangerous DUI and distracted drivers around children/pedestrian/bikers on roads, increased crime in area, ground water depletion, flooding of roads /property and contaminated water ways and wildlife habitats. This project is in total disregard to what this area has been and is at present .

My husband and I have lived at 5925 Old Redwood Hwy for 37 plus years . Our property is located behind the Mark West Neighborhood Church along with other residents on our private drive . We all have private wells that provide our water source and conserve and worry during drought years . We were all present and experienced the fires of 2017 and 2019.

Appendix C water and wastewater study : Having any wastewater discharged into a creek does not sound sustainable for the environment, wildlife and area existing wells . During higher water winters this area has a lot of run off in creeks and roadside ditches that flood roads and residential properties. Given the amount of new asphalt and concrete this project will cover there will be more run off and not enough absorption causing more flooding to creeks and area properties. Any new wells and water for a project of this size will gravely impact area residential wells . This study looks unrealistic and bias to fill the requirements! The county of Sonoma has recently put a stop to all new well drills due the drought years before 2023 . There is also a restriction of ground water usage in process. As a public area, people in resorts/casinos don't care about water conservation. Climate change can negatively impact more of our water sources as well .

Appendix I Traffic impact study : This study does not reflect the reality of how busy this area already is and more busy with the now in progress of new housing projects on Shiloh and old redwood Hwy .

Appendix N Wildfire Evacuation : The study on this is unrealistic for this area . Past fires of 2017 and 2019 fires burned across roads , 101 Hwy , structures on large areas of asphalt/concrete and large hotels and assisted living buildings. These fires even came close to burning down 2 hospitals . To even suggest that this project would be a protective addition if not true . It is the most protective by being what it is , agriculture/vineyard. This was true with both of these recent fires .

To suggest that this project could evacuate 800 people in 2 hours from this site is ridiculous . Considering all the other surrounding areas took longer than that during the recent past fires plus add the newest housing projects on Shiloh in progress now , is really unfounded data . This whole area is a log jam to Hwy 101 and the Hwy is also slow moving in the face of evacuation.

Appendix L Noise and Vibration : A project like this operating 24 , 7 will directly impact all the surrounding residential livelihood with unwanted noise, lights from the project and the on going

and leaving of cars and buses . This will also include more crime and law enforcement/ ER services calls that is not included in this EA and is not a residential friendly activity to have. There is no mitigation that can fix this except to not have this project built. This appendix doesn't even cover aesthetics change this project would cause . Views of the mountains will be gone with a uprise project like this . This type of project will decrease area property values. A casino/hotel resort conv center does not fit into this community character at all! This is not Las Vegas . This cannot be mitigated.

A project like this is not needed for local economy to thrive . There is plenty of building and development happening in Sonoma county . Local restaurants and service businesses even have a shortage of people willing to work for them .

The EA by Acorn Environmental has a lot of missing realities of this area ...the biggest is it's residential / agricultural...not commercial . This comes across as bias to push through a casino project . The only option that can be supported is option D, no project .

Thank you ,

Claudia and Richard Abend

**From:** Richard Abend <[richardabend13@gmail.com](mailto:richardabend13@gmail.com)>  
**Sent:** Thursday, November 2, 2023 3:30 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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This is a comment and rebuttal to the EA report on the Koi Shiloh Casino Project . The location of this proposed project is right in the middle of agricultural ,residential,school, church, parks and wildlife areas. This project will also present big threats and hazards to wildfire evacuations , impacted area traffic flow , dangerous DUI and distracted drivers around children /pedestrians on roads , increased crime in area ,ground water depletion , flooding and contaminated water way and roads/property, and wildlife habitats. This project is in total disregard to what this area has been and is !

**From:** Brenda Catelani <[bmcat@pacbell.net](mailto:bmcat@pacbell.net)>  
**Sent:** Thursday, November 2, 2023 6:47 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Chad Broussard  
Environmental Protection Specialist Bureau of Indian Affairs, Pacific  
Region [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

November 2, 2023

Dear Mr. Chad Broussard,

I have lived in Sonoma County all my life, and for the past 35 years, my family has lived in the Oak Park subdivision that resides directly across the street from the Koi Tribe's proposed casino/hotel/events center. My husband and I have raised our children in this peaceful residential community made up of hundreds of family homes, a small neighborhood park (Esposti Park) used for little league baseball and soccer games, two community churches, elementary schools, and the 850 acre Shiloh Regional Ranch Park enjoyed for its beautiful and safe hiking, biking, horseback riding and running trails.

The existence of a large casino/hotel/events center in this neighborhood would irrevocably harm this peaceful, family oriented community, introducing a significant increase in traffic, public safety issues and noise pollution. After reading the Environmental Assessment (EA) published in September 2023, I am extremely concerned about the lack of consideration that was given to protecting our peaceful community from the environmental impacts a proposed project of this magnitude would cause. Below is a list of our concerns:

**TRAFFIC - evacuation due to wild fire**

1. Having lived through the 2017 and 2019 wildfire events, what is foremost in my mind is that the EA neglects to propose a safe and effective traffic mitigation strategy to accommodate the significant increase in the number of non-resident vehicles on the roads in the event of an evacuation order.

If the casino/hotel/events center is built, it will undeniably result in a significant increase in traffic congestion which will be compounded exponentially during an evacuation event. The EA (page 3-119) states that, to mitigate a traffic issue during an evacuation, the casino/hotel/events center would be issued a mandatory evacuation status as soon

as an evacuation warning is issued for the area. Giving the casino/hotel/events center a head start on evacuating is not a realistic solution. If the casino/hotel/events center evacuees follow this evacuation process, there would be thousands of visitors on the roads while thousands of local residents are trying to get to their homes or find/reunite with loved ones in preparation for evacuating. The roadways to our neighborhoods would be gridlocked, creating a very dangerous situation for thousands of anxious, fearful and desperate people.

It is also important to acknowledge that human behavior during a major event is unpredictable. Simply telling large groups of people to “leave now” in an orderly fashion following emergency protocols does not mean they will. We all respond to crises differently depending on our personal situations and studies have shown that large groups of people are slower to respond during a crisis, oftentimes experiencing denial or disbelief that the situation is real.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that an in-depth study of the 2017 and 2019 fires and evacuation protocols along with an updated Traffic Study (one that includes the new traffic patterns resulting from the Shiloh Terrace (completion expected 1/2024) and the Shiloh Business Park (completion date unknown) building projects that are currently under construction) are performed. The findings should then be incorporated into all road improvements in order to ensure safe evacuation procedures can be followed.

### **TRAFFIC - on a daily basis**

2. The lack of a well thought out comprehensive evacuation plan is not the only issue with the traffic mitigations proposed by the EA. The road improvements proposed are insufficient for meeting the increase in daily traffic.

As a family who drives through the Shiloh Road - Old Redwood Highway intersection every day, it is obvious that the traffic mitigation strategies will require more than the signalization/optimization, re-striping of the roadway and the widening of the Shiloh Road as indicated in the EA (page 4-9). The EA authors seem to have overlooked that the project plans also show one of the main entrances to be directly off of Old Redwood Highway. Old Redwood Highway is a heavily traveled 2-lane road that is used as a direct route into and out of the Santa Rosa and Windsor areas. During peak traffic hours, Old Redwood Highway is a popular alternative route to traveling Highway 101 and is a shorter and more direct route when traveling to Sutter or Kaiser hospitals in Santa Rosa. It is shortsighted not to consider the need to also widen Old Redwood Highway in order to accommodate the additional increase in traffic.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that an updated Traffic Study is performed once the current construction projects along Shiloh Road (Shiloh Terrace Apartments and the Shiloh Business Park) are complete in order to obtain a clear understanding of the effect that the casino/hotel/event center could

have on the traffic patterns along Old Redwood Highway so a realistic traffic mitigation strategy can be created.

### **TRAFFIC -during road construction**

3. Whenever road work is performed, local residents are affected. The EA minimizes the burden placed on local residents during the proposed expansion of Shiloh Road (a heavily used roadway), thus raising concerns about the traffic issues resulting from such extensive road work.

It is unclear how the EA authors determined the road construction project would be “short term” and cause only “minor delays in traffic flow”. Shiloh Road is currently a heavily used 2-lane road. It is not uncommon for road construction on heavily used roads, especially those with only 2-lanes like Shiloh Road, to take several months or longer to complete or the timeline to be further pushed out due to shortages in labor and other resources. Diverting existing traffic congestion while Shiloh Road is under construction will, not only inconvenience daily commuters, but also the local residents who shop at Home Depot, Walmart, Grocery Outlet, and the other businesses immediately off of Shiloh Road (on Hembree Lane) and the employees that work at those businesses.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that the Koi Nation’s developers meet with the public transportation department and local road construction companies to determine the true timeline to complete such an extensive project by comparing recent projects and availability of resources. Require that they develop a plan that will minimize the negative impact on traffic patterns on the community during the expansion process.

### **PUBLIC SAFETY**

4. The increase in visitors traveling to and from the proposed casino/hotel/events center will affect all aspects of public safety, from traffic accidents and drunk driving violations to theft and vandalism. The current state of Sonoma County Sheriff resources for public safety cannot accommodate the proposed casino/hotel/events center needs. With the introduction of a casino/hotel/events center in a residential community, public safety should be a priority. Not only do more cars on the road equate to more accidents, the crime rate will increase (including drunk driving violations) from what currently is almost non-existent in the area.

According to the EA (page 4-8), “the Tribe shall make good faith efforts to enter into a service agreement with the Sonoma County Sheriff’s Office” for police services in order to keep the local community safe. However, the EA authors do not explain what “good faith efforts” actually means and there is no mention of an alternative plan in the event that the “good faith efforts” do not result in resources for public safety.



An alternative plan is essential because what the EA authors did not consider is the fact that the Sonoma County Sheriff's Office is currently struggling with understaffing and overworked employees pulling 12 hour shifts due to the inability to fill vacancies (see Town of Windsor Agenda Report dated May 17, 2023). While the Koi Nations financial contributions to the Sheriff's budget would be helpful, the ability to find a qualified and well trained police workforce is a very real concern.

**ACTION REQUESTED:** Before approving one of the proposed projects, require that an in-depth review of the Sonoma County Sheriff's office's capacity of their current workload and the proposed increase be performed in order to determine if a sustainable plan for staffing and support is feasible. If the Sonoma County Sheriff's Office is not able to provide public safety services, an alternative realistic solution needs to be provided.

### **NOISE POLLUTION**

5. In addition to our public safety concerns, it is critical that we are able to preserve the quiet and peaceful environment of our neighborhoods. With thousands of daily visitors to the proposed casino/hotel/events center, there will be a significant increase in "noise pollution" to the neighboring homes.

As listed on the EA (page 4-8), the mitigation for the resulting noise created by the casino/hotel/events center was to have the Koi Nation "pay a fair share" towards repaving the road with "noise reducing pavement" and, "if repaving is not necessitated by traffic improvements prior to 2040, the Tribe will compensate homeowners adjacent to identified roadway segments for dual pane exterior windows". The authors of the EA do not seem to understand that the noise pollution is not just caused by the sound of tires on the street, but also car horns, motors, engine backfires, accidents, bass from music blaring, and other loud noises. In addition, most houses already have dual paned windows which, from personal experience, do not block loud noises. The EA authors also did not consider that, because of the mild temperatures of Sonoma County and the health concerns of Covid, many residents prefer leaving their windows open to allow fresh air to circulate throughout their homes. Relying on specialized paving and dual paned windows will not provide adequate protection from the increase in noise resulting from a business that runs 24/7 with the majority of visitors arriving and departing during the evening, night and weekend and holiday hours.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that a comprehensive Environmental Impact Statement be completed and a realistic sound mitigation plan be created that will prevent and/or significantly minimize outside noise pollution from disturbing the neighboring homes.

### **COSTS TO LOCAL RESIDENTS**

6. The history of the Koi Tribe is one of significant devastation that included the loss of their homeland. One aspect of the traffic mitigation that the EA did not address was that, in order to widen Shiloh Road from two lanes to four lanes, the government would need

to enact eminent domain in order to gain the private property rights of local residents' homes along Shiloh Road. Although these families would be compensated, no amount of money can replace their loss of home and community when forced to relocate. Is this an act the BIA and Koi Nation wants to be connected to?

**ACTION REQUESTED:** Before making a final decision on the proposed projects, please take into consideration the direct and indirect costs to local residents.

On the Koi Nation's website, they state, "our inherent sovereignty is the foundation for our efforts to obtain land upon which we can re-establish the living relationship between our people and the land". However, their proposed plans do not support the goal of reconnecting with their heritage. In contrast, the casino/hotel/events center, **which is not located on their ancestral land**, will irrevocably change the surrounding peaceful environment, negatively impacting the local neighborhoods with increased traffic, public safety issues and noise pollution caused by the 24/7 nightlife and weekend activity of a large casino, hotel and events center.

While I support the Koi Nation's ability to better itself economically and promote the welfare of their people, this location is absolutely not right for this project. The proposed site is not in a commercial area. It is agricultural and residential. We are a community of families who want to protect our peaceful homes and neighborhoods. I am hopeful that the BIA will carefully consider my comments and those of my neighbors. I wholeheartedly request that you implement alternative D, no action.

Respectfully,  
Brenda Catelani

Sent from my iPad

**From:** Richard Abend <[richardabend13@gmail.com](mailto:richardabend13@gmail.com)>  
**Sent:** Thursday, November 2, 2023 11:29 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments , Koi Nation Shiloh Resort and Casino

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Sent from my iPad

**From:** Kether Braunstein <[kbraunstein81@gmail.com](mailto:kbraunstein81@gmail.com)>  
**Sent:** Friday, November 3, 2023 12:50 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Please see attached letter in opposition to building of this casino.  
Thank you,  
Kether Braunstein  
4585 Old Redwood Hwy  
Santa Rosa, CA 95403  
(707) 217-0351  
**One attachment** • Scanned by Gmail

Mr. Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

November 3, 2023

I am writing to voice my STRONG opposition to the building of this proposed casino – specifically the proposed location.

I grew up in Windsor and watched the small community turn from a town with one traffic light, to a city with numerous traffic lights. I watched one of the very few vineyards within Windsor, get torn down, to build Windsor High School and Vintana homes. I now live on the outskirts of Windsor, but still remain very much involved in the community. I am a 42-year-old with prospects of owning my first (and forever?) home in the community that I love and hold dear. I have many wonderful memories growing up in “my hometown” and looked forward to raising my own family there.

I was an avid athlete participating in numerous sports for the town of Windsor. Many soccer and softball games were held at Esposti park – the park which will lie directly across the street from this proposed casino. Putting aside the impact this construction would mean environmentally for a short moment... focus on the impact it will make on this park and the athletes and families that go there frequently. The homes that surround it. So many leagues use this park as their turf for providing a safe, fun, means of activity for youth sports. A place where a child or family can throw a ball, play fetch with their dog, without having to deal with homeless, drunks or drugs associated with gambling and casinos. Prostitution, drugs, alcohol, needles, violence and drunk drivers. Imagine the children playing ball, and while diving for a catch are stuck by a discarded drug user's hypodermic needle!? Or finding a dropped pack of cigarettes, and trying smoking, but the cigarettes are laced with fentanyl!? Or maybe crossing the street, walking to a bus stop, only to be hit by the drunk driver leaving the casino that morning after pulling an all-nighter at the casino!

I have watched Windsor continually grow over these years. For the good and not-so-good. There is traffic and congestion everywhere, limited parking... I get it!... Things expand, towns

grow, etc. A casino in this small city is NOT what it needs!!! A casino proposed by the KOI nation, not even native to Windsor, is NOT what this proposed area needs! Prostitution, drugs, alcohol, needles, uptick in violence, accidents, deaths... NOT what Windsor needs! This is ultimately only going to profit the KOI nation, those that build it, and the vendors that supply it. This cannot, and will not profit anyone else. I am not going to apologize for being so blunt with my descriptions, but I can only see harm, violence, addictions, and deaths rising from the building of this casino. Lastly, as much as I am opposed to the overall building of this particular casino, I oppose the proposed **location** because

- The KOI nation is NOT native to Windsor, nor Sonoma County, therefore, should not have any rights to these lands.
- Both River Rock and Graton Casinos are off the beaten path. They are mile(s) off main roads/intersections. They are not smack dab in the middle of a major intersection that is surrounded by residents, schools, youth parks, and businesses. (WAY TOO CLOSE TO RESIDENT LIVING).
- Parking, increase in traffic and congestion
- Car break-ins, burglary, theft, car alarms
- Noise pollution
- Prostitution, drugs, alcohol, needles, violence, addictions, deaths
- Safety concerns for mandatory evacuations
- Destroying more land, taking away the vineyard, the view of the mountains and the sense of well-being derived from a beautiful landscape.
- Energy needed to supply the size of this casino (the biggest casino in Northern California!? Smack dab in one of the smallest cities of California??? Explain that...)
- “*Good faith agreement with the Sheriff Department*”? Check-in with the Sheriff Department and see how well their *agreement* actually did at Graton casino. The Sheriff Department no longer has an agreement with them due to the Tribal Chief and council, utilizing the tribe’s own security and authority over Sheriff or Police departments.

I am a registered nurse, working at a local hospital and witness daily, the effects that drugs, alcohol can cause. I also take witness to it trickling down to people of younger ages. If this casino is built (where proposed), I fear our hospitals will be seeing many more adolescents and pediatric patients for admission. This will affect their care and their chances at survival because we have to air-vac and transfer these young patients to out-of-area pediatric specialized hospitals. I currently reside in Larkfield, directly between Sutter Santa Rosa Regional Hospital

(SSRRH) and Old Redwood Highway – the route I prefer to travel between Santa Rosa and Windsor, as well as when I drive downtown Santa Rosa. As part of the construction of the hospital, Mark West Springs Rd had major changes; adding lanes, intersections, and traffic lights. It now takes longer to drive from the Mark West Springs/Old Redwood Hwy intersection to the highway 101 overpass during commuting hours than it ever did before. That road was not planned to keep the flow of traffic. It has caused more people getting cut off, accidents and road rage since the hospital was built. The builders and planning commission underestimated the impact on the community when they approved the building of SSRRH. I have no doubt that these projections for the proposed casino will be no more accurate, and will only benefit the financial stakeholders in this monumental folly.

Please oppose! Please say “NO!” Please do NOT pass this proposal.

Respectfully,

Kether Braunstein RN, BSN

4585 Old Redwood Hwy

Santa Rosa, CA 95403

(707) 217 - 0351



**From:** Elizabeth Acosta <[acostalcsw@gmail.com](mailto:acostalcsw@gmail.com)>

**Sent:** Sunday, November 5, 2023 12:54 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Public Comment: Environmental Assessment - Koi Nation Shiloh Resort and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Please accept our attached letter (and 4 supporting documents) as comments on the Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project. **If possible, please confirm our letter was received prior to the comment period deadline.**

*Note: please redact our email address, anywhere it appears, prior to publishing this letter on the internet, if publication is required.*

Thank you,

Elizabeth Acosta & Stephen Rios

Windsor Residents (Sonoma County)

[acostalcsw@gmail.com](mailto:acostalcsw@gmail.com)

**5 Attachments** • Scanned by Gmail

**Sent via email: Chad.Broussard@bia.gov**

November 5, 2023

Dear Mr. Broussard,

We join the Town of Windsor, County of Sonoma, all five federally recognized Sonoma County tribes, Sen. Feinstein, U.S. Representatives Huffman and Thompson, and residents of Windsor to oppose this Project given the **unmitigable and irreversible impacts of the Shiloh resort/casino project put forth by the Koi Nation**. We urge the BIA to select Environmental Assessment (EA) Alternative D due to the significant impacts Alternatives A, B, C would have on the environment and existing, adjacent communities.

It is mind-boggling that an EA for a project such as this could find that there is less than significant impact to the existing, surrounding community and natural environment. What is not surprising is that consultants used, such as Global Market Advisors, are providers of specialized consulting services to the gaming, entertainment, sports, and hospitality industries. Consultants who specialize in tribal services and fee-to-trust consultation have a financial interest in ensuring reports have findings favorable to a contractor tribe. The conclusions of the EA should not be accepted as factual without (at minimum) an objective peer review or (at best) an EA prepared by an independent consultant.

The Town of Windsor created a vision with its residents and developed plans based on the desire to be a family-centric community. **A project of this size, scale, and type would irreversibly change the Town of Windsor**, which borders the project site, given the volume and type of visitors targeted, type of commerce it creates, resources used by visitors, and quality of life of the existing surrounding neighborhoods.

As Windsor residents, we wish to comment on the EA; comments, by EA Section, are below. Studies and articles cited are attached.

## **i. PROPOSED PROJECT AND ALTERNATIVES**

COMMENT ia: EA provides an incomplete picture of the surrounding community; aerial views are cropped to exclude surrounding residential neighborhoods. As seen in the map below, the project site is surrounded by a high density apartment building now under construction ("A"), a church ("B"), a mobile home park ("C"), and residential neighborhoods ("D"). This broader view shows the project site is immediately surrounded by neighborhoods that will be negatively impacted by a large-scale project—operating 24/7—such as this, discussed below. Also present is Esposti Community Park which regularly hosts organized sports and other family activity. It is adjacent and north of the project site (between map "A" and "D").

COMMENT ib: as mentioned in Town of Windsor comments (to be submitted), the project relies on "best management practices" (BMPs) which are inappropriate given they are not measurable and therefore unable to be monitored. Reliance on voluntary, preferred guidance provides no confidence in the project's ability to protect natural resources. Without specific environmental protections and binding oversight, there is no incentive or regulation that can ensure natural habitat and resources will not be forever changed or lost.



## A. LAND RESOURCES

COMMENT A-1: as noted above, the EA provides an incomplete picture of the surrounding community; aerial views are cropped to exclude surrounding residential neighborhoods. Noted in the map above, the project site is surrounded by a high-density apartment building now under construction (“A”), a church (“B”), a mobile home park (“C”), and residential neighborhoods (“D”). This broader view shows the project site is immediately surrounded by neighborhoods that will be negatively impacted by a large scale project such as this, discussed below.

## B. WATER RESOURCES

COMMENT B-1: without repeating, I wish to reiterate the comments made by the Town of Windsor in their letter regarding the EA section on water resources. Most concerning is that, should this project be approved, the Town of Windsor would be bordered by another unregulated wastewater plant. Despite conclusions in the EA, the town has determined there has been, at minimum, insufficient study and analysis to make their conclusions and that **there will be significant impacts.**

COMMENT B-2: The reported peak-day pumping for the project is 402,000 gpd, which equals approximately 275 gpm (Table 2-2). If that pumping were to occur close to the Esposti Well, **drawdown at the Town’s Esposti drinking water well could be significant, which could significantly decrease the Esposti well output rate and possibly water quality.** Prior testing of the Esposti drinking water well was over short durations and should not be used to

extrapolate the level of impact from the proposed project wells without further testing. The potential impacts to the groundwater aquifer and groundwater wells have not been sufficiently evaluated. **Adverse impacts to groundwater aquifers represent a significant threat and impact.**

COMMENT B-3: The State Division of Drinking Water (DDW) does not, and has not approved all of the proposed recycled water uses in this configuration (recycled water is not allowed inside any food service buildings). **Mitigations offered are speculative, making them worthless when drawing conclusions of no significant impact.**

COMMENT B-4: page 3-20 references Mark West Creek for flow monitoring during discharge, which is significantly downstream of the point of discharge on Pruitt Creek. Pruitt Creek is also ephemeral, meaning it does not flow year-round, discharging wastewater into a creek that does not flow year-round **will significantly affect surfaces in the area.**

COMMENT B-5: The project proposes to repurpose or install up to 4 groundwater wells and estimates 100-300 gpm groundwater flow for daily use. The report does not indicate how much the existing wells on-site are currently being used. The proposed mitigation measure for groundwater is insufficient to address the risk to drinking water supplies. The proposed mitigation measure to reimburse the owners of nearby wells that become unusable within five years of the onset of project pumping is not sufficient to mitigate the level of impact. **These “insufficiencies” represent a significant risk and impact to surrounding residents who rely on wells and groundwater.**

COMMENT B-6: The EA cites the 2017 aquifer test at the Esposti well as evidence that pumping from aquifers deeper than 300 feet would not affect water levels in shallow wells (less than 200 ft deep). No drawdown was observed in shallow wells during the Esposti test. However, that test lasted only 28 hours. The EA does not consider the potential for sustained pumping at the Esposti well and the Project supply wells that may lower water levels in the shallow aquifers and could potentially jeopardize output of nearby domestic and municipal drinking water wells. **This depletion would be a significant impact.**

COMMENT B-7: The proposed design takes away from floodplain storage, an adequate amount of stormwater detention is not demonstrated by calculation to address the detracting of floodplain. Sub areas A,C, and E have footprints directly in the floodplain. **Flood risk to the area would have a significant impact to surrounding roads and residences.**

COMMENT B-8: The Town of Windsor completed a Storm Drainage Master Plan where the 100-year flood zones were mapped. The Project location shows potential flooding during the 100-year floods.

COMMENT B-9: wells are shallow; onsite wastewater storage could affect wells. **Contamination to wells/drinking water would be devastating; this poses a significant impact.**

COMMENT B-10: prior to the Winter of 2022, the Town of Windsor, the County of Sonoma, and the State of California were under water rationing rules. The availability of potable water is not endless; the analysis and anticipated use of the water does not consider drought and rationing on long-term availability of potable water. During drought, sustained pumping on the project site that is exempt from local and state regulation or restrictions would hasten depletion of water resources to surrounding residents.

COMMENT B-11: The proximity of Pruitt Creek to a large parking structure and paved parking will exacerbate flood risk. The project site is bordered by a mobile home park; during heavy rains (the area received 40” in 2022-23), flooding would disproportionately affect low income,

senior, and disabled residents who could be displaced. Flood risk a significant impact especially to the most vulnerable low-income residents who would be unable to replace their currently affordable housing.

### C. AIR QUALITY

COMMENT C-1: The air quality modeling as detailed in Appendix F-1 makes a number of inaccurate assumptions including that Windsor is located in Climate Zone 4, that the project is in a rural setting, and that the average trip length for non-work trips should be based on the distance from Santa Rosa. It is **unlikely that there are no potential significant impacts** for any air quality or greenhouse gas emissions other than for CO.

COMMENT C-2: the project has an inadequate understanding of environmental impact on air quality as evidenced by its recommended equipment: “to reduce potential air quality impacts, Tier IV construction equipment for equipment greater than 50 horsepower should be required, instead of Tier III as proposed.” This lack of understanding will contribute to an increased impact on air quality.

COMMENT C-3: “Clean fuel fleet vehicles” is not defined and there is no standard to determine when use of clean vehicles is impracticable; there is no alternative to address the potential air quality impacts. EA reasoning is speculative.

COMMENT C-4: the EA makes a lot of assumptions re: use of certain equipment (“...assume the implementation of construction BMPs...;” “...assumes the use of electric boilers and appliances to the greatest extent practicable.” EA reasoning is highly speculative.

COMMENT C-5: the EA boasts significant employment opportunity. The EA fails to comment on the impact on air quality due to increased emissions for commuting workers (See also Comment N-2).

### D. BIOLOGICAL RESOURCES

COMMENT D-1: the EA finds there could be significant impacts on wildlife that inhabits or migrates through the project site. Despite acknowledging the impact, there is no guarantee or mechanism to ensure implementation or enforcement of any mitigation measures. For example, the EA states “Increased lighting could increase bird collisions with structures and could also cause disorientation effects for avian species. Thus, nighttime lighting.....could have a potentially significant effect on both migrating and local bird populations.” The EA mitigation involves incorporation of “....lighting so as not to cast significant light or glare into natural areas....” This appears impossible on its face in that the primary purpose of the lighting will be to ensure safety and security of those using the facilities. It’s highly unlikely the project would install “low” enough lighting to not impact birds (perceived as “poor” lighting for human use at night). Regardless, any illumination of the area disrupts the current natural environment enjoyed by all habitants/animals especially species with nocturnal feeding behaviors. **Introducing any lighting into an unlighted space is inherently disruptive and a significant impact.**

### E. CULTURAL/PALEONTOLOGICAL RESOURCES

COMMENT E-1: the EA determined that there is a potential for significant subsurface cultural resources on the Project Site, however inadequate monitoring is prescribed only within 150 feet of Pruitt Creek. The determination is sufficient to conclude there would be a significant environmental impact. I will also note that because the Koi Nation is not indigenous to not only the project site but also Sonoma County, any disturbance or excavation within the project site would disturb cultural and potentially sacred sites of other tribes/nations.

COMMENT E-2: other tribes that are indigenous to the area lose any opportunity to preserve tribal lands, potential burial grounds, or other sacred spaces. This is a fundamental encroachment on another tribe's sovereignty and is disrespectful of Sonoma County indigenous tribes' efforts to reclaim and preserve their lands. No local, state, or federal agency or entity should facilitate false entitlement nor encourage overstepping another tribe's jurisdiction. See Attachments 1 and 2.

## F. SOCIOECONOMIC CONDITIONS/ENVIRONMENTAL JUSTICE

COMMENT F-1: The growth-inducing effects section indicates that the project would result in pressure for new commercial development in the area, such as additional (new) gas stations (which is banned by the Town of Windsor County of Sonoma). The EA somehow concludes that indirect and induced demand for commercial growth would be diffused across the State, thus no significant regional commercial growth inducing impacts. There is NO justification for this claim. At best, these conclusions are more speculative "wishful thinking" to fit the desired outcome.

COMMENT F-2: the housing section assumes there would be no significant impact but provides no data to support this assertion. It assumes most employees will come from the existing pool of casino and hospitality workers; however, due to housing costs, many of these workers commute from outside Sonoma County. Given the number of projected employees for this project, **the traffic would be a significant addition to existing traffic due to the number of employees that will need to travel from outside the area.**

COMMENT F-3: The Socioeconomic Study was prepared by Global Market Advisors for the Koi Nation of Northern California which is an international provider of consulting services to the gaming, entertainment, sports, and hospitality industries. Any EA conclusions of beneficial no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT F-4: the EA uses erroneous data; states that the Sonoma County Average Annual Household Income (AAHI) was \$121,522 in 2021, which is overstated. Information provided by the California Department of Housing and Community Development indicated that the Sonoma County Area Median Income (AMI) was \$103,300 for a family of four in 2021. Most analyses of housing affordability refer to median income, because the average income is likely skewed by a small number of high-income households. Any EA conclusions of beneficial no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT F-5: Page 6 of the study indicates that only 170 new homes were added to Sonoma County from 2010 to 2020. This is misleading; nearly 5,600 homes were destroyed in Sonoma County by the 2017 Tubbs Fire and construction to replace those homes continues.

- 2019 - Kincadee Fire - largest fire in Sonoma County history, burnt approximately 77,758 acres in Sonoma County, destroyed 374 structures
- 2017 - Tubbs Fire - burned approximately 36,807 acres in Sonoma and Napa counties, destroyed 5,636 structures and killed 22 people
- 2017 - Nuns Fire - burned approximately 54,000 acres (34,398 in Sonoma County and 20,025 in Napa County), destroyed 1,355 structures and killed 3 people
- 2017 - Pocket Fire - burned approximately 14,225 acres in Sonoma County, destroyed 6 structures

(Source Press Democrat, November 14, 2019)

Any EA conclusions of beneficial or no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT F-6: Page 40 of the study (Employment) indicates that construction and operation phases will have a positive effect on the local economy (reducing unemployment). The EA fails to describe the local labor shortage in the area, which this project could exacerbate.

**This will have no positive impact on local employment and more likely to negatively impact surrounding neighborhoods with increased traffic, air pollution, and other cumulative effects discussed below.**

COMMENT F-7: The section beginning on Page 40 of the study (Housing and Schools) does not recognize the local housing shortage and continuing recovery from wildfires. Also, as stated above, the assertion that Sonoma County has a sufficient labor force focused on the hospitality industry is unsubstantiated, thus likely false.

## **G. TRANSPORTATION AND CIRCULATION**

COMMENT G-1: **conclusions were based on insufficient data.** Based on reviews conducted for a casino in Rohnert Park, daily trips may be 15 to 25 percent higher than those indicated on this project analysis. Review of the Rohnert Park facility revealed the highest daily and afternoon peak trip generation occurs on Sundays, not Saturdays. This section conclusions are faulty. The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network on opening day of the proposed casino. **The EA does not offer appropriate mitigation.** Any EA conclusions of beneficial or no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT G-2: The Town of Windsor evaluated this portion of the EA and found many examples where the EA proposes inadequate or problematic mitigation, misrepresents the facts, or cites faulty assumptions to support conclusions of little or no impact. For example: re: Shiloh Road/US 101 North Off-Ramp, the proposed mitigation is to restripe the ramp to include triple right-turn lanes. This modification is likely to perform poorly since it would “trap” two of the three right-turn lanes in the left-turn pockets at the adjacent Shiloh Road/Hembree Lane intersection. **It would not function acceptably.** In another example, the project would be responsible for 39.4% of the traffic growth which seems to imply that the project would not need to contribute funds since it addresses its impact under 2028+Project. Further, a contribution of 39.4% if made would still be illogical since the intersection would undergo far more widening (with associated cost) than the Town would never have needed without the proposed project. **The project will cause the Town to incur costs it would have never needed.** Please note that the Town of Windsor is currently projecting a structural budget deficit. Any EA conclusions of beneficial or no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT G-3: the 2040 segment analysis capacities are shown to be 49,800 daily vehicles, which is highly unrealistic for an urban four-lane street. However, if we accept this figure, **the number of additional daily vehicles would be like having nearly twice the entire population of Windsor driving this stretch of roadway every day; that is a significant impact.**



Without repeating all comments here, we wish to reiterate and support all Transportation/Circulation comments by the Town of Windsor in its letter to the BIA re: the EA. **The Town wrote: The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network.**

## H. LAND USE

COMMENT H-1: as noted above, the EA provides an incomplete picture of the surrounding community; aerial views are cropped to exclude existing, surrounding residential neighborhoods. Noted in the map above (See pg. 1 “Proposed Project and Alternatives” comments), the project site is bordered by a high-density apartment building now under construction (“A”), a church (“B”), a mobile home park (“C”), and residential neighborhoods (“D”). This macro view shows the immediate proximity of the surrounding neighborhoods that will be negatively impacted by a large scale project such as this.

COMMENT H-2: **none of the current land trusts are adjacent to residential-zoned areas.** Allowing this project would go against precedent of disallowing this type of project adjacent to residential zoning. Further, it would violate precedent of taking land into trust for this type of project on land greater than 15 miles from a tribe’s aboriginal site.

COMMENT H-3: the location is currently zoned for agricultural purposes, which not only respects a voter-mandated urban growth boundary but is also now considered a necessary fire mitigation given the recent history of multiple massive wildfires in this area since 2017. **The fire risk cannot be mitigated.** Replacing agricultural land with structures increases the flammables and further increases fuels that may subsequently travel into surrounding structures (as happened in recent wildfires). No amount of firefighting personnel or equipment can provide protection during a firestorm. In prior fires, the speed and scale of the fires prohibited firefighting as personnel had to make life saving evacuation a priority. Lives and structures were lost. Any death cannot be mitigated. **Removing an agricultural barrier significantly impacts the ability to use all available resources to combat wildfires.**

COMMENT H-4: the project EA assumes the location is eligible for the owners’ proposed use. The location should not be eligible for this development because the land is not the homeland of the Koi Nation. In fact, on October 20, 2023, they received support from California Attorney General Bonta (in the form of an amicus brief) supporting the Koi Nation’s current lawsuit contending saying the City of Clearlake, in Lake County (over 50 miles from the project site) failed to adequately consult with the tribe to ensure preservation of ancestral cultural sites during development of a new four-story hotel. The lawsuit is evidence of what five federally recognized, indigenous Sonoma County tribes have stated: the Koi are southern Pomo which are not native to Sonoma County. Therefore, (as in the two prior attempts by the Koi nation to acquire land) **Sonoma County is not Koi Nation homeland and should be ineligible as a site for any process that considers a Koi Nation project.** See *Attachments 1 and 2.*

## I. PUBLIC SERVICES AND UTILITIES

COMMENT I-1: waste disposal plans are inconsistent with current County of Sonoma’s Zero Waste Resolution goals of zero waste by 2030.

COMMENT I-2: The EA notes that increases in crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically. Regardless of the cause, the project location currently generates virtually zero calls for service. The Windsor Police Department anticipates an increase in calls related to: traffic, noise, accidents, DUI’s, loud exhaust and speeding, disturbing the peace/public Intoxication, trespassing, property

crimes, prostitution, assaults, drug activity. Because of how mutual aid works in law enforcement any need for assistance by the Sheriff's Office (the responding agency), will directly impact the Town of Windsor Police Department by redirecting officers away from the Town, thus reducing law enforcement availability within the Town of Windsor (and residents who will suffer a decrease in services despite paying for it). **Any increase in crime or need for mutual aid will, therefore, have a significant impact.**

COMMENT I-3: In their published article "Casinos, Crime, and Community Costs" (*The Review of Economics and Statistics, February 2006, 88(1): 28–45*), Grinols and Mustard state "Our analysis of the relationship between casinos and crime is the most exhaustive ever undertaken in terms of the number of regions examined, the years covered, and the control variables used." They conclude "that casinos increased all crimes except murder, the crime with the least obvious connection to casinos. Most offenses showed that the impact of casinos on crime increased over time, a pattern very consistent with the theories of how casinos affect crime." They also conclude that any crime-ameliorating effects of casinos due to increased employment opportunities are short-term and only after opening. In addition, law enforcement agencies often use casino openings to leverage for staffing increases, but are unable to sustain this growth. The Sonoma County Sheriff's Office and the Town of Windsor are not unique in the Bay Area in that they are currently operating with vacancies, and are competing with many surrounding counties to recruit and fill those positions. The EA erroneously assumes full staffing for these agencies when concluding there is sufficient law enforcement. **The increased need for law enforcement and the associated long-term costs to the Town of Windsor (salary, pension, overtime, recruitment and retention costs, etc.) will have a significant impact. See Attachment 3.**

COMMENT I-4: survivors of human trafficking have reported their traffickers using casinos as a meeting place for buyers who were arranged online or as a venue to solicit prospective buyers, particularly when the casino is combined with a hotel. In their publication "Casinos Combatting Human Trafficking," the non-profit Busing on the Lookout provides tips and recommendations for casinos and bus companies to help stop human trafficking. It is reasonable to expect that this project site would not be immune to this trend. **Any increase in human trafficking crimes within this project site would be a significant impact. See Attachment 4.**

COMMENT I-5: the EA lists Sonoma County Fire District (SCFD) and Cal Fire resources that have jurisdiction of fire services for Sonoma County. The inventory listed (See EA: "Fire Protection and Emergency Medical Services," page 3-84) may appear impressive but was inadequate in real-world practice. During the 2017, 2019 wildfires, the resources were unable to respond to all fire areas, and mutual aid was not available due to the scale and number of events occurring simultaneously statewide. In some areas, the destruction and path of the wildfire were at the mercy of the weather and fire behavior because resources were stretched so thin. **The plan to enter into an agreement with SCFD for fire services is no guarantee those services will be provided or prioritized during an actual wild fire event. This is a significant risk and impact that portends very poor outcomes for unfamiliar customers and local residents.**

## **J. HAZARDOUS MATERIALS/HAZARDS**

COMMENT J-1: The project site is currently a vineyard. In recent wildfires, vineyards have served as buffers to developed urban areas and have been used as staging areas for firefighting activities. The Proposed Project would replace a wildfire mitigating resource with a development of combustible materials (vehicles, structures, landscaping) which could further increase fire risk to surrounding developed areas and residents given the ability of embers to fly more than a mile and start new fires. The EA states that construction materials will mitigate the

fire risk posed by the project. However, recent wildfires and the circumstances of those events easily and quickly overwhelmed all structures. And, regardless of the mitigating construction materials the risk of burning and flying embers from nearby Shiloh Park continue to pose a risk to all structures. **The loss of a fire break and associated fire risk cannot be mitigated and represents a significant impact to potential loss of property and loss of life.** Recent wildfire events and their impacts are below:

- 2019 - Kincade Fire - largest fire in Sonoma County history, burnt approximately 77,758 acres in Sonoma County, destroyed 374 structures
- 2017 - Tubbs Fire - burned approximately 36,807 acres in Sonoma and Napa counties, destroyed 5,636 structures and killed 22 people
- 2017 - Nuns Fire - burned approximately 54,000 acres (34,398 in Sonoma County and 20,025 in Napa County), destroyed 1,355 structures and killed 3 people
- 2017 - Pocket Fire - burned approximately 14,225 acres in Sonoma County, destroyed 6 structures  
(Source Press Democrat, November 14, 2019)

COMMENT J-2: the EA estimates that the project would add approximately 2 hours to evacuate of the Town of Windsor during a wildfire. The plan to utilize casino or resort staff as traffic control attendants is naïve at best. During the 2017 Tubbs wildfire, as wind and flames were bearing down on Santa Rosa homes and assisted living care homes, facility staff—likely fearing for their own safety—abandoned approximately 100 elderly residents (the Oakmont and Varenna facilities were later sued by the county district attorney). There is no way to mitigate for human behavior in these circumstances. **Any project that delays an evacuation (which historically took hours) will increase the likelihood of human injury or death, thus causing a significant impact to the surrounding community.**

## K. VISUAL RESOURCES

COMMENT K-1: The EA mitigation involves incorporation of “...lighting so as not to cast significant light or glare into natural areas....” This appears impossible on its face in that the primary purpose of the lighting will be to ensure safety and security of those using the facilities. It’s highly unlikely the project would install “low” enough lighting to not impact birds (perceived as “poor” lighting for human use at night) or surrounding neighborhoods directly adjacent the project site. **Regardless, any illumination in the area which currently has no artificial light disrupts the current natural environment enjoyed by all habitants/animals especially species with nocturnal feeding behaviors; any lighting will have a significant impact.**

## L. CUMULATIVE EFFECTS

COMMENT L-1: it is important to recognize that each of the sections (factors) in the EA are not mutually exclusive in their impacts and can have cumulative effects. For example, drought and excessive water usage have a direct relationship not only to humans that rely on nearby wells, but also to fire risk and demand for limited fire-fighting services. Further, as seen recently, wildfire destruction to humans and structures has a direct relationship to the density of traffic and humans attempt to flee the area. The unpredictable drought cycles which are increasing due to climate change cannot be mitigated, thus **any planned development of this size and scale that provides only entertainment value should not be placed in a high fire risk location that exacerbates individual and cumulative risk.**

COMMENT L-2: **The EA acknowledges “wildfire risk exists and would be exacerbated by climate change.”** The EA then postulates that proposed mitigation measures reduce susceptibility to these risks with no data or evidence to make that assertion. Further, the

mitigation measures are inadequate as discussed above, and do not necessarily account for the rate of future global warming which depends on many factors such as future emissions, processes that dampen or reinforce disturbances to the climate system, and unpredictable natural influences on climate. While scientists use modeling to predict future climate impacts, it is inherently difficult to predict due to many unpredictable variables. Simply put, the mitigation measures in the EA are inadequate and incapable of ensuring a decreased risk. Any EA conclusions of beneficial no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT L-3: the EA states “Although the project alternatives are not consistent with existing zoning, potential impacts from land use conflicts would be reduced to less than significant levels through the implementation of mitigation measures.” It defies logic to conclude that a project of this size will have little or no significant impacts on the surrounding environment and community when it replaces agricultural lands that act as a barrier to wildfire in a high-risk fire area, consists of a 24/7 resort casino that uses 170,000 gallons of potable water per day, sits on a 65 acre parcel adjacent to single-family and apartment homes, is surrounded by two-lane roads, provides 5,000 parking spaces for the 11,000-15,000 trips generated each day, among other environmental disruption.

## M. INDIRECT AND GROWTH-INDUCING EFFECTS

COMMENT M-1: The EA indicates that the project would result in pressure for new commercial development in the area, such as additional (new) gas stations (which is banned by the Town of Windsor County of Sonoma). The EA somehow concludes that indirect and induced demand for commercial growth would be diffused across the State, thus no significant regional commercial growth inducing impacts. There is NO justification for this claim. At best, these conclusions are more “wishful thinking” to fit the desired outcome. Any EA conclusions of beneficial no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

## N. MITIGATION

COMMENT N-1: the sheer number of mitigations detailed in the EA demonstrates that there will be significant environmental impact.

COMMENT N-2: NEPA requires that, if a project would have significant adverse effects on the environment, mitigation for those impacts must be identified. Identification is no guarantee of implementation. Who will ensure enforcement of mitigation? **Once lands are taken into trust, local, state, and federal agencies will lose regulatory oversight of the land use and any ability to enforce compliance with mitigations described in the EA.** Further, there is no guarantee the development would cease with the proposed project. There may be no recourse to inhibit future development or expansion of the project site. Unfortunately, the current incentive is to provide a favorable EA to gain BIA support/approval to have land taken into trust for this project; if successful, there will be no further incentive for the Koi Nation to consider concerns or local residents and actual Sonoma County tribes. Locally impacted residents will lose any right to influence the environment in which they reside. **Homeowners and others who reside adjacent to the project site may have no other way to mitigate impacts but to move. That, by definition, is a significant impact.**

We appreciate the opportunity to comment. Thank you for careful consideration of our comments.

Regards,

Elizabeth Acosta & Stephen Rios  
Windsor Residents (Sonoma County)  
acostalcs@gmail.com

Attachments:

Attachment 1: Press Democrat: "State Attorney General Files Legal Brief Supporting Koi Nation in Suit Against Clearlake" (October 20, 2023).

Attachment 2: Lake County News: "Clearlake sets aside half a million dollars to defend against tribal lawsuits over city projects," (October 20, 2023).

Attachment 3: "Casinos, Crime, and Community Costs" by Grinols and Mustard

Attachment 4: Casinos Combatting Human Trafficking Toolkit

# State attorney general files legal brief supporting Koi Nation in suit against Clearlake

Department of Justice says city officials violated environmental laws through alleged failure to satisfy tribal consultation requirements to ensure preservation of cultural sites. | 



California Attorney General Rob Bonta, shown in July, announced an investigation Wednesday, Oct. 12, 2022, into Los Angeles' 2021 redistricting process. (Genaro Molina/Los Angeles Times/TNS)

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**MARY CALLAHAN**

THE PRESS DEMOCRAT

October 20, 2023, 5:22PM | [Updated 16 hours ago](#)

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The California Attorney General's Office has weighed in on the side of the Koi Nation of Northern California in a lawsuit against the city of Clearlake, saying officials failed to adequately consult with the tribe to ensure preservation of ancestral cultural sites during development of a new four-story hotel.

The project in the south part of the Lake County town is to include a 0.2-mile extension of

18th Avenue west of Highway 53 to serve the hotel and an accompanying one-story meeting hall, along with utilities, sidewalks and 109 parking spaces on land the tribe says contains cultural sites.

The city council approved a declaration last year stating that anticipated environmental impacts were not substantial enough to require full environmental analysis.

It states, in part, that review of historical records and archaeological surveys on the vacant, city-owned land — some of it already extensively disturbed by heavy equipment and other activity — did not turn up protected cultural sites.

In acknowledging “the remote possibility” for artifacts, including human remains, to surface during construction, it said developers could stop activity within 100 feet, further investigate, consult appropriate agencies and determine what mitigation measures are needed.

[MNDAirportHotel.pdf](#)

But the Koi Nation says that’s not enough, given amended provisions of the California Environmental Quality Act under Assembly Bill 52 in 2014 that require “meaningful consultation” with tribes to ascertain what cultural resources might be at risk.

Attorney General Rob Bonta agreed.

In an 18-page amicus brief filed Tuesday in Lake County Superior Court, the state argues the city’s inattention to tribal concerns and guidance violates the California Environmental Quality Act, failing to satisfy the requirement to analyze tribal cultural resources “as a distinct, separate category ... subject to the same rigors and burdens of proof as analyses of other resource categories.”

[AG Amicus Order - combined.pdf](#)

The intent of the change, the brief says, was to factor in “the spiritual, cultural, and intrinsic value of tribal cultural resources to the tribes who maintain connections with those resources” — values that “are not captured through western archaeological and historical surveys,” and thus require consultation.

State code defines tribal cultural resources as sites, features, places, cultural landscapes,



sacred places and objects.

The city did hold an initial March 2022 meeting at which Koi leaders offered evidence of important sites at risk of disturbance, as well as confidential maps of cultural resources and proposed mitigation measures, according to legal documents. (Tribes generally keep information about important ancestral sites confidential to avoid vandalism and theft.)

But then, communications stopped, and the tribe never heard back, despite repeated efforts to contact the city and continue discussions, the brief states.

"The record reflects that the City did only cursory consultation, did not meaningfully consider the Tribe's input, and did not invest 'reasonable effort' to seek mutual resolution," the state's brief says.

"The Clearlake area is home to Native American tribes who have lived there since time immemorial," Bonta said in a news release Friday. "The preservation of tribal cultural resources is of great importance."

"We stand with the Koi Nation in seeking justice and accountability. The California Legislature passed AB 52 to ensure that government agencies' consultation with tribes regarding their tribal cultural resources would be meaningful — that simply didn't happen here."

Clearlake City Hall is closed on Fridays, and city officials could not be reached for comment.

Koi Nation Vice Chairman Dino Beltran said in the news release the tribe is "grateful for the action and leadership of Attorney General Rob Bonta and his hardworking team."

"We hope this will be helpful for all California Native American Tribes in their protection of Tribal Cultural Resources moving forward," he continued. "It is important to recognize traditional cultural knowledge as evidence."

The tribe's March 2023 suit over what's called the Airport Hotel and 18th Avenue Extension Project is similar to [one filed by the Koi Nation](#) in July over proposed development of a 26-acre recreational and public works complex the city said is much needed for its citizens.

Rep. Mike Thompson, D-St. Helena, last year secured \$2 million for the Burns Valley project.

The Koi Nation is a federally recognized tribe of the Southeastern Pomo people that claims

historic roots around Sonoma and Lake counties going back 17,000 years.

It is currently involved in a dispute with public officials and residents over its proposed development of a large casino and resort project on more than 68 acres on Shiloh Road in unincorporated Windsor.

*You can reach Staff Writer Mary Callahan (she/her) at 707-521-5249 or [mary.callahan@pressdemocrat.com](mailto:mary.callahan@pressdemocrat.com). On Twitter @MaryCallahanB.*

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# Clearlake sets aside half a million dollars to defend against tribal lawsuits over city projects

ELIZABETH LARSON POSTED ON FRIDAY, 20 OCTOBER 2023 01:34 [f](#) [t](#) [G+](#) [in](#) [p](#) 20 OCTOBER 2023



LAKE COUNTY, Calif. — The Clearlake City Council has approved increasing the funding the city will devote to defending itself against legal challenges involving major park and road projects filed by the Koi Nation tribe, with one of those cases set to go to trial on Friday.

At its Oct. 5 meeting, the council was unanimous in approving the request from City Manager Alan Flora to double the city's expenditures with the Downey Brand law firm from \$250,000 to \$500,000.

In his written report for that council meeting, Flora said the legal contract was primarily for the purpose of defending the city against "the recent onslaught by the Koi Nation to challenge all economic development projects in the City of Clearlake."

The tribe, whose traditional territory includes the city of Clearlake and Lower Lake, sued in March to halt the city's projects for the 18th Avenue extension, which is related to a new hotel development.

It filed another suit in July regarding the Burns Valley sports complex and recreation center project, alleging the city has not conducted state-required consultation with its tribal government.

Koi Vice Chair Dino Beltrans did not respond to a message requesting comment for this story.

In December, Congressman Mike Thompson secured \$2 million for the Burns Valley project, which will include construction of a large sports and recreation center complete with baseball fields, soccer fields, a 20,000 square foot rec center, a small amount of retail space and a public works corporation yard.

The 18th Avenue project suit is set to go to trial in Lake County Superior Court on Friday, Oct. 20. No date has been set for the Burns Valley lawsuit.

Council members on Oct. 5 were united in calling the tribal lawsuits "frivolous" and damaging to the city's efforts to complete beneficial projects, including those focused on the community's children.

The council had initially approved the \$250,000 figure for legal defense in March after the tribe sued to stop the city's extension of 18th Avenue as part of a new hotel development at the former Peace Field airport site.

The tribe has alleged that the city violated the California Environmental Quality Act, or CEQA, and abused its discretion in adopting a mitigated negative declaration rather than completing an environmental impact report for the project.

Specifically, the tribe has pointed to AB 52, the Tribal Cultural Resources Bill of 2014, which requires that, as part of CEQA, public agencies must consult with a local Native American tribe when a project will have significant impact on tribal sites.

"The City ignored substantial evidence of direct and cumulative impacts to tribal cultural resources within the aboriginal territories of Petitioner Koi Nation, and the City failed to engage in meaningful and legally adequate government-

to-government consultation with Petitioner Koi



Nation as required by CEQA through AB 52," according to case documents.

In its defense, the city has said it conducted that consultation and followed CEQA's requirements fully, and that the tribe is reading things into the law that aren't there.

The city had been set to start road and utility work on the 18th Avenue Project in July, the week after a temporary restraining order hearing that took place on July 13 before Judge Michael Lunas.

At that time, it had been anticipated that Lunas would issue a ruling within a month, but that decision finally came down within recent weeks.

Lunas denied the tribe's request for a preliminary injunction but issued a stay on ground disturbing work until the outcome of the Oct. 20 trial.

With Lunas expected to issue a ruling within 30 days of the trial's conclusion, and no date yet set on the sports complex, Flora said there is "little likelihood" the city will be able to do any work on the projects this year. However, he said he remains "ever hopeful" some work could be done on the 18th Avenue project, depending on weather.

The Koi tribal leadership has appeared to heighten its willingness to fight the city at the same time as they are working to establish a new casino in Windsor in neighboring Sonoma County.

The tribe had been known as the Lower Lake Rancheria Koi Nation until 2011, when it changed its name to the Koi Nation of Northern California.

In the fall of 2021, the tribe went public with its plans for the Windsor casino. By that year's end, the tribe's koination.com website was gone and now redirects to Koinationsonoma.com.

On that website's "Mission" page, it does not mention Lake County. Rather, it says the tribe is "committed to protecting and exercising our inherent sovereign rights as a federally recognized tribe to their fullest extent, including obtaining land to re-establish a permanent land base for our people who have lived in this region for thousands of years, and creating self-sustaining economic activity to support the tribal government and its people, and the entire community of Sonoma County."

So far, the Koi — who will partner with the Chickasaw Nation of Oklahoma to operate the casino — have not gotten a welcome reception either from tribes or government agencies in Sonoma County, which have joined to push back on the plan.

The Sonoma County Board of Supervisors passed a resolution against the casino, the Graton Rancheria accused the Koi of “reservation shopping” and in a federal hearing last month, the tribe’s plans even received opposition from elected leaders at the federal and state levels.

The tribe has, however, gotten support from a group of union workers with whom it has signed an agreement to ensure union labor is employed in building the casino, as well as retired Lake County Sheriff Brian Martin, featured in a support video released in July, and actor Peter Coyote, who has narrated a documentary involving the tribe.

### **Heightened disagreements**

The Koi’s working relationship with the city has most noticeably deteriorated over the last three years, as the tribal leadership and its attorneys have aimed increasingly sharpened criticism at city leadership over the handling of projects.

Much of the tribe’s tension with the city has appeared to involve tribal monitoring. Specifically, the tribe wants trained tribal members to be paid by the city to monitor all operations when there is ground disturbance in order to look for artifacts and human remains, which trigger work stoppage.

The tribe has maintained this is important because of past instances in which lack of monitoring resulted in removal of human remains and historical soils, and destruction of artifacts.

Flora said during a Clearlake Planning Commission meeting in June that the city doesn’t believe that every project it does that involves ground disturbance requires tribal monitoring.

The Koi haven’t just taken aim at city projects.

In the fall of 2020, the Lake County Tribal Health Consortium began work on its new Southshore Clinic at 14440 Olympic Drive. The consortium consists of six Lake County tribes, but the Koi does not participate.

Flora said the Koi tribe was aware of the project, but when construction started, “They came out and kinda caused a ruckus and asked for Dr. Parker to come out.”

Flora said Dr. John Parker, the Koi’s preferred archaeologist, went to the project and concluded there were no issues. In all, Flora estimated that construction on the project was stopped for as much as a day and a half while those matters were resolved.

When it held its official grand opening in May, Tribal Health presented the city with a \$150,000 check in support of the Burns Valley sports complex project, pointing to the health benefits to the community.

Flora said that in 2022, the Koi had threatened to sue to stop completion of the city’s new splash pad at Austin Park. Because the council had wanted to move forward with the contract and completing the project, he said they agreed to the monitoring the Koi wanted.

However, while the splash pad was completed, Flora said there was other work planned at Austin Park that won’t be completed because underground work would have been required and it was expected to result in further issues with the tribe.

That included shade structures in front of the bandstand that were to be paid for with grant funds. Flora said the city is now reallocating those funds elsewhere.

“We know with their pattern of working with us that it’s just not worth the fight at this point,” he said.

In January, during an initial discussion with the Board of Supervisors about designing a regional skate park at Austin Park — and upgrading the existing park with an above-ground concrete structure — Koi representatives again raised issues.

Robert Geary, the tribal historic preservation officer for Habematolel Pomo of Upper Lake who has been working with the Koi in response to city projects, said the site of the existing park is a village site and that they wanted protocols in place before any action was taken.

“This is only for the design,” said Supervisor Bruno Sabatier, whose district includes Clearlake.

“We have discussed the sensitivity of the area as well,” said Sabatier, which is why they are looking to build up, not to dig into the earth in order to



do the least disturbance possible.

Holly Roberson, the tribal cultural resources counsel for the Koi Nation, told the board the tribe isn't against development in Lake County.

She followed up by saying, "It's great that you're interested in development above ground. That doesn't necessarily mean there won't be tribal cultural resources impacts."

Roberson said they would have "significant legal risk" if the tribal resources aren't fully addressed.

Sabatier said he planned to work to make sure the project happened correctly, but didn't support adding any requirements to the memorandum of understanding for the project's design cost.

During a June discussion the Clearlake City Council had on that project, Roberson and Geary appeared and reiterated comments they had made at the supervisorial meeting about the skate park project's potential impact on tribal resources. The council went forward with approving the MOU at that time.

There are other projects the city also is holding off on because they're concerned about more threats of litigation by the tribe, including installing electrical vehicle charging stations at City Hall. He said the city isn't planning any such installations there because they believe the tribe would try to stop it.

In addition, a water line replacement down Dam Road needed to serve the Cache fire area, including one of the mobile home parks where there are 50 mobile homes needing water supply and another park where rebuilding needs to take place, has been held up for the Konocti County Water District, according to Flora.

Flora said the tribe is insisting that any sensitive materials that have been dug up due to the water line work be reburied in the same location. In some instances, that's not possible. The city is offering another reburial location and the tribe is refusing. The result is the district is going to have to come up with more money to pay the tribe for monitoring and reburial.

### **Situation comes to a head**

For the Burns Valley project, the situation comes down to monitoring.

The city purchased the 31-acre parcel at the end of 2020. In May of 2022, the city completed the sale of a five-acre parcel at 14795 Burns Valley Road to Arcata-based Danco Communities, which is building an 84-unit apartment complex with mixed-income family units there. That project had no opposition from the tribe.

"They did not raise issues with Danco because Danco agreed to full tribal monitoring, even though there was no requirement to do so," said Flora.

"Danco was more concerned about the timing of the project being held up and how that would impact their financing stack."

The tribe wants the entirety of the 26 acres where the sports complex and city corporation yard will be located to be monitored, rather than just the location of two habitation sites, which they have argued is actually one large village.

"They say it's always about the monitoring but they feel like they should make all decisions when it comes to tribal resources," said Flora.

There are no state or federal laws requiring tribal monitors, although projects have increasingly included them out of respect for tribes.

Flora said if an item is found, the tribe believes it gets to tell the city what to do about it. "They get to decide and we get to pay for it," he said, adding that's not the state law.

The Clearlake Planning Commission's approval of the Burns Valley project's environmental analysis over the Koi's objections on April 25 brought the disagreements between the city and the tribe to a head over the summer.

The Koi appealed the commission's action. Over the course of several meetings — regularly scheduled meetings on June 1 and 15, and a special meeting in June 6 — the Clearlake City Council discussed the Koi's appeal.

At the June 6 meeting, Tribal Chair Darin Beltran — brother of Vice Chair Dino Beltran — spoke to the council about the project.

Beltran's comments led city officials to understand that he was offering to have the tribe — not the city — pay for the monitoring it wants of the site.

The city created a separate video clip of that discussion from the meeting and posted it on its Youtube page in order to explain the matter.

However, the following week, when Mayor Russ Perdock and Councilman David Claffey met with the Koi tribal council, Perdock said that offer was rescinded.

At the June 15 council meeting, Darin Beltran did not speak to the matter. Instead, Roberson told the council that it was a "misunderstanding," and that the tribe was not extending Darin Beltran's offer, which would have required a vote of the tribal council.

She said it was "confusing," although council members were firm in saying Beltran's offer had been clear.

While his brother didn't speak, Dino Beltran did. "We have not told you no. We want this to happen," he said of the project.

He said it was a social justice, cultural and religious issue, not one of CEQA.

Beltran said they were going to start reaching out to the community. "We are not getting through here," he said about interactions with the council. He said they would not pay for tribal monitoring.

"This isn't a legal issue so much as it is a moral issue," he said.

During the discussion, another tribal member requested that the sports complex be named for the tribe, which Flora later said wasn't something that had ever been discussed before then.

Roberson, who returned to the microphone, said there are numerous cultural sites around the city, and not all cultural resources have been identified or mitigated.

She said sites have historically been desecrated. "Are you going to keep going? Are you going to double down on what happened in the past?"

Tom Nixon, a retired park ranger for Anderson Marsh, said during public comment that he respected both the city and the Koi, which he said wanted to be part of the process.

Part of that is legitimizing compensation, Nixon said. "I think you should pony up."

Flora later noted that, from listening to comments from the public, there was not a clear understanding of the mitigations, which includes tribal monitoring of specific sites and cap and fill.

He said the city purchased the property two and a half years before and immediately started consultation with the tribe. Dino Beltran raised issues

of burials, and that information was passed on to archaeologist Dr. Greg White, who found no evidence of burials on the property.

Councilman Dirk Slooten said it was interesting that, only that day, the tribe raised environmental and social justice issues about the project.

Councilman Russ Cremer said he had been specific in asking the tribe about paying for monitoring during the special meeting in which Darin Beltran had made the offer.

Cremer said that cultivation has happened on the property — which had been part of a working farm and orchard — for over the past 100 years.

Recently, the city had the property disked to knock down vegetation for fire safety, and the tribe criticized the city for taking that measure, which Cremer said was ridiculous.

He said they've tried to get to a happy medium and that the tribe hasn't heard them.

"Quite honestly, I'm somewhat, I shouldn't say I'm shocked," he said. "There was no misunderstanding on what I asked and what Mr. Beltran agreed to."

Cremer said something happened over the weekend or the ensuing three or four days after the meeting in which Darin Beltran had offered to pay for monitoring.

He said he didn't see a requirement for city to pay for monitoring outside of areas we agreed to pay for. "We're stretching to make this thing work."

Cremer added, "You say you want this to happen, but your actions are not showing me that."

Councilwoman Joyce Overton was less diplomatic. "I'm not quite sure why we're even here on the issue."

She faulted Parker for having gone onto city property without permission to conduct surveys — which Flora also had stated during council meetings on the matter — adding she has personally seen Parker make copies of artifacts.

Overton said there is always going to be monitoring, and that she felt the city had gone above and beyond in its responsibilities. "I don't think there's any give anymore."

Flora said during the discussion that the city if human remains are found, work within 100 feet needs to stop.

"This is a unique opportunity for the city of Clearlake," said Slooten, with a amazing sports complex with amazing health benefits to the community.

He pointed out that Lake County has some of the worst health outcomes in the state because it doesn't have these types of facilities.

Perdock added that the city has changed the site designs and made other adaptations. At the tribal meeting, he said he had told them they hoped to extend an olive branch.

However, he said the city's budget is stretched pretty thin to get the project done and across the finish line.

The council voted unanimously to continue forward and deny the Koi's appeal.

### **Arguing in the court of public opinion**

On July 14, the tribe sued, and the tribe and city began exchanging news releases.

The Koi, who said their ancestors have lived in the region for more than 17,000 years, accused the city of "blatant disregard of state laws that mandate the protection of tribal cultural resources," and said it is insisting the Burns Valley project meet state laws on oversight.

The tribe maintained that city officials "have approved a wholly inadequate and rushed approval of the project that excludes the required protection of tribal cultural resources and meaningful tribal consultation."

The Koi's news release did not quote Tribal Chair Darin Beltran, but instead much of it was attributed to his brother, Dino Beltran.

"The City of Clearlake and the City's leaders must respect the law, our cultural heritage and our tribal sovereignty before and during the

development of the Burns Valley Sports Complex,” said Beltran. “Protecting burial sites and artifacts of our people is a legal and moral obligation, and we hope that this action will persuade Clearlake officials to recognize their obligations and meaningfully consult with us.”

The statement by Beltran continued, “The Koi Nation provided lots of evidence of impacts to tribal cultural resources on the project site and many ideas to reduce harm or avoid impacts, but the City just wouldn’t listen. We asked them to keep consulting, and to work it out with us so the project could move forward, but they walked away from the table.”

Beltran accused the city of claiming the tribe opposes the development, which he said is “categorically untrue.”

“The Koi Nation does not object to development in the region, so long as it is done respectfully and legally. The Koi Nation supports the creation of this facility for our friends and neighbors who live in the City, which has a shortage of outdoor recreation options, and is taking this action to ensure that the Burns Valley project moves forward in a way that conforms to the law and does not cause more harm to tribal sites,” Beltran said in the statement.

The statement continued, “The City wants to pit us against our neighbors by these false statements, when we have said publicly that we support the development. It is disappointing and upsetting that the City’s leaders would make such statements in an attempt to create animosity toward us. We are not seeking to stop the project, but rather to ensure that Clearlake officials follow the law.”

Beltran added, “We can and must find a way to co-exist. This place is the land of the original inhabitants of the Clearlake basin, the Koi people. When the City builds projects, it needs to be respectful and take into account all of the tribal cultural resources it could impact and find a way to avoid harming them. The City must do everything it can to build projects in a responsible way, which could save the City money and actually help projects get done faster with less opposition.”

In its response, the city said its on a path to revitalization and that it has “pressing community needs, such as infrastructure, education, medical care and public services. The sports complex is intended to serve as a gathering place for families, friends, and neighbors, strengthening community bonds and fostering a sense of belonging and camaraderie among residents.”

The city added, “Not only is the sports complex needed for the youth in the community, but it will also help convey the necessity of a healthy lifestyle for the whole family. Lake County has some of highest negative health statistics in the State so the City is doing everything it can to help improve the quality of life for their residents.”

The city’s statement also noted that while it continues to hear Koi Nation is “not opposed,” “yet the approach they take and the litigation they filed seems to suggest otherwise. The Sports Complex litigation follows on the heels of the recent Koi lawsuit which has temporarily halted the hotel development and new road project on 18th Avenue in Clearlake.”

“Litigation seems to be routine with the Koi on our projects which is incredibly frustrating and disappointing. During the CEQA process, we worked with the Koi for over two years, and we thought we had made good progress,” Flora said in the statement.

The city said it redesigned the sports complex project to avoid any impacts to tribal cultural resources — primarily by utilizing a cap and fill method of building above any sensitive areas without excavation — and that it made many concessions beyond what was legally required in order to respond to the Koi’s concerns.

Among its offerings to the tribe were a discussion about naming the sports complex, tribal interpretive panels and displays, native plantings and agreeing to allow the tribe free use of the complex up to four times a year for their own events.

In the statement, Perdock said that after their meetings with the Koi, the city believed a feasible agreement was possible, referring to Darin Beltran’s offer to cover tribal monitoring costs. “We were thrilled to feel like we could move forward in unison. However, a week later at the June 15 City Council meeting, the tribe rescinded their offer. I can’t tell you how disheartened our community is at the thought of the Koi holding up yet another project.”

City officials said the tribe’s “continued frivolous lawsuits” are wasting scarce city resources in terms of time and money, and it could destroy the city’s future plans.

Perdock encouraged anyone interested to review the documents about the project themselves. “We hope the Koi Nation won’t take this community asset away from us.”

#### **Council discusses legal expenses**

Flora's written report for the Oct. 5 council meeting explained. "While the City continues to believe these lawsuits and the tribe's actions to be an overreach and frivolous, significant taxpayer funds will nonetheless be required to defend these projects."

"I know, it's frustrating," Flora told the council during the meeting, "These are project funds that were identified to be used for sidewalks, playground equipment, batting cages, etc."

He said a number of those items will have to be pulled out of the projects when the city is authorized to move forward or else additional funding is identified.

"I think it's essential that we defend ourselves against these frivolous efforts and the future of Clearlake depends on it," Flora said.

He said the city has spent about \$3.5 million on the sports complex so far, with another \$9 million in the budget for work on the project this fiscal year.

Some of that money comes from grant funds and is not being used for legal expenses, Flora said.

Claffey said that some of the biggest problems the city has faced have involved roads and parks, and set out to address those very issues. "'We as a small city cobbled together enough money to start making some significant improvements."

He added, "This is a lot of money going to a purpose that really isn't needed."

That's just on the city's side. Claffey said money is being spent on the other end — a reference to the tribe — that could be invested in this community that is not right now. All of it is being done on the backs of taxpayers, he added.

"We have to defend it now or it's going to continue to haunt us into the years to come as we try to continue to do projects within the city to improve it for our citizens and our community. So we have no choice but to continue," said Cremer.

Slooten concurred with Claffey and Cremer. "We need to do this."

He added, "Otherwise they'll continue with these frivolous lawsuits."

Overton agreed. She said she didn't see any choice. "I'm just saddened that we're going to be taking away from our children."

"I echo the comments of my peers," said Perdock.

He said he was very disappointed in the city's public hearings on the projects, hearings that had been dominated by the disagreements between the tribe and the city.

Agreeing that the legal action by the tribe is frivolous, Perdock maintained Clearlake has complied with all of the CEQA laws and requirements and had tribal monitors in place as required by law.

It was when the tribe wanted extras — an apparent reference to the larger scope of tribal monitoring the Koi wanted — that the city said no and that work needed to get started. Perdock said the city didn't want to pay for unnecessary services "as I see them."

"The tribal chairman agreed for a solution and then they backtracked. Remember that," said Slooten.

Because the city is in litigation on the matter, Perdock said they were limited in what more they could say.

Claffey moved to increase the legal contract amount from \$250,000 to \$500,000, with Slooten seconding and the council voting 5-0.

**Email Elizabeth Larson at [elarson@lakeconews.com](mailto:elarson@lakeconews.com) (<mailto:elarson@lakeconews.com>). Follow her on Twitter, @ERLarson, or Lake County News, @LakeCoNews.**

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UPCOMING CALENDAR

- Oct 21

10.21.2023 1:00 pm – 4:00 pm

21

Meyo Marrufo to Discuss Pomo Basket Patterns in Water Basket Workshop (/newcal/7185)
- Oct 21

10.21.2023 1:00 pm – 4:00 pm

21

Pomo basket patterns workshop with Meyo Marrufo (/newcal/7197)
- Oct 22

10.22.2023 5:00 pm – 8:00 pm

22

Garden Harvest Gala (/newcal/7172)
- Oct 28

10.28.2023 10:00 am – 1:00 pm

28

Farmers' Market at the Mercantile (/newcal/6898)
- Oct 28

10.28.2023 5:00 pm – 9:00 pm

28

Lake County Land Trust 30th anniversary dinner (/newcal/7152)
- Oct 31

10.31.2023

31

Halloween (/newcal/g-4-20231031\_36klpu9coljcnm9nfgjth27al4\_20231031)
- Nov 1

11.01.2023

1

First Day of American Indian Heritage Month (/newcal/g-4-20231101\_tv17hiji8jipl7hrutr4h62v5o\_20231101)
- Nov 2

11.02.2023 5:00 pm – 9:00 pm

2

Every Beat Counts benefit (/newcal/7163)
- Nov 4

11.04.2023 10:00 am – 1:00 pm

4

Farmers' Market at the Mercantile (/newcal/6899)
- Nov 4

11.04.2023 2:00 pm – 3:00 pm

4

Lakeport Library hosts Hank Smith (/newcal/7199)

MINI CALENDAR

|                                           |     |              |     |     |     |     |  |
|-------------------------------------------|-----|--------------|-----|-----|-----|-----|--|
| <div><div>&lt;</div><div>&gt;</div></div> |     | October 2023 |     |     |     |     |  |
| Sun                                       | Mon | Tue          | Wed | Thu | Fri | Sat |  |

| Sun                                                                             | Mon                                                                                                                                                        | Tue                                                                                                              | Wed                                                       | Thu                                                                                              | Fri                                                                              | Sat                                                                                              |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 1<br><a href="#">(/newcal/7165)</a>                                             | 2                                                                                                                                                          | 3<br><a href="#">(/newcal/7167)</a><br>+2 more                                                                   | 4                                                         | 5<br><a href="#">(/newcal/7173)</a>                                                              | 6<br><a href="#">(/newcal/7174)</a><br><a href="#">(/newcal/7161)</a><br>+3 more | 7<br><a href="#">(/newcal/7132)</a><br>+3 more                                                   |
| 8<br><a href="#">(/newcal/7170)</a><br>+2 more                                  | 9<br><a href="#">(/newcal/g-4-20231008_e8vvu38c3lcj97s28mtfakp4_20231008)</a><br><a href="#">(/newcal/g-4-20231009_t9simgt9qp8vjg2g2808tq8bc_20231009)</a> | 10<br><a href="#">(/newcal/7180)</a><br>+2 more                                                                  | 11                                                        | 12                                                                                               | 13                                                                               | 14<br><a href="#">(/newcal/7179)</a><br>+4 more                                                  |
| 15                                                                              | 16                                                                                                                                                         | 17<br><a href="#">(/newcal/7190)</a><br><a href="#">(/newcal/7181)</a>                                           | 18                                                        | 19<br><a href="#">(/newcal/7186)</a><br><a href="#">(/newcal/7183)</a>                           | 20<br><a href="#">(/newcal/7184)</a>                                             | 21<br><a href="#">(/newcal/7185)</a><br>+4 more                                                  |
| 22<br><a href="#">(/newcal/7172)</a>                                            | 23                                                                                                                                                         | 24                                                                                                               | 25                                                        | 26                                                                                               | 27                                                                               | 28<br><a href="#">(/newcal/8898)</a><br><a href="#">(/newcal/7152)</a>                           |
| 29                                                                              | 30                                                                                                                                                         | 31<br><a href="#">(/newcal/g-4-20231031_96kpu8ocg4r9858j0n7td4_20231031)</a>                                     | 1<br><a href="#">(/newcal/g-4-20231001_7d84_20231001)</a> | 2<br><a href="#">(/newcal/7183)</a><br><a href="#">(/newcal/g-4-20231101_tr4h62v5o_20231101)</a> | 3                                                                                | 4<br><a href="#">(/newcal/8898)</a><br><a href="#">(/newcal/7189)</a>                            |
| 5<br><a href="#">(/newcal/g-4-20231105_dnkem9qmqroskiv6c07ug7f58o_20231105)</a> | 6                                                                                                                                                          | 7<br><a href="#">(/newcal/g-4-20231107_fc8f1530s4lqftnc8c75jcook_20231107)</a><br><a href="#">(/newcal/7182)</a> | 8                                                         | 9                                                                                                | 10<br><a href="#">(/newcal/g-4-20231110_thv0a8kc_20231110)</a>                   | 11<br><a href="#">(/newcal/g-4-20231111_86ttb04p_20231111)</a><br><a href="#">(/newcal/8900)</a> |

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# CASINOS, CRIME, AND COMMUNITY COSTS

Earl L. Grinols and David B. Mustard\*

**Abstract**—We examine the relationship between casinos and crime using county-level data for the United States between 1977 and 1996. Casinos were nonexistent outside Nevada before 1978, and expanded to many other states during our sample period. Most factors that reduce crime occur before or shortly after a casino opens, whereas those that increase crime, including problem and pathological gambling, occur over time. The results suggest that the effect on crime is low shortly after a casino opens, and grows over time. Roughly 8% of crime in casino counties in 1996 was attributable to casinos, costing the average adult \$75 per year.

## I. Introduction

PRIOR to 1978, there were no casinos in the United States outside Nevada. Since 1990, casinos have expanded to the point where the vast majority of Americans now have relatively easy access to one. This paper utilizes the natural experiment created by casino openings to examine how casinos affect crime. There are many reasons why understanding this link is particularly valuable. First, the casino industry has grown rapidly in the last decade and has become one of the most controversial and influential industries. Commercial casino revenues increased 203% from \$8.7 billion to \$26.3 billion between 1990 and 2000. Including Class III American Indian casinos, revenues were \$38.8 billion, or \$200 per adult, in 2001. Casino industry revenues are comparable to those of the cigarette market, and all forms of gambling total more than seven times the amount spent on theater tickets.<sup>1</sup> From 1982 to 2000, GDP increased 201% while casino revenues increased more than 660%. This rapid expansion generated extensive debate about the impact of casinos on many social, economic, and political issues.<sup>2</sup>

Second, the casino industry has become a major lobbying presence. Between 1992 and 1997, \$100 million was paid in lobbying fees and donations to state legislators (Harvard Medical School, 1997). Concerns were sufficiently pronounced that the U.S. Congress established the National Gambling Impact Study Commission (NGISC) in 1996 to study casinos exhaustively. Its final report called for additional research about the effects of casinos and a moratorium on further expansion.

Third, research suggests that on a national basis casino gambling generates externality costs in the range of \$40

billion annually,<sup>3</sup> and crime is one of the biggest components of these social costs.

Last and most important, in spite of the substantial attention devoted to the casino-crime link, there is a paucity of convincing research about it. Economists have been virtually silent, and studies from other disciplines typically exhibit many fundamental weaknesses. First, no study has examined the intertemporal effect of casinos, which we contend is essential to understanding the relationship. Second, nearly every study used small samples, most frequently Las Vegas, Atlantic City, Reno, and Deadwood (Albanese, 1985; Lee & Chelius, 1989; Friedman, Hakim, & Weinblatt, 1989; Buck, Hakim, & Spiegel, 1991; Chiricos, 1994; Margolis, 1997) or Wisconsin (Thompson, Gazel, & Rickman, 1996a; Gazel, Rickman, & Thompson, 2001), or a selection of a handful of casino markets (Albanese, 1999). Four of these studies conclude that casinos increase crime, two argue that there is no effect, and one maintains that Florida regions with casinos have lower crime rates than selected Florida tourist cities if visitors are included in the population base denominator.

Another problem with the existing research is that some studies (Albanese, 1999; Hsing, 1996) reached conclusions about crime rates without actually examining crime rates. Instead of analyzing offenses, they used arrests, but did not discuss the problems inherent in using arrest rates to infer anything definitive about crime rates.

A fourth criticism is that most studies are subject to substantial omitted variable bias because they rarely controlled for variables that affect crime. Margolis (1997), Florida Department of Law Enforcement (1994), and Florida Sheriffs Association (1994) included no control variables. Nearly all of the other studies control for very few factors.

Fifth, the literature has generally neglected discussing the theoretical links between casinos and crime, as Miller and Schwartz (1998) document in detail.

Last, many studies were agenda-driven, conducted or funded by either progambling or law enforcement organizations. Nelson, Erickson, and Langan (1996), Margolis (1997) and Albanese (1999) were funded by explicitly progambling groups. As expected, they concluded that gambling had no impact on crime. The Florida Department of Law Enforcement (1994) and Florida Sheriffs Association (1994), which both opposed casinos, concluded that crime and drunk driving increased in Atlantic City and Gulfport, MS, as a result of casinos.

The General Accounting Office (GAO) and NGISC concluded that definitive conclusions cannot yet be reached

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\* Baylor University, and Terry College of Business, University of Georgia and the Institute for the Study of Labor, respectively.

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<sup>1</sup> 1997 cigarette sales were \$45 billion. 2002 theater ticket and gambling revenues were \$9.3 and \$68.7 billion.

<sup>2</sup> Kindt (1994), Grinols (1996), Henriksson (1996), and Grinols and Omorov (1996) discussed a number of these.

<sup>3</sup> See, for example, Grinols and Mustard (2001, p. 155) and Grinols (2004, p. 170).

about the casino-crime link. According to the GAO (2000, p. 35), "In general, existing data were not sufficient to quantify or define the relationship between gambling and crime. . . . Although numerous studies have explored the relationship between gambling and crime, the reliability of many of these studies is questionable." This paper contributes to the literature on this important issue by addressing each of the above limitations.

The paper is organized as follows. Section II explains the data we use. Section III analyzes the theoretical links between casinos and crime, and section IV outlines our estimation strategy. Section V discusses our basic empirical results, and section VI extends the results to border counties. Section VII concludes. We find that crime increases over time in casino counties, and that casinos do not just shift crime from neighboring regions, but create crime. We estimate the crime-related social costs in casino counties at approximately \$75 dollars per adult per year.

## II. Data

Our sample covers all 3,165 U.S. counties from 1977 to 1996. The Federal Bureau of Investigation's (FBI) Uniform Crime Report<sup>4</sup> provided the number of arrests and offenses for the seven FBI Index I offenses: aggravated assault, rape, robbery, murder, larceny, burglary, and auto theft.<sup>5</sup> With the exception of Alaska, the county jurisdictions remained unchanged over our sample period.

We used U.S. Census Bureau data for demographic control variables, including population density per square mile, total county population, and population distributions by race, age, and sex.<sup>6</sup> The Regional Economic Information System, of the Bureau of Commerce, provided data on income, unemployment, income maintenance transfers, and retirement.<sup>7</sup>

<sup>4</sup> U.S. Department of Justice, FBI, *Uniform Crime Reports: County-Level Detailed Arrest and Offenses Data, 1977–1996*, Washington, DC: U.S. Department of Justice, FBI; Ann Arbor, MI: Inter-university Consortium for Political and Social Research (ICPSR, distributor).

<sup>5</sup> The definitions are listed in *Crime in the United States: 1993* (U.S. Department of Justice, Federal Bureau of Investigation), Appendix H, pp. 380–381.

<sup>6</sup> ICPSR (8384): "Intercensal Estimates of the Population of Counties by Age, Sex and Race (U.S.): 1970–80," U.S. Department of Commerce, Bureau of the Census, Winter 1985, ICPSR, Ann Arbor, MI 48106. "Intercensal Estimates of the Population of Counties by Age, Sex and Race: 1970–1980 Tape Technical Documentation," U.S. Bureau of the Census, Current Pop. Reports, Series P-23, 103, "Methodology for Experimental Estimates of the Population of Counties by Age and Sex: July 1, 1975." U.S. Bureau of the Census, Census of Population, 1980: "County Population by Age, Sex, Race and Spanish Origin" (preliminary OMB-consistent modified race).

<sup>7</sup> Income maintenance includes Supplemental Security Insurance (SSI), Aid to Families with Dependent Children (AFDC), food stamps, and other income maintenance (which includes general assistance, emergency assistance, refugee assistance, foster home care payments, earned income tax credits, and energy assistance). Unemployment insurance benefits include state unemployment insurance compensation, Unemployment Compensation for Federal Civilian Employees (UCFE), Unemployment for Railroad Employees, Unemployment for Veterans (UCX), and other unemployment compensation (which consists of trade readjustment al-

The natural operating measure for casinos is gross revenue or profits. Unfortunately, such panel data do not exist—American Indian casinos are not required to report revenues. We therefore used the year a county first had an operating Class III<sup>8</sup> gambling establishment, including riverboat casinos, American Indian casinos, land-based casinos, and, in the case of Florida and Georgia, "boats to nowhere"—cruises that travel outside U.S. boundary waters so passengers can gamble. Not all forms of gambling qualify as casinos. For example, Montana has hundreds of small gambling outlets that offer keno or video poker, many in gas stations along the highway. Also, California has many card houses, some of which were illegal. These establishments are distinct from casinos in size and type of play.

To obtain casino opening dates we first contacted state gaming authorities. In cases like Washington, this was an expeditious way to ascertain the first year a casino opened. However, even the central gaming authorities and Indian affairs committees often lacked information on Indian casinos. Therefore, in most states we called each casino to obtain its opening date or first date of Class III gambling if it had previously operated other forms of gambling.<sup>9</sup> We also used lists from the Casino City Web site, [www.casinocity.com](http://www.casinocity.com), which lists casinos in every state, and verified it against the annually produced *Casinos: The International Casino Guide* (B.D.I.T., 1997).

Table 1 presents summary statistics for casino and noncasino counties. Noncasino counties had no casino in any year of the sample. Casino counties had a casino in operation during one or more years of the period. Casino counties had higher population, land area, income, and crime rates. The regressions later in the paper show no statistically significant differences between casino and noncasino pre-opening crime rates when control variables are included.

lowance payments, Redwood Park benefit payments, public service employment benefit payments, and transitional benefit payments). Retirement payments included old age survivor and disability payments, railroad retirement and disability payments, federal civilian employee retirement payments, military retirement payments, state and local government employee retirement payments, federal and state workers' compensation payments, and other forms of government disability insurance and retirement pay.

<sup>8</sup> According to the Indian Gaming Regulatory Act of 1988, Class I gambling consists of "social games solely for prizes of minimal value." Included in Class I gambling are traditional Indian games identified with tribal ceremonies and celebrations. Class II gambling includes bingo and "games similar to bingo." Class III gambling includes "all forms of gaming that are not Class I gaming or Class II gaming," such as blackjack, slot machines, roulette, and other casino-style games.

<sup>9</sup> We distinguish the operation date of Class III casinos from other dates such as the legislation date to authorize casinos and the operation date of Class I or II establishments. Within a state, different counties acquired casinos at different times. Also, bingo halls operated by American Indians converted to Class III gambling during our sample. Nevada legalized commercial casino gambling (in 1931) prior to the start of our sample. Excluding Nevada from our sample slightly increased the magnitude of the estimated casino-crime effect. For example, when Nevada was excluded from the table 4 regressions, 39 of the 42 post-opening coefficient estimates became more positive or less negative. Excluding New Jersey, whose Atlantic City casinos opened in 1978, produced similar results.



TABLE 1.—DEMOGRAPHIC AND CRIME DATA: CASINO VERSUS NONCASINO COUNTIES

| Variable                          | Casino Counties |           |             | Noncasino Counties |           |             |
|-----------------------------------|-----------------|-----------|-------------|--------------------|-----------|-------------|
|                                   | Mean            | Std. Dev. | Sample Size | Mean               | Std. Dev. | Sample Size |
| Population                        | 145,330         | 288,149   | 3,533       | 73,209             | 252,381   | 59,053      |
| Population density (pop./sq. mi.) | 204             | 491       | 3,533       | 217                | 1,462     | 59,045      |
| Area (square miles)               | 2,021           | 3,056     | 3,533       | 1,008              | 2,883     | 59,060      |
| Per capita personal income        | \$11,306        | \$2,689   | 3,533       | \$10,808           | \$2,618   | 59,040      |
| Per capita unemployment ins.      | \$78            | \$54      | 3,533       | \$65               | \$51      | 59,024      |
| Per capita retirement comp.       | \$10,771        | \$6,544   | 3,538       | \$9,831            | \$6,243   | 59,028      |
| Aggravated assault rate           | 259             | 276       | 3,245       | 188                | 245       | 54,551      |
| Rape rate                         | 29              | 28        | 3,182       | 20                 | 32        | 53,882      |
| Robbery rate                      | 82              | 136       | 3,254       | 44                 | 143       | 54,623      |
| Murder rate                       | 5.9             | 9.3       | 3,254       | 5.5                | 10.5      | 54,628      |
| Larceny rate                      | 2,548           | 1,423     | 3,254       | 1,738              | 1,940     | 54,622      |
| Burglary rate                     | 1,056           | 666       | 3,254       | 770                | 1,110     | 54,619      |
| Auto theft rate                   | 267             | 264       | 3,254       | 167                | 276       | 54,627      |

Notes: Crime rates are annual incidents per 100,000 population. Monetary amounts are in 1982–1984 dollars.

The differences in the crime rates are due to the postopening differences between casino and noncasino counties.

Between 1977 and 1996 the number of states with some form of casino gambling rose from 1 to 29. Counties with casinos grew from 14 (all in Nevada) to nearly 180. The Indian Gaming Regulatory Act of 1988 increased the number of Indian casinos by mandating that states allow American Indian gambling on trust lands if the state sanctioned the same gambling elsewhere. The semisovereign status of Indian tribes and their management by the Federal Bureau of Indian Affairs gave them greater leverage with the states. By 1996, 21 states permitted casinos on Indian reservations.

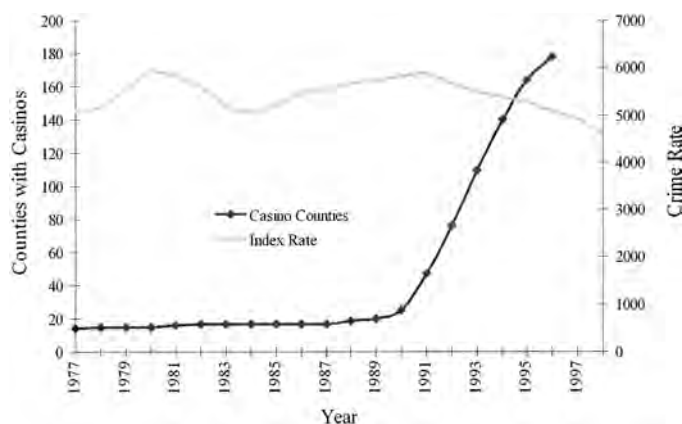
Figure 1 shows the relationship between the number of counties with casinos (left scale) and the crime rate (right scale). The crime rate fluctuated between 1977 and 1990 when the number of casinos was relatively constant. However, between 1990 and 1996, when the number of counties with casinos increased rapidly, the crime rate dropped substantially. This contemporaneous casino growth and crime reduction is important. Some have used these data to suggest that casinos reduced crime. For example, Margolis (1997) stated, "Crime rates in Baton Rouge, LA have decreased every year since casino gaming was introduced." However, most regions experienced falling crime rates after

1991. Therefore, it is more appropriate to compare the magnitude of the decreases between casino and noncasino counties. We provide two comparisons of this type. Each suggests that crime rates in counties that opened casinos during our sample increased relative to crime rates in noncasino counties.

The first example, shown in figure 2, contrasts the crime rate for casino and noncasino counties between 1991 and 1996. FBI Index I offenses were summed by year for casino counties. Average crime rates for 1991–1996 were calculated by dividing these totals by the populations of the counties in the corresponding years. The series was then scaled to take the value 100 in the year 1991. The same procedure was applied to noncasino counties.<sup>10</sup> Though crime dropped in both sets of counties, crime dropped 12.0 percentage points more in counties without casinos than in casino counties. The absolute reduction in crime in noncasino counties (90.3 offenses per 100,000) was approximately 3 times as large as the reduction (30.6 offenses per 100,000) in counties that opened a casino.

The second example, shown in figure 3, presents casino-county crime data centered on the year of opening, where the average crime rate for the two years prior to casino opening and the year of opening is set to 100. Crime rates were stable prior to opening, were slightly lower in the year of casino introduction, returned to approximately average levels for the next two or three years, and increased thereafter. By the fifth year after introduction, robbery, aggravated assaults, auto theft, burglary, larceny, rape, and murder were 136%, 91%, 78%, 50%, 38%, 21%, and 12% higher, respectively. These effects by year after introduction

FIGURE 1.—INDEX CRIME RATE AND NUMBER OF COUNTIES WITH CASINOS: UNITED STATES, 1977–1998



<sup>10</sup> Data on Florida are excluded from figure 2 because it changed its crime reporting from summary-based to incident-based on January 1, 1988, and switched back to summary-based in 1995. Crime data are missing in the transition years. However, a Florida-only analysis is consistent with figure 2. Between 1977 and 1995 Florida counties that opened casinos experienced greater growth than noncasino counties in murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft (19.9, 29.3, 27.3, 33.6, 7.7, 16.9, and 81 percentage points higher, respectively).



suggest the need to estimate lead and lag structures to identify the relevant time dependencies.

### III. Theory

Previous studies focused on the empirical relationship between casinos and crime, but neglected theoretical explanations of how casinos affect crime. We present two reasons why crime could decrease and five reasons why crime could increase. We then discuss their different effects over time, an essential, but previously ignored issue. These factors are not mutually exclusive, and our empirical results estimate the total effect of these factors.

#### A. Theoretical Connections between Casinos and Crime

Casinos might reduce crime directly by improving legal earning opportunities, or indirectly through development effects.

*Wage Effects:* Grogger (1997) argued that increases in wages reduce crime, and Gould, Weinberg, and Mustard (2002) showed that increased employment and wages of low-skilled individuals reduce crime. Therefore, if casinos provide greater labor market opportunities to low-skilled workers, they should lower crime. Evans and Topoleski (2002) contend that when casinos are opened by American Indians, the fraction of adults who are poor, who are more likely to commit crime, declines by 14% and that employment increases significantly.

*Development:* Casinos may reduce crime indirectly through development effects. In the Midwest, for example, legislation decriminalizing casino gambling cited economic development as its rationale. Decaying waterfronts and derelict sections of town that once harbored crime may be less amenable to it when renovation occurs, streetlights appear, and resident presence increases. The streets near Las Vegas casinos, even at night, are often cited as some of the safest.

FIGURE 2.—CASINO-COUNTY VERSUS NONCASINO-COUNTY CRIME RATES

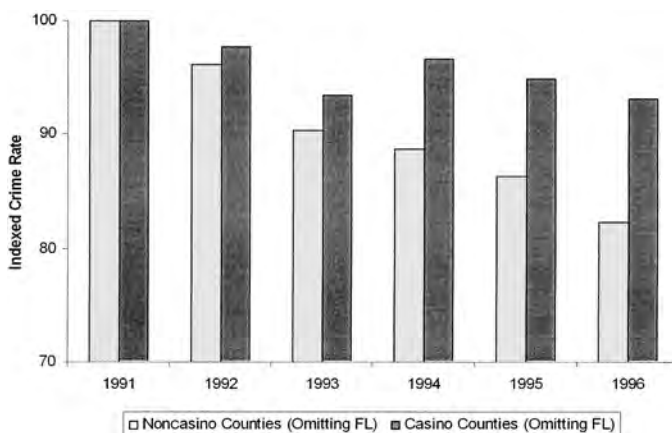
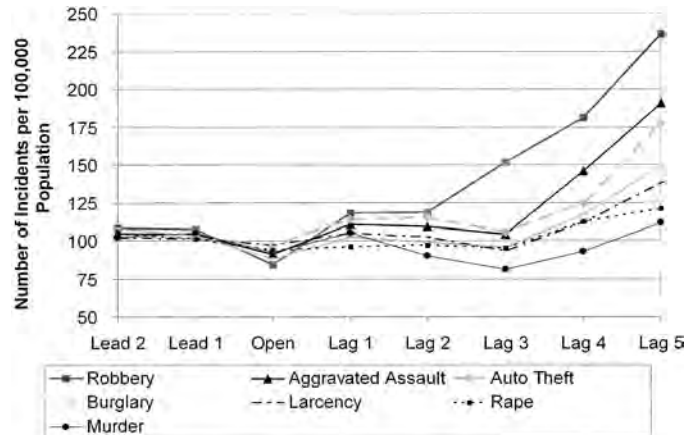


FIGURE 3.—CRIME BEFORE AND AFTER CASINO OPENING: CASINO COUNTIES, OMITTING FLORIDA IN 1988, 1996



Likewise, casinos may increase crime through direct and indirect channels.

*Development:* Casinos may raise crime by harming economic development, the opposite of the indirect effect discussed above. While some commend casinos for bringing growth, others criticize them for draining the local economy, for attracting unsavory clients, and for leading to prostitution and illegal gambling-related activities.

*Increased Payoff to Crime:* Casinos may increase crime by lowering the information costs and increasing the potential benefits of illegal activity. Travelers are often more vulnerable to crime victimization, and because casinos attract gamblers and money, there is an increased payoff to crime from a higher concentration of cash and potential victims. A 1996 Kansas City case is illustrative: a local restaurant owner was followed home, robbed, and murdered in his garage after winning \$3,000 at a casino (Reno, 1997). Similar stories exist in other locations with casinos.

*Problem and Pathological Gambling:* Crime may increase through problem and pathological gamblers. Pathological gambling is a recognized impulse control disorder of the Diagnostic and Statistical Manual (DSM-IV) of the American Psychiatric Association. Pathological gamblers (often referred to as “addicted” or “compulsive” gamblers) are identified by repeatedly failing to resist the urge to gamble, relying on others to relieve the desperate financial situations caused by gambling, committing illegal acts to finance gambling, and losing control over their personal lives and employment. Problem gamblers have similar problems, but to a lesser degree. Compared to those arrested for crime, problem and pathological gamblers are more likely to be female, are older, and have higher incomes.<sup>11</sup>

<sup>11</sup> See NGISC (1999, Tables 4-2, 4-5) and Bureau of Justice Statistics (2002, Tables 4.7-4.10, 6.13, 6.16, 6.17).

The geographical spread of casinos lowers the cost of buying the addictive good, which increases the quantity consumed by problem gamblers, as evidenced by the rapid increase in Gamblers Anonymous programs after casinos open. For example, the number of Wisconsin communities holding Gamblers Anonymous meetings grew from 6 to 29 in the seven years after Indian tribes initiated agreements with the state to open casinos in 1992. Eleven people who contacted the Wisconsin group in 1997 committed suicide because of gambling (*Chicago Tribune*, August 2, 1999). The NGISC also reported a large increase in Gamblers Anonymous from 650 chapters in 1990 to 1,328 in 1998, "a period of rapid legalized gambling expansion" (NGISC, 1999, p. 4–17).

Conversely, when gambling is restricted, the cost of consuming the addictive good increases. Beginning July 1, 2000, South Carolina banned slot machines by court order. Six months later, the number of Gamblers Anonymous groups had dropped from 32 to 11, and the attendance fell from a typical size of approximately 40 to as few as 1 or 2 (Bridwell & Quinn, 2002, p. 718). During the same time, the number of help-line calls in Horry County (Myrtle Beach) dropped from 200 per month to 0 (*ibid.*)

An often-cited Maryland study found that 62% of the Gamblers Anonymous group studied committed illegal acts because of their gambling (Maryland Department of Health and Mental Hygiene, 1990); 80% had committed civil offenses, and 23% were charged with criminal offenses. A similar survey of nearly 184 members of Gamblers Anonymous showed that 56% admitted stealing to finance their gambling. The average amount stolen was \$60,700 (median \$500), for a total of \$11.2 million (Lesieur, 1998).

*Visitor Criminality:* Crime may also rise because casinos attract visitors who are more prone to commit and be victims of crime. Chesney-Lind and Lind (1986) suggested that one reason tourist areas often have more crime is that tourists are crime targets. However, in the following section we show that visitors to national parks do not increase crime. Therefore, if casino visitors induce crime, it is because they are systematically different from national park visitors or visitors to other attractions. The three largest single tourist attractions in the United States in 1994 were the Mall of America (Bloomington, MN), Disney World (Orlando, FL), and Branson, MO (country and western music) receiving 38, 34, and 5.6 million visitors, respectively. For comparison, Hawaii received approximately 6 million and Las Vegas received 30.3 million visitors in 1994. Visitors per resident were 1,345 for Branson, 436 for Bloomington, 188 for Orlando, and 40 for Las Vegas. If visitors of any type are the predominant mechanism for crime, Branson and Bloomington should be among the most crime-ridden places in North America. Even adding visitors to residents in the denominator to calculate diluted crime rates, the crime rate per 100,000 visitors-plus-residents was

187.3 for Las Vegas, 64 for Orlando, 16.4 for Branson, and 11.9 for Bloomington. Bloomington received 7.7 million more visitors than Las Vegas, but had a diluted crime rate less than  $\frac{1}{15}$  of Las Vegas's. One indication of the different clientele casinos attract is the large increases in pawnshops that occur when casinos open. Other tourist areas do not experience similar increases.

A few of the numerous press examples that explicitly link casino gambling to crime are as follows:

Authorities linked a woman arrested in Bradenton, FL to one of the largest and most profitable burglary rings in the country. Baton Rouge, La., police Detective Jonny Dunham said that Barbara Dolinska and her cohorts like to gamble, and they committed many crimes in areas that either had riverboat gambling operations or other kinds of gaming. (*Sarasota [FL] Herald-Tribune*, December 23, 1999)

A man arrested in the armed robbery of a [New Orleans] bar told deputies of his motive for the hold up: he wanted to recover the several hundred dollars he lost playing the lounge's video poker machines. (*Las Vegas Sun*, June 14, 1999)

Former San Jose police officer, Johnny Venzon Jr., was imprisoned for stealing from people on his own beat while in uniform. Venzon, who blamed his actions on a gambling addiction, often burglarized homes and then investigated the crimes. (*San Francisco Chronicle*, February 25, 1999)

Daniel Blank confessed to stealing over \$100,000 and killing six Louisiana residents from October 1996 to July 1997. Blank's motivation for his brutality was to obtain cash to support almost daily trips to video poker halls and casinos. Sometimes Blank headed for casinos right after committing the crimes. ([New Orleans] *Times-Picayune*, January 28, 1999)

*Casino-Induced Changes in Population Composition:* Gambling, along with gambling-related industries such as hotels and restaurants, is one of the few growth sectors with a high demand for unskilled labor. An increase in demand for unskilled and lower-income employees may alter the composition of the underlying labor force and residents toward those who are more apt to engage in criminal activity.

#### B. Effects across Types of Crime

Different crime mechanisms need not have the same effects across crimes. For example, improvements in the legal sector reduce property crime more than violent crime (Gould et al. 2002). Although murder has been tied to casino activities as described above, the statistical connection is harder to detect, because murder is rare in comparison with other crimes and because other causes predominate. For this reason we expect casinos to contribute less to the overall explanation of murder rates.

Pathological gamblers generally commit crimes to generate money either to deal with their debts or to gamble. Peoria and Tazewell counties, surrounding one of Illinois's oldest riverboats, have documented a significant increase in casino-related embezzlement, theft, and burglary, much of it committed by professionals like teachers and lawyers (Copley News Service, June 28, 1999). Burglary, larceny, and auto theft, and the violent crime of robbery, have pecuniary payoffs. Casinos may affect aggravated assault because assault often occurs in the context of a crime with an economic payoff. Because the FBI classifies each incident involving multiple offenses under the most serious offense, property crimes and robberies that become assaults are categorized as assaults.

Identifying the link between casinos and rape is less obvious. Casinos may attract visitors more likely to commit rape or to be its victims, and have an indirect effect through the population composition effect and social climate. Changed population might be related to casino-generated growth in adult entertainment, escort services, and related industries, which show significant increases as measured by advertising or the number of listings in the yellow pages. Many law enforcement officials have testified that prostitution increased dramatically after casinos opened (FBI Conference on Casino Gaming, 1999). Pinnacle Entertainment was fined \$2.26 million by the Indiana Gaming Commission for supplying prostitutes and gambling money to attendees at a golf outing sponsored by its Belterra Casino Resort (Piskora, 2002).

### C. *Intertemporal Effects on Crime*

The theory importantly predicts that the effects of casinos will vary over time. Reduction of crime through improvements in labor market opportunities is observed prior to and shortly after the casino opening as low-skilled people may be hired by the casino or casino-related industries. The economic development theories (whether positive or negative) imply that a casino's effect after opening will grow until the casino market reaches equilibrium. Likewise, the visitor effect and the effect of changing composition of the population appear with the casino's opening and grow as people are attracted to the area.

Effects operating through problem and pathological (P&P) gamblers will not be felt until a gambling problem has developed. Breen and Zimmerman (2002) studied the time to pathology. "We found that the men and women who 'got hooked' on video gambling became compulsive gamblers in about one year. Those who got hooked on other kinds of gambling (such as horses, sports betting, blackjack, etc.) became compulsive gamblers after about three and a half years" (RI Gambling Treatment Program, 2002). According to gambling treatment specialists, "Many addicted gamblers follow essentially the same course. . . . [T]hey enter a desperation stage, [the treatment specialist] said, and when they've used up their own money and lines of credit

they often turn to stealing" (Schneider, 2003). In the same article, police and prosecutors "told the newspaper that in recent years, with the arrival of casino gambling in the area, they have seen an increase in exactly the kinds of crimes [the convicted subject of the story] has acknowledged committing" (ibid.). The successful Evansville attorney Allan Lossemore's case (Rohrig, 2002) is symptomatic of the role of time lags. He began going to the Casino Aztar in July 1997 and for the first three or four months won enough money to subsidize his fledgling law practice. But by early 1998 he began to lose. "I started to draw from charge cards and from a line of credit in an attempt to get even," he reported. He tried to get back on track by barring himself from the casino and staying away from gambling, but late in 1999 he gambled again and lost. After a series of personal and professional financial circumstances, in mid-2000 he misappropriated clients' funds. "From there, I was just robbing Peter to pay Paul. I was gambling at that point pretty heavily—I was really trying to make up the difference." He was arrested in November 2000 and later jailed.

Research conducted for the NGISC reported that the population percentage of problem gamblers rose from 0.3% to 1.1% when the distance to the nearest casino fell from more than 250 miles to less than 50 miles, and rose from 0.4% to 1.3% for pathological gamblers (National Opinion Research Center, 1999, pp. 28–29). Distances less than 50 miles were not studied; thus a difference of 1.7% in P&P gambling probably understates the actual fraction. Research on the degree of P&P gambling in Las Vegas found the rate was 6.6% (Strow, 1999), suggesting that a difference of 5.9% is closer to an upper bound. If problem and pathological gamblers are an important explanation of crime, we expect to observe crime increase over time as more people start to gamble, develop gambling problems, and eventually commit crimes to fund their losses. Because different causes are at work, and may operate differently for different crimes, there is no presumption that intertemporal effects must be identical.

## IV. Estimation Strategy

Our empirical strategy addresses many limitations of the current research. First, by conducting the most exhaustive investigation and utilizing a comprehensive county-level data set that includes every U.S. county, we eliminate sample selection concerns. Second, by analyzing crime effects over time we exploit the time series nature of our data. Third, we are the first to articulate a comprehensive theory about how casinos could increase or decrease crime. Last, we use the most exhaustive set of control variables, most of which are commonly excluded from other studies.

### A. *Direct and Indirect Effects*

As noted, casinos may affect crime rates directly through their effects on the resident local population and indirectly



by increasing the number of casino visitors. The total includes both direct and indirect effects, as expressed in the following equations, where crime ( $C_{it}$ ) in county  $i$  in year  $t$  is a function of the presence of a casino, the number of casino visitors ( $V_{it}$ ) to the county, and other variables that affect crime (summarized in the term *Other*), and where  $a$ ,  $b$ ,  $c$ , and  $d$  are unknown coefficients:

$$C_{it} = a \text{ Casino}_{it} + bV_{it} + \text{Other}_{it}, \quad (1)$$

$$V_{it} = c \text{ Attractions}_i + d \text{ Casino}_{it}. \quad (2)$$

Casino visitors in (2) depend on both the visitor attractiveness of the county ( $\text{Attractions}_i$ ) and the presence of the casino. The coefficient  $a$  measures the direct effect of the casino on crime. The coefficients  $b$  and  $d$  measure the indirect effect via casino visitors. Substituting from (2) into (1) gives

$$C_{it} = \beta_i + \delta \text{ Casino}_{it} + \text{Other}_{it} \quad (3)$$

where  $\delta = a + bd$ , and  $\beta_i = bc \text{ Attractions}_i$ . The total effect of the casino on crime,  $\delta$ , in (3) includes the effects on both the local population and casino visitors. Estimating  $a$  in (1) would give only a partial effect, because it would not take into account the visitor effect.<sup>12</sup> The key to our being able to estimate the full effect is having panel data. Because many studies of the casino-crime relationship used cross-sectional data, they were limited to estimating only a partial effect.

### B. Visitors

Although distinguishing direct and indirect effects is important, it is also important to avoid the assumption that anything that attracts the same number of visitors will have the same crime effects. Different types of visitors may have systematically different effects on crime even if the effect for all types of visitors is positive. The presence of a casino in (3) proxies for direct effects on crime and for an increased number of casino visitors. It does not necessarily follow that the same number of visitors for another purpose would generate the same crime outcomes. Visitors for other purposes appear in the variable *Other<sub>it</sub>*, which we now address.

Time series visitor data do not exist at the county level and certainly do not distinguish visitors for different purposes. Running the regression (3) without such information, therefore, risks omitted variable bias. In partial defense, no other crime studies have been run with these data either. However, more importantly, in the case of casinos the omitted variables are likely uncorrelated with a new casino. Fortunately, for at least one type of tourist, data are available that we can use to test the hypotheses of being uncor-

related with openings and having an effect on crime different from the effect of casinos. We obtained National Park Service time series data from 1978 to 1998 on all visitors to national parks, monuments, historic sites, recreation areas, and so on. These parks and attractions, scattered across the country, receive millions of visitors annually—some as many as 14 million. Some, such as Yellowstone National Park, are in counties with sparse population; others are in highly populated areas. In most cases the correlation between park visitors and the casino variables used in the study was well below 1%, and in no case was a correlation above 1.7%. This is consistent with the view that this type of omitted variable bias is likely to be small or zero. Although it is always preferable to include such variables when possible, we are confident that in the case of casinos the procedure employed in (3) of treating data on other visitors as part of the constant term and the error term is not a problem for the coefficients of interest.<sup>13</sup>

A second analytical issue is whether to use *diluted* or *undiluted* crime rates. Should the number of crimes be divided by population—the conventional way to generate the crime rate (undiluted)—or by population *plus* visitors (diluted)? Four possibilities exist, depending on whether one considers total or partial effects, and studies diluted or undiluted crime rates. Some have argued for one combination or another without realizing that the choice is not methodological, but depends on what questions the researcher wants to answer. A common but invalid claim is that the diluted crime rate should be used to determine the change in probability that a resident would be the victim of a crime. However, knowing what happens to the diluted crime rate does not give the needed information and could even move the answer in the wrong direction. To illustrate, let  $s_1$  be the share of the resident population  $P$  victimized by residents, and let  $s_2$  be the share of the resident population victimized by  $V$  visitors. Similarly, let  $\sigma_1$  be the share of visitors victimized by residents, and  $\sigma_2$  the share of visitors victimized by visitors. Then the crime rate is  $s_1 + s_2 + (\sigma_1 + \sigma_2)\frac{V}{P}$ ; the diluted crime rate is  $(s_1 + s_2)w_P + (\sigma_1 + \sigma_2)w_V$  where  $w_P$  and  $w_V$  are the shares of visitors plus residents made up by residents and visitors, respectively; and the probability of a resident's being a crime victim is  $s_1 + s_2$ . If residents do not victimize visitors ( $\sigma_1 = 0$ ), then  $P = V$ , and  $s_2 + \sigma_2$  is smaller than  $s_1$ . The

<sup>12</sup> Ideally we would like to know both  $a$  and  $b$ . Because of data constraints, we must estimate only the total effect  $\delta$ . Casino visitor data do not exist at the county level. Both  $a$  and  $b$  might be estimated using other variables to proxy for the number of casino visitors, but no annual time-series data exist at the county level.

<sup>13</sup> When visitors to National Park Service sites were included, the regressions (3) showed that an additional one million park visitors annually were associated with statistically significantly *fewer* crime incidents for rape, murder, robbery, and burglary, and had a statistically insignificant effect on auto thefts. The effects of park visitors on larceny and assaults were statistically significant but socially insignificant compared to the crime effects found for casinos (coefficient  $\delta$ ) and reported in section V. For example, we estimated the long-run effect of a casino on larcenies to be 615, which was roughly 60 times larger than the effect of one million national park visitors. This means that if the crime consequences of casino visitors and national park visitors were identical, a casino would have to attract over 59 million visitors annually to account for 615 additional larcenies. Las Vegas, the single largest casino gambling destination in the United States, attracted 30.3 million visitors in 1994.

probability of a resident being victimized is  $s_1$  without visitors, and it rises to  $s_1 + s_2$  with visitors. The diluted crime rate is  $s_1$  without visitors and falls to  $(s_1 + s_2 + \sigma_2)/2$  with visitors. Thus in this case the diluted crime rate falls while the probability of a resident being victimized rises.

In this study we are interested in the costs to the host county associated with a change in crime from whatever source. We are therefore interested in the total effect of casinos on crime, and thus use the undiluted crime rate based on equation (3).

### C. Timing: Separating Casino Effects from Other Effects

The version of equation (3) that we estimated is

$$C_{it} = \alpha + \beta_i X_i + \gamma_t T_t + \delta L_{it} + \theta A_{it} + \varepsilon_{it}, \quad (4)$$

where  $C_{it}$  is the crime rate (offenses per 100,000 people) of county  $i$  in year  $t$ ,  $\alpha$  is a constant, and  $\beta_i$  is the vector of estimated coefficients on the county-level fixed effects that control for unobserved characteristics across counties. The time fixed effect,  $T_t$ , controls for national crime rate trends. Our base specification of  $L_{it}$  is a vector of the casino-opening dummy variables that includes two leads and five lags of the opening variable and captures the important intertemporal effects outlined earlier. The opening dummy variable takes the value 1 in the year the casino began operation and 0 in other years. In the reported regressions we used two years of leads, because it is unlikely that a casino would affect the crime rate more than two years prior to its opening. We stopped at five years of lags because the numbers of counties with casinos open three to five years, not counting Nevada counties, were 91, 59, and 35, respectively. Twelve counties (26 including Nevada counties) had casinos open for 6 or more years, and seven (21 including Nevada counties) had casinos open 7 or more years. For each group, however, observations are scattered widely across the decades and geography of our sample.

$A_{it}$  is a vector of 22 control variables. It includes population density, the percentage of the population that was male, the percentage that was black, the percentage that was white, and the percentages in the age ranges 10–19, 20–29, 30–39, 40–49, 50–64, and over 65.<sup>14</sup> Economic variables in  $A_{it}$  are real per capita personal income, real per capita unemployment insurance payments, real per capita retirement compensation per old person, and real per capita income maintenance payments. All income figures were adjusted to a 1982–1984-dollar basis.  $A_{it}$  also includes a dummy variable indicating whether the county honored a shall-issue right allowing citizens to carry a concealed firearm upon request, and two years of leads and five years of lags on the shall-issue dummy.  $\varepsilon_{it}$  is the regression error. Including leads and lags, the regression had 50 explanatory

variables plus one constant for each county (3,165) for a total of 3,215 explanatory variables. This set was expanded to 58 variables plus county constants when we analyzed the effects of casinos on adjacent counties. Excluding observations with missing data reduced the sample size in most regressions to approximately 58,000, leaving more than adequate degrees of freedom for estimation.

We independently estimated each lead and lag of the casino opening year (describing the timing of crime effects) without cross restrictions. We weighted regression observations by county population.

## V. Results

Before reporting the more sophisticated lag structure discussed above, we begin with a simple dummy variable for whether a county has a casino. Table 2 reports two such regressions for each crime. The left column for each crime reports the estimated coefficient for the casino dummy variable. The variable *Casino* takes the value of 1 if a casino is operating in the county for the year in question and 0 otherwise. No other explanatory variables are present in the leftmost regression. The regressions all show large, statistically significant elevated crime rates for counties with operating casinos. For example, according to table 2 such counties experience 157 more aggravated assaults annually per 100,000 population. This compares to average aggravated assault crime rates of 188 per 100,000 population for counties without casinos in any year of the sample reported in table 1. The right column for each crime reports the estimate of the casino dummy when year and county fixed effects are the only other explanatory variables included in the regression. In each case the effect attributed to an operating casino declines. Aggravated assault, for example, falls from 157 to less than 18. The coefficient estimates are positive and statistically significant for five crimes. The estimated effect is positive for murder and negative for burglary; neither is statistically significant. To summarize the two regressions, when a simple dummy variable specification is used for a casino being open, the estimated casino effect is positive and statistically significant in twelve of the fourteen regressions. The other two results are not statistically different from 0. These before-after results obscure the intertemporal effects, so we now turn our attention to the model that includes leads and lags.

Tables 3 and 4 report coefficient estimates and  $t$ -statistics for specifications of (4) that allow for the timing of the effects of casino opening. Table 3 includes year fixed effects and county fixed effects but excludes the control variables  $A_{it}$ , whereas table 4 includes these regressors.<sup>15</sup> For example, the estimated coefficient of lag 4 in the table 3 column labeled “Aggravated Assault” indicates that the aggravated

<sup>14</sup> The remaining groups were Hispanics and those between 0 and 9 years.

<sup>15</sup> We report casino variables. Results for the 588 other coefficient estimates for the seven crime regressions are omitted for lack of space, because they are used as controls, and because we are primarily interested in the casino variables.

TABLE 2.—CASINO CRIME RATE REGRESSIONS EMPLOYING CASINO DUMMY VARIABLE ONLY

|                      | Violent Crime       |                   |                   |                  |                    |                    |                 |                 |
|----------------------|---------------------|-------------------|-------------------|------------------|--------------------|--------------------|-----------------|-----------------|
|                      | Aggravated Assault  |                   | Rape              |                  | Robbery            |                    | Murder          |                 |
| <i>Casino</i>        | 157.254<br>(23.04)  | 17.825<br>(4.29)  | 11.521<br>(17.91) | 0.973<br>(2.04)  | 86.905<br>(12.09)  | 34.175<br>(10.07)  | 1.522<br>(6.88) | 0.117<br>(0.75) |
| Year fixed effects   | No                  | Yes               | No                | Yes              | No                 | Yes                | No              | Yes             |
| County fixed effects | No                  | Yes               | No                | Yes              | No                 | Yes                | No              | Yes             |
| <i>N</i>             | 57,796              | 57,796            | 57,064            | 57,064           | 57,877             | 57,877             | 57,882          | 57,882          |
| <i>F</i>             | 530.68              | 754.52            | 320.88            | 126.60           | 146.06             | 212.39             | 47.30           | 81.94           |
| Prob. <i>F</i>       | 0.0000              | 0.0000            | 0.0000            | 0.0000           | 0.0000             | 0.0000             | 0.0000          | 0.0000          |
| <i>R</i> -squared    | 0.0091              | 0.8147            | 0.0056            | 0.7234           | 0.0025             | 0.8861             | 0.0008          | 0.7506          |
|                      | Property Crime      |                   |                   |                  |                    |                    |                 |                 |
|                      | Larceny             |                   | Burglary          |                  | Auto Theft         |                    |                 |                 |
| <i>Casino</i>        | 1128.547<br>(31.88) | 218.850<br>(9.44) | 144.373<br>(7.58) | 23.927<br>(1.58) | 266.582<br>(21.72) | 217.416<br>(30.87) |                 |                 |
| Constant             | Yes                 | No                | Yes               | No               | Yes                | No                 |                 |                 |
| Year fixed effects   | No                  | Yes               | No                | Yes              | No                 | Yes                |                 |                 |
| County fixed effects | No                  | Yes               | No                | Yes              | No                 | Yes                |                 |                 |
| <i>N</i>             | 57,876              | 57,876            | 57,873            | 57,873           | 57,881             | 57,881             |                 |                 |
| <i>F</i>             | 1016.63             | 138.15            | 57.45             | 635.32           | 471.71             | 472.89             |                 |                 |
| Prob. <i>F</i>       | 0.0000              | 0.0000            | 0.0000            | 0.0000           | 0.0000             | 0.0000             |                 |                 |
| <i>R</i> -squared    | 0.0173              | 0.7839            | 0.0010            | 0.6699           | 0.0081             | 0.8328             |                 |                 |

Notes: Coefficient estimates are additional annual crime incidents per 100,000 population. *t*-statistics are in parentheses.

assault rate was higher by 62.153 offenses per 100,000 population four years after a casino opened in the county. The number of observations for each regression varied from 57,023 to 57,841. The  $R^2$  was between 0.67 and 0.89.

The patterns in both tables show that casino effects tend to increase over time after a lag of 2–3 years. In table 3, which does not include control variables, the estimates on the casino leads are often positive and statistically signifi-

cant, consistent with the common belief that casinos are more likely to be placed in high-crime areas. However, when control variables are included, all of the leads are statistically indistinguishable from 0 except for those on auto theft.

Another key difference is that table 3 shows much larger increases in crime in the lagged years. When the control variables are included in table 4, these larger positive

TABLE 3.—CASINO CRIME RATE REGRESSIONS EXCLUDING CONTROL VARIABLES.

|                         | Aggravated Assault | Rape            | Robbery           | Murder          | Larceny           | Burglary          | Auto Theft         |
|-------------------------|--------------------|-----------------|-------------------|-----------------|-------------------|-------------------|--------------------|
| Lead 2                  | 4.325<br>(0.61)    | 1.189<br>(1.42) | 13.178<br>(2.26)  | .725<br>(2.73)  | 113.498<br>(1.64) | 33.865<br>(0.79)  | 114.440<br>(9.46)  |
| Lead 1                  | 4.455<br>(0.64)    | 0.708<br>(0.86) | 19.067<br>(3.32)  | 1.270<br>(4.85) | 160.828<br>(1.82) | 28.071<br>(0.57)  | 142.864<br>(11.98) |
| Open                    | 8.799<br>(1.19)    | .250<br>(0.29)  | 19.142<br>(3.15)  | 1.251<br>(4.53) | 229.687<br>(2.61) | 19.609<br>(0.55)  | 182.095<br>(14.47) |
| Lag 1                   | 16.656<br>(2.24)   | 1.765<br>(2.06) | 47.031<br>(7.72)  | 1.360<br>(4.91) | 315.990<br>(2.99) | 54.171<br>(0.76)  | 236.103<br>(18.69) |
| Lag 2                   | 3.647<br>(0.46)    | 0.684<br>(0.76) | 56.089<br>(8.63)  | 1.305<br>(4.41) | 193.729<br>(0.89) | 3.025<br>(0.03)   | 225.876<br>(16.75) |
| Lag 3                   | 29.953<br>(3.22)   | 3.436<br>(3.23) | 81.467<br>(10.67) | 0.801<br>(2.30) | 201.816<br>(1.51) | 13.797<br>(0.25)  | 253.046<br>(15.98) |
| Lag 4                   | 62.153<br>(4.76)   | 7.021<br>(4.72) | 75.755<br>(7.08)  | 0.429<br>(0.88) | 460.681<br>(2.74) | 153.209<br>(2.74) | 246.417<br>(11.11) |
| Lag 5                   | 124.683<br>(7.80)  | 7.076<br>(3.87) | 76.725<br>(5.84)  | 1.496<br>(2.50) | 715.031<br>(2.65) | 236.992<br>(2.97) | 376.278<br>(13.80) |
| Control variables $A_i$ | No                 | No              | No                | No              | No                | No                | No                 |
| Year fixed effects      | Yes                | Yes             | Yes               | Yes             | Yes               | Yes               | Yes                |
| County fixed effects    | Yes                | Yes             | Yes               | Yes             | Yes               | Yes               | Yes                |
| <i>N</i>                | 57,755             | 57,023          | 57,836            | 57,841          | 57,835            | 57,832            | 57,840             |
| <i>F</i>                | 562.01             | 95.50           | 163.79            | 63.83           | 19.25             | 79.81             | 358.19             |
| Prob. <i>F</i>          | 0.0000             | 0.0000          | 0.0000            | 0.0000          | 0.0000            | 0.0000            | 0.0000             |
| <i>R</i> -squared       | 0.8149             | 0.7236          | 0.8865            | 0.7511          | 0.7843            | 0.6730            | 0.8334             |

Notes: Coefficient estimates are additional annual crime incidents per 100,000 population. *t*-statistics are in parentheses. We used robust standard errors for larceny and burglary, which the Breusch-Pagan test indicated had heteroskedasticity.

TABLE 4.—CASINO CRIME RATE REGRESSIONS INCLUDING CONTROL VARIABLES

|                         | Aggravated<br>Assault | Rape             | Robbery          | Murder           | Larceny           | Burglary          | Auto<br>Theft      |
|-------------------------|-----------------------|------------------|------------------|------------------|-------------------|-------------------|--------------------|
| Lead 2                  | 3.843<br>( 0.55)      | 0.157<br>(0.19)  | 6.924<br>(1.21)  | 0.438<br>(1.00)  | 37.710<br>(0.63)  | 16.481<br>(0.43)  | 97.006<br>(8.43)   |
| Lead 1                  | 8.498<br>( 1.24)      | 0.815<br>( 1.01) | 8.164<br>(1.44)  | 0.969<br>(1.34)  | 47.645<br>(0.61)  | 6.164<br>( 0.14)  | 113.656<br>(10.00) |
| Open                    | 0.376<br>(0.05)       | 0.644<br>( 0.77) | 11.218<br>(1.88) | 1.103<br>(1.37)  | 148.279<br>(1.74) | 23.625<br>( 0.72) | 152.659<br>(12.72) |
| Lag 1                   | 2.613<br>(0.36)       | 0.955<br>(1.14)  | 32.588<br>(5.43) | 1.188<br>(1.68)  | 173.836<br>(1.83) | 30.661<br>(0.55)  | 183.735<br>(15.24) |
| Lag 2                   | 9.739<br>( 1.25)      | 0.267<br>( 0.30) | 39.137<br>(6.08) | 1.181<br>(1.46)  | 0.447<br>( 0.00)  | 51.987<br>( 0.68) | 161.791<br>(12.53) |
| Lag 3                   | 20.306<br>(2.22)      | 3.339<br>(3.20)  | 70.427<br>(9.30) | 1.099<br>(1.32)  | 4.132<br>(0.03)   | 48.495<br>( 0.89) | 206.769<br>(13.60) |
| Lag 4                   | 42.844<br>(3.34)      | 6.503<br>(4.47)  | 52.188<br>(4.93) | 0.572<br>(0.54)  | 184.855<br>(1.41) | 64.367<br>(0.92)  | 161.641<br>(7.60)  |
| Lag 5                   | 99.982<br>(6.38)      | 9.979<br>(5.59)  | 65.240<br>(5.02) | 0.458<br>( 0.55) | 614.695<br>(1.98) | 325.147<br>(2.30) | 271.848<br>(10.43) |
| Control variables $A_i$ | Yes                   | Yes              | Yes              | Yes              | Yes               | Yes               | Yes                |
| Year fixed effects      | Yes                   | Yes              | Yes              | Yes              | Yes               | Yes               | Yes                |
| County fixed effects    | Yes                   | Yes              | Yes              | Yes              | Yes               | Yes               | Yes                |
| $N$                     | 57,724                | 56,992           | 57,805           | 57,810           | 57,804            | 57,801            | 57,809             |
| $F$                     | 393.15                | 129.78           | 143.37           | 13.34            | 42.97             | 121.18            | 346.19             |
| Prob. $F$               | 0.0000                | 0.00000          | 0.0000           | 0.0000           | 0.00000           | 0.00000           | 0.0000             |
| $R$ -squared            | 0.8252                | 0.7410           | 0.8913           | 0.7623           | 0.7992            | 0.6997            | 0.8504             |

Notes: Coefficient estimates are additional annual crime incidents per 100,000 population.  $t$ -statistics are in parentheses. We used robust standard errors for larceny and burglary, which the Breusch-Pagan test indicated had heteroskedasticity.

estimates are reduced. Because the table 4 estimates have better fit in the lead variables and the added control variables reduce omitted variable bias, we emphasize these results, that show smaller casino effects on crime.

#### A. Violent Crime

Figure 4 displays the information on violent crime from table 4. The horizontal axis plots the casino opening leads and lags, and the vertical axis plots the coefficient estimates. The vertical lines show the 95% confidence intervals, the range within which the regression indicates the true coefficient should lie with 95% probability.

For aggravated assault, only estimates for the third and subsequent year after opening are significantly above 0, and the trend rises. The estimated high occurs in the fifth year after opening, when the aggravated assault rate is 100 assaults higher per year. This pattern of crime increase is unlike the typical pattern of visitor increases after casino opening. Grinols and Omorov (1996) showed that the number of visitors to Illinois casinos typically rose immediately after opening and reached equilibrium after 6 months or less.<sup>16</sup>

Figure 4 for rape shows coefficient estimates that are not significantly different from 0 prior to the opening. However,

they are positive and significant in the third and subsequent years after the casino opened, rising from the third year on. A county that introduces a casino might expect a negligible effect in the first two years after opening, but a higher rape rate by 6.5 to 10 incidents per 100,000 population in the fourth and fifth years after opening.

The pattern for robbery in figure 4 is similar to the patterns for aggravated assault and rape, with one important exception—the increase in robbery begins immediately. In the first year there were approximately 35 more robberies per 100,000 people, which increases to over 60 three years after opening.

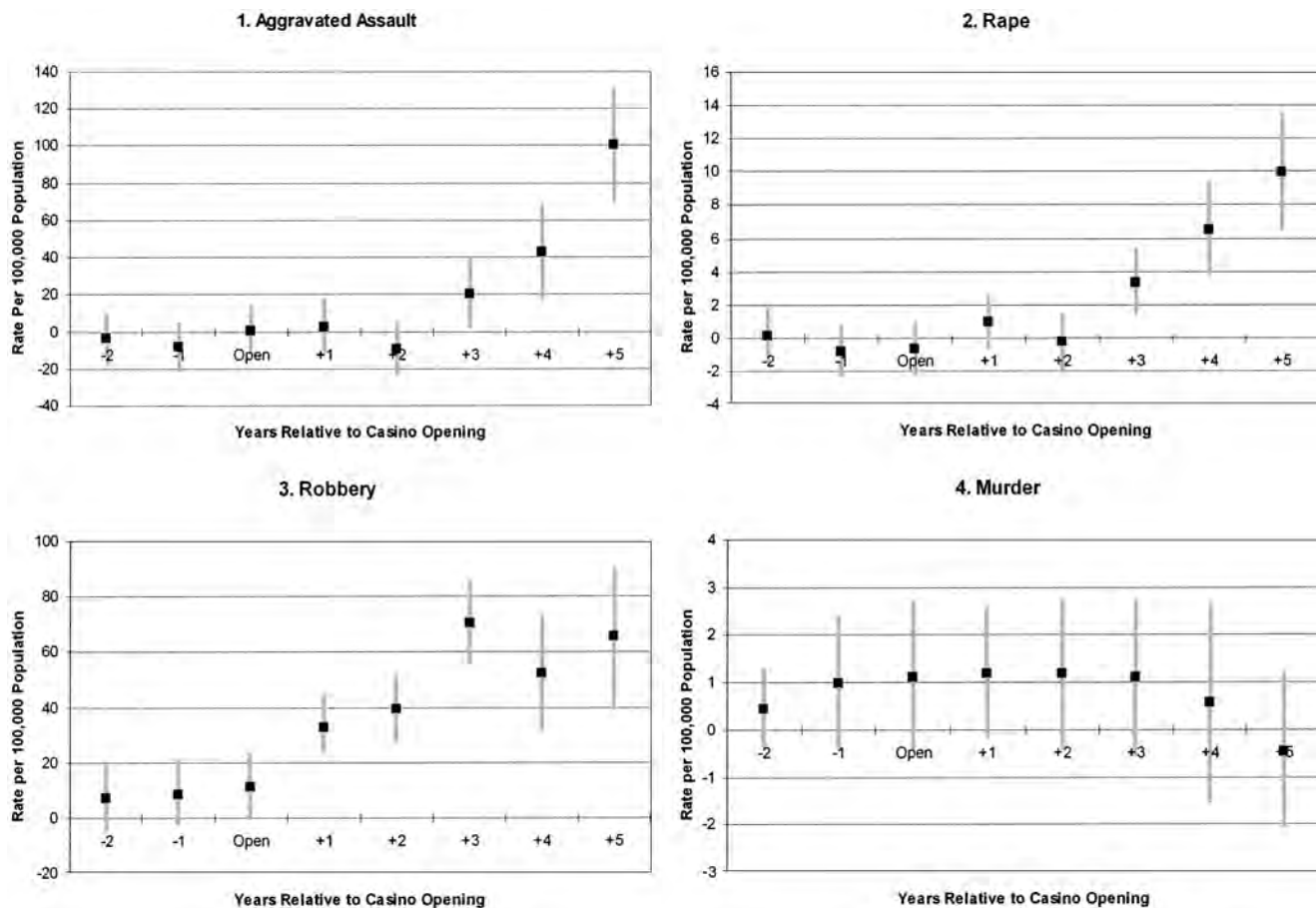
As expected, the impact of casinos on murder is the smallest among all offenses. Figure 4 shows that casino counties have slightly higher murder rates than noncasino counties both before and after opening. However, murder shows no statistically significant coefficient estimates for any of the casino leads or lags, and the change from before to after is not statistically significant. Gambling-related murders include incidents such as the disgruntled gambler who killed a casino teller when he tried to retrieve his gambling losses, a spouse who fought over the other's gambling losses and was murdered, a parent's gambling leading to the death of her child, murder for insurance, and similar tales.<sup>17</sup> However, because murder is the least fre-

<sup>16</sup> In addition to the regressions reported, we ran regressions that included as many as 4 leads and 7 years of lags of the casino opening variable. With few exceptions, leads continued the pattern of being statistically indistinguishable from 0, and later lags showed comparable or greater estimated effects to the fifth year lag. In the case of murder, the sixth and seventh lags continued the pattern of being statistically indistinguishable from 0.

<sup>17</sup> See Jeffry Bloomberg, Prepared Statement, Hearing Before the Committee on Small Business, House of Representatives, 103rd Congress, Second Session, 21 September 1994, Serial No. 103–104, Washington, DC: USGPO, p. 47. Accounts of the more spectacular gambling-related murders and deaths (most often suicides) frequently appear in the press. *USA Weekend*, February 10–12, 1995, p. 20, for example, describes a man



FIGURE 4.—CASINO EFFECTS—VIOLENT CRIME



quently committed crime and most counties have zero murders, murder rates typically have high variance, which makes it difficult to identify effects.

### B. Property Crime

Figure 5 displays the coefficient estimates in table 4 for property crimes. The larceny estimates increase from 0 in the second year after opening, to 4.1 in the third, 185 in the fourth, and over 615 in the fifth year after opening. Burglary increases from negative estimates in the second and third years after opening, to 64 in the fourth, to 325 in the fifth. Only the fifth-year estimates are individually statistically significant, so we investigated further the significance of the rising third-, fourth-, and fifth-year coefficient estimates. We checked whether the rising patterns of coefficient estimates in the last three years with the lag 5 estimated coefficients positive and significant persisted or disappeared after the fifth year. Estimates of the sixth- and seventh-year lags were

745 and 1,069 for larceny and 201 and 229 for burglary, respectively. Moreover, lags 5 through 7 pass a 5% *F*-test for significance for both offenses.

Figure 5 for auto theft presents a different picture. It is the only crime that showed statistically significant leads, which were positive. After opening, the rates increase slightly for a few years and increase substantially after five years. The data indicate that casino counties did not experience the same decreases in auto thefts that noncasino counties did after 1991, when the number of casinos increased rapidly.<sup>18</sup>

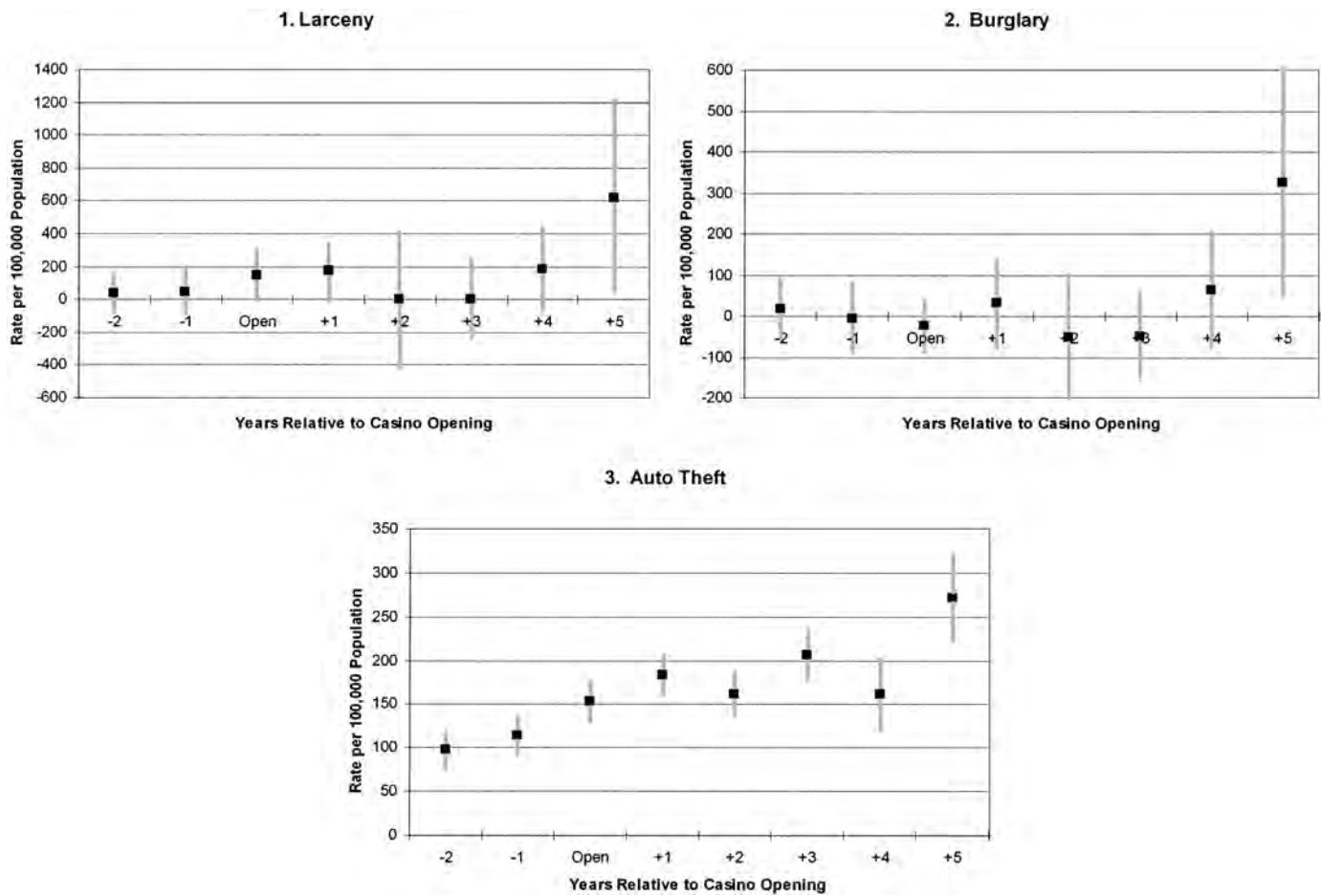
A second factor may be that we were unable to control for Lojack, an electronic tracking system that allows police to quickly locate and recover stolen autos. Ayres and Levitt (1998) found that Lojack accounted for a significant reduction in auto thefts in the 1990s. Because cities that implemented Lojack generally do not have casinos, we may overstate the effect of casinos on auto theft.<sup>19</sup> It is also

killing his wife and beating up his daughter in a fight over his gambling away thousands of dollars. The Associated Press, September 3, 1997, reported on a 10-day-old infant in South Carolina who died of dehydration after being left in a warm car for approximately 7 hours while her mother played video poker. A mother in Illinois was convicted of killing her infant children for insurance money because of her gambling.

<sup>18</sup> A similar divergence in Florida started in 1984 and grew after that, consistent with Florida casino openings. The first Florida casinos opened in two counties in 1982, two more opened in 1988, and the rest opened between 1990 and 1995.

<sup>19</sup> Ayres and Levitt (1998) showed that Lojack had little effect on other offenses, so our results for the other crimes will not be affected.

FIGURE 5.—CASINO EFFECTS—PROPERTY CRIME



possible that Lojack's use is not yet sufficiently widespread to greatly affect our estimates.

### C. Additional Robustness Checks

The precisely correct model of crime is not known. Thus, in addition to the comparison of tables 3 and 4, we considered several additional formulations to test the robustness of the results.

**Law Enforcement Variables:** All the regressions reported to this point omit law enforcement variables. Although including them reduces omitted variable bias, it also introduces sample bias by significantly limiting the number of counties with available data.<sup>20</sup> To examine this tradeoff we included two additional sets of law enforcement control variables. When we included the arrest rate as an explanatory variable, the estimated casino effects for almost every

year after opening and for almost all crimes were higher than those reported in table 4. Therefore, the table 4 results that we emphasize are biased against the finding that casinos increase crime.

Although arrest rates are often undefined, the problem is even bigger for other law enforcement variables. County-level conviction rates and sentence lengths are available for only four states (Mustard, 2003), and annual police employment is unavailable at the county level.

We also included explanatory variables that estimated the probability of capital punishment, which we estimated in four different ways.<sup>21</sup> When these variables are included, the results are qualitatively the same as for the base regression. There are slight differences of the estimated effects for

<sup>20</sup> For example, the arrest rate is undefined when there are 0 offenses for a given crime type. Many small counties record no offenses even for property crimes for a given year, and even large counties frequently record no offenses for murder and rape, which consequently produce a large number of missing observations for the arrest rate. For some offenses including the arrest rate eliminated over 30,000 observations. See Lott and Mustard (1997) and Levitt (1998) for more detailed discussions.

<sup>21</sup> The first was a prorated number of executions in the previous and current year divided by the number of people sentenced to death six years ago. The second was the number of executions in the first three quarters of the current year and last quarter of the previous year divided by the number of people sentenced to death six years ago. The third is a prorated count of executions in the previous and current year divided by the number of persons on death row at that time. The last was the number of executions in the first three quarters of the current year and the last quarter of the previous year, divided by the number of persons on death row at that time. Gittings and Mocan (2003) provided the first two variables, and Gittings and Mocan (2001) explain the last two in more detail.

different crimes in different postopening years, but the general qualitative trends are similar.

That the inclusion of law enforcement variables generally increases the estimated casino effects is consistent with reports from law enforcement officials that enforcement expenditures increased substantially when casinos opened. Stephen Silvern (FBI in Atlantic City) documented that expenditures for the Atlantic City Police Department and Prosecutor's Office grew much more rapidly in the late 1970s and early 1980s than similar expenditures in the rest of the state and nation (Federal Bureau of Investigation Conference on Casino Gaming, 1999). The director of the Indiana Gambling Commission reported that Indiana hired an additional 120 state troopers when the casinos opened in 1995.<sup>22</sup> Allocations for police services also rose substantially in New Orleans upon introduction of casinos.<sup>23</sup> Law enforcement officials emphasize that to maintain public safety, spending on enforcement resources must increase when casinos open. Because we cannot measure all these additional resources that reduce crime, our estimates without enforcement variables tend to understate the effect of casinos on crime.

*Casino–Population–Density Interactions:* A natural question is whether the effect of casinos on crime varies with the type of county, such as a rural-urban difference related to population density. To test for a population-density interaction, we multiplied each of the eight casino-opening lead and lag variables by the county population density and reran the original regressions including these eight new variables. The density interaction coefficient estimates were statistically significant as a group at the 1% or better level for all regressions except aggravated assault and larceny, which were significant at the 11% and 46% levels, respectively. With the exception of murder and auto theft, the same rising pattern of crime after casino introduction was observed as found in the original regressions. Crime is not statistically different from zero in the years before casino introduction and immediately thereafter, but begins to rise three or four years after introduction. By the fifth year after casino introduction, a statistically significantly elevated crime rate for both low- and high-density counties appears. Introducing a density effect does not change the prediction of the model. These results give us confidence that the effect of casinos on crime is similar in large and small counties. For auto theft the casino effect is largest for less densely populated counties.

<sup>22</sup> John Thar, director of the Indiana Gambling Commission, report at Federal Bureau of Investigation Conference on Casino Gaming (1999).

<sup>23</sup> Lt. Joseph P. Lopinto, Jr., commander of the Gambling Section of the New Orleans Police Department, reported that his department has been significantly resource-constrained since the opening of New Orleans's casinos and the resulting increase in demand for police services (Federal Bureau of Investigation Conference on Casino Gaming, 1999).

#### D. Summary

We summarize the results in table 4 and figures 4 and 5. First, the casino-opening lead variables suggest that after controlling for other variables casinos were not more likely to be placed in areas that had systematically different crime environments than other regions.

Second, after casinos opened, casino-county crime rates increased relative to the noncasino-county rates. Of the 42 estimated casino effects (one opening and five lags for each of seven offenses), 34 are positive, of which 19 are statistically significant at the 0.05 level, and others are significant at the 0.10 level. In contrast, none of the 8 negative estimates are statistically significant. As expected, murder exhibits no relation to casino gambling.

Third, the time pattern of estimated coefficients implies that the casino effects may change over time. With the exception of murder, all crimes show higher estimates for the last two coefficients (lags 4 and 5) than for the first two (leads 2 and 1). For most offenses, the statistically significant differences tend to appear two or three years after casino opening. Only one estimated coefficient for the year of opening is statistically significant. Estimates of the sixth and seventh lags (run but not reported) are typically positive and statistically significant.

Fourth, the increase over time in casino effect is consistent with the effects outlined in the theory. For example, the crime-mitigating influences through increased wages and employment should occur before and shortly after opening. In contrast, the crime-increasing factors are more long-term. Casino-induced changes in population and the effects of negative development grow over time. Also, clinical research shows that problem and pathological gamblers typically take approximately 2 to 4 years to start gambling, become addicted, exhaust alternative resources, and eventually commit crimes. Studies that did not have large data sets or a sufficient number of years of observations after casino opening, and that did not allow for the effects of casinos to change over time, missed these effects. An additional potential explanation of the time pattern is that casinos have an immediate impact on crime, but that impact is ameliorated by a large increase in police resources, which are typically significantly increased when casinos open, but do not maintain the same rate of growth over time. The slightly more immediate impact of casinos on violent crime may be explained in terms of *imported* criminals. It may take less time to habituate to a new casino's location than for people to exhaust their resources.

#### E. Evaluation

The regressions in table 4, of course, cannot decompose the net number of offenses to assign them to each alternative explanation. Nevertheless, it is instructive to ask how many crimes table 4 would imply per additional P&P gambler if all estimated additional crime incidents were arbitrarily



assigned to this one source. The coefficient estimates report additional crime incidents per 100,000 population. If  $x$  is the coefficient, and  $y$  is the change in P&P share of the population, then

$$\frac{x}{10^5} \frac{\text{Offenses}}{\text{Capita}} \times \frac{10^{-5}}{10^{-5}} \times \frac{1}{y} \frac{\text{Capita}}{\text{Problem and Pathological}} = \frac{x}{y} \times 10^{-5} \frac{\text{Offenses}}{\text{Problem and Pathological}} \quad (5)$$

The total number of crime incidents estimated in table 4 in the fifth year after casino opening is  $x = 1,386.4$ . If  $y = 0.059$  (as in the numbers reported for Las Vegas, for example), then the average additional P&P gambler would have to commit 0.23 crime incidents per year to account for all additional crime, so that roughly one in four P&P gamblers would have to commit a crime annually. This figure rises to 0.82 if  $y = 0.017$  at the other extreme. Thus 20%–80% are reasonable proportions relative to the information reported above that 80% of problem gamblers studied committed civil offenses, 56% had stolen, and 23% were charged with criminal offenses. In contrast, if the calculation suggested that each P&P gambler would be required to commit a dozen crime incidents per year, the numbers would be of a different magnitude.

The estimated coefficients in table 4 also allow us to gauge the fraction of observed crime due to casinos. Summing the estimated number of crimes attributable to casinos for each county, taking into account how many years the casino was in operation, and dividing by the casino counties' total population measures the contribution of casinos to observed crime. Estimates of the share of crime attributable to casinos in 1996 for individual crimes ranged between 5.5% and 30%. Auto theft was the highest, followed by robbery at 23%. The values for the rest of the offenses were between 5.5% and 10%.

We provide three estimates of the implied cost of additional crime. First, we use the cost per victimization figures adjusted to 2003 dollars using the CPI-U to calculate the total social cost of crimes committed in casino counties that are attributable to the casino presence according to the estimated coefficients in table 4 (Miller, Cohen, & Wiersema, 1996, column 4 of Table 9, p. 24). We also report the total social cost for casino counties on a per adult basis. Finally, although the social cost of property crime is not synonymous with the value of the lost property, the latter is nevertheless useful in describing the effect of casinos. The *Sourcebook of Criminal Justice Statistics* (Bureau of Justice Statistics, 2002, table 3.112, p. 298) contains data about the average property loss for four of the offenses in this paper—robbery, larceny, burglary, and auto theft. For those offenses we took the fifth-year lag coefficient estimates for each crime and multiplied them by the average loss per crime adjusted to 2003 dollars using the CPI-U. This produced

property loss numbers per 100,000 population, which can be aggregated to the entire adult population.

In 1996 the total costs for the 178 casino counties exceeded \$1.24 billion per year. If the estimated coefficients from table 4 are applied to a representative county of 100,000 population, 71.3% of which are adults (as is representative of the United States as a whole), then the social costs per adult are \$75 in 2003 dollars. These costs reflect the profile of the lagged effect on crimes experienced by the particular sample of casino counties making up our data set. The value of lost property from the four property crimes is \$2.905 million for a population of 100,000 (\$29.05 per adult), which becomes \$5.91 billion when aggregated to the national level for 2003.

We can compare these costs with other estimates that relied on a different methodology. Social costs of casinos have commonly been estimated in terms of the average cost imposed on society by a P&P gambler<sup>24</sup> multiplied by their number. In the most recent comprehensive study of this type of which we are aware, Thompson, Gazel, and Rickman (1996b) found that total social costs were \$135 per adult in 1996 dollars, of which \$57 (40%) were due to police and judicial-related costs and to thefts.<sup>25</sup> Thompson et al. reported that they intentionally “projected numbers believed to be very conservative,” and that the crime costs in their sample (Wisconsin) were probably lower than similar costs in other locations. Adjusting crime costs to 2003 dollars, their estimate is \$67. Taking into account the different samples and methodologies, their estimate is remarkably close to the direct costs estimated here for 1996 (\$75).

Corrective taxes reflect the costs that an industry imposes on society. Assuming crime costs no lower than \$75 (there are crimes other than FBI Index I, such as embezzlement, not considered here), crime costs equal to 40% of total social costs, and revenues for a representative casino of \$400 per adult<sup>26</sup> each year implies tax rates above 47% of revenues. In a few cases tax schedules for high-end casinos include portions where average tax rates reach these levels.<sup>27</sup> Having applied proper taxes, continued operation would be efficient in a Kaldor-Hicks sense.<sup>28</sup> If it is feasible to offer gambling in an altered manner that causes fewer P&P

<sup>24</sup> Some studies group problem gamblers with pathological gamblers; some treat the two groups separately. Costs are computed by learning the behavior of P&Ps through direct questionnaires and surveys.

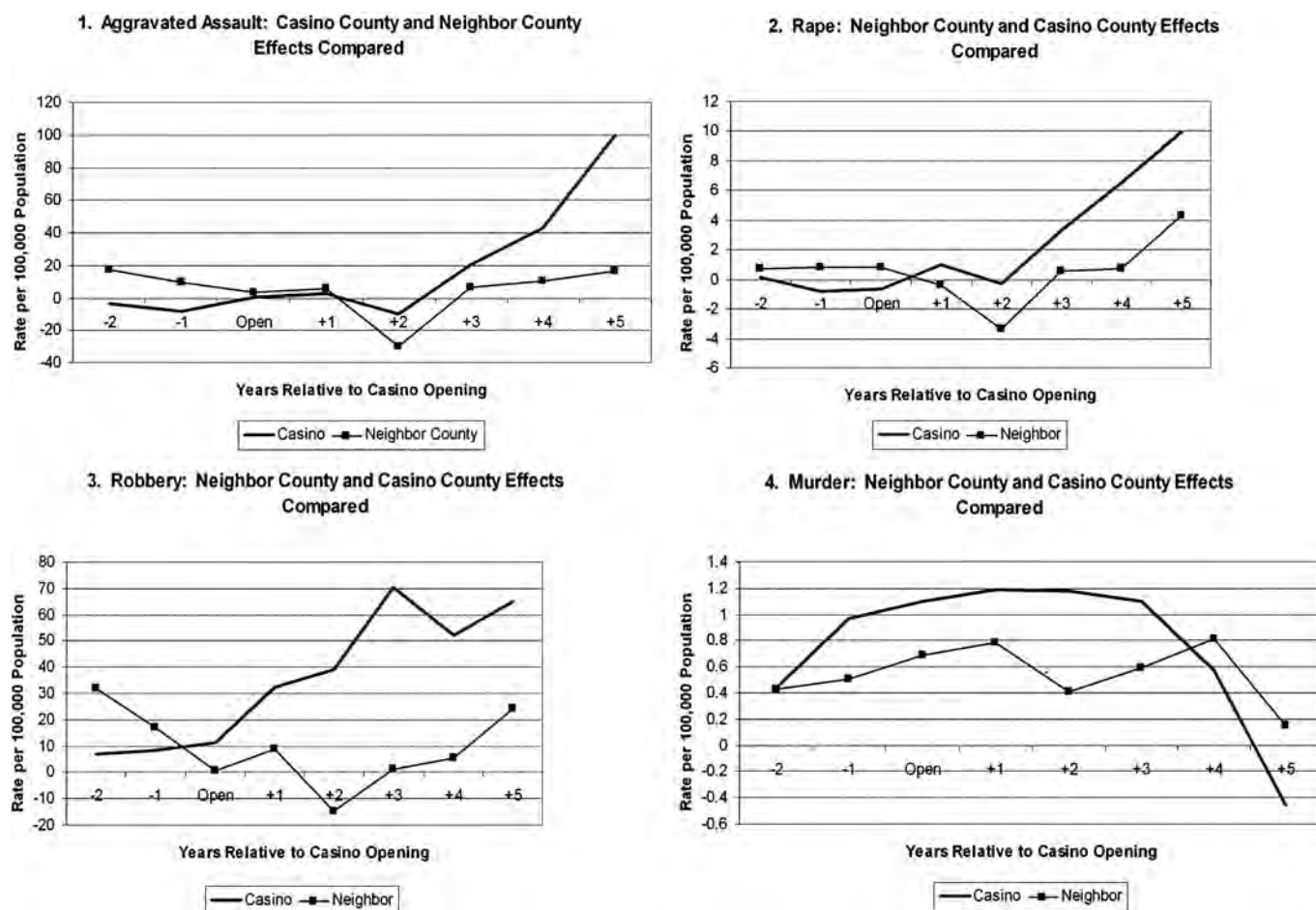
<sup>25</sup> The social-cost effect of casino-related serious problem gamblers was \$138,453,113. Dividing this by the number of adults over 20 in the counties with casinos gives the per adult figure in the text. The proportion of costs due to police, theft, and judicial-related costs is determined from their tables A-2 and A-5.

<sup>26</sup> Research for the NGISC estimated that average losses by adults living near a casino might be in the \$400–\$600 range per year. Other estimates, including some by the gambling industry for losses by residents in Las Vegas and Atlantic City to casinos, are lower than \$400, even after adjusting upward for price level changes.

<sup>27</sup> In Illinois the average tax rate rises from 43% to 50% as casino annual gross revenues rise from \$250 to \$340 million. Revenues this large imply a very successful casino.

<sup>28</sup> This observation is due to the anonymous referee. Whether casinos expand, shrink, or disappear will be immaterial, because whatever out-

FIGURE 6.—HOME AND NEIGHBOR CASINO-CRIME EFFECTS: VIOLENT CRIME RATES



gamblers and less crime, then this may be better for society than a response based on taxes.

## VI. Do Casinos Simply Attract Crime from Elsewhere?

The estimates suggest that after five years, 8.6% of the observed property crime and 12.6% of the violent crime in casino counties are due to casinos.<sup>29</sup> However, do casinos create crime, or merely move it from elsewhere? If the casino-induced increases in crime come only from neighboring regions, casinos produce no new crime. This untested hypothesis is first tested here. To address this question we examine the crime rates of counties that border casino counties. When casinos open, neighboring county crime rates could either decrease, remain the same, or increase. The first possibility supports the idea that casinos move crime from adjacent counties but do not create crime. In the second and third cases, adjacent counties experience no change or an increase in crime, both of which indicate that total crime rises and that casinos create crime.

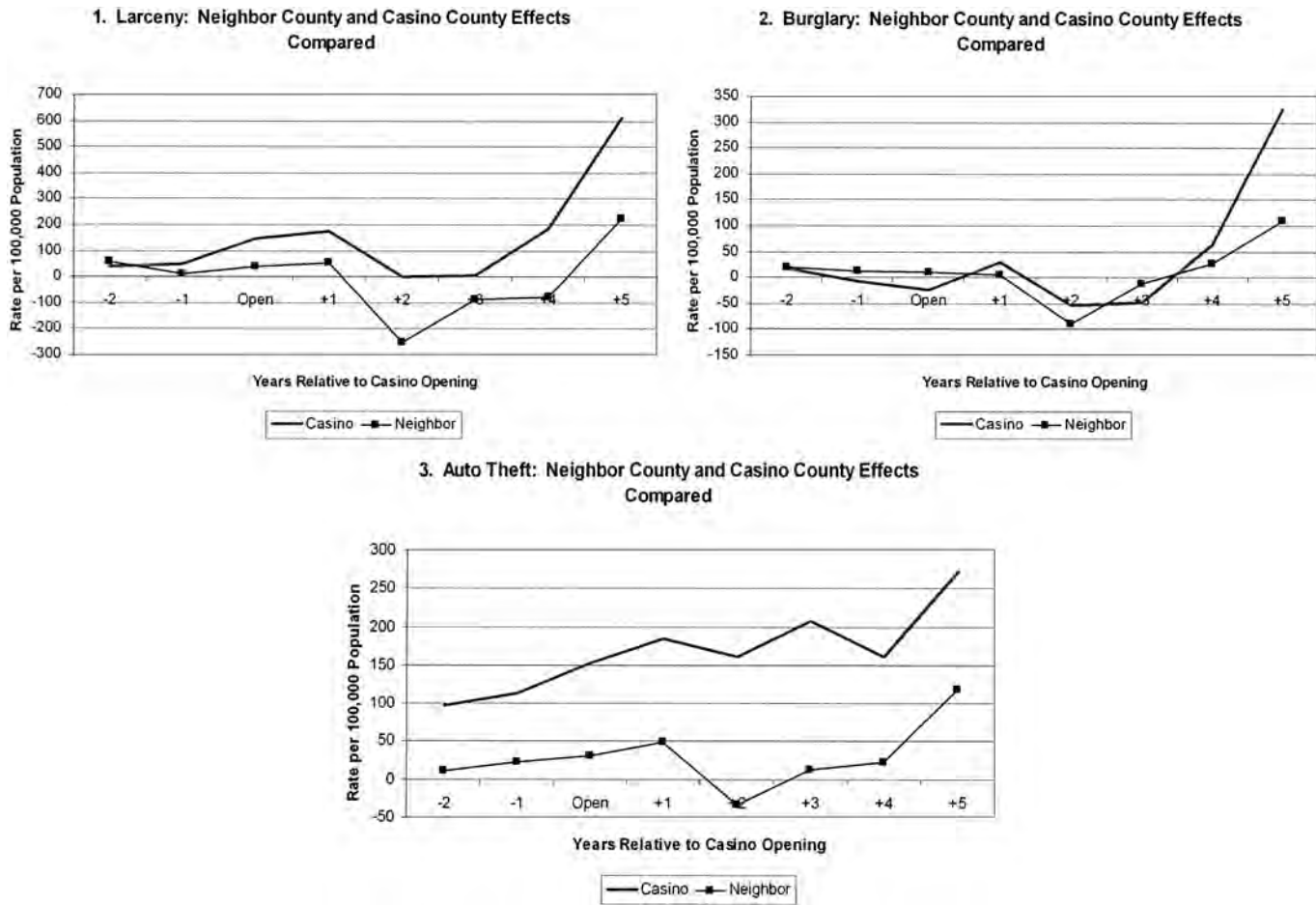
come occurs will be the result of socially optimal decisions by the firms themselves.

<sup>29</sup> Section V C explains the computation of these numbers.

To implement a test strategy we reestimate the table 4 regressions with neighbor leads and lags as additional control variables. We define neighbor lead, opening, and lag variables, similar to those in tables 3 and 4 for the host county. The neighbor opening variable took a value of 1 if a casino opened in an adjacent county in the given year. Adjacent counties are the relevant unit of measurement, because the vast majority of casino patrons come from the local region surrounding the casino. For example, in Illinois over 92% of casino customers come from within 75 miles (Gazel & Thompson, 1996). A few casinos, mainly in Nevada, draw their customers from outside their immediate area. However, our estimates do not rely on these casinos to identify the effects, because these casinos opened prior to the beginning of our sample.

Figures 6 and 7 summarize the estimated casino effect for neighboring and home counties for violent and property crimes, respectively. When the neighbor variables were included, the host-county crime coefficient estimates were virtually unchanged, in terms of both point estimates and statistical significance. For the years before casinos open, there is virtually no effect of the casino on crime rates in neighboring counties. Of the 42 opening and postopening

FIGURE 7.—HOME AND NEIGHBOR CASINO-CRIME EFFECTS: PROPERTY CRIME RATES



coefficient estimates on the neighbor variables, 32 are positive, of which 15 are statistically significant at the 0.05 level. Of 21 estimated coefficients for lags 3–5, 18 are positive, of which 8 are individually statistically significant. None of the three negative coefficients for lags 3–5 are statistically significant. All crimes but murder display elevated and rising lags 3, 4, and 5.

For all offense types the data reject the contention that the increase in crime in the casino counties can be attributed to decreases in neighboring counties, and thus support the contention that casinos create crime. *F*-tests reject at the 5% level for all crimes the hypothesis that host-county opening- and lag-coefficient estimates are matched with negative estimates of equal size in neighboring counties. On the contrary, a simple correlation of host- and neighbor-county coefficient estimates for opening and lags ranges from 0.61 to 0.82, with the exception of robbery (0.14). However, there is ambiguity about the extent to which casinos increase crime in neighbor counties. Murder clearly exhibits no spillover effects. For the other offense types the neighbor time pattern is similar to the home-county time pattern. Crime typically increases in later lags, but at half or less the magnitude of the home-county effect, and many of these

neighbor-county effects are not statistically significant until the very last lags. *F*-tests of the proposition that neighbor county coefficient estimates equal their host-county counterparts are rejected at the 5% level for aggravated assault, rape, robbery, and auto theft, but not for the other three crimes.

In our discussion of host-county auto theft rates we speculated as to why the host-county estimated coefficients displayed a different pattern of continually growing crime. This pattern of host-county coefficient estimates did not appear closely related to the introduction of casinos. However, auto theft for neighbor counties displays the pattern of crime increases observed for other crimes. There is a statistically significant, discernibly different crime rate three or more years after the opening of the neighboring casino, but not in the years before. The neighbor-county effect suggests possible spillover of auto theft crimes due to the casino.

## VII. Conclusions

Our analysis of the relationship between casinos and crime is the most exhaustive ever undertaken in terms of the number of regions examined, the years covered, and the



control variables used. Using data from every U.S. county from 1977 to 1996 and controlling for over 50 variables to examine the impact of casinos on the seven FBI Index I crimes (murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft), we concluded that casinos increased all crimes except murder, the crime with the least obvious connection to casinos. Most offenses showed that the impact of casinos on crime increased over time, a pattern very consistent with the theories of how casinos affect crime. The crime-ameliorating effects of casinos through increased employment opportunities and wages for low-skilled people will be concentrated shortly after opening. Also, law enforcement agencies can frequently use casino openings to leverage greater immediate staffing increases, but are unable to sustain this growth. This effect further reduces the immediate impact of casinos on crime. However, over time these effects are dominated by casino-related factors that increase crime. Specifically, problem and pathological gamblers commit crimes as they deplete their resources, non-residents who visit casinos may both commit and be victims of crime, and casino-induced changes in the population start small but grow. The data show that these crime-inducing and crime-mitigating effects offset each other shortly after opening, but over time the crime-raising effects dominate, and crime increases in subsequent years. Furthermore, we believe these estimates to be lower bounds on the true effect because they omit measures of law enforcement, which is typically increased substantially when casinos open. When we include law enforcement measures, the estimated effects are larger.

According to the estimates, between 5.5% and 30% of the different crimes in casino counties can be attributed to casinos. This translates into a social crime cost associated with casinos of \$75 per adult in 1996. This figure does not include other social costs related to casinos, such as crime in neighboring counties, direct regulatory costs, costs related to employment and lost productivity, and social service and welfare costs. Overall, 8.6% of property crime and 12.6% of violent crime in counties with casinos was due to the presence of the casino. Although robbery, the offense that exhibited the largest increase, is classified as a violent crime, it is similar to property crime in that its motivation is financial.

We also investigated whether the crime in casino counties is attracted (moved) from other regions or is created. Counties that neighbor casino counties did not experience compensating crime reductions, indicating that crime was created in casino counties, rather than simply being shifted from one area to another. There is mixed evidence about whether casino openings increase neighbor-county crime rates. Murder rates in neighbor counties are unaffected. The other offenses exhibit increasing neighbor rates, but are generally not statistically significant until the fourth and fifth year after opening.

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# CASINOS COMBATING HUMAN TRAFFICKING

**A TOOLKIT FOR  
CASINOS AND BUS  
COMPANIES**



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*When I was being trafficked, people assumed I was a prostitute. My trafficking was hidden in plain sight, in the middle of casinos on the Las Vegas strip around thousands of people a day. I remember thinking that there were three groups of people: the men who looked at me as if I were a product to buy, the people who looked at me like I was the trash of the earth, and the people who tried to pretend I was invisible. I had to go find the men who would want to buy me in the casinos. My life was in danger if I didn't make money for my trafficker. Everyone thought they knew what I was, so no one asked; but if someone stopped to talk to me maybe they would have found out what was happening to me. During my trafficking I internalized what everyone around me told me ... that I did this by choice, and that I was less than everyone else. The more I internalized, the more I didn't reach out for help.*

*-Annika Huff*

**TOOLKIT CREATED BY SURVIVOR-LEADER ANNIKA HUFF  
AND BUSING ON THE LOOKOUT (BOTL).**

BOTL IS A PROGRAM OF TRUCKERS AGAINST TRAFFICKING, A NON-PROFIT ORGANIZATION THAT EXISTS TO EDUCATE, EQUIP, EMPOWER AND MOBILIZE MEMBERS OF THE TRUCKING, BUS AND ENERGY INDUSTRIES TO COMBAT HUMAN TRAFFICKING.

**WWW.BUSINGONTHELOOKOUT.ORG**




## INTRODUCTION


# WHAT IS HUMAN TRAFFICKING?

Human trafficking is the exploitation of human beings through force, fraud, or coercion for the purposes of forced labor or commercial sex, wherein a third party is making a profit. Victims find themselves in situations they literally cannot get out of, while traffickers use whatever means necessary to keep making money at their expense. Human trafficking is modern-day slavery.

There are an estimated 40 million victims of human trafficking globally, including thousands of children and adults in the United States and Canada. Human trafficking has been reported in all 50 states and 10 Canadian provinces, including in and connected to casinos. Victims of trafficking may be found in various legitimate businesses, as traffickers exploit those businesses for their personal gain.



**This toolkit, created by survivor leader, Annika Huff, is designed to educate and equip casino and bus industry employees, so that working together they are able to recognize and report human trafficking situations happening within their community. Moreover, as legal action can be taken against businesses if trafficking is occurring on their premises, instituting this training makes sense from a risk management perspective.**



## BACKGROUND

# SEX TRAFFICKING IN CASINOS: BACKGROUND

Survivors have reported their traffickers using casinos as a meeting place for buyers who were arranged online or as a venue to solicit prospective buyers, particularly when the casino is combined with a hotel. Casinos can also be a refuge for victims, offering a secure place where they can seek help or attempt to exit their situation. Similarly for the charter buses and scheduled service bus lines that carry patrons to and from casinos, they may come into contact with trafficking victims who are being transported on those buses or see the bus as a lifeline for escape.

When operating at a casino or hotel-casino, the traffickers may be with their victims – or on the premises – or may send their victims to the casinos to find buyers on their own. If on the premises, while their victims are working, traffickers may go to a hang-out area, where multiple traffickers entertain themselves with drinks and play games. When victims are on the premises without their trafficker, there may be a strong trauma-bond (powerful emotional attachments that occur as a result of cycles of abuse), which makes it more likely that victims will stick to a scripted story, refuse to cooperate or claim they are there by “choice.”

**IT IS CRITICAL THAT CASINO AND BUS EMPLOYEES DO NOT TURN A BLIND EYE OR WRITE OFF A PERSON BEING SOLD AS “JUST A PROSTITUTE.”**

Traffickers are cheap, always looking to cut costs, so hotel-casinos can be appealing to them, because the buyers already have a room, and they don’t have to assume that expense. On the other hand, traffickers want to evade getting caught and will avoid bringing their illicit activities to businesses that have the reputation of having staff trained on how to recognize human trafficking and who are willing to report it to law enforcement.

## BACKGROUND

Sex trafficking in casinos tends to have its own set of rules that the traffickers and victims will follow based, in part, on the operations and culture of the casino itself. Given that, there tend to be two categories of victims.

- Victims who are new to being trafficked in casinos and generally don't know the particular rules and culture of the venue. They may have a harder time approaching buyers and may be easier to spot, because they will act more fearfully, have anxiety and be more on edge.
- Victims who have experience in casinos are more likely to know the casino floor plan, hours of staff members and what is typical for the particular casinos where they are trafficked. They will likely not be the "sympathetic victim," but instead act more aggressive, often dressing and talking like they are there by "choice." Victims in this category are more likely to run away if they believe an employee or others are suspicious of them.

Likewise, buyers of commercial sex tend to fall into two different categories. There are the repeat buyers who have been to casinos to purchase prostituted people before and have returned with the intention of purchasing sex again, whether with a specific girl or someone else. The other category is the new or "opportunistic" buyers. These are buyers who have either not purchased sex before or who did not come to the casino with a plan or the intention of purchasing sex. Warning signs can be an effective deterrent for opportunistic buyers.

**OPPORTUNISTIC BUYERS ARE LESS LIKELY TO BUY SEX WHEN THERE ARE WARNING SIGNS INDICATING IT IS NOT LEGAL IN THE COUNTY OR NOT TOLERATED ON THE PROPERTY.**



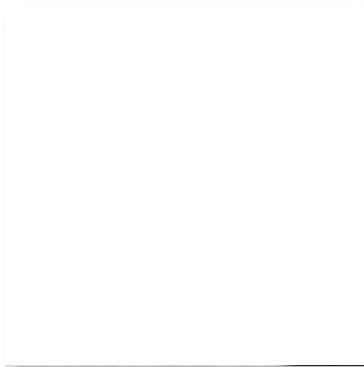
Hotel-casino owners and managers must be vigilant in their employment policies to make sure they do not have bad apples on staff who are complicit in facilitating the crime of trafficking. In some cases, hotel-casino employees (valet, front desk, bell hops, dealers, cocktail waitress and waiters, hotel maids, etc.) have been reported to act as middle men in setting up prostituted people with buyers. In these scenarios, the trafficker may pay the casino employee a cut. This may be done while at work or when off the clock.

Seasonal differences in particular locations may impact the patterns of traffickers and their victims. Busier seasons, for example, can both increase patronage to the casinos as well as increase demand for purchasing sex. During slower seasons, however, victims have more difficulty making the money that their traffickers demand. They will have to take lower amounts from buyers and be at the casino longer or during daytime hours, which increases their risk of arrest. As a result, during these times, victims are more likely to come into the casinos bruised or beaten up.





## BACKGROUND



Studies have found a correlation between major events and increases in sex trafficking, because of increases in demand for commercial sex during those events, especially for events in which there are large numbers of men visiting from out of town. These spikes occur during sports events, concerts or music festivals, trade shows and conferences. During certain sporting events, such as March Madness, there may be a spike in both casino patronage and a demand for purchasing sex, regardless of whether the sporting event is in that location or not, because more men are on site to watch and place bets on the games.

There is not a standard outfit or fashion choice for prostituted people in casinos. They will be dressed based on what they think will appeal to buyers in that location and will try not to dress in a way that stands out as inappropriate for the season or their age. Buyers' preferences may vary depending on their age, socio-economic status and reason for visiting. For example, men who are coming for a bachelor party may like to see girls in more provocative clothing looking like they're going to the club. Whereas men who are on business trips may prefer more high-end wear, because it's more discreet, and they will not be embarrassed if a coworker sees them walking to the hotel room.



**“DURING THE DAY WHEN I WAS BEING TRAFFICKED, IT WOULD BE ODD OR INAPPROPRIATE IF I WAS TO WEAR AN OUTFIT THAT I WOULD WEAR TO A CLUB, SO I WORE A SWIMSUIT AND SAID I WAS GOING TO THE POOL PARTIES. KIDS WON'T WALK AROUND THE CASINO FLOOR IN LINGERIE, BECAUSE THEY WANT THEM TO BLEND IN.”**

**–ANNIKA HUFF**



If selling a child or adolescent who is unlikely to pass as age 21 or over, traffickers may opt to sell that victim at a “family-friendly casino,” where they are more likely to blend in. It is important to always remember that according to the U.S. definition of sex trafficking, any minor involved in commercial sex is a victim of trafficking automatically. For victims under 18, the elements of force, fraud, or coercion do not need to be established.



# EVALUATING RISK AND LOOKING FOR BUYERS IN CASINOS

Victims of sex trafficking are under enormous pressure to earn money for their traffickers and not be arrested. Traffickers will learn the hours and operations of the casinos, as well as the schedules of the head of security and pit bosses. When arriving at a casino, prostituted people working the casino floor will often walk the perimeter to evaluate risk and the likelihood of finding a buyer.

- Victims will learn the casino floor map — they will learn the locations of the hotel room elevators, the security cameras and the exits.
- Victims will continuously watch for the level of security and which employees are working.
- Victims will continuously watch the men. They will notice which men are big winners that night, which men are drunk and how many men are in the casino.
- Victims have a heightened awareness of other victims — they will continuously watch for other prostituted people on the floor. If there are too many, there is more likelihood of a raid, in which case, all of them risk getting arrested. On the other hand, having too few prostituted people in the casino makes it look like security has been tight, and it will scare off traffickers.
- Victims will continuously watch the number of families. They will be particularly aware of mothers or other women who don't like prostitution happening in the casino, out of concern that they will complain and the victim will be run out of the building or arrested.
- Victims are very aware of traffickers. They will continuously watch how many traffickers are in the casino, in part because the presence of too many traffickers may make it harder to find a buyer.

# RED-FLAG INDICATORS IN A CASINO

Identifying a person who is being exploited is not a simple matter. Use your instincts, power of observation, and (when possible) a few well-placed questions to help determine if you're looking at a potential human trafficking situation. Keep in mind that *multiple* indicators will most likely present themselves when this crime is occurring.

- Visible bruising
- Under 21 (A child or children who can't pass as 21 will be sold in "family-friendly" casinos where they're more likely to blend in.)
- Prostituted people will be dressed for the types of buyers they are hoping to attract (age, social class, reason for visit to the casino, etc.).
- Individuals who walk around the perimeter of the casino when they first arrive may be scoping out security or looking for buyers. They will commonly stop in the bar area, near the hotel elevators, or on corners where there is a lot of foot traffic.
- Women or girls (could be a boy or man) may be looking for men who are winning big at the gaming tables, drunk, groups that look like they're partying or alone. They may have been seen approaching men at the bar or on the casino floor who they do not seem to know. Common lines for them to use may be "Lucky night?" "Do you have a cigarette?" or "Looking to party?"
- Prostituted people in casinos may openly talk about lap dances or strip teases but are unlikely to talk about money or any form of sexual exchange.
- People making recurring and frequent (less than an hour) trips between the casino floor and a hotel room
- Women carrying expensive items, including jewelry, male watches, electronics, etc.
- Trafficking victims in casinos will usually have their phone in hand — they will answer every call but will be discreet when talking to their trafficker around men (prospective buyers).
- The season may impact patterns. During busier seasons, prostituted people may come in more often, while during slow seasons, victims are more likely to come in bruised, for longer hours and/or during the day.
- Room booked for large number of people, usually a group of girls ... the booking will be under pimp's name or "the bottom" (prostituted person who is given authority over other victims).
- Individuals who come into town without booking a room or who come in often and seem to be on "a route"

# RED-FLAG INDICATORS FOR BUSES GOING TO CASINOS

Bus drivers can gain basic knowledge of human trafficking and its intersection with buses through watching BOTL's free 30 minute training video. Bus drivers on casino routes may notice red flags among the passengers they are transporting or may observe things going on around them that may not involve their passengers, such as while they are parked at the casino or waiting somewhere else on the premises.

- People who ride the bus regularly to the casino or gaming town but don't seem to gamble or have a job in town
- Women or girls (could be a boy or man) who have visible signs of physical abuse (bruising, malnutrition, branding, etc.)
- People who are dressed oddly or out of context for their age or the weather
- Children traveling with an adult that they seem uneasy to be around
- Victims and traffickers may or may not sit together on the bus. If they sit together and don't think anyone is listening, they may talk about plans openly. If they are not sitting together but the trafficker is on the bus, he may give physical cues to the victim.
- Traffickers will travel home with victims if they traveled with them to the casino. As traffickers have been known to recruit out of casinos, they may come back with a new or prospective victim they seem to be getting to know.
- Victims will not make eye contact or might not be allowed to look out the windows.
- Prostituted people may set up dates on the bus but will only talk about lap dances or strip teases and will not likely set a dollar amount at that time.
- Victims will travel at night (6 pm–2 am) or early morning (5–9 am), but may not have booked a room in town.
- Individuals who come up more frequently when busy season starts
- Young people who are under 21 but aren't traveling to the town for any age-appropriate activities
- Women or girls (could be a boy or man) who are coming back from town with items they didn't have before, including large amounts of cash, chips, jewelry, male watches, electronics, or other items of value
- Victims and their trafficker may get off the bus in different spots, but texts or physical cues will indicate they are together.

## WHAT TO DO

# WHAT TO DO

IF A POTENTIAL SITUATION OF HUMAN TRAFFICKING IS UNCOVERED, CONSIDER THE FOLLOWING ACTION STEPS:

### 1. IN CASE OF IMMEDIATE DANGER, CALL 911.

If you believe someone in your establishment or on your bus is in danger (especially a child under 18), please call 911 for immediate response from local law enforcement.

### 2. IF YOU IDENTIFY A MISSING CHILD IN THE UNITED STATES, CALL THE NCMEC HOTLINE.

If you believe you have identified a missing child in the United States, call the National Center for Missing and Exploited Children toll-free Hotline at **1-800-843-5678**.

### 3. IF YOU SUSPECT HUMAN TRAFFICKING, CALL THE NATIONAL HUMAN TRAFFICKING HOTLINE.

If you suspect human trafficking or exploitation may be happening in your establishment but do not think anyone is in immediate danger, call the human trafficking hotline. Both the United States and Canada have human trafficking hotlines that are multilingual, accessible nationwide and are staffed to answer calls 24 hours a day, 7 days a week, every day of the year.

- **National Human Trafficking Hotline in the United States: 1-888-373-7888**
- **Canadian Human Trafficking Hotline: 1-833-900-1010**

Calls received by either hotline are always anonymous unless the caller chooses to provide the operator with his or her name and contact information and authorizes its use. This information is not given to law enforcement, other individuals or other agencies without prior consent. Once a call is received, next steps may include:

- An additional call to the caller to confirm the accuracy of information (with the caller's consent);
- Provision of materials and/or referrals to organizations in the caller's area serving trafficking victims;
- A report to a local anti-trafficking organization, service provider, or law enforcement.

**In all cases, casinos should have internal reporting protocols in place for when trafficking is suspected and always make sure their employees keep safety in mind as they act.**



# VICTIM-CENTERED APPROACH

When interacting with potential victims, be sure to employ a victim-centered approach, as it is imperative that they feel safe and that you are on their side ... not trying to get them arrested.

- Ask if the victim would like to speak to a female guard if possible.
- Separate victims if in a group.
- See if they need food or water before starting the conversation in private with them.
- Create a non-judgmental space.
- Start the conversation with “We educate EVERYONE who we bring into our booking area about human trafficking.”
- Provide an anti-trafficking brochure or flyer to the individual as it gets attention off the guard and is a safer way to introduce the concept of human trafficking (some victims won’t have ever heard of the term).
- Say “We are available to help you, and we can contact these resources with you or for you if you’d like to get out of a situation you’re in ... we want to make sure you are safe.”
- As much as possible, make sure you tell him/her every step of the way what is happening and what they can expect next.
- Have a list of local resources available in the security area that are updated regularly, and be ready to contact them to provide victim services.



# QUESTIONS TO ASK A POTENTIAL VICTIM

A photograph showing two women in an office environment. One woman, wearing a dark top, is standing and facing the other woman. The second woman, wearing a purple turtleneck, is holding a black folder and looking towards the first woman. Their shadows are cast onto a glass partition in the background.

If you do find yourself interacting with a potential victim, a few well-placed questions can help you determine the appropriate next steps. These are questions such as:

- Are you safe?
- Does anyone control you or tell you what to do?
- Are your calls, texts, emails, or other conversations ever restricted or monitored?
- Do you have access to your ID or other personal documents?
- Do you get to keep the money you earn or does someone else take all or part of it?
- What would happen if you left this situation or person?
- If we could provide you with a safe place to escape to, would you like that today?

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## WHAT TO DO

### ADDITIONAL ACTION STEPS

- Show all casino employees and bus drivers on casino routes the 25 minute multimedia online training, “Casinos Combating Human Trafficking,” available for free at [www.truckersagainsttrafficking.org](http://www.truckersagainsttrafficking.org).
- Post information about the human trafficking hotline in bathrooms (especially in private stalls), on casino floors and on buses.
- Post informational and resource posters or a video for victims in security booking area.
- Post informational and warning posters near hotel registration for buyers.
- Adopt an anti-human trafficking policy with a demand-reduction focus and share the Truckers Against Trafficking “Addressing Demand: Man to Man” training video.
- Contact Truckers Against Trafficking/Busing on the Lookout at [tat.truckers@gmail.com](mailto:tat.truckers@gmail.com) for more information or to obtain printed materials.

### WARNING

- Please do not approach traffickers. Call the hotline and/or the local police (911). Allow law enforcement to deal with traffickers and recover victims. Approaching traffickers is not only dangerous for you and their victims but could lead to problems in the eventual prosecution of traffickers.

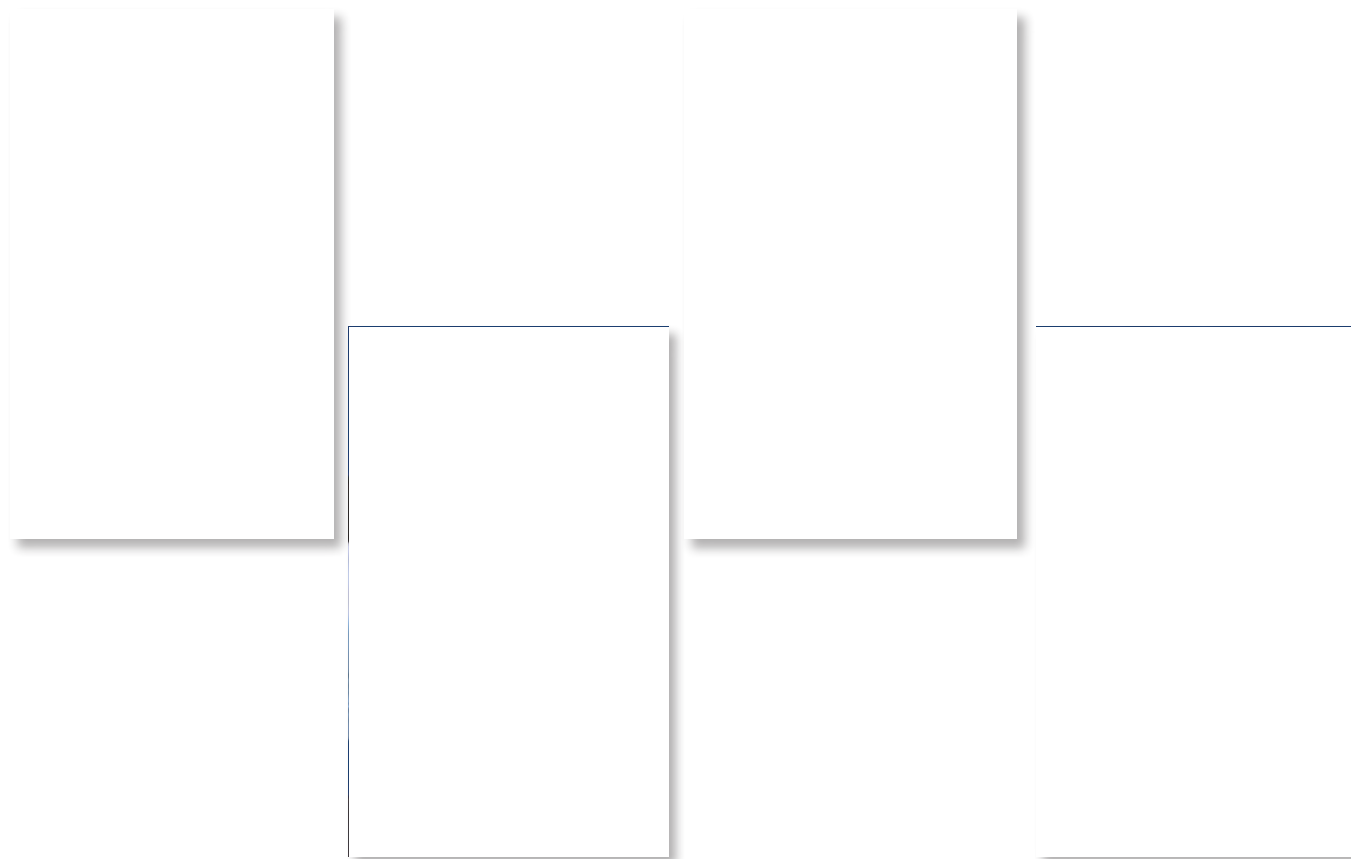


# APPENDIX A:

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# VICTIM-CENTERED POSTERS

According to data from the National Human Trafficking Hotline, the top type of callers are “community members”... but after that it is victims themselves who are seeking assistance. Busing on the Lookout (BOTL) worked with survivors of sex trafficking to create a series of posters that use language and visuals intended to be eye catching for victims to see and know they are not alone – and there are resources out there. These posters also contribute to general public awareness about how vulnerable girls, boys, women and men can get lured into trafficking situations. BOTL will share these designs with bus companies and casinos free of charge.



# APPENDIX B:

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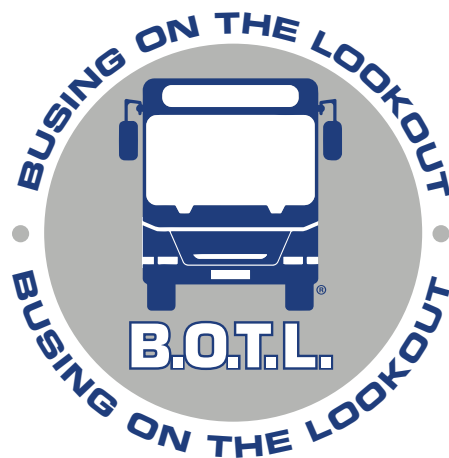
# DEMAND-REDUCTION BUSINESS INITIATIVE

At the end of the day if no one purchased commercial sex, the crime of sex trafficking wouldn't exist. Therefore, it is imperative that we address the issue of demand in order to create a culture where the buying and selling of human beings for another's sexual gratification is not looked upon as normal behavior.

To that end, TAT created the video, "Addressing Demand: Man to Man," in order to get the conversation started. In addition to sharing the Addressing Demand video with all employees, casinos and bus companies should adopt and communicate policies to all employees that explicitly stand against sex trafficking, including sex buying.



For more information on demand-reduction steps businesses can take, visit:  
<https://truckersagainsttrafficking.org/man-to-man-campaign/>



[WWW.BUSINGONTHELOOKOUT.ORG](http://WWW.BUSINGONTHELOOKOUT.ORG)

**From:** Mark Catelani <[mecat@pacbell.net](mailto:mecat@pacbell.net)>  
**Sent:** Sunday, November 5, 2023 7:09 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Mr. Chad Broussard  
Environmental Protection Specialist Bureau of Indian Affairs, Pacific  
Region [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

November 5, 2023

Dear Mr. Chad Broussard,

I have lived in Sonoma County all my life, and for the past 35 years, my family has lived in the Oak Park subdivision that resides directly across the street from the Koi Tribe's proposed casino/hotel/events center. My wife and I have raised our children in this peaceful residential community made up of hundreds of family homes, a small neighborhood park (Esposti Park) used for little league baseball and soccer games, two community churches, elementary schools, and the 850 acre Shiloh Regional Ranch Park enjoyed for its beautiful and safe hiking, biking, horseback riding and running trails.

The existence of a large casino/hotel/events center in this neighborhood would irrevocably harm this peaceful, family oriented community, introducing a significant increase in traffic, public safety issues and noise pollution. After reading the Environmental Assessment (EA) published in September 2023, I am extremely concerned about the lack of consideration that was given to protecting our peaceful community from the environmental impacts a proposed project of this magnitude would cause. Below is a list of our concerns:

#### **TRAFFIC - evacuation due to wild fire**

Having lived through the 2017 and 2019 wildfire events, what is foremost in my mind is that the EA neglects to propose a safe and effective traffic mitigation strategy to accommodate the significant increase in the number of non-resident vehicles on the roads in the event of an evacuation order.

If the casino/hotel/events center is built, it will undeniably result in a significant increase in traffic congestion which will be compounded exponentially during an evacuation event. The EA (page 3-119) states that, to mitigate a traffic issue during an evacuation, the casino/hotel/events center would be issued a mandatory evacuation status as soon as an evacuation warning is issued for the area. Giving the casino/hotel/events center a head

start on evacuating is not a realistic solution. If the casino/hotel/events center evacuees follow this evacuation process, there would be thousands of visitors on the roads while thousands of local residents are trying to get to their homes or find/reunite with loved ones in preparation for evacuating. The roadways to our neighborhoods would be gridlocked, creating a very dangerous situation for thousands of anxious, fearful and desperate people.

It is also important to acknowledge that human behavior during a major event is unpredictable. Simply telling large groups of people to “leave now” in an orderly fashion following emergency protocols does not mean they will. We all respond to crises differently depending on our personal situations and studies have shown that large groups of people are slower to respond during a crisis, oftentimes experiencing denial or disbelief that the situation is real.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that an in-depth study of the 2017 and 2019 fires and evacuation protocols along with an updated Traffic Study (one that includes the new traffic patterns resulting from the Shiloh Terrace (completion expected 1/2024) and the Shiloh Business Park (completion date unknown) building projects that are currently under construction) are performed. The findings should then be incorporated into all road improvements in order to ensure safe evacuation procedures can be followed.

### **TRAFFIC - on a daily basis**

The lack of a well thought out comprehensive evacuation plan is not the only issue with the traffic mitigations proposed by the EA. The road improvements proposed are insufficient for meeting the increase in daily traffic.

As a family who drives through the Shiloh Road - Old Redwood Highway intersection every day, it is obvious that the traffic mitigation strategies will require more than the signalization/optimization, re-striping of the roadway and the widening of the Shiloh Road as indicated in the EA (page 4-9). The EA authors seem to have overlooked that the project plans also show one of the main entrances to be directly off of Old Redwood Highway. Old Redwood Highway is a heavily traveled 2-lane road that is used as a direct route into and out of the Santa Rosa and Windsor areas. During peak traffic hours, Old Redwood Highway is a popular alternative route to traveling Highway 101 and is a shorter and more direct route when traveling to Sutter or Kaiser hospitals in Santa Rosa. It is shortsighted not to consider the need to also widen Old Redwood Highway in order to accommodate the additional increase in traffic.

Additionally, the EA failed to acknowledge the traffic impact on Faught Road which begins at Old Redwood Highway south of Airport Blvd and connects to Pleasant Avenue just a mile north of the proposed Casino. Faught Road borders the east of the proposed resort property and can access East Shiloh Road at the northeast corner of the proposed project. Faught Road goes through a residential area at the southern end and directly past San Miguel Elementary School with more than 400 students. Just past the school area

Faught Road becomes an undivided paved road handling two-way traffic following the base of the Mayacamas mountain range to Pleasant Avenue where the road becomes divided again and goes past another elementary school, Mattie Washburn Elementary School. It is natural to assume that this roadway would see a significant increase in traffic from both local residents and patrons of the casino/hotel/event center trying to avoid the congestion on Old Redwood Highway.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that an updated Traffic Study is performed once the current construction projects along Shiloh Road (Shiloh Terrace Apartments and the Shiloh Business Park) are complete in order to obtain a clear understanding of the effect that the casino/hotel/event center could have on the traffic patterns along Old Redwood Highway, Faught Road, and Pleasant Avenue so a realistic traffic mitigation strategy can be created.

### **TRAFFIC -during road construction**

Whenever road work is performed, local residents are affected. The EA minimizes the burden placed on local residents during the proposed expansion of Shiloh Road (a heavily used roadway), thus raising concerns about the traffic issues resulting from such extensive road work.

It is unclear how the EA authors determined the road construction project would be “short term” and cause only “minor delays in traffic flow”. Shiloh Road is currently a heavily used 2-lane road. It is not uncommon for road construction on heavily used roads, especially those with only 2-lanes like Shiloh Road, to take several months or longer to complete or the timeline to be further pushed out due to shortages in labor and other resources. Diverting existing traffic congestion while Shiloh Road is under construction will, not only inconvenience daily commuters, but also the local residents who shop at Home Depot, Walmart, Grocery Outlet, and the other businesses immediately off of Shiloh Road (on Hembree Lane) and the employees that work at those businesses.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that the Koi Nation’s developers meet with the public transportation department and local road construction companies to determine the true timeline to complete such an extensive project by comparing recent projects and availability of resources. Require that they develop a plan that will minimize the negative impact on traffic patterns on the community during the expansion process.

### **PUBLIC SAFETY**

The increase in visitors traveling to and from the proposed casino/hotel/events center will affect all aspects of public safety, from traffic accidents and drunk driving violations to theft and vandalism. The current state of Sonoma County Sheriff resources for public

safety cannot accommodate the proposed casino/hotel/events center needs. With the introduction of a casino/hotel/events center in a residential community, public safety should be a priority. Not only do more cars on the road equate to more accidents, the crime rate will increase (including drunk driving violations) from what currently is almost non-existent in the area.

According to the EA (page 4-8), “the Tribe shall make good faith efforts to enter into a service agreement with the Sonoma County Sheriff’s Office” for police services in order to keep the local community safe. However, the EA authors do not explain what “good faith efforts” actually means and there is no mention of an alternative plan in the event that the “good faith efforts” do not result in resources for public safety.

An alternative plan is essential because what the EA authors did not consider is the fact that the Sonoma County Sheriff’s Office is currently struggling with understaffing and overworked employees pulling 12 hour shifts due to the inability to fill vacancies (see Town of Windsor Agenda Report dated May 17, 2023). While the Koi Nations financial contributions to the Sheriff’s budget would be helpful, the ability to find a qualified and well trained police workforce is a very real concern.

**ACTION REQUESTED:** Before approving one of the proposed projects, require that an in-depth review of the Sonoma County Sheriff’s office’s capacity of their current workload and the proposed increase be performed in order to determine if a sustainable plan for staffing and support is feasible. If the Sonoma County Sheriff’s Office is not able to provide public safety services, an alternative realistic solution needs to be provided.

## **NOISE POLLUTION**

In addition to our public safety concerns, it is critical that we are able to preserve the quiet and peaceful environment of our neighborhoods. With thousands of daily visitors to the proposed casino/hotel/events center, there will be a significant increase in “noise pollution” to the neighboring homes.

As listed on the EA (page 4-8), the mitigation for the resulting noise created by the casino/hotel/events center was to have the Koi Nation “pay a fair share” towards repaving the road with “noise reducing pavement” and, “if repaving is not necessitated by traffic improvements prior to 2040, the Tribe will compensate homeowners adjacent to identified roadway segments for dual pane exterior windows”. The authors of the EA do not seem to understand that the noise pollution is not just caused by the sound of tires on the street, but also car horns, motors, engine backfires, accidents, bass from music blaring, and other loud noises. In addition, most houses already have dual paned windows which, from personal experience, do not block loud noises. The EA authors also did not consider that, because of the mild temperatures of Sonoma County and the health concerns of Covid, many residents prefer leaving their windows open to allow fresh air to circulate throughout their homes. Relying on specialized paving and dual paned windows



will not provide adequate protection from the increase in noise resulting from a business that runs 24/7 with the majority of visitors arriving and departing during the evening, night and weekend and holiday hours.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that a comprehensive Environmental Impact Statement be completed and a realistic sound mitigation plan be created that will prevent and/or significantly minimize outside noise pollution from disturbing the neighboring homes.

### **COSTS TO LOCAL RESIDENTS**

The history of the Koi Tribe is one of significant devastation that included the loss of their homeland. One aspect of the traffic mitigation that the EA did not address was that, in order to widen Shiloh Road from two lanes to four lanes, the government would need to enact eminent domain in order to gain the private property rights of local residents' homes along Shiloh Road. Although these families would be compensated, no amount of money can replace their loss of home and community when forced to relocate. Is this an act the BIA and Koi Nation wants to be connected to?

**ACTION REQUESTED:** Before making a final decision on the proposed projects, please take into consideration the direct and indirect costs to local residents.

On the Koi Nation's website, they state, "our inherent sovereignty is the foundation for our efforts to obtain land upon which we can re-establish the living relationship between our people and the land". However, their proposed plans do not support the goal of reconnecting with their heritage. In contrast, the casino/hotel/events center, which is not located on their ancestral land, will irrevocably change the surrounding peaceful environment, negatively impacting the local neighborhoods with increased traffic, public safety issues and noise pollution caused by the 24/7 nightlife and weekend activity of a large casino, hotel and events center.

While I support the Koi Nation's ability to better itself economically and promote the welfare of their people, this location is absolutely not right for this project. The proposed site is not in a commercial area. It is agricultural and residential. We are a community of families who want to protect our peaceful homes and neighborhoods. I am hopeful that the BIA will carefully consider my comments and those of my neighbors. I wholeheartedly request that you implement alternative D, no action.

Respectfully,

Mark Catelani

**From:** Maisie McCarty <[maisiemccarty@hotmail.com](mailto:maisiemccarty@hotmail.com)>  
**Sent:** Monday, November 6, 2023 11:25 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,

We reside in the Oak Creek neighborhood, a very few blocks from the proposed casino at Shiloh Road and Old Redwood Highway. We are adamantly opposed to this proposed casino and hotel complex for many reasons, some of which are outlined here:

- 1) Koi Nation's ancestral lands are in Lake County. In fact, they have sued the city of Clearlake over development which would cover over historic tribal artifacts. Any casino built by them should be closer to or on their ancestral lands, not 48 miles away in Sonoma County. They have venue shopped in Oakland and other Bay Area places without success. The property they purchased on Shiloh Rd did not state the name of the buyer, a "Do Not Disclose" sale. Their motives are not pure.
- 2) The EA prepared by Acorn Environmental is weak and flawed. Its traffic studies were suspect. For example it did not note that a 175 unit apartment complex is near completion at the intersection of Old Redwood Highway and Shiloh Rd which will bring between 350-400 more cars into the intersection on a daily basis. Add that to the 15,000 cars they expect from a casino and traffic bedlam occurs- locking in any possible evacuation routes during a wildfire, such as those which occurred in 2017, 2019 and 2020, for which all of the homes in our area were under evacuation orders.
- 3) It would weaken and potentially drain the already fragile water table in the area, with its immense wells in an area set for residential and agricultural use only.
- 4) There is NO mitigation mentioned for intense lights and noise emanating from a 24 hour casino and resort complex.
- 5) Koi nation promises hundreds of jobs with their casino. Local businesses here cannot find enough employees to run their businesses and many may face closure as it now stands. So Koi nation would have to bring more employees from out of the area, increasing traffic congestion.

Add in drunk driving and crime which would impact local police greatly as well as our peaceful neighborhood and the fact that towns and the county will lose necessary taxes, you have more than enough reasons to not allow Koi Nation to put this land into trust. Reviewing their weak and unsubstantiated Environmental Assessment, the only sound and reasonable action you should take is Option D, no project.

Thank you for reviewing our concerns.

Very truly yours,  
Mary McCarty  
L.W.Harrison  
6251 Lockwood Dr.,  
Windsor, Ca 96492

**From:** Amberlee Lewis <[amberleelewis@gmail.com](mailto:amberleelewis@gmail.com)>  
**Sent:** Monday, November 6, 2023 6:08 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments: Koi Nation Shiloh Resort and Casino

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I'm writing to advise you of my option in this matter:

"Alternative D" which is no action (ie: no development, no casino, parcel left zoned as is).

**I DO NOT SUPPORT THIS PROJECT!**

Amberlee Bernheim Lewis  
Sent from my iPhone

**From:** Mary Repose <[palomino7@comcast.net](mailto:palomino7@comcast.net)>  
**Sent:** Monday, November 6, 2023 6:09 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort And Casino"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

"Alternative D" (ie: No development, No Casino, Parcel left Zoned as is).

Sent from my iPhone

**From:** [dianaborges101@att.net](mailto:dianaborges101@att.net) <[dianaborges101@att.net](mailto:dianaborges101@att.net)>  
**Sent:** Tuesday, November 7, 2023 9:28 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Attached is my letter regarding the proposed Koi Nation Shiloh Resort and Casino.  
Please contact me if you have any questions or would like to discuss my comments.

I would appreciate a return email indicating receipt of this email.

Thank You,  
Diana Borges  
**One attachment** • Scanned by Gmail

November 7, 2023

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)  
Sent Via Email

EA Comments, Koi Nation Shiloh Resort and Casino

Dear Mr. Broussard,

I am writing to the Bureau of Indian Affairs (BIA) to express my concerns over the analyses and conclusions in the Environmental Assessment (EA) that was prepared for the Koi Nation Shiloh Resort and Casino. I have been a Windsor, CA resident essentially since 1987. I am also a Registered Geologist (PG) with the State of California. I have prepared and reviewed hundreds of environmental documents, including NEPA documents, CEQA documents, SWPPP monitoring reports, domestic well surveys and being the Public Outreach Consultant for a contaminated site at 930 Shiloh Road in Windsor. Since my transition out of that field, I have been involved with emergency preparedness, including being the Windsor COPE (Communities Organized to Prepare for Emergencies) Community Leader and CERT (Community Emergency Response Team) certified. I include my background to show I have expertise in providing comments relating to aspects of the EA.

I will first provide the following general comments about the document/project.

- In situations similar to this, no document is submitted to the regulatory agency (BIA in this case) without approval of the client, i.e. Koi Nation. As a consultant, I experienced this numerous times, even spending about two hours negotiating language that was acceptable to me and a client's attorney, down to specific words. Please be aware the language in the EA may not have been the consultant's first draft.
- I echo many of the concerns included in the Town of Windsor's comment letter on the EA and the comments provided by the public during the public hearing on September 27<sup>th</sup>, minus the scripted comments provided by the Carpenter's Union members. Because during the public hearing you stated repeating concerns already expressed is not necessary, I will not delve into some of those issues.
- The EA concludes the project will have No Potential Significant Impact on any of the items evaluated. I strongly disagree. Some of the mitigation measures proposed in the EA are inadequate, would not be effective, and with respect to water supply, not even mitigative measures. Based on my experience, including having to evacuate Windsor in 2019, I argue the project could cause a potential life-threatening situation.
- Some of the conclusions in the EA are based on an individual's experience, not data, a model, or references. For those, I suggest a study be done to provide accurate information, and if not possible, then an independent, second "judgment" assessment be

provided. Even when an assessment is based on someone's experience, it is still that individual's perspective.

- If the BIA approves the project, this will be the fourth casino approved in Sonoma County, with a maximum distance between any two less than 40 miles. Although the Cloverdale Rancheria Casino has not yet been constructed, the impacts of this fourth casino operating in Sonoma County should be part of the evaluation, for long-term impacts.
- According to [https://www.500nations.com/Indian\\_Casinos.asp](https://www.500nations.com/Indian_Casinos.asp), Graton Casino in Rohnert Park is the second largest casino in Northern California and the fifth largest in California. The distance between the project site to Graton Casino is about 14 miles, typically about an 18-minute drive. Since the project will be at least as large as Graton Casino, Sonoma County will have the fourth and fifth largest casinos in California, located within 14 miles of each other, if approved. Evidence that this scale of facilities in such a short distance will be sustainable and not hurt the local economy should be provided.
- I request that the BIA take into consideration the precedence being set for the United States, if this project is approved. That includes how close to residential areas, churches, parks and schools, location in a high wildfire area with evacuation limitations, the distance between casinos, the impact to other Tribes (less visitors and employees at existing casinos), and more.
- My comments will focus on their preferred design, Alternative A, however many of the comments also apply to Alternatives B and C.
- I support Alternative D, no action.

### **Water Supply**

- The EA states, "Site specific monitoring is needed to confirm the hydraulic separation between the upper and lower aquifers underlying the site and to ensure that there would be no significant impacts to surrounding wells,". In other words, it is unknown at this time whether pumping from the deeper aquifer will impact nearby wells screened in the shallow aquifer. How can this project be properly evaluated (especially approved) if it is unknown whether onsite groundwater extraction will negatively impact nearby domestic/irrigation wells?
- The EA uses pumping data for the Town of Windsor's Esposti well to evaluate potential impacts from the project wells. This is not acceptable and like stated in the bullet above by the EA, site specific testing needs to be performed. There are several reasons the Esposti well data may not be applicable to property well production. The Esposti well is screened in a heterogeneous unit and is located about 0.5 mile away. It is not practical to assume the subsurface conditions at the Esposti well are the same as those at the project wells, given the distance and non-homogenous characteristics of the unit. The Esposti well test was performed in 2017 and for only 28 hours. Use of the Esposti well data assumes that current groundwater conditions are similar to those in 2017, however there has been several years of recent drought, which likely impacted groundwater conditions. A long-term pumping test that simulates onsite pumping and area pumping should be performed to evaluate whether vertical water-bearing units (aquifers) in the area are hydraulically connected, potential impact to nearby wells screened in the shallow and



deeper aquifers, sustained pumping rates, possible hydraulic barriers, and more. The test should include sufficient observation wells located onsite and offsite to evaluate potential impacts to a one-mile radius of the site. The aquifer test should be designed and overseen by a California registered geologist or engineer, with expertise in hydrogeology.

- The proposed well(s) will be screened between 350 to 650 feet below ground surface (per Appendix C but per EA 400 to 600 feet below ground surface), with a 100-foot surface seal. This implies a gravel pack will extend from 100 feet below ground surface to the length of the borehole/bottom of the well. Having only a 100-foot upper seal will not sufficiently seal off the upper aquifer, which was mentioned extending down to 200 feet in the EA. With a gravel pack extending up into the upper aquifer, groundwater extraction from the deeper aquifer could draw water down through the gravel pack, thus lowering nearby water-levels in the shallower aquifer.
- The proposed mitigations for onsite groundwater extraction are not mitigative measures but a compensation plan for when nearby water-supply/irrigation wells are no longer operational. Furthermore, the program to compensate the neighboring well owners is inadequate and is in favor of the Koi Nation.
- Per the EA, “The known owners of identified wells within one mile of project wells shall be notified of the well impact compensation program outline above before project pumping begins.” What determines known well owners and known to whom? There are likely many wells in the vicinity that are not known to regulatory agencies. A door-to-door survey or a mailing would need to be performed to identify all well owners within a one-mile radius from onsite wells.
- The EA states, “In order to be eligible, the well owner must provide the Tribe with documentation of the well location and construction (diameter, depth, screened interval, pump type, etc.), and proof that the well was usable before project pumping was initiated.” Many well owners do not know construction details for their wells and the data is not available because Well Completion Reports were not submitted to the State when the wells were installed. Hence, these people would be disqualified from the program, including the Koi Nation because, as stated in Appendix C, “No information was available regarding the construction of the existing on-site irrigation wells. It is recommended that the well is tested and investigated further to understand its construction, capacity, and water quality.”
- The baseline groundwater monitoring program is inadequate for a one-mile radius area evaluation. Baseline groundwater levels should be collected for a sufficient amount of time to evaluate not only seasonal variations but also drought conditions and throughout the area the compensation plan applies, i.e. a one-mile radius from onsite wells. Collection of baseline groundwater monitoring data should be incorporated into the long-term aquifer test to evaluate potential impacts.
- Per the EA, “The Tribe shall implement a program to compensate neighboring well owners for impacts to well operation based on interference drawdown caused by project pumping. The actual amount of interference drawdown associated with the project shall be estimated from the groundwater level monitoring program (see above).” How will the percentage of onsite pumping impact be accurately determined? The groundwater monitoring program referenced in the quote is for collection of baseline groundwater levels. Although the data would be used, it does not explain how interference drawdown would be calculated.

- The compensation program should include secondary costs associated with replacement of a neighboring well due to project groundwater extraction, such as new piping. These costs would not have been incurred if the project was not operational.
- Per the EA, “For any of the above impacts, the Tribe may choose at its discretion to provide the well owner with a connection to a local public or private water supply system in lieu of the above mitigation measures, at a reduced cost in proportion to the extent the impact was caused by project pumping.” If a well owner is required to connect to a water system, will they be compensated for the monthly fees to pay for public water? Once again, these are expenses they would not have incurred if their well was not impacted by the project wells.
- If an impacted well is replaced, will the owner also be compensated for abandonment of the old well or any other requirements by Sonoma County for installation of the new well?
- What written guarantee will the neighboring well owners receive regarding potential compensation and what recourse will they have if they disagree with the compensation proposed by the Koi Nation?

### **Social Effects**

- From the EA, “Alternative A would result in an increased number of patrons and employees traveling/commuting into the area on a daily basis. As a result, under Alternative A, criminal incidents would increase in the vicinity of the Project Site. This may result in an increase in the calls for law enforcement services. See Section 3.7 for an analysis of effects to law enforcement services. Mitigation measures are provided in Section 4 to avoid potential fiscal impacts to the County that would offset the increased cost of law enforcement services to the Proposed Project. Therefore, with mitigation, the Proposed Project would not result in significant adverse effects associated with crime.” In this paragraph, the EA states that criminal incidents would increase with the project.
- Town of Windsor’s letter states there will be increased crime due to the project and that a mechanism to mitigate the impact on Windsor Police Department resources should be developed.
- An example of increased crime at casinos just occurred on November 2<sup>nd</sup> at Graton Casino. The Sonoma County Sheriff’s Office arrested a male sleeping in his car, who had a loaded firearm in his waistband, narcotics, drug paraphernalia, and a 30-round magazine. This type of situation at the project site is not acceptable, especially being only about 50 feet from a residential area.
- The three bullets above confirm an increase in crime will occur in the area due to the project. However, no migration measures are provided to reduce potential impacts to offsite residents/visitors; the residential developments, Esposti Park, neighboring churches, schools, etc.
- A senior mobile home park is located west of the site, on the other side of Old Redwood Hwy. Please take into account the possibility of seniors living in the mobile home park frequently visiting the casino (i.e. gambling) because it would be within walking distance. In addition, there are no sidewalks in the vicinity for these residents or others to use.

## **Earthquakes**

- From the EA, “The Project Site is approximately 0.5 miles west of the Rodgers Creek Fault and approximately six miles southwest of the Maacama Fault (Figure 3.2-1). ” ”- The liquefaction susceptibility on the Project Site is very high along Pruitt Creek, low on the southern half of Project Site outside of the creek, and moderate on the northern half of Project Site outside of the creek.” Both of these are signs of geologic hazards that could have significant effects on the property and structures.
- The California Geological Survey is updating the Alquist-Priolo Earthquake Fault Zone, based on new data. This could impact the project site.
- According to the California Office of Emergency Services, there is a 33% chance that a 6.7M or larger earthquake will occur on the Rogers Creek fault from 2014 to 2043.
- The Rogers Creek fault is now thought to be connected to the Hayward fault in the Bay area and that a large earthquake on the Hayward fault has the potential to cause extensive damage in Sonoma County. An evaluation of a large earthquake on the Hayward fault should be conducted.
- It is not a question of if but when a large earthquake will impact Sonoma County, causing significant damage. If a large earthquake hits when the project is operational, there is a scenario where our emergency responders will respond to the site, before Windsor residential and business areas because of the large number of people located in the hotel and casino. I ask that you take into consideration all emergency-related situations and the potential impact on those who are located off the property.

## **Transportation and Circulation**

- The mitigation measures proposed for increased traffic from the project is inadequate. The proposed restriping etc. without widening the 2-lane roadways will not be effective. The Town of Windsor and Sonoma County should not be burdened with mitigating impacts caused by the project.
- Windsor currently has numerous developments that have been approved/planned but have not yet been constructed, including some not mentioned in the EA. Many of these include apartments, which means a large number of residents/vehicles in a relatively small area. For example, townhomes are planned near Old Redwood Hwy and Merner Drive, about 0.25 mile north of the project site.
- Traffic studies should take into consideration cumulative effects from proposed developments not just on Shiloh Road but also those north of the project. Many of these vehicles will travel south along Old Redwood Hwy then use Shiloh Road to merge onto Highway 101. Traffic studies should also include peak hours, including times when school is in session.
- The Shiloh Road/Highway 101 overpass currently becomes gridlocked during peak hours, causing traffic to back up to the Shiloh Road and Hembre Lane intersection and beyond on both roads. What mitigation measures will be done to the overpass and the on/off ramps to make sure the in-flux of thousands of vehicles, buses, and trucks traveling to the site daily will not exacerbate the current situations? What mitigation measures will be done to the overpass and the on/off ramps to facilitate quicker evacuations?

- Most of the visitors to the casino will likely come from the south, via Highway 101. Some of these will use the Airport Blvd offramp in Larkfield (possibly also River Road) then take Old Redwood Hwy north, especially when Shiloh Road gets congested or the Highway 101/Shiloh Road northbound offramp is flooded due to heavy rains. The EA does not assess the potential increase of traffic south of the project site.

## **Wildfire Hazards**

- From the EA, “the Project Site is primarily designated as 3 (high) wildfire risk.”
- Potential evacuation routes near the project are limited and on 2-lane roads. Please see the map at the end of this document.
- Be aware that everyone who has lived in Sonoma County since 2017 has been impacted by wildfires on some level. Evacuations are extremely stressful and for many in the area they also trigger anxiety, a feeling of being scared, and PTSD, compounding the situation. These sometimes begin just from receiving an alert.
- The EA itself points out a potential life-threatening situation. “An increase in vehicles on emergency evacuation routes during a wildfire could worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires.”
- No matter the efforts put forth, many of the guests at the casino/hotel will not familiarize themselves with emergency procedures, alerts, etc. How many people currently review the fire escape maps in hotel rooms? I refer you to the book, *The Ostrich Paradox-Why We Underprepare for Disasters* for clarification.
- The EA states vegetation management will be performed annually by a qualified arborist and/or biologist. However, fire season in our area extends most of the year and plants continue to grow. Vegetation pruning and routine maintenance for reduced fire risks should be performed throughout fire season.
- A 5-foot non-combustible zone is recommended for residential buildings. Is there any study that shows a 5-foot zone surrounding a 3, 4 and 5-story building is sufficient to reduce wildfire risk?
- All proposed evacuation mitigation measures address onsite activities and do not address the impact of thousands of vehicles leaving the project site and merging onto public roadways. What mitigation measures are even possible for 5,110 vehicles (assumed number in Appendix N) to merge onto Shiloh Road and Old Redwood Hwy when they are already gridlocked during an evacuation? What additional measures can be implemented to increase the flow of traffic on Old Redwood Hwy and Shiloh Road?
- As proof that Old Redwood Hwy and Shiloh Road become gridlocked during an evacuation, I provide the circumstance my friend encountered during the 2017 Tubbs Fire. She and her husband lost their home at Old Redwood Hwy and River Road and barely escaped the wildfire. When she left her home, she traveled north along Old Redwood Hwy, even going north in the southbound lane to escape. When she finally reached Shiloh Road, she was not allowed to turn west because of traffic. Instead, she was forced to evacuate further north along Old Redwood Hwy to the main Windsor highway onramp. Please note that this gridlock along both roads was caused from just the Mark West (Larkfield) area evacuating, not the Town of Windsor, plus 5,110 project vehicles.

- When Windsor evacuated during the Kincade Fire, Highway 101 and other roads including Shiloh Road and Old Redwood Highway became gridlocked. This occurred when Windsor evacuated, with a 6-hour evacuation warning notice, not an immediate evacuation alert, with the addition of thousands of project vehicles.
- For disaster preparation, you do not prepare for best-case scenarios. Per the EA, “For the purposes of evaluating the potential effect of Alternative A on evacuation timing, an analysis was conducted based on circumstances similar to what occurred during the Kincade Fire in 2019 and is included in Appendix N-2. Specifically, it was assumed that evacuation would be conducted under a “No-Notice Event” wherein an evacuation order is issued to the entire Town of Windsor. This methodology is conservative because, as described in Section 3.12.2, the County and Town of Windsor have since augmented systems and Koi Nation Shiloh Resort and Casino ENVIRONMENTAL ASSESSMENT 3-117 Affected Environment and Environmental Consequences methodologies for alerting and evacuating by developing and publicizing more refined evacuation zones and increasing the means for delivery of evacuation notification.” For the Kincade Fire, Windsor was notified at about 10 am that we needed to be evacuated by 4 pm, a 6-hour warning. This was not an immediate evacuation situation. The EA assumes that since Sonoma County has augmented systems and methodologies for alerting and evacuating, that there will be plenty of time to evacuate. This may be the case for early warning evacuations. However, wildfires in Maui, Paradise, Southern California, and elsewhere remind us that immediate evacuations occur and that minutes can mean life or death. See bullet below.
- According to the U.S. Department of Transportation, a No-Notice Event is “A little- or no-notice incident is one that occurs unexpectedly or with minimal warning. The lack of warning and the quick response time required introduce distinct challenges for evacuating at-risk populations. No-notice incidents do not provide emergency responders sufficient time to prepare for a specific incident. This greatly affects agencies’ abilities to pre-activate emergency protocols, pre-position needed assets, and warn and direct the public. No-notice evacuations require a significantly different approach to planning than advance notice evacuations because they will be based on a set of capabilities and strategies that will likely be more limited in the time and resources available for implementation.” I point out the highlighted language above that is counter to the EA’s evacuation strategy. I refer you to the U.S. Department of Transportation document, [https://ops.fhwa.dot.gov/publications/evac\\_primer\\_nn/primer.pdf](https://ops.fhwa.dot.gov/publications/evac_primer_nn/primer.pdf), for information on no-notice evacuations and planning. Even though this document was prepared for highways, it provides an excellent understanding of considerations and tactics that would also apply to the project area.
- To be effective and to save the most lives possible, you need to prepare for likely worse-case scenarios. This would include immediate evacuations of Windsor, the project, and the Mark West area.
- Even under the evacuation scenarios evaluated, the EA concluded “it would take an estimated 4 to 6 hours to evacuate the Town of Windsor during a “No-Notice Event”,” and “If evacuation of the Project Site occurs at the same time as the rest of the Town, the combined evacuation period could be up to 6 to 8 hours.” An additional 2 to 4 hours to evacuate because of the project is unacceptable. If this was under an immediate evacuation order, with a wildfire nearby, it is highly possible deaths would occur.

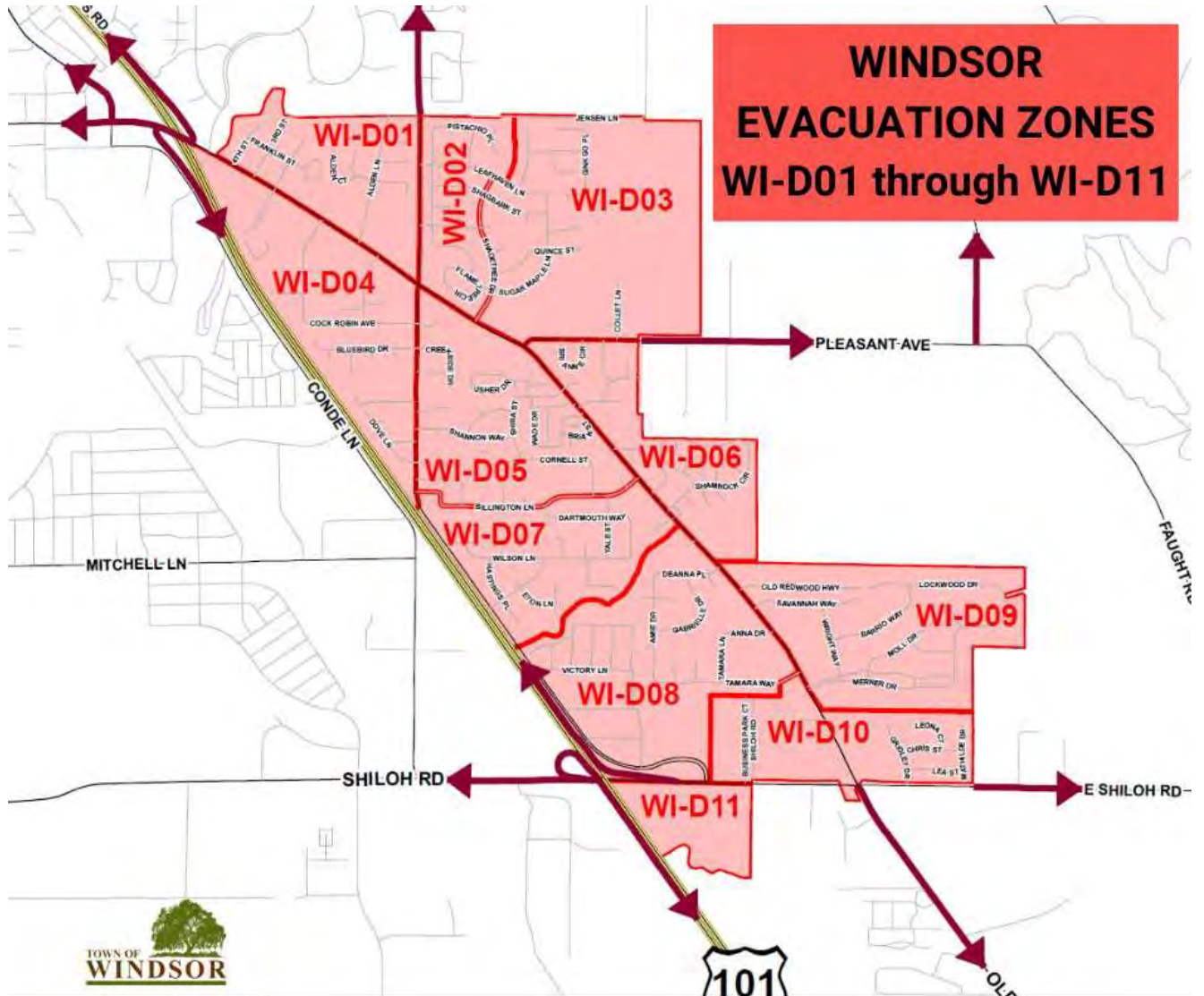
- The estimated evacuation times are based on several assumptions made by TJKM, not on a model/network. How many other evacuation plans, including calculated evacuation times has TJKM prepared and do any of the individuals involved in preparation of the plan have evacuation experience? The estimated evacuation times should be reviewed by the Sonoma County Sheriff's Office and the Windsor Police Department who not only have expertise in recent evacuations but are familiar with the local roadways.
- One of the mitigations proposed for evacuations is that onsite traffic attendants will direct traffic. However, these project people would only be allowed to direct vehicles on the property and would not be allowed to interact with vehicles on public roadways. How can this be effective in merging onsite vehicles onto public roadways and assist with flow of traffic?
- If an immediate evacuation alert is issued because of a nearby fire, project staff (including traffic attendants) will likely not stay to perform their assigned duties. Human instinct for survival of self and family, in addition to panic/stress will overrule. Plus, the first priority of CERT volunteers is the safety of self and family. According to the EA, these people will be CERT certified.
- The EA states, "Alternative A would not significantly impede evacuation traffic as patrons and staff would be evacuated early and before community wide evacuation." This statement assumes an early warning evacuation scenario and would not be possible under an immediate evacuation order (No-Notice Event).

Thank you for considering my comments and for extending the EA comment period. Based on my comments above and those provided in the Town of Windsor's letter and during the public comment period, I support Alternative D, no action. It is my opinion that the project location is not appropriate for the proposed development.

*Diana M Borges*

Diana Borges, PG  
179 Dartmouth Way  
Windsor, CA 95492

## Recommended Evacuation Routes from the Town of Windsor Evacuation Zone D





**From:** judy nassimbene <[jjbene247@gmail.com](mailto:jjbene247@gmail.com)>  
**Sent:** Tuesday, November 7, 2023 4:41 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I am writing to voice a loud NO to a casino in Windsor. A bad choice for a good community

Sent from my iPhone

**From:** Lynda Williams <[misslyndalouu@gmail.com](mailto:misslyndalouu@gmail.com)>  
**Sent:** Tuesday, November 7, 2023 6:14 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Attached is my letter regarding the proposed Koi Nation Shiloh Resort and Casino.  
Please contact me if you have any questions or would like to discuss my comments.

I would appreciate a return email indicating receipt of this email.

Thank you,  
Lynda Williams

**One attachment** • Scanned by Gmail

Amy Dutschke, Region Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

November 3, 2023

Via Email: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke,

Reading the Environmental Assessment by Acorn Environmental was disappointing and infuriating as it lacked any current research and made generalized assumptions without any basis of current data support. It reminded me of my child's attempt at Google research in eighth grade and the ensuing report. I will attempt to cover the most important items. This cheap knock-off of an environmental assessment is an insult to the community that resides here, including the animals, trees and water as well as the families who live here and raise their children here. It is a sad situation that an agency paid for by our tax dollars would entertain such a weak and unsubstantiated document on a project that would upend the environment in such an impactful way. It is my hope that our comments will be read and will have some impact on this decision, and that this process and ultimate decision has not already been bought by the powerful and rich gambling cartel that we met during the public hearing.

### **Traffic – page 3-69 : 3-74**

Traffic conditions were not studied during peak commute hours on weekdays but instead "at midday on a Saturday" in January and February. The weekends have less traffic, especially in January and February, and are not indicative of normal traffic for any conclusion to be drawn regarding the impact of 15,779 or more additional vehicles. To conclude less-than-significant impact when adding 15,000 additional vehicles into a residential neighborhood at any time is fiction. This is currently a large residential community with morning and evening commutes as well as students going to and from school and on weekends during little league season, multiple games are played at Esposti Park on the corner of Redwood Highway and East Shiloh with the parking lot overflowing and cars parked up East Shiloh. Additionally, more than 300 units of additional apartments are currently constructed or under construction in this area. The traffic studies did not include those additional vehicles. All residents use personal vehicles in this area as Sonoma County has an inferior public transit system which does not allow most people to commute to their work or school location in a timely manner.

Adding a signal at Gridley and East Shiloh will only exacerbate this problem as the traffic will then back up into the residential neighborhood creating even more idle time for engines and making conditions unsafe year-round for residents who may need to get medical attention or have the need to evacuate wildfire (see next comment section on evacuation) and other emergencies.

### **Land Use Conflicts: P 3-79 : 3-82**

Section 3.9.3.2 states that this project is not "consistent with the County's underlying land use and zoning designation" for this site. The only reason this proposed project could be built is because it is being "transferred to federal trust status, removing it from county jurisdiction". The Koi Tribe does not care about this community as demonstrated by the fact that they have not once reached out to the residential community surrounding this site because they know that this is the wrong location for a project of this type and scope. County zoning creates areas for the residents, the community that is there supported by the tax dollars residents and businesses pay. What is being proposed here is the Koi Tribe usurping this process for their own benefit at the detriment of the local community, which includes the property tax base that supports all the services, schools, roads, infrastructure, and fire support of which the tribe will still benefit despite being exempt from the rules nor contributing to the tax base. Even if they contribute money to someone, it is their choice, not the choice of the community as in the expenditure of tax dollars. This tribe is not from this area and is also usurping the rights of our local Pomo tribes who are entitled to revenue from this area because it is their community.

This section goes on to state that "Alternative A would not physically disrupt neighboring land uses or prohibit access to neighboring parcels". Alternative A would absolutely physically disrupt neighboring land uses and access by creating un-mitigatable traffic gridlock which will not only impede daily activities such as work and school commute but access for emergency vehicles and the inability to evacuate during emergencies. (See above comments on the flawed traffic studies). Residential land use includes sleeping, which will be impossible with 24/7 traffic, noise and light levels. Residential land use includes safety. Safety will be impacted by the increased traffic, air pollution, drunk drivers and crime.

As in all this report, I must take issue with the conclusion on **page 3-81** that the impacts in the intensity of development within the site creating "conflicts" including air quality, noise, construction activities, increase in traffic, visual effects and increase in lighting, and the mitigation measures identified in Table 2.1-3 would reduce potential adverse impact to "less-than-significant levels". There is no substantiated definition of "less-than-significant levels or impact anywhere in this document. This is an opinion of the writer of this document. The only party for whom this would be "less-than-significant" is the Koi Tribe. The same goes for Alternative B, and Alternative C. There is no mitigation for the impact of this project on current land use and the impact on current land use described in this document is more than significant.

## **Wildfire – Page 3-109: 3-119**

As a Chief Business Officer, I have hired many professionals over the years to write reports that have conclusions that I need to support my decisions. If you have enough money, you can have any report written to support your conclusions. This is all I could think about when reading the “supporting documents” to the Wildfire section in this Environmental Assessment.

Vern Losh retired as Fire Chief in 2009, nine years before the first “curb and gutter fire” consumed neighborhoods and killed people in their homes and cars here in Sonoma County. As Fire Chief Cindy Foreman told me in 2022, she would not have believed this could happen prior to the Tubbs fire in 2018 either. She changed her opinion while serving on the front lines of the Tubbs Fire, and the Kincaid Fire. Now she knows everything that she thought she knew was wrong and all strategies must be changed. She could not believe that a project such as the Shiloh Casino Resort could be proposed in this area due to the extreme risk of curb and gutter fires in these neighborhoods. The studies cited in this document pre-date the Tubbs Fire.

Having lived through these fires myself, dozens of friends and family losing their homes, some losing their lives or losing loved ones, this is no joke. The roads in this area do not support the current levels of population for evacuation. Currently over 500 new apartments including a senior housing and residential care center are being built that will evacuate onto these same roads. All these roads lead to highway 101 which is only three lanes, gridlocked in the daily local commute.

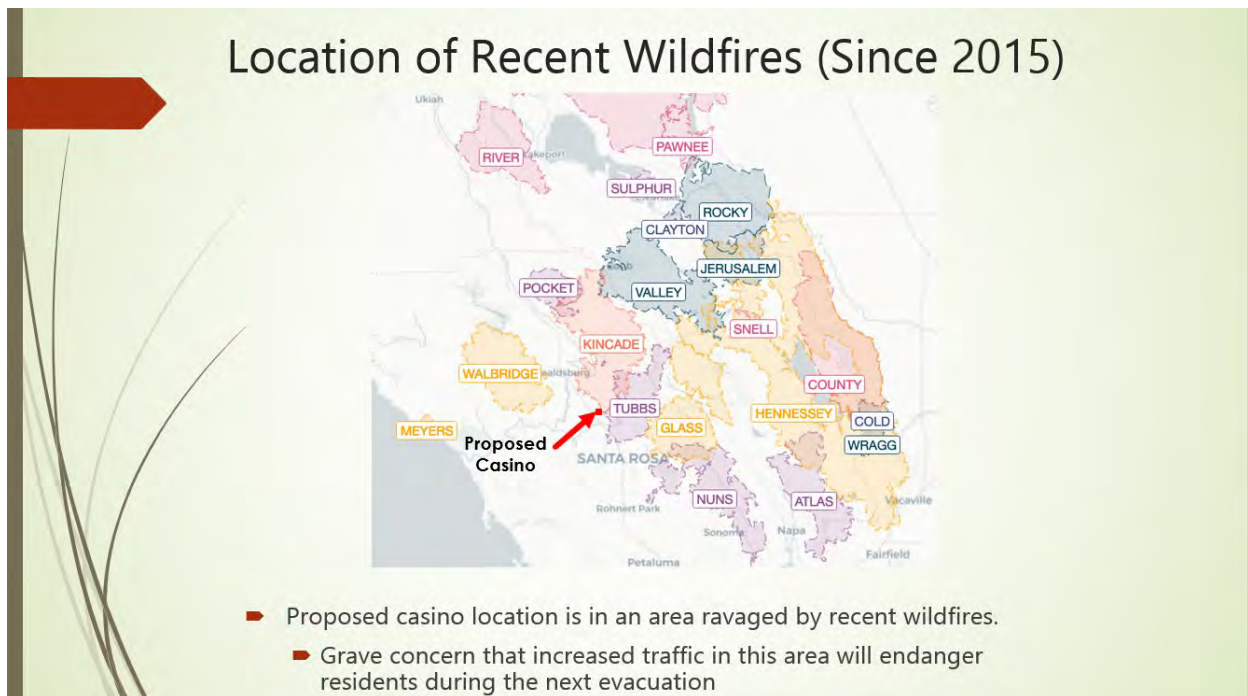
The Tubbs fire jumped Highway 101 south of this location and burned through “curb and gutter” neighborhoods in West Santa Rosa after burning through “curb and gutter” neighborhoods in East Santa Rosa (see page 6 in Appendix N Wildfire – Evacuation). Everyone in my neighborhood had to evacuate in the middle of the night. After finally reaching Highway 101 and traveling south the traffic stopped. Suddenly cars were turning around and heading back north in the southbound lanes. The freeway was on fire and everything to the east and west was also on fire. This stopped all cars from evacuating off of East Shiloh Road. The Tubbs Fire was in 2018. The population and the density of housing has only increased since then.

In 2019 the Kincaid fire tried to jump 101 north of this location (see page 6 in Appendix N Wildfire -Evacuation). The freeway was closed causing all cars to have to take southbound 101. Additionally, everyone in West Sonoma County was also being evacuated onto highway 101. No one could move for 10 hours. The only reason no one died was because the Sonoma County Fire Departments pre-evacuated everyone due to their experience two years earlier. They knew they could not get everyone out without pre-evacuation. But even then, it took almost 12 hours to get from Windsor to Petaluma. But pre-evacuation is not always an option in urban wildfire situations.

Hiring CAS Safety consulting to say the plan to direct traffic off the casino grounds during an evacuation onto these already gridlocked roads and highways, does not make it true or safe.

Will they be held responsible when people die? TJKM writing a mitigation plan for something that cannot be mitigated is pure fantasy and does not make it true. Just another paid consultant who will not have their lives or their families lives on the line during the next fire. And their will be a next fire.

These mitigation plans would be laughable due to their ignorance if they were not so deadly. This is the wrong location for this project because of the incredible fire danger here. Families will not only die, but so will their customers at the casino who will not want to leave if they are winning. I know I am not the only one providing the BIA with this warning. If you allow any option except Alternative D, no project, no granting to the Koi of this land, people will die, and all this documentation will exist that showed the danger but was ignored.



Since 2018 (over the past five years) there have been eight (8) severe wildfires in this area that burned for weeks and necessitated the evacuation of tens of thousands of people. (See map above).

As someone who lives less than 40 feet from this property, who could not evacuate during the Kincaid fire until 4 am the next day due to gridlock, I witnessed the 80 mph wind gusts blowing the wildfire toward the neighborhoods, my homes' attic was filled with charcoal when I returned, and I know there will be a next time. We are all told to prepare for the next time, to have our to-go bags ready. But what if we cannot go? Please, do not put this property into trust for Koi Tribe. They are not one of our local tribes. Our local tribes would never entertain putting a Vegas

Style Casino Resort in this location because they know how dangerous it would be. Please select Alternative D, No Action Alternative.

Lynda Williams  
5801 Mathilde Drive  
Windsor, CA 95492



**From:** betsy mallace <[betsymallace@yahoo.com](mailto:betsymallace@yahoo.com)>  
**Sent:** Tuesday, November 7, 2023 7:10 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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To: Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

From: Betsy Mallace  
Windsor, CA 95492

Please find attached my comments on the EA for the Koi Nation Shiloh Resort and Casino Project.

Firstly, this parcel is the wrong location for this project. This parcel is the wrong location for any large commercial development. Approving this project will create many significant unmitigable impacts. Significant, negative impacts not only to the land itself, but to the adjacent and surrounding areas, neighborhoods, residents, public and private parks, churches, schools, local traffic and most tragically emergency evacuation.

The only project that will not create significant unmitigable impacts is alternative D. I urge you to approve only Alternative D.

If you should go forward with alternative A, B or C, there will be significant negative impacts. Much of the significant impact will not be able to be mitigated. Therefore, these alternatives should not be approved.

The current vineyard on the parcel has in the distant and recent past acted as a natural firebreak in the event of a wildfire. If you remove this natural firebreak; it will create fire hazard and it will create unmitigable negative impacts. The EA has no factual documentation to disprove this. Recent past history and the fire science experts have agreed that removing this firebreak will create hazards.

Currently this parcel is in an approved protected community buffer zone. Project A, B or C would remove this community buffer and create a significant unmitigable impact. Along with violating the will of the voting residents.

The EA has no complete traffic studies for all the different driving patterns which will be in effect when/if this project is approved. Only a couple of time slots were evaluated,

since this project would be 24/7, studies must be done for all time/day slots, not just a couple of cherry-picked times/days.

Additionally, there are hundreds of adjacent partially constructed residential buildings and units (in works-known projects) that have not been included in any of the EA. All of these units must be included in any complete study. The traffic studies in the EA are incomplete and inconclusive. Finding of no significant impact has not been proven, nor does it actually exist.

The project parcel is sided on at least two sides (Old Redwood Highway and Shiloh Road, not to mention Faught Road) with current municipal evacuation routes. The EA does not include all of the recommended/mandated "safe route" out of Windsor, Sonoma County (unincorporated) and/or Larkfield/Wikiup. The EA is not complete nor conclusive to show no significant impacts. It does in fact show a possible delay in evacuation time. A very significant impact will be created if there are any delays created during an emergency evacuation. Alternatives A, B, or C will create additional traffic in an already congested area, thus you are predetermining potentially deadly impacts to the location.

Again, I urge you to approve only alternative D. All other alternatives will create significant unmitigable negative impacts.

Thank you for allowing my comments.

**From:** Jim Wright <[jwright621@icloud.com](mailto:jwright621@icloud.com)>  
**Sent:** Tuesday, November 7, 2023 10:31 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA comments, Koi Nation Shiloh Resort and Casino

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Hello Chad, my recommendation is to do additional environmental analysis through the preparation of an Environmental Impact Statement. To support this recommendation, my comments on the subject EA specifically regarding Alternative A are as follows:

#### Disingenuous Stated Purpose

The "stated purpose" of proposed action is to facilitate tribal self sufficiency, self determination, and economic development. Considering the size of the tribe is 89 members, 52% who live in Sonoma County, a \$600M casino with estimated \$575 annual revenue is way overkill for the stated purpose. This obviously leads one to believe the stated purpose is disingenuous, and the proposed action is really to create a money-making machine for the few casino senior executives and investments partners, with I suspect a small percentage trickling to the tribal members, although probably enough to make them all very wealthy. By comparison, the Graton Resort & Casino, of comparable size to the proposed, has 1,400 members of the Federated Indians of Graton Rancheria. The project should be more appropriately sized for the number of tribal members.

#### Employee Challenges

The proposed resort and casino is estimated to employ 1,571 full time employees. The average annual salary according to Salary.com of the Graton Resort & Casino is \$39,520 - \$52,000. It's reasonable to assume the proposed resort and casino would pay similar wages. According to the California Department of Housing and Community Development, the median income for a single person living in Sonoma County is \$89,650. <\$70,000 is low income. <\$44,050 is very low income. It's expensive to live in Sonoma County. A recent article in the Press Democrat, the local newspaper, stated according to GOBanking website, a family needs \$144,090 to live comfortably if paying a mortgage, and \$84,823 if paying rent in Sonoma County. The predominantly low and very low incomes to be paid by the proposed resort and casino would not provide comfortable living for their employees, and that's a lot of unhappy folks.

The Sonoma County Economic Development Board indicated a 3.8% unemployment rate as of June 2023. This is expected to increase slightly in the next 5 years when the proposed resort and casino would be hiring employees. A Workforce Development Survey this year indicated 63% of respondents experienced hiring difficulties, with insufficient number of applications, lack of skills, and reluctance to accept offered wage as primary reasons. The need and lack of employees is evidenced by "Now Hiring" signs posted in many businesses in the local area. Employees will be hard to find for the proposed resort and casino, and 1,571 is a lot of employees.

#### Groundwater Depletion

The proposed resort and casino is estimated to use 170,000 gallons of fresh water per day, or 62,050,000 per year, or 191 acre feet per year, or enough to support 573 single family households. The testing performed so far has not determined conclusively this huge amount of water usage wouldn't significantly impact the groundwater and wells in the area. The EA proposes to begin a groundwater monitoring program at least 1 year prior to opening, meaning the project would already have been under construction for 1 year considering a 2 year construction timeline. Additional time would be needed to evaluate results from the monitoring. This is too late to make changes should the groundwater be negatively impacted and should be determined prior to project approval.

#### Declining Property Values

The EA also states the proposed resort and casino would not significantly impact nearby home property values based on a study of other completed casinos and the property values in a 5 mile radius. It is ludicrous to think homes directly adjacent to a \$600M resort and casino operating 24/7 would not be impacted with significantly reduced property values. Who would want to live next to or near such an operation? Housing several miles away would not be as impacted, but that would not be the case for those adjacent to the property who currently enjoy vineyard views.

Sincerely, Jim Wright  
Sent from my iPad

**From:** Josh Ratiani (Shiloh Neighborhood) <[josh.ratiani@shilohnc.com](mailto:josh.ratiani@shilohnc.com)>  
**Sent:** Tuesday, November 7, 2023 4:34 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Attached are my written comments on the EA for the Shiloh Resort and Casino. The studies conducted to produce the EA are not comprehensive, and are missing key details known to those of us who have lived in this land for years and cared for the socioeconomically disadvantaged people in the area.

My comments are long, but I plead with you to read them carefully and deliberately as they contain years of observation and eyewitness accounts that greatly surpass the amount of time spent by those conducting the studies used to create the EA.

Josh Ratiani  
Pastor, Shiloh Neighborhood Church  
[www.shilohnc.com](http://www.shilohnc.com)  
**One attachment** • Scanned by Gmail

# EA Comments for the Koi Nation Shiloh Resort and Casino

November 7, 2023

Submitted by:

Rev. Joshua Ratiani  
Pastor, Shiloh Neighborhood Church  
5901 Old Redwood Hwy  
Santa Rosa, CA 95403

To: Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

Dear Mr. Broussard,

I am writing in regards to the Environmental Assessment for the Shiloh Resort and Casino. I have a number of concerns with the proposal, and with the inaccuracies and incomplete information in the Environmental Assessment. I write both as the pastor of the church directly adjacent to the proposed casino, and as a longtime resident whose personal home is adjacent to the property. Our church pays its pastor partially by providing housing on the church property, so my business and residential address are both immediately adjacent to the proposed project site.

The casino's proposed main entrance would be at our church driveway. Because we located on a rural postal route, our mailbox is on the east side of Old Redwood Highway. I have stood at the would-be entrance to the casino almost every day for the past 12 years. I have a deep knowledge of the land where the casino would be.

The norm for gaming development requires that the tribe be on the land prior to 1988. I sympathize with the Koi Nation's mistreatment by the federal government preventing them from having any land for this much time. Nevertheless, taking on such a large development typically involves decades of observation of how such development would impact the land and the community. Such observation simply cannot be made in just a few years, much less in the weeks or days spent by those conducting the studies used to create the EA.

Because I have lived here for decades, I have intimate knowledge of the land, and have concerns with the inaccuracies of the data used in the EA. The data used to describe the location of flooding concerns, the location of wildlife corridors, types of wildlife present, and the issues with fire evacuation are incomplete. There are significant problems with the noise modeling, based on obvious changes that would occur from constructing new intersections.

Because our church has been involved in numerous community programs, our congregants have decades of observed data about these issues and the socioeconomic conditions. Our years of observation are far more nuanced than much of the data produced in the studies used to create the EA. The EA's claims of no significant impacts are false and based on faulty data and study methods. The casino project would have significant impacts on the surrounding community based on numerous issues.

## I. Fire Issues

On October 8-9, 2017, the Tubbs Fire tore through the area. Our church was in the evacuation zone, which extended south of Shiloh Road, into the community of Larkfield-Wikiup. However, the Sheriff's deputies allowed our church to function as an impromptu evacuation center. This meant that I personally witnessed the evacuation, north on Old Redwood Highway. Traffic was bottlenecked going into Windsor, and people to our south, where the fire raged, had trouble evacuating. 22 people died that night, and I can only wonder how many more would have perished if the traffic bottleneck was worse.

These photos (below) were taken from our church's driveway, directly where the casino's intersection would be. The photos were taken at 2:42 am, over two hours after evacuation began. They show the traffic still moving slowly past the location. I was the only person who observed this evacuation from the location in question. My eyewitness report must carry serious weight in any assessment of the fire dangers caused by development of an intersection at this very location. These images were shared on the Bay Area news broadcasts that morning because they provided unique evidence of what took place. Northbound traffic escaping the raging inferno was crawling forward at a slow pace for hours. Putting another intersection in this location would slow the evacuation further. Adding thousands of people onto the road would block the evacuation of residents.







In the Tubbs Fire, people had mere seconds to escape the fire, as it raged to the area south of the proposed casino. The area south of the casino is conveniently ignored in Appendix N.

In Appendix N, a wildfire scenario is envisioned in which Windsor and the casino must be evacuated. However, **this report fails to consider what things would be like if an evacuation needs to take place to the south, as has actually happened in the Tubbs fire.** Many of the studies and reports used to create the EA fail to consider the community in the unincorporated county area, to the south of the proposed casino.

In 2019, the Kincade Fire affected the area just north of the proposed casino, including the town of Windsor. That fire started farther away, allowing for a staged evacuation. The burn areas of the Tubbs and Kincade Fires are nearly contiguous, except for a small strip in Shiloh Regional Park, immediately to the east of the proposed casino. Someday, a wildfire will affect both Windsor and Wikiup simultaneously. It is not a matter of if, but when.

In a worst case scenario, if both Windsor and Larkfield-Wikiup needed to simultaneously evacuate, countless lives would be lost. One can imagine the scenes of destruction in places like Lahaina or Paradise, but the reality is these very same situations have already taken place here in Sonoma County, and will again someday.

The fire mitigation proposals are unserious, and do not take into account the likelihood of such a future fire. Adding thousands of additional people to the already bottlenecked roads, and adding additional intersections will make future fires much worse. Those who construct this casino, and those who approve the casino development would be personally responsible for the loss of lives.

## II. Flooding Issues

Appendix C contains the Water and Wastewater study, and Appendix D contains the Grading and Hydrology study. While these reports were compiled by professionals, and I am merely an amateur neighbor, I have observed the way the water actually drains in this area for decades. I have lived in the

house at Shiloh Neighborhood Church since 2011. Every day, I walk across the street to get my mail. Our mailbox is where the casino's driveway would be built. Therefore, I have seen how the vineyard actually floods for over a decade. Additionally, I lived in the same house for two years in the 1990s, as a child who played in the flooded ditches during the exceptional El Niño rain year of 1995.

The two studies in Appendices C and D are based on observations conducted during the winter of 2021-2022 and the following spring and summer. These observations were made during a period of drought. The winter of 2022-2023 was a particularly rainy year, and I observed standing water along Old Redwood Highway, from our mailbox. I personally cleared the ditches of branches and debris to help the vineyard drain, but it still took days for the water to clear.



*The photo above shows relatively moderate flooding on January 9, 2023. The photo is taken from our mailbox, exactly where the driveway for the casino would be (west side of Old Redwood Highway). At times during the atmospheric river events of early 2023, the flooding extended much farther into the vineyard.*

The professionals who conducted the study estimate what 100 and 500 year floods will look like, but I can report on what actually happens during a normal flood (such as 2023) and during an exceptional flood (such as 1995). The elevation of Old Redwood Highway acts like a berm, which traps water running off the vineyard. Water pools along the highway, exactly where the entrance is proposed. This water can extend all the way to Shiloh Road to the north, and up to 100 feet into the vineyard, to the east. Sometimes the water stands for days. I have often commented that it would be easy to kayak in the vineyard. This is all in an undeveloped property that can absorb water into the soil fairly well until the ground is saturated. As a permaculture enthusiast, I am well acquainted with the amount of runoff

created by just a few square feet of roof or hardscape. While the professional hydrologists have access to the terrain data and soil levels, it is insufficient to only study this land during the drought or the dry season. A study must take place during the rainy season of a wet year.

Pruitt Creek has a limited capacity, and during large storms, the ditch on the west side of Old Redwood Highway (the church side) fills up and is unable to drain. This sometimes creates flooding in our church parking lot, trapping us from being able to leave the church property, or my personal home. In the exceptional flood of 1995, the ditch did not drain for weeks on end. I remember catching tadpoles and froglets that lived in the ditch because the water was standing long enough for a frog lifecycle to take place. In early 2023, the ditch would stay full for days on end, as the vineyard on the east side of Old Redwood also stayed full. Estimating a 500 year flood is a good idea, but hearing the eyewitness account of those who have experienced such events is even better.

Pruitt Creek seems to be bottlenecked by the culvert/bridge at Old Redwood Highway. Developing the property that is currently a vineyard will increase surface water runoff, and the only way to accommodate that runoff would be to change the downstream capacity of the creek. While the professional study accounts for the larger watershed-level data by looking at the stream gauge at Mark West Creek, it does not deal with the immediate watershed impacts of how the drainage will affect the surrounding mobile home park, homes, businesses, and our church.

### III. Biological and Wildlife Information

Appendix G contains the biological report, based on observations made on February 23 and 24, 2022 (see page 14, Appendix G). I am not a professional biologist, but I have worked in environmental education in Sonoma County as a naturalist teaching Outdoor Education science camps, and later as a consultant creating environmental curriculum for our county's largest eco-tourism company, Sonoma Zipline Adventures. I have long been interested in observing the wildlife present in the vineyard, and have used trail cameras on our church property to document wildlife present.

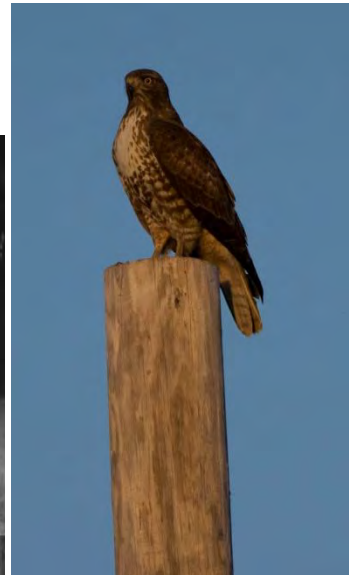
The biological study noted very few types of animals present, and claimed that certain endangered and threatened species cannot be present. These claims are insufficient and based on supposition. The study claims there cannot be Golden Eagles in the area. I have personally seen two Golden Eagles in the area over the past decade—one in an Oak Tree at our church, and one perched on the telephone pole closest to the casino's proposed main entrance. That particular telephone pole is a favorite perch for many different species of raptors. The study claims there cannot be monarch butterflies present, but I have seen them flying through my own backyard, just a few dozen feet from the vineyard. I know of a location on the Sonoma Coast where monarchs migrate in the winter. These endangered species are in the area as they pass through on their migration route.

On page 34 of Appendix G, the biologists list only six species of animals observed. This data proves that the biologists have completed insufficient work that does not accurately reflect the state of the property. Two days of observation in one season of the year is hardly enough to get an accurate assessment of what wildlife is present. In the 12 years I have lived at the church and the 30 years I have

attended the church, I have observed many more species on the church's property, and it follows that all of these are also present across the street. In fact, I have seen many of these same species in the vineyard.

**Some of the other species we have observed over the years include:**

California Slender Salamanders, Arboreal Salamanders, Coyotes, Gray Foxes, Jackrabbits, Great Horned Owls, Red Tailed Hawks, Turkeys, California Quail, American Bullfrogs, White-tailed Kites, Sharp-shinned Hawks, Cooper's Hawks, Great Blue Herons, American Robins, Cedar Waxwings, Lesser Goldfinches, California Towhee, Northern Mockingbirds, Northern Flickers, Acorn Woodpeckers, House Sparrows, Canada Geese, Rock Doves, Brewer's Blackbirds, Redwing Blackbirds, Chestnut-backed Chickadees, Western Bluebirds, White-Crowned Sparrows, Raccoons, Possums, Skunks, Meadow Voles, Gophers, Ground Squirrels, Gray Squirrels, Gopher snakes, bats, Screech owls, and many others.



*Above: Trail camera image of Gray foxes at Shiloh Neighborhood Church, 2021 (L). A hawk perched on the telephone pole closest to the proposed casino's entrance, February 2023 (R).*

The biological report notes that the creek to be a riparian wildlife corridor, but again, the long-term observation of the area shows that this information is incomplete. Undoubtedly, the riparian habitat is a wildlife corridor, but there must also be other wildlife corridors to make sense of the observations we make at the church. Many animals walk through our church property, evidenced by tracks, scat, sightings, and our trail cameras that I place along trails that animals establish from consistent use. In order to connect between Pruitt Creek and the church property, the animals must be walking through the vineyard rows, precisely where the casino would be built. I have seen many of the aforementioned species cross the highway into the area that would be developed.





*Above: location of wildlife corridors at Shiloh Neighborhood Church, relative to Pruitt Creek*

While most of the species observed are not endangered species, the reality of the long-term observations demonstrates that the casino would have a serious, detrimental impact on the land and creatures of the Shiloh area. From my observations, it seems that animals fly and walk from Shiloh Regional Park, through the vineyard rows, across Old Redwood Highway, across our church's four acres, and into the vineyards that go all the way to Highway 101. Most likely Pruitt Creek is one of the wildlife corridors, but there are many others. Our church has a park-like atmosphere for worship because of these wildlife corridors that would disappear if the casino is built.

#### IV. Urbanization and the Green Belt

Sonoma County's cities and town have some of the strongest anti-urban-sprawl regulations in the nation, forbidding development of land around the town limits of Windsor. Local residents often refer to the greenbelt that has been established, made up of wild land such as Shiloh Ranch Regional Park, and the surrounding vineyards.

When Shiloh Neighborhood Church bought its property in the late 1970s, the leaders did so anticipating that one day the property to the east would be a subdivision. The church hoped to provide spiritual and community benefits for the future neighborhood. Although the green belt ordinances prevented the development that our past church leaders anticipated, we as a church find the green belt designation to be beneficial, because of the wildfire, flooding, and wildlife impacts detailed above.

In 2020, when the lockdown started, the amount of wildlife present skyrocketed. The decreased traffic and noise invited new species to the area. I imagined a time when a Native American tribe might buy the vineyard and restore it to its pre-agricultural status, as wild, natural land. Perhaps this hope was rooted in the fact that some of the Native American members of our church are passionate about restoration projects, like I am. We regularly discuss being people of the Creator who care about the creation.

Thus, I find it particularly disheartening that a Native American tribe which also talks about caring for the Creator and creatures would propose such a detrimental project. I have seen that the Koi Nation has been involved with a PBS documentary opposing urbanization. On page 3-79 of the EA, it is stated that the project will be able to ignore the urban and county planning regulations that have prevented development of this property.

In our sermons, I have told the story of the Caucasian Christians who were strong allies of the Native Americans in the Supreme Court case *Worcester v. Georgia* in 1832. This landmark court case established the precedent that tribes have federal treaties, and are not subject to the jurisdiction of certain local laws. I understand the reasoning behind land being taken into trust and in general, I support the concept. However, this is not the right piece of land. It makes no sense that the Koi Nation— who have a core commitment to fight urbanization— would turn and ignore the wisdom of those who have implemented anti-urbanization measures. This change of heart makes it hard to trust that they would act as good neighbors in good faith when they are willing to violate their own spiritual and ethical principles for financial gain.

## V. Socioeconomic Concerns: Surrounding Poverty

The data in Appendix B addresses socioeconomic concern from census-level data. As the pastor of a church that has been involved in many community outreach ministries over the years, I can give a report on what things are actually like, on the ground. Many of the mostly white, middle class residents of the nearby subdivision have voiced their opposition to this casino, but there are many others who live in the area, who would be detrimentally affected by the casino.

There are nearby neighborhoods of fairly affluent, middle-class people. However, there are also many socioeconomically disadvantaged people who live within a one mile radius of the proposed casino. These people would be especially susceptible to problem gambling.

There are multiple affordable housing apartments on the northwest corner of Shiloh Road and Old Redwood Highway, including a new large development currently under construction. For years, we provided English as a Second Language classes in one of the apartment community centers. Many of the residents have not participated in the public comment process because of their English skills. These immediate neighbors would be disproportionately negatively affected by the casino's development.

Along Old Redwood Highway, to the south of the property are numerous people of limited means. There are two nearby mobile home parks for seniors. Many of these elderly people have significant health issues, and trouble driving.

Nearby, there are also single family homes in poor condition, with people living in significant poverty. Down the road a little farther (near Fulton Road) is a group home for men with brain injuries and men coming out of homelessness and mental health issues.

As the only employee of the church, I regularly clean up vandalism, drug paraphernalia, and litter from those who are homeless. These are all evidence of the already difficult conditions in the area around

the would-be casino. We seek to offer compassion to those struggling with finding housing, or struggling with addiction, but increasing the number of people in the area will not make these issues easier.

Our church has been involved in outreach and support to all these groups. The reality is that Old Redwood Highway, south of Shiloh Road to Fulton Road is an economically depressed area. All of these socioeconomically disadvantaged people will be adversely affected by the presence of the casino.

One of the main ways our church serves these groups is for our weekly food distribution, partnering with the Redwood Empire Food Bank. Our little church is able to partner with this organization to provide food for over 500 people each week.

The Koi Nation is said to have 89 members, seeking to build a casino with a maximum occupancy of around 20,000 people. Shiloh Neighborhood Church is likewise a small group, with even fewer members than the Koi Nation. Despite our smallness, we are providing an impact for thousands of people through the food distribution. Because we are a small church, we cannot afford the additional maintenance that would be required to exist across the street from a busy casino. We would either be forced to close or move. That would remove the key resource of the food distribution from a fairly economically disadvantaged area. Many of the attendees of the food distribution are seniors from the mobile home parks, who have trouble driving just the short half mile to the church. The addition of thousands of cars on the road near these elderly drivers will create problems for them.

Additionally, our church is one of a handful of churches that plays a key role in caring for Sonoma County's foster children. A number of non-profit foster agencies use our facility for meetings, and we have been a regular host for a mentoring program for foster youth. The addition of the busyness of the casino would make it impossible for us to continue these key programs that support the foster care community of Sonoma County.

Through a partnership with Sonoma County Family Youth & Children's Services called Care Portal, our church has provided over \$100,000 of material resources to foster children and at-risk families since November 2019. Our annual budget is under \$120,000. Having to divert funding to maintenance instead of community engagement would have a cascading effect on marginalized people.

## VI. Problem Gambling and Crime

Our church also hosts numerous Alcoholics Anonymous gatherings, and has served as the host site for Gambler's Anonymous. The Koi Nation says there are resources for problem gambling, but the reality is that such resources are limited. If one Googles the phrase "problem gambling Sonoma County," the only resource that the county's 211 website offers is Gamblers' Anonymous. The only Gamblers' Anonymous meetings in Sonoma County are in Rohnert Park, and the one that usually meets at our church.

Building a casino across the street from one of Sonoma County's only resources for problem gambling is utter nonsense.



Appendix B says that evidence of crime must be disregarded because all studies are biased either towards or against casinos. This argument is lazy and willfully ignorant. The reports of those who are engaged in community resources on the ground in Sonoma County must carry more weight than those who are creating studies in the abstract.

I am a foster parent, and one of the requirements for foster parents in California is to be trained regarding the Commercial Sexual Exploitation of Children, more commonly known as Child Sex Trafficking. At a training on this topic, we went over the data regarding sex trafficking in Sonoma County, as presented by the Sonoma County Sheriff's Department and Verity, a local agency which helps victims of such crime.

Two key facts emerged from the data about human trafficking in Sonoma County. First, nearly 100% of sex trafficking victims in Sonoma County have been in the foster care system. Second, the casinos of Sonoma County are particular problem hubs for sex trafficking.

Because our church plays a key role in foster care programs, placing a casino nearby means putting a problem known to local law enforcement adjacent to a particularly at-risk population. Since I also am a foster parent, this means my personal residence, which is a foster home, would be directly adjacent to the casino and hotel.

Most of the children who attend our church are either foster children or have been adopted out of foster care. There are few churches with such an at-risk population of children. These children would be adversely affected by the proximity of the casino.

## VII. Effects on Minority Communities

Shiloh Neighborhood Church is disproportionately affected by the proposed casino, as the casino's main entrance would point directly at our church building, meaning the headlights of thousands of cars would shine onto the stage of our worship center and sanctuary. Three religious groups meet in our building: our own congregation and two others. Each of these congregations are comprised of minority groups who would be unfairly disadvantaged.

Shiloh Neighborhood Church is ethnically diverse, with no majority ethnic group. Our members are Filipino, Puerto Rican, Mexican, Japanese, Chinese, Eritrean, Caucasian, and perhaps most relevant to this discussion, Native American. Over 10% of our church members are registered members of California Native American tribes. Some of our indigenous church members play key leadership roles in state-wide non-profits and cultural associations. Their network of spiritual support would be disrupted by the development of the casino, creating cascading disadvantages for Native American people throughout California.

Another church that meets in our building is an Eritrean and Ethiopian church—those who speak the Tigrinya language. Santa Rosa has a fairly large population of Eritrean people, since the refugee crisis of the 1980s and 1990s. Many of these people are of the Orthodox Christian faith, and some are of a Pentecostal Protestant faith. There are only two churches in Sonoma County for this language group.

The Pentecostal Eritrean church has met in our building for years. This key spiritual and cultural resource for this refugee and immigrant group would be disproportionately affected by the development of the casino.

The final religious group that meets in our building is a group of Messianic Jews, or people who follow a version of both Judaism and Christianity. This is a religious minority group, and their congregation is also ethnically diverse, with members with many ethnic backgrounds. This group also plays a key role in caring for socioeconomically disadvantaged people, so the casino disrupting their spiritual community would have further cascading negative effects on the community at large.

In sum, all the religious groups that meet at our church building play unique roles in providing spiritual and cultural community for ethnic minorities. These groups would all be negatively impacted by the traffic, noise, loitering, vandalism, and general busyness around the casino.

## VIII. Traffic and Noise issues

Appendix I discusses the traffic issues, and Appendix L discusses the noise issues. Any increased traffic would have significant impact on the church and the groups who use our facility mentioned above. The traffic study (like many of the studies) completely ignores what is going on to the south and east of the property.

Every day, I drive out of the church driveway to take my children to school at San Miguel Elementary, just a couple miles away. We drive along the west, north, and east sides of the current vineyard to get to school. Faught Road is not addressed in the traffic study at all, nor is the Wikiup neighborhood or my children's school. All of these would be significantly impacted by the casino's development.

The noise impacts do not take into consideration the noise generated by acceleration from new intersections. Every week volunteers from our church help direct traffic for the food distribution. We personally know that the traffic noise is fairly high from Shiloh Road to the church's north parking lot. Once the cars are up to speed at 45 miles per hour, they are quieter. In other words, they are not as loud as they pass our church's sanctuary. However, building a new lighted intersection directly in front of our church would create a significant noise increase for our quiet place of worship, even without adding any additional car trips per day.

This change seems like an obvious significant impact to a place of worship that the Noise Assessment completely ignores. This also means the noise level at my personal home at the south end of the church property would be significantly higher, and the noise level for the neighborhood north of Shiloh Road would be significantly higher, with an additional intersection in that area. Acceleration creates significantly more noise than cruising does. There would likely be an increase of more than 5 dB for the church, my home, and the neighborhood, because the location of acceleration would change. This would be a significant impact on all the surrounding areas.

The noise impact study uses baseline data measured in May 2022 (Appendix L, Page 25). In October 2023, Old Redwood Highway and Shiloh Road were resurfaced with slurry seal, after previously having

been chip sealed approximately 10-12 years ago. The new road surface is significantly quieter than the old. I recorded video of the before and after noise levels at a seam between the two road surfaces while the project was partially completed, and the difference is both undeniable and significant. As a musician who has extensive background in audio and sound, I know that the smallest noticeable difference in dB level is 3 dB (or half the total volume). That means the new dB level is at significantly less than before, and this change means the previous noise study's baseline data is no longer accurate.

Developing the casino would most likely create a much more significant difference in dB than shown in the original noise study, since the current conditions are different than when the original noise study was conducted. A new noise study is necessary before moving forward with any work on the land.

## Conclusion

I firmly believe that a Native American tribe ought to have self-determination over its land, and that the Koi Nation deserves to have land somewhere. However, this land is not the right place for development. The tribe ought to have had land of its own for decades, in which it could accurately assess the cultural, social, spiritual, and natural consequences of development. It is truly an injustice that they do not have such land. However, two wrongs do not make a right.

Lake County, where the Koi Nation originates, is far from this area. Even downtown Santa Rosa is far from Windsor and the Larkfield-Wikiup area. When the Tubbs Fire happened, people who lived in the center of Santa Rosa moved on with their lives in a few weeks. In contrast, those who lost their homes were affected for years, and still live with the trauma six years later.

For example, a Native American family in our church lost their home. After evacuating to our church they lived in hotels for two years, then in a rental for over a year before their home was rebuilt. We stored their few possessions at the church, and they just finished cleaning them out last month, six years later. The members of the Koi Nation live in Lake County and western Santa Rosa to Sebastopol. People who live in western Santa Rosa do not understand what it is like to have lived through this situation, and the legitimate fear and concern people have here.

The reality on the ground is that the communities of Larkfield-Wikiup and Windsor are small communities with a family atmosphere, existing in a rural-suburban setting. These are not the places that a casino belongs.

Those of us who have lived, worked, gone to school, recreated, and worshiped in this area know the land. As evidenced above, the studies commissioned in the EA are biased, rushed, and insufficient. A sufficient consideration of the actual issues in the area reveals that the county and municipal governments were wise to prevent any development on this tract of land. The fire and flooding issues are significant. As climate change creates more variance year-to-year these problems will become worse. Developing a casino here would create extremely significant impacts, likely including loss of life in a future natural disaster.

Additionally, as the pastor of the church that has played a key role in caring for the socioeconomically disadvantaged within a 1-mile radius of the property, I can attest that there are many who would be negatively impacted. Much of what I write is in advocacy for these who are unable to speak out, based on language or technological barriers.

If the casino were to be developed, I know that I would move out of the area. The church would have a hard time finding a new pastor, since the way we pay our clergy is through the provided housing. It would very likely force our church to close, or at least move from the area. The effects on the church would cascade into the community at large, affecting foster children, people with food insecurity, and ethnic minority groups.

My recommendation is that the property be required to remain in its current zoning. If more studies are required, then they need to be conducted over a much longer time scale, and include the input of people who actually live in this community.

Respectfully submitted,

Rev. Joshua Ratiani

Pastor, Shiloh Neighborhood Church

**From:** Melissa Kennedy <[cmkmfk1@comcast.net](mailto:cmkmfk1@comcast.net)>  
**Sent:** Tuesday, November 7, 2023 1:27 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Shiloh Resort objection

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Location, location, location. Shiloh Road is the WRONG location for a Casino and resort.

I have live in the Oak Creek subdivision for close to 36 years. This is within a half mile from the Koi Nations proposed casino and resort. This is a peaceful, semi-rural area where people (myself included) raise their families and eventually retire.

This casino and resort would irrevocably harm this peaceful family oriented community. In the event of a natural disaster such as the wild fires in 2017 and 2019 evacuation would be much more difficult than it already is.

Set aside the panic of a wild fire, daily this heavily trafficked two lane road can often back up during peak commute times. It is used an an alternative to 101 by many local residents.

Additional concerns include increased crime, noise pollution, light pollution at night, and a possible draining of wells adjacent to the development.

This casino and resort is not located on the ancestral land of the Koi Nation. Their homeland is Lake County, not Sonoma. Therefore the location is inappropriate.

The Windsor and Larkfield/Wikiup communities sincerely hope that you will take our concerns to heart and not approve this proposal.

Respectfully,

Melissa Fox Kennedy

Sent from my iPad

**From:** Travis Shenk <[travis.shenk@gmail.com](mailto:travis.shenk@gmail.com)>  
**Sent:** Wednesday, November 8, 2023 12:47 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Chad,

I am writing this email to inform you of my opposition to the conclusions drawn and mitigation measures in the Environmental Assessment conducted on the Koi Nation Shiloh Resort and Casino project. Some of the issues I have found with the report have to do with the water, traffic, support services, and economic impacts. They are detailed below. A facility of this size is not right for this location and serious consideration of the feasibility and long-term impacts should be taken into account before approving of this project.

The water study is relying on outdated information to make a determination on if there is sufficient groundwater to supply this project. The Esposti Supply Well Redevelopment, Pumping Test and Treatment Feasibility Study done by the Town of Windsor is over 6 years old and concluded on October 3, 2017. Since then, the County and State have been in a drastic multi-year drought with last year requiring restrictions on usage across the county. The City of Healdsburg and dairies in the Petaluma area had to truck water in to meet demand. This study does not take into consideration the changes that have occurred to the groundwater since 2017. Also, the 2017 water study's conclusion does not support the casino/hotel. It states that the well and groundwater supply can support 400 gallons per minute (gpm). The casino/hotel will require 300 gpm to operate, leaving only 100 gpm for the remaining 26,000 Windsor residents. During the next drought with this casino/hotel there will be less water available for the current businesses and residents in Windsor and the County and it will be redirected to tourists visiting the area. This project is not sustainable.

The traffic study states that there will be impacts to the traffic on the roads surrounding the project when it opens. However, in the mitigation measures the project only proposes to do some of the work before it opens and states it will take another 12 years to finish the improvements. All the work should be done by opening so the community and the patrons of the casino/hotel are not adversely impacted by this project. It does not state that the tribe has contacted the appropriate public works municipality to determine how and when the road work will be done. The tribe should be required to at least meet to scope it out with the municipality. The study and tribe are making uniformed assumptions on the capacity of the municipality to perform this work, which could prove to be untrue.

The tribe proposes to enter into a contract with Sonoma County Sheriff's Office for law enforcement services on the Project Site. However, the tribe has not discussed it with the SCSO according to the study. The SCSO has been experiencing extremely high vacancy rates with their deputies and correctional officers. The tribe should be required to discuss a plan with the SCSO to ensure there will be sufficient sheriffs to patrol to site. There is data that shows crime increases around casinos and if the facility is constructed without sufficient sheriffs, then crime will increase in the area. This could prove to

be bad for the operations of the project and the surrounding area. Additional research is needed on this area.

The last impact this project will have on the region that was not taken into account in the study is the impact on the other tribes and their businesses. The Graton Casino, River Rock Casino, and Luther Burbank Center for the Arts will all be significantly negatively affected by the construction of this casino/hotel. These three facilities all provide the same activities that the Shiloh Casino and Hotel is proposing. If approved, the Bureau of Indian Affairs will be stating that the Koi Tribe's project is more economically important than those businesses of the Federated Indians of Graton Rancheria, Lytton Rancheria Band of Pomo Indians, and Dry Creek Rancheria Band of Pomo Indians. The Koi Tribe will be displacing these tribes that were here previously. Especially the Dry Creek Rancheria Band of Pomo Indians; they were the first to have a casino here and now they will have had 2 casinos built subsequently taking away business from them. If the other tribes are not supportive then how could the BIA approve this project.

The environmental assessment should not be approved. A reevaluation should occur of the impacts on the water supply, economic impacts and the development of better mitigation measures related to traffic and law enforcement. The Tribe should also look at the alternative proposals or alternative sites to one that produces benefits to the community and region in which it will be built.

Please let me know if you have any additional questions about my email and hope to hear more from your agency on this project.

Thanks,

Travis Shenk



**From:** Jim Quinn <[jimg675@gmail.com](mailto:jimg675@gmail.com)>  
**Sent:** Wednesday, November 8, 2023 2:40 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA comments, Koi Nation Shiloh Resort and Casino

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Dear Mr Broussard,  
PLEASE DO NOT APPROVE THIS PROJECT!!

This is NOT the right area for a 24-hour gaming facility. It's located directly across the street from a well-established residential neighborhood. The casino would cause irreparable harm to the community and foster deep seated resentment toward the Koi that likely will last a long time.

It's also located adjacent to a huge apartment complex under construction. Both properties will add 100s, if not 1000s, of daily vehicles to the immediate vicinity. These roads are designed disaster evacuation routes and are already under great stress during wildfire evacuations.

PLEASE encourage people Koi to seek alternate properties for their casino. This is NOT the right place for a casino.

Thank you for your time.  
Jim Quinn

**From:** Paul Godowski <[godowski89@gmail.com](mailto:godowski89@gmail.com)>  
**Sent:** Wednesday, November 8, 2023 3:53 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Attention: Bureau of Indian Affairs  
Regarding: EA Comments, Koi Nation Shiloh Resort and Casino

I am writing this letter to record my strong opposition to the proposed Shiloh Resort and Casino project on Shiloh Road in the residential area of Windsor, CA. I live with my family on a property located in a community located in the hills east of the proposed casino. The entrance to our community is located less than ¼ mile from the site of the proposed project. I am also the President of our homeowners association Board of Directors. Our Board has held several meetings to listen to the comments of our owners regarding the proposed Casino. The message was unanimous: The proposed Casino poses a serious threat not only to our way of life, but to our ACTUAL LIVES.

Having participated in the federal hearing about the casino project held on September 27<sup>th</sup>, 2023, I strongly agree with the concerns raised about crime, traffic, noise, and many other negative impacts this project would inflict on our residential community. To quote one local resident who lost her home in the Tubbs fire in 2017, "If you aren't moved by water, traffic, schools, churches, wildlife, the creek, maybe you would be moved by death. People burning to death in their homes, burning to death in their cars".

While I agree with the list of concerns of that resident, I will not elaborate on all of those points. Instead, I will focus on the potential for catastrophic danger to human lives if the casino is approved. Below I provide specific comments on the Environmental Assessment. The details are important because I believe there is either an incomplete comprehension of, or a deliberate attempt to downplay, the seriousness of wildfire threat in this area.

### **Background**

Our community is located in a "High Fire Hazard Severity Zone" designated by CalFire. Two recent wildfires have resulted in the loss of homes, property and threatened lives in our community. Evacuations occurred during the Tubbs fire in 2017 and the Kincadee fire in 2019. The only evacuation route from our home is via Shiloh Ridge, which intersects Faught Road and Shiloh Road ~ ¼ mile from the site of the proposed resort and casino. In addition to these fires, our family elected to evacuate Shiloh Estates during other nearby fires. This was due to the limited evacuation routes from Shiloh, the incredibly rapid spread of the wildfires and the significant stress, anxiety and trauma we have suffered over the years. Even on a daily basis, driving from our house to highway 101

via Shiloh Road, traffic is snarled due to recent construction between Old Redwood Highway and 101. It's unsafe now. Imagine the consequences of adding a hotel and casino, with the capacity of over 20,000 people and over 5000 cars during an emergency, panicked evacuation during the next wildfire that roars through our area.

To add some granularity:

Faught Road is not a viable evacuation route. It is a narrow, twisting, 2 lane road. The road is lined with highly flammable vegetation (eucalyptus trees, weeds and bushes) as well as deep ditches on both sides of the road. Shiloh Road is only marginally better; it is also a two-lane road with a narrow bridge over Pruitt Creek. The Resort/Casino plans to locate 2 of its 3 exits on Shiloh Road. In addition to the local residents, this would add up to 5,000 cars packed with 20,000 panicked casino attendees snarling the roads in near hurricane level winds whipping smoke and flames through the area – evacuation will be almost impossible. Importantly, the area will be inaccessible to first responders and fire trucks. It's not an exaggeration to say that the consequence of the BIA approving the Resort/Casino in this location will be the painful death of local residents AND casino goers.

### **Comments on the Environmental Assessment**

The statements made on page 3-114 "On-site Wildfire Risk" suggest that property itself might be at a low risk of a wildfire igniting or spreading on the property. However, this ignores the most important considerations for the site.

- 1) The Sonoma County Wildfire risk index ranks the project site in a "high wildfire risk" area (Figure.3.12-2) and less than 500 feet from Very High wildfire risk area.

- 2) Lessons learned from recent wildfires in this region show that wildfires are spread by near hurricane force winds and doesn't spare homes just because they are bordered by vineyards on flat land. Note that the Tubbs fire consumed more than 20,000 acres - crossing many vineyards much larger than those proposed for the Resort/Casino. In ~ 4 hours it burned a path of destruction from Calistoga more than 11 miles across Highway 101 into Coffey Park and also into Shiloh Regional Park, located less than ½ mile from the proposed site.

<https://www.pressdemocrat.com/article/news/how-santa-rosas-tubbs-fire-spread-hour-by-hour/>

This was not an exception. The Camp Fire in 2018 spread at a rate of the equivalent of a football field/second, and consumed 10,000 acres in 90 minutes.

The take home lesson: The threat of the proposed Resort/Casino to the local community, its' employees and visitors is not just the possibility of a wildfire erupting on the site itself, but the consequences resulting from continuing wildfire threat to the entire region.

### **Wildfire Evacuation – Appendix N and pages 3-11**

Again, the EA report fails to truthfully assess the potential disastrous impact of the casino location on local residents, casino employees and visitors. The EA states that "As described in Appendix N-2, it would take an estimated 2.5 hours to evacuate the

Project Site. If evacuation of the Project Site occurs at the same time as the rest of the Town, the combined evacuation period could be up to 6 to 8 hours”

1) The analysis was conducted by TJKM and contained in Appendix N-2. Apparently, it was based on the evacuation that occurred during the Kincadee fire. Importantly, that was a well-organized evacuation that occurred over a 4-day period when residents were not immediately threatened by burning to death. There were no flames from burning trees lining the streets, no embers or smoke limiting visibility, no 50 mph winds and no threat of death when traffic ground to a halt. Here's a link to a couple of videos that provide a more realistic view of what a panicked evacuation during a rapidly spreading wildfire looks like.

<https://www.youtube.com/watch?v=diT3Tqevkz4>

<https://www.azcentral.com/story/news/nation/2017/10/13/sonoma-county-sheriffs-deputy-body-cam-video-tubbs-fire-evacuation/764091001/>

2) Take home message: The EA report fails to represent a true picture of wildfire threats to residents, employees and visitors to the casino. This is not an accident, only information that supports the “best case scenario” is included while the highly documented true threats are ignored. It's immoral. They are deliberately lying to you. If you allow the Resort/Casino to be built in this area, you are putting the lives of local residents and employees and visitors to the casino.

I sincerely hope you will take my comments into consideration and veto the plans to build this disaster waiting to happen.

Sincerely

Paul Godowski, PhD  
1111 Shiloh Crest  
Santa Rosa, CA 95403

...

[Message clipped] [View entire message](#)

Attachments area

Preview YouTube video Bus video captures flames, fear in evacuation from Tubbs Fire



**From:** Karen Fies <[karenalvesfies@gmail.com](mailto:karenalvesfies@gmail.com)>  
**Sent:** Thursday, November 9, 2023 6:41 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Karen Fies <[karenalvesfies@gmail.com](mailto:karenalvesfies@gmail.com)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,

Thank you for the opportunity to comment on the EA for the Koi Nation Shiloh Resort and Casino.

I live just south of the proposed casino, in the Mark West area of Sonoma County, which includes the unincorporated areas of Larkfield and Wikiup. My EA comments are as follows:

- Community input: The EA seems to focus on the impact to the Town of Windsor, but little to no outreach or focus was given to the impacts of the Mark West area. Even though we are unincorporated, we have a strong community presence and would have liked to have shared our concerns and comments on the proposed casino.
- School district: The footprint of the proposed casino is within the Mark West Unified School District and is dangerously close to one of its elementary schools. Casino traffic, disorderly conduct, and drunkenness are real threats to the school district.
- Fire evacuation: I'm sure that this will be a very common comment, as all of us living in the area have experienced evacuations many times over. I lost my home in the Tubbs Fire. The evacuation in the middle of the night in a firestorm was terrifying. Adding non-residents who are staying, or working, at the proposed casino would be disastrous.
- Traffic: If visitors and/or employees of the proposed casino are fed up with traffic on the freeway, the overflow will negatively impact the surface streets of the Mark West area, particularly Old Redwood Hwy (where people already drive above the speed limit) and Shiloh Road, a small two-lane rural road.
- Crime and social service needs: As the retired director of Sonoma County's Human Services Department, I know first hand of crimes in our existing casinos; crime that spills out onto the parking and surrounding areas. In addition to the typical drunk and disorderly behavior and driving, there has been a history of child abuse and neglect (leaving children in cars while parents gamble), addiction, sexual trafficking and exploitation, and other crimes. Additional services are needed to respond to these issues.
- Green space: Part of the culture of Sonoma County is the community separators or green spaces between cities. The proposed property is currently zoned for agricultural use and is used as a vineyard, creating a beautiful green space between Santa Rosa and Windsor. To "fill

in” the community separator, starting with a casino, would change the character of the Mark West area.

These are a few of my top concerns. Thank you for allowing me to comment on the EA.

Sincerely,  
Karen Fies  
707-529-0191



**From:** Joanne Hamilton <[jahamil@pacbell.net](mailto:jahamil@pacbell.net)>  
**Sent:** Thursday, November 9, 2023 9:27 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA comments Koi Resort Casino project

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While I support the Koi Nation's right to establish such a casino, I strongly oppose this location.

This EA has the feel of being written from the distance & focused narrowly on the proposed site with out due consideration for the surrounding area. I do not profess to be an expert, but these are my concerns:

Water: The EA infers that all water will come from the site. The aquifers the on site wells would draw from presently supply many surrounding homes and mobile home parks. Also, a retention well for the Town of Windsor. How then, can this project draw the quantity of water expected and not affect the shared aquifer of so many? I see no evidence of consulting with our local water agencies in this EA.

Location: This location is adjacent to a residential neighborhood, park, church and a new large apartment building is under construction on the NW corner of Shiloh Rd & Old Redwood Highway. The proposed land use is not consistent with County zoning. Casinos are known to bring increased crime and drunk driving problems. This is the wrong location for such a project.

Traffic: The existing Shiloh Rd. exit from Hwy 101 is already stressed & suffers backups. This project would exacerbate this problem, yet the EA pushes the cost for road improvements onto other agencies.

Fire: In my lifetime three very large wildfires have swept over the hills from the east (1964, 2017, 2019). Evacuations are real, slow and scary. These 2 lane roads bog down quickly and the freeway also comes to a stop. How can one bring a resort & casino into this mix and expect a better outcome? Controlling evacuation from the Casino/Resort property, as proposed in the EA, would not be adequate to mitigate an exit onto already stopped roads. Also, as these events occur, there is often little to no warning to get out. This land, in it's current use, provides a buffer & staging area for fire personnel, leave it as is.

Floods: With a creek running through this property which feeds into another creek known to flood, paving over and building on this land can only increase flood events.

Ancestral Lands: Our local Native American people have pointed out that the Koi Nation's ancestral lands are in Lake County. Lake County seems like a better fit for this project, both for the County and the Koi Nation.

Respectfully,

Josephine Hamilton  
9447 Victoria Lane,  
Windsor, CA 95492

**From:** James Gillen <[jimgillen@sbcglobal.net](mailto:jimgillen@sbcglobal.net)>

**Sent:** Thursday, November 9, 2023 10:11 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Subject: EA Comments, Koi Nation Shiloh Resort and Casino

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As residents of Windsor for the last 17 years, we have come to live with extreme fire danger every Fall. If you didn't know that you live in a "moderate to high fire zone" as the environmental reports calls it, you know it's serious when your water company sees the need to enclose a full-color, trifold brochure on emergency preparedness (including an Evacuation Map) in with your monthly bill. Two copies, actually, one for our Spanish-speaking neighbors.

What good is the evacuation map when you try to escape and find the only roads out clogged by the thousands (up to 2,450) cars that are pouring out of the casino several miles to the south. Not to mention the thousands of local residents also in mortal danger. We know that typically the fires begin to the north of us and the Diablo winds push the flames to the south, therefore Old Redwood Highway (2 lanes) and Highway 101 (4 lanes) are the only way out. Having experienced a controlled evacuation during the Kincadee fire, I know that it can take hours to go several miles during the best of circumstances and without all the additional vehicles that the proposed casino would contribute.

For many reasons: water availability, traffic congestion, proximity to a residential area and local schools, etc, etc, the Koi Casino should not be built in the proposed location. But above all, the real impact would be to the lives of who knows how many Sonoma County residents who would be put in jeopardy by this reckless proposal. Just look at how many poor souls died in their cars in the Paradise and Maui fires. Don't let this happen here!

There are no evacuation zones, alarms, warnings, or sirens that could begin to mitigate the real danger of another fire sweeping thru our county with no way out because people failed to recognize what Mother Nature has already demonstrated. Please, stop the Casino.

James J. Gillen  
9559 Ashley Drive  
Windsor, CA

**From:** claudia abend <[abendclaudia@gmail.com](mailto:abendclaudia@gmail.com)>  
**Sent:** Thursday, November 9, 2023 11:14 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments , Koi Nation Shiloh Resort and Casino

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This is a supplementary comment and rebuttal to the E A report on the Koi Shiloh Casino Project. The location of this proposed project is right in the middle of agriculture, residential, school, church, parks and wildlife areas . This project will also present big threats and hazards to wildfire evacuations, impact area traffic flow, dangerous DUI and distracted drivers around children/pedestrian/bikers on roads, increased crime in area, ground water depletion, flooding of roads /property and contaminated water ways and wildlife habitats. This project is in total disregard to what this area has been and is at present .

My husband and I have lived at 5925 Old Redwood Hwy for 37 plus years . Our property is located behind the Mark West Neighborhood Church along with other residents on our private drive . We all have private wells that provide our water source and conserve and worry during drought years . We were all present and experienced the fires of 2017 and 2019.

Appendix C water and wastewater study : Having any wastewater discharged into a creek does not sound sustainable for the environment, wildlife and area existing wells . During higher water winters this area has a lot of run off in creeks and roadside ditches that flood roads and residential properties. Given the amount of new asphalt and concrete this project will cover there will be more run off and not enough absorption causing more flooding to creeks and area properties. Any new wells and water for a project of this size will gravely impact area residential wells . This study looks unrealistic and bias to fill the requirements! The county of Sonoma has recently put a stop to all new well drills due the drought years before 2023 . There is also a restriction of ground water usage in process. As a public area, people in resorts/casinos don't care about water conservation. Climate change can negatively impact more of our water sources as well .

Appendix I Traffic impact study : This study does not reflect the reality of how busy this area already is and more busy with the now in progress of new housing projects on Shiloh and old redwood Hwy .

Appendix N Wildfire Evacuation : The study on this is unrealistic for this area . Past fires of 2017 and 2019 fires burned across roads , 101 Hwy , structures on large areas of asphalt/concrete and large hotels and assisted living buildings. These fires even came close to burning down 2 hospitals . To even suggest that this project would be a protective addition if not true . It is the most protective by being what it is , agriculture/vineyard. This was true with both of these recent fires .

To suggest that this project could evacuate 800 people in 2 hours from this site is ridiculous . Considering all the other surrounding areas took longer than that during the recent past fires plus add the newest housing projects on Shiloh in progress now , is really unfounded data . This whole area is a log jam to Hwy 101 and the Hwy is also slow moving in the face of evacuation.

Appendix L Noise and Vibration : A project like this operating 24 , 7 will directly impact all the surrounding residential livelihood with unwanted noise, lights from the project and the on going

and leaving of cars and buses . This will also include more crime and law enforcement/ ER services calls that is not included in this EA and is not a residential friendly activity to have. There is no mitigation that can fix this except to not have this project built. This appendix doesn't even cover aesthetics change this project would cause . Views of the mountains will be gone with a uprise project like this . This type of project will decrease area property values. A casino/hotel resort conv center does not fit into this community character at all! This is not Las Vegas . This cannot be mitigated.

A project like this is not needed for local economy to thrive . There is plenty of building and development happening in Sonoma county . Local restaurants and service businesses even have a shortage of people willing to work for them .

The EA by Acorn Environmental has a lot of missing realities of this area ...the biggest is it's residential / agricultural...not commercial . This comes across as bias to push through a casino project . The only option that can be supported is option D, no project .

Thank you ,

Claudia and Richard Abend



**To:**

EA Comments,Koi Nation Shiloh Resort and Casino  
Amy Dutschke, Regional Director Bureau of Indian Affairs,Pacific Regional Office  
2800 Cottage Way ,RoomW-2820,Sacramento, CA 95825

**From:**

Claudia Abend  
5925 Old Redwood Hwy  
Santa Rosa, CA 95403

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This is a supplementary comment and rebuttal to the E A report on the Koi Shiloh Casino Project. The location of this proposed project is right in the middle of agriculture,residential, school, church, parks and wildlife areas . This project will also present big threats and hazards to wildfire evacuations, impact area traffic flow, dangerous DUI and distracted drivers around children/pedestrian/bikers on roads, increased crime in area, ground water depletion,flooding of roads /property and contaminated water ways and wildlife habitats. This project is in total disregard to what this area has been and is at present .

My husband and I have lived at 5925 Old Redwood Hwy for 37 plus years . Our property is located behind the Mark West Neighborhood Church along with other residents on our private drive . We all have private wells that provide our water source and conserve and worry during drought years . We were all present and experienced the fires of 2017 and 2019.

Appendix C water and wastewater study : Having any wastewater discharged into a creek does not sound sustainable for the environment, wildlife and area existing wells . During higher water winters this area has a lot of run off in creeks and roadside ditches that flood roads and residential properties. Given the amount of new asphalt and concrete this project will cover there will be more run off and not enough absorption causing more flooding to creeks and area properties. Any new wells and water for a project of this size will gravely impact area residential wells . This study looks unrealistic and bias to fill the requirements! The county of Sonoma has recently put a stop to all new well drills due the drought years before 2023 . There is also a restriction of ground water usage in process. As a public area, people in resorts/ casinos don't care about water conservation. Climate change can negatively impact more of our water sources as well .

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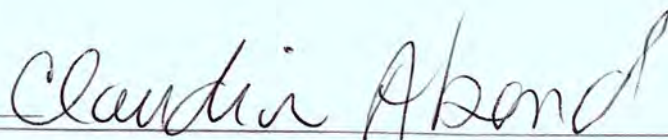
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From what is also understood and has been public knowledge, is the Koi Nation has roots of origin and connections in Lake county not Sonoma County . This whole project belongs in Lake County where more open space is available .

Thank you,  
Claudia Abend

A handwritten signature in cursive script that reads "Claudia Abend". The signature is written in dark ink and is positioned to the right of the typed name "Claudia Abend".



**To:**

EA Comments, Koi Nation Shiloh Resort and Casino  
Amy Dutschke, Regional Director Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

**From:**

Richard Abend  
5925 Old Redwood Hwy  
Santa Rosa, CA 95403

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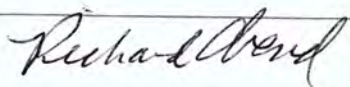
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Thank you ,  
Richard Abend



**From:** Ed Hardeman <[edhbayworld@gmail.com](mailto:edhbayworld@gmail.com)>

**Sent:** Thursday, November 9, 2023 11:14 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Koi Shiloh Casino Project Comment (The expert was not here during the most historic fires)))

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Attention: BIA Chad Broussard,

My wife and I live in the Oak Park subdivision off of Shiloh Road close to the proposed Koi Shiloh Casino Project in Windsor. We vehemently object to locating this or any Casino business in such a sensitive area subject to so many negative issues that a Casino business can bring to a residential neighborhood where families with children, churches and schools are located. The Koi Casino Project should be located in a more suitable location in Lake County where the Koi Tribe originated from.

One of the many alarming issues to my wife and I is the idea of locating a Casino Hotel in a known Historic Fire Disaster area as this Windsor area that we live in.

The expert cited in the report was not here during the most recent fires as the study cited was from 2007 prior to both the Tubbs and Kincaid Fires. These traffic studies were conveniently conducted during off-peak, non-commute times and days, the conclusion is faulty and further studies are needed.

We were here and experienced all of these fire disasters. I woke up at 1:30 am with a phone call and a message to evacuate immediately, I opened my window blinds and could see the glow of the raging wind energised fire that looked like it was heading right for the Casino location. The fire generated mass evacuation jamming up the roads with trucks pulling horse trailers, motorhomes families in cars on the Shiloh and Faught roads. A fire that is reinforced with such a powerful wind force is unstoppable burns down everything in its path quickly as the embers blow in the wind and start new fires. The other fires that followed caused evacuation of Windsor, Healdsburg and surrounding areas. As we evacuated for five days the roads to the 101 highway and the highway itself was jammed with cars trying to get out of the area and comply with the evacuation orders.

THE ONLY OPTION MY WIFE AND I CAN SUPPORT IS OPTION D, (NO PROJECT ! )

Thank you for your time,  
Best Regards,  
Ed and Mary Hardeman  
5816 Mathilde Drive  
Windsor, Ca 95492

**From:** Jackie Austin <[jackiemaustin@comcast.net](mailto:jackiemaustin@comcast.net)>  
**Sent:** Thursday, November 9, 2023 9:47 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I am against the proposed Koi Nation Shiloh Resort and Casino for many reasons. I have lived in Windsor for 22 years and during that time have seen many changes to our small town. I realize that the proposed site is not in the Town of Windsor, however, the people of Windsor will be the most impacted. We have survived several devastating fires since 2017. In 2019, the ENTIRE town of Windsor was evacuated due to the Kincaid Fire. That was a very difficult time because the entire town had to leave their homes and the National Guard was posted at all entrances to keep people away. Not only that, but the traffic was gridlocked for several hours as people had to find their way out of Windsor. We have experienced deep drought conditions and will continue to have issues with water conservation. The traffic has increased exponentially and with the new apartment buildings located at Shiloh Rd and Old Redwood Highway, it will explode in that area. In addition, there is more development being built approximately a 1/2 mile or so west of the proposed site. I am concerned about the quality of life being degraded by this casino. In my opinion, it is not the best site for a casino. Huge increase of traffic, noise pollution, water issues, potential for increased crime, are just a few concerns. I think that Option D is the appropriate choice for this situation. Please do not allow this casino to be built in that location.

Sincerely,

Jacqueline Austin  
7910 Fox Hollow Place  
Windsor, CA 95492

**From:** Gino Rantissi <[ginorantissi@gmail.com](mailto:ginorantissi@gmail.com)>

**Sent:** Friday, November 10, 2023 9:46 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino" as the subject of your email or it might not be read and counted by the BIA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Please see attached letter. Thank you.

Gino Rantissi

**One attachment** • Scanned by Gmail



Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

November 10, 2023

Subject: Koi Nation Shiloh Resort and Casino Project Town of Windsor Comments on  
Environmental Assessment Published September 2023

Dear Ms. Dutschke,

I am reaching out to the Bureau of Indian Affairs to discuss the proposed casino resort in the area of East Shiloh Road, Santa Rosa. This proposed site is bordered by residential neighborhoods, churches, schools, and public parks. It is also the place where I am raising my family. This area is wholly not suitable for a large scale resort and casino for a multitude of reasons.

First and foremost, this area poses an exponential fire risk. We have already experienced emergency evacuations. As a law enforcement officer, I have participated in these emergency evacuations in our area and witnessed the chaos and fear our community members endured. I specifically remember the long lines of cars attempting to flee the wildfire and can only imagine the devastating effects of adding hundreds of vehicles that the casino will inevitably attract.

Nowhere in California is a casino in such close proximity to a residential community. The increase in noise, traffic, pollution and crime would be apparent and cause irreparable damage to our community. With the impact of climate change, the drought experienced year-after-year and the everpresent fire danger, it is no doubt that this area is not compatible for a casino resort. The environmental impact report does not adequately address these issues.

Lastly, it should be noted that the Koi Tribe, formerly known as the "Lower Lake Rancheria" is not from Sonoma County and has no cultural ties to the area. No tribe in California has established a casino resort in an area farther than 15 miles from their cultural land. The idea of building a casino and resort for a tribe outside the area is disrespectful to our local tribes.

In conclusion, this proposed project is opposed by all local government entities and community groups. I respectfully request this proposed project is stopped. Thank you for reading.

Respectfully submitted,

Gino Rantissi  
117 E Shiloh Road  
Santa Rosa, CA 95403

**From:** Debbie Lind <[debbielind01@gmail.com](mailto:debbielind01@gmail.com)>  
**Sent:** Friday, November 10, 2023 2:30 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Mr. Chad Broussard: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)  
Environmental Protection Specialist Bureau of Indian Affairs, Pacific Region  
RE: EA Comments, Koi Nation Shiloh Resort and Casino

November 10, 2023

Mr. Chad Broussard,

I have lived at my home in the Oak Creek Subdivision for 40 years. My husband and I purchased our first house positioned in the small Town of Windsor, Just on the close border of Santa Rosa. We didn't want the bustle of the City of Santa Rosa, we wanted a home with some land, we wanted a place with a small town feel, we wanted to see the stars at night; not shadowed by bright city lights, we wanted beautiful views of the mountains surrounding the area, we wanted to raise a family in this setting. We purchased our home in Windsor, California. We've raised our son here, we've played many baseball games in the park, gone through all the schools and after school activities, and are now enjoying the grandchildren and hope to continue providing all the benefits of the area to the next generation, along with retiring here.

The size and location of this Koi Nation Shiloh Resort and Casino project is alarming. Its location is right in the middle of a residential area that is surrounded by subdivisions and ranches on all sides, along with a park for children to play and picnic and is used for children's Little League Baseball practice and games, as well as many family picnics and walks. (Esposti Park) There are 2 churches in the area, one right across the street, a mobile home park that most of the residents are senior citizens, there are ranch homes, an elementary school, and another park that has beautiful paths that go up the side of the hill with stunning views and sunsets. (Shiloh Regional Foothill Park) There are several vineyards in the area and homes are surrounded by not only their beauty, which we call our local "fall colors" but also by the serenity they bring to our neighborhood and town. The vineyards were instrumental in the fighting of wildfires that we have endured multiple times, preventing the fires from jumping in our subdivisions and providing a fire break for firefighters. The river that goes through the area in question is a sanctuary for a multitude of animals that use the river not only for their water source but for their food that this river offers them. Foxes, turkeys, geese, birds, fish, raccoons, opossums, the occasional deer, skunks, bob cats, and coyotes are seen almost daily in the area. This is clearly a residential and agricultural area and a shares home to wildlife. The environmental impact on the land, air, water, wildlife and humans would be devastatingly disastrous. Water wells would suffer from the excessive pull from the water table in the surrounding area, the roadways cannot handle the influx of more cars and traffic, creating gridlocks, noise, and air pollution. Water runoff from hardscaping that has thousands of parking spaces for cars and buses would be devastating to the river as runoff of oil and gas pollutants from cars and busses is sure to go into the river as rain diverts it from the parking surfaces into the land and river. The wildlife would be affected from the pollution caused from this land pollution, water

pollution, light pollution, and noise pollution, not to mention the residences living in the area as well as the churches, and schools. This is not healthy for anyone.

This project is not small by any means and would affect the streets, water well availability and the quiet, serene nature of this residential area.. The traffic this would bring would create gridlocks to this residential area. There is already a new 4 story apartment building being built and the amount of extra traffic that will add to the area already will be at the maximum limits the area can endure. Traffic of all hours of the day and night while residents are trying to get to work, get their children to school, go to ball games, do everyday activities or shopping, sleeping in a quiet and peaceful atmosphere, would make it impossible to move about and live with the large influx of cars, buses, and people. To evacuate from wildfires, floods, and earthquakes will render it impossible for people to leave without consequences of major loss of life and property. The noise pollution from the influx of this project would be alarming. The major influx of people estimated to be in the area has been assessed in the tens of thousands. The events that they are planning to support will add noise during the day and the night. Many of us sit outside at night or enjoy our backyards, and front porches. We do not want to hear cars, horns, loud music, buses, all hours of the day and night. The light pollution from a 5 story building with a large lit parking lot, and expansive buildings and grounds, would take away the ability to see the multitude of stars that are precious to us as one of the perks of living here. The view that is enjoyed by many on Faught Road and the Shiloh Regional Foothill Park would destroy the view of the landscaping and beautiful sunsets that are captured in that area. This roadway is literally a 1 & 1/2 lane road, with children using it to walk to school, bicyclists, and hikers using this path to get to the park, their homes, and their nature trails. This area cannot handle the influx of vehicles. The vineyards in their current size were crucial in mitigating fires from reaching the surrounding residential areas. Ask any firefighter, bulldozer crews, police officers, how important that barrier was to this area and the whole town of Windsor. Loosing that puts the fear of fires and evacuation to a higher level. Windsor has had us on a conservation of water for years now. There is a local well in the neighboring park that is used to help provide water to the current residents and many private wells have already gone dry. The thought of tapping into further water sources needed for this project will create hardships for many residences.

I am totally concerned about the ability to evacuate during fires which have happened in this area several times in the recent years. This would not allow us to leave safely should another event occur. It was already taking us 1-2 hours to evacuate to the freeways which were also jammed with cars from northern cities and southern cities trying to evacuate. There has not even been a mention of the strong possibility of an earthquake in this area by those wanting to build this project. The Rogers Creek Fault which is an extension of the Hayward Fault is right at the base of the hillside next to the project, and perhaps some portion of the project may be on top of the Fault line. During the Napa Earthquake, we felt it strongly here and had some damage as well. There has been no mention of what the plan would be for massive buildings falling down and catching on fire from an earthquake. We have seen what happens in areas that are two lane roads within the cities and trying to evacuate on those roads all at once. People have burned in their homes, burned in their cars trying to escape, and trying to out run a fire on foot is impossible. You cannot out run a fire that is coming at you at 50-100 miles per hour. The safety and security of our town and the people who live here would be extremely compromised with the building of this project in this area.

This space is not appropriate for this casino nor any similar form or use of this residential/agricultural area and does not belong here. The infrastructure needed is not available to support this project nor is there room to provide any small facsimile thereof. Our freedoms of safety, security, and the ability to move freely will be taken from us. The wildlife will loose their source of water and grazing land. Our water source will be compromised. Light and noise pollution will be unbearable, and will have affects on medical conditions for all residents, young to the elderly! Air pollution from the influx of cars and busses will affect those with already compromised conditions and present new medical conditions for all people living in the area. Vehicles sitting in gridlock will be overwhelming and



create more pollution. The ability to get in and out of the area will be impossible and stressful. I implore you to leave this area in its natural, wildlife, serene, family driven, residential and agricultural state. According to reports in the past with casino's being built in areas, the crime increases. The area already falls short of the necessary police, sheriff, and firefighting coverage. This would be devastating to this area affecting children, senior citizens, residents, properties in proximity and local businesses.

The proper assessments, reports, and standards for this project are severely lacking and seemingly ignore the whole scope of this massive project and effects on this residential community, this land, and the surrounding areas. The research for this project in this area have not been sufficient enough to address all issues that would affect safety, security, air, land, light, water, and noise pollution along with the threat of crime and lack of mitigation, and loss of life of the residents in the surrounding area due to a multitude of reasons from evacuations to stress and medical conditions, as well as the loss to wildlife that live in this area.

I oppose and request those involved to disallow and deny the building of this project or any facsimile thereof.

Thank you,

Debbie Lind  
Windsor, CA 95492  
Oak Creek Subdivision

**From:** r b <[a\\_whimsicalcat@yahoo.com](mailto:a_whimsicalcat@yahoo.com)>  
**Sent:** Saturday, November 11, 2023 10:41 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** al beltran <[a\\_bel\\_2@yahoo.com](mailto:a_bel_2@yahoo.com)>; romana beltran <[a\\_whimsicalcat@yahoo.com](mailto:a_whimsicalcat@yahoo.com)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Koi Nation Casino

Casinos are a business, with employees. Businesses are effective in selling a product and producing capital. If the business does not show profit, the business model fails. Casinos have employees, and their product is based on how much money is "lost" by the patrons. Casinos would not be profitable unless more money is "lost", than is gained. In other words the casino is speculating the patrons "will loose" enough money to pay for their costs. The estimated cost of the Koi Nation Casino is \$6,000,000.00. This would suggest the Koi Nation plans on their patrons "loosing" \$6,000,000.00, just to build the Casino. The cost of running the Casino and the profits generated will also be covered by "losses" from their patrons. If the Casino also donates monies to schools, community projects and so forth, these monies will increase the monies generated which will in turn increase the "losses" of their patrons. This project should generate \$10,000,000.00 easily, if successful. Who are these generous patrons who are supporting this \$10,000,000.00 casino? The Koi Nation, which has a total of **only 90 tribe members**, is expecting our community, Windsor, Larkfield, Santa Rosa to supply them with patrons. **What that means is the \$10,000,000.00 is coming directly out of the pockets of the people in Windsor, Larkfield, Santa Rosa Community.** The casino expects the Windsor and Larkfield, Santa Rosa neighbors to put in 10 million dollars to support a business where no product is realized. Any monies made by patrons only escalate the dollar losses of patrons. There is no product. In other words I didn't just spend \$200 and get a new TV, I just spent \$200 and got nothing. I do realize entertainment is a product. If the pleasures of gambling is considered a product, it would be in the same category as the pleasures received from using fentanyl, meth or another addictive product. Gambling can be addictive. Gambling can also cause low self esteem, alcoholism, stress, anxiety, depression, financial, emotional and social issues and can breakdown family relationships. Gambling can be a disabling disease. Do we want to add these possibilities to our community?

The Socioeconomic Analysis examines relevant demographic data and the social impacts that a casino may have on a community.

The Economic Impact Statement examines the local economic impact of the Project in terms of total output, employment, and labor income on Sonoma County.

Impacts were completed for: a. The Construction Phase – illustrates economic impacts stimulated by the construction of the Project and the development of its products, which are considered a non-recurring, one-time impact on the regional economy. b. The Operational Phase – economic impacts stimulated by the operation of the Project's facilities and products, which are considered recurring, continuous stimuli to the local economy

I would like to address the Socioeconomic impact for our community. This Koi Nation Casino Project is within "walking distance" of 4 large low income projects, 3 of which will be completed in 2024. The new low income housing projects Shiloh Terrace and Shiloh Crossing, will house approximately 1500 people. In addition to those 2 projects there is Clearwater Senior Living which will house another 250 ambulatory senior residents. A forth low income housing project is on Old Redwood north, slated to open early 2024. Within 1 mile walking distance are existing multiple low income residential complexes, including Esposti Park Apartments which are low income Burbank Housing Units with approximately 250 primarily young residents. North and South on Redwood Highway are multiple low income housing complexes all within walking distance to the proposed Koi Casino.

The country is currently struggling with an economic crisis regarding low income families and the divide between low and middle income ranges of the average family and the unemployed. Does it seem reasonable to tempt this fragile population?

State income limits are calculated yearly based on federal guidelines. They determine eligibility for income-driven programs, such as affordable housing. Currently Sonoma County's low income rate for a family is \$70K which is \$33.00 an hour.

In general, frequent gamblers (versus infrequent) and gamblers with any gambling problems (versus those with no problems) were more likely to live closer to video lottery/slot machine venues, racetrack, and places that sells lottery tickets. These findings are consistent with prior studies that show that greater accessibility to gambling venues leads to higher levels of frequent gambling and gambling problems.

My concerns revolve around the current low income, financially struggling households in Windsor and Santa Rosa. **The consequences of casino gambling could jeopardize any gains strived for, or realized from many current Local, State and Federal Programs** in place, for the low income households. **The location proximity to people in need, is unacceptable and too accessible.** The Koi Nation should use the land and business opportunity to have a positive impact on our community and make a positive reflection of their people. Is the Koi Nation also taking advantage of the Local, State and Federally Funded Housing Projects, to house their future casino workers, which would mean are we also funding low income housing for the **new group of low income** employees of this casino? Was that the purpose of these new housing projects? I thought the purpose of these new housing projects was to support the families currently working and in need of low income housing. The Koi Nation Casino will create new jobs but they will be dead end low income jobs that will never allow the

employees to grow financially to support purchasing homes within our community. **The jobs will only increase the low income struggling population in our community which would be detrimental to the health of Windsor, Larkfield, Santa Rosa communities.**

Gambling can lead to disease. It can be addictive. The catalyst can be an economic need. Our community already has a significant population count at and below the \$70K, low income and poverty level. **There is current positive focus from City, State and Federal Government Agencies by supplying low income housing, livable wages and supporting a productive society which is counterintuitive to the opening of a seductive opportunity for income enhancement, in a neighborhood filled with low income housing, young families and our aging vulnerable senior population.**

**In summary I question the value of jeopardizing thousands of struggling low income citizens, by building a Gambling Facility, within walking distance of their homes, in order to support a total of only 90 Koi Nation Tribe members.**

**Al and Romana Beltran  
254 Tamara Way  
Windsor, California 95492**

**From:** Steve Plamann <[shplamann@comcast.net](mailto:shplamann@comcast.net)>  
**Sent:** Saturday, November 11, 2023 10:14 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

We are commenting on the Koi Shiloh Casino project.

We strongly oppose the location of this resort and casino being built next to a quiet and large family neighborhood that has been there since the 70's. There's a church across the street and an elementary school within a mile of the proposed casino. Casinos are not a safe or healthy part of our society and should not be built near schools and churches. The added traffic will clog access to the Shiloh Ranch Regional Park.

It will be a fire hazard for the town of Windsor. If a huge burnable complex was on that property during either the Tubbs or the Kincade Fires the flames would have spread beyond Shiloh Ranch Regional Park and into the neighborhoods near the casino. The sparks flying off Shiloh Ridge would have spread to the tall structures of the casino complex and then into Windsor. In addition to that, the traffic from the casino would have blocked residents from trying to evacuate during those fires. We know this firsthand because we live in this exact location. It was terrifying!

We also oppose the negative impacts of gambling and the social ills associated with many gamblers. Problems with gambling can lead to bankruptcy, crime, domestic abuse, and even suicide. No one would want any of the above brought into their neighborhood.

Steve and Jill Plamann  
112 Anna Drive  
Windsor, CA. 95492

**From:** [janicesexton46@gmail.com](mailto:janicesexton46@gmail.com) <[janicesexton46@gmail.com](mailto:janicesexton46@gmail.com)>  
**Sent:** Saturday, November 11, 2023 3:15 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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November 11, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Subject: EA Comments, Koi National Shiloh Resort and Casino

Dear Director Dutschke,

My home is located in the Oak Park neighborhood of Windsor, directly across from the proposed Project site on E. Shiloh Rd. The EA photographs do not show the residential areas on E. Shiloh Rd., as south-facing pictures were taken from the edge of the 2 entrances of Oak Park. There are 78 homes in this neighborhood, starting approximately 40 feet from the northern edge of the Project boundary.

While there are many deficiencies to be found in the published EA, including the obvious cursory “website” research method used by Acorn Environmental, and the use of outdated water and traffic models, my major concern has to do with wildfires, specifically emergency evacuation of the Project site along with the surrounding area.

Although it’s true that advance warnings and early evacuations would be optimal for safety and preservation of life, “The fast moving, early morning, wind driven Tubbs Fire in 2017 created a ‘no-warning’ event in Sonoma County where many residents had little or no warning to evacuate.” (From Appendix N-1 Fire and Emergency Response Memorandum, page 4.) Twenty-two people, mostly elderly, lost their lives, and residents of Coffey Park, which was totally destroyed, escaped from the fire in their night clothes and shoeless.

Our Oak Park neighborhood of 78 homes, has ONLY 1 evacuation route from Mathilde Dr. and Gridley Dr.: E. Shiloh Rd. At the EA’s estimate of 1.7 vehicles per residence, that means 133 vehicles for residents and their pets. There are approximately 25 more homes, many with livestock, on E. Shiloh between Old Redwood Highway and Faught Rd., totaling 43 more vehicles. The Vern Losh memorandum (Appendix N-1, page 5) states:

## **California Building and Fire Code Requirements**

With the increase in severity and intensity of wildfire activity across California over the past several years, fire researchers and data collection have revealed a great deal of information that was previously unknown. It is now widely known that embers, or fire brands, are the direct or indirect cause of many structure ignitions during a wildfire event.... We also know that historically, a future catastrophic event like the Tubbs Fire is somewhat predictable as to the direction it will travel. These types of "Foehn" wind events, known as Santa Ana Winds in Southern California, or Diablo Winds in Northern California, have always been pushed by high wind events that are moving from North to South, Northeast to Southwest, East to West, or some combination of these directional winds.

Given this wind predictability, wildfire evacuations on E. Shiloh Rd will most probably involve (aside from evacuations from the Town of Windsor as spelled out in Appendix N-2):

- (1) Shiloh Estates and Mayacama Golf and Country Club (NOT in Windsor), residents, customers and workers, adding some 200 vehicles,
- (2) Chalk Hill and Faught Rd. area (NOT in Windsor), residents and their livestock, some 1,360 vehicles,
- (3) Shiloh Terrace apartments residents and staff (under construction at E. Shiloh Rd. and Old Redwood Highway), some 230 vehicles, and
- (4) Shiloh Crossing senior apartments and commercial space (under construction on E. Shiloh east of Hembree Ln.), adding some 300 vehicles for residents, staff, workers and customers.

For all of these areas, E. Shiloh Rd. will be their ONLY evacuation route. Adding the Project's own estimated 5,119 vehicles results in an estimated 6,385 vehicles on 2-lane rural E. Shiloh Rd. between Faught Rd. and Hwy. 101, not including other evacuating people coming from the commercial shopping area, Hembree Lane, and Old Redwood Highway, resulting in certain deaths during a NO-NOTICE wildfire. None of these 4 areas was included in the analysis of Appendix N-2, Traffic Evacuation Memorandum, which nonetheless states on page 4:

### **COMBINED EVACUATION OF TOWN OF WINDSOR AND CASINO**

The two evacuation periods – about four to six hours for the Town and about two and one-half hours for the casino alone -- could be six to eight hours if combined.

Obviously, a NO-NOTICE wildfire would have catastrophic, deadly effects. Even the Appendix N-3 Memorandum states on page 10:



## 5. Cumulative Impacts

**We recommend evaluating the scale of the Shiloh Resort and Casino evacuation impact along with other proposed projects in the area.**

Traffic engineers should evaluate traffic conditions based on the cumulative impacts of known or planned projects in the area. Any additional known or proposed project should be considered in determining the evacuation impacts of the Shiloh Resort and Casino and surrounding community.

Based on Appendix N-1 and Appendix N-3 analysis and recommendations, much more work should have been done by Acorn to determine the impact of wildfires before the Project receives approval from BIA. Given that this recommendation was not heeded, my conclusion is that the only supportable option is Option D, NO PROJECT.

Sincerely,

Janice L. Sexton  
5804 Mathilde Dr.  
Windsor, CA 95492

**From:** [mbrooklaw@gmail.com](mailto:mbrooklaw@gmail.com) <[mbrooklaw@gmail.com](mailto:mbrooklaw@gmail.com)>  
**Sent:** Saturday, November 11, 2023 11:34 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard:

Please see comment on EA for the Koi Nation Shiloh Resort and Casino Project attached.

Thank you.

Sue and Michael Brook

**One attachment** • Scanned by Gmail

**Brook Family  
6157 Wright Way  
Windsor, CA 95492**

November 11, 2023

Attn:  
Amy Dutschke  
Regional Director Bureau of Indian Affairs,  
Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Chad Broussard,  
Environmental Protection Specialist,  
Bureau of Indian Affairs, Pacific Region,  
chad.broussard@bia.gov

RE: Comment on the Environmental Assessment ("EA")  
Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke and Mr. Broussard:

We live on Wright Way, Windsor, within 2,000 feet of the proposed casino site per the vicinity map included at EA, Figure 1.4-2.

We oppose the propose developments, and suggest that Alternative D, No Action Alternative, EA 2-24, makes the most sense and involves the least harm.

The proposed site is unsuitable for a casino for many reasons. We touch on a few here. It is across the two-lane Shiloh Road from housing and a public park. The park, Esposti Park, is where the initial levels of Little League baseball occur as well as other baseball/softball games. It is also where the neighborhood walks dogs, has birthday parties/quinceaneras, etc. There is insufficient parking as it is. Altogether not the right environment for a casino.

Shiloh Road is also not suitable for the planned 8,000 plus users of the casino: gamblers/guests/workers.

This leads to the wildfire concern. My area of Windsor, the one adjacent to the site, has been evacuated three times since 2017: the 2017 Tubbs Fire (voluntarily), the 2019 Kincade Fire and the 2020 LNU Fires (both mandatory). The Losh and Associates report at EA Exhibit N is, frankly, facile. I.E. "Sonoma County has had its share of wildfire events." These fires have

devastated the communities. Windsor was thought to be a total loss in 2019, according to the Fire Marshal, but for a subsequent shift in the wind and heroic efforts by the firefighters.

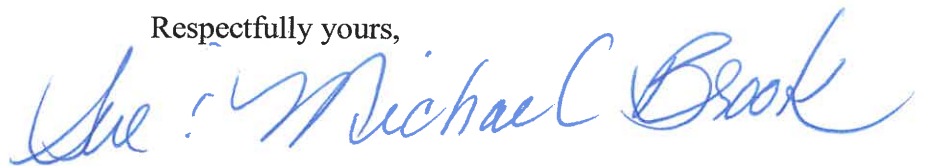
The grape fields, including as currently at the site, help protect the Town. (Significantly, the main intrusion of fire into housing in Windsor in 2019 came where there are no grape vines protecting it, in the northeast corner, as the fire came through Foothill Regional Park.) Even so, fire embers flew from Shiloh Ridge over the grapes and impacted houses in my neighborhood, Oak Creek. Our house is nearer Old Redwood Highway and we had a burn mark on our roof. In 2017, in the Tubbs Fire which impacted Mark West and Santa Rosa just to the south, burning projectiles flew across the freeway, Highway 101, burning a department store from the inside out, as the burning projectiles pierced doors and windows, and then spread the fire and devastated the residential neighborhood of Coffey Park. Fire impacted the Shiloh Ridge, immediately to the east of the site, in 2017 and 2019.

The EA concedes that that the site (as is) is in a high wildfire risk area. (EA 3-109.) The average risk to housing in Windsor from wildfires is 73% above the national average, per the USDA National Fire Service website – and higher on the edge of the community where the casino is proposed. We do not need a wildfire refueling station to be built in this location, threatening the Windsor neighborhoods and the housing and mobile home park across Old Redwood Highway.

We also do not need an extra 8,000 people (some presumably may have been consuming alcohol while they enjoy the casino/hotel facility) using Shiloh Road to Highway 101 to evacuate. This is a major evacuation route for this part of Windsor. Windsor's population is about 26,000 or so – the extra stress of a third as many people again on the evacuation routes is easily imagined.

We have reviewed written comments being submitted by the Town of Windsor and join in those. The Town of Windsor Comments set out the existing situation at the site, including its role in the Windsor/Larkfield/Santa Rosa Community Separator/ its land use designation under the Sonoma County General Plan/relationship to the neighboring Town of Windsor General Plan/dependence on Shiloh Road/ water situation/wildfire risk and relationship to Pruitt Creek. The site and these factors relating to it exist and were known to exist when the Koi Nation chose to purchase the site in 2021. The Koi Nation should not be excused from those factors and their impacts.

Respectfully yours,



Sue and Michael Brook

**Brook Family  
6157 Wright Way  
Windsor, CA 95492**

November 11, 2023

Attn:

Amy Dutschke  
Regional Director Bureau of Indian Affairs,  
Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Chad Broussard,  
Environmental Protection Specialist,  
Bureau of Indian Affairs, Pacific Region,  
chad.broussard@bia.gov

RE: Comment on the Environmental Assessment ("EA")  
Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke and Mr. Broussard:

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Shiloh Road is also not suitable for the planned 8,000 plus users of the casino: gamblers/guests/workers.

This leads to the wildfire concern. My area of Windsor, the one adjacent to the site, has been evacuated three times since 2017: the 2017 Tubbs Fire (voluntarily), the 2019 Kincadee Fire and the 2020 LNU Fires (both mandatory). The Losh and Associates report at EA Exhibit N is, frankly, facile. I.E. "Sonoma County has had its share of wildfire events." These fires have



devastated the communities. Windsor was thought to be a total loss in 2019, according to the Fire Marshal, but for a subsequent shift in the wind and heroic efforts by the firefighters.

The grape fields, including as currently at the site, help protect the Town. (Significantly, the main intrusion of fire into housing in Windsor in 2019 came where there are no grape vines protecting it, in the northeast corner, as the fire came through Foothill Regional Park.) Even so, fire embers flew from Shiloh Ridge over the grapes and impacted houses in my neighborhood, Oak Creek. Our house is nearer Old Redwood Highway and we had a burn mark on our roof. In 2017, in the Tubbs Fire which impacted Mark West and Santa Rosa just to the south, burning projectiles flew across the freeway, Highway 101, burning a department store from the inside out, as the burning projectiles pierced doors and windows, and then spread the fire and devastated the residential neighborhood of Coffey Park. Fire impacted the Shiloh Ridge, immediately to the east of the site, in 2017 and 2019.

The EA concedes that that the site (as is) is in a high wildfire risk area. (EA 3-109.) The average risk to housing in Windsor from wildfires is 73% above the national average, per the USDA National Fire Service website – and higher on the edge of the community where the casino is proposed. We do not need a wildfire refueling station to be built in this location, threatening the Windsor neighborhoods and the housing and mobile home park across Old Redwood Highway.

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We have reviewed written comments being submitted by the Town of Windsor and join in those. The Town of Windsor Comments set out the existing situation at the site, including its role in the Windsor/Larkfield/Santa Rosa Community Separator/ its land use designation under the Sonoma County General Plan/relationship to the neighboring Town of Windsor General Plan/ dependence on Shiloh Road/ water situation/wildfire risk and relationship to Pruitt Creek. The site and these factors relating to it exist and were known to exist when the Koi Nation chose to purchase the site in 2021. The Koi Nation should not be excused from those factors and their impacts.

Respectfully yours,

A handwritten signature in blue ink that reads "Sue & Michael Brook". The signature is written in a cursive, flowing style.

Sue and Michael Brook

**From:** Shannon Schiller <[slschiller@gmail.com](mailto:slschiller@gmail.com)>  
**Sent:** Friday, November 10, 2023 3:01 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino,

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

The is environmental impact report is nothing put a document full of misrepresentations, misleading claims and out and out fallicys. It is an attempt to push through development that wouldn't past muster if the time was taken to do an actual environmental report. To point out every false claim would take pages so I would like to direct you to the Town of Windsors letter for the data, but this environmental impact report makes a number of false assumptions and at times states conclusions that are not supported by the evidence. Some of the study's sites are woefully out of date and are prior to the Tubbs and Kincade fire. The traffic study's were conducted during off peak, non commute times and days in a deliberate attempt to skew the data. Because of this, the only option I can support is option D, no project.

Shannon Schiller  
218 Flametree circle  
Windsor, Ca



**From:** Greg Schiller <[schigj@outlook.com](mailto:schigj@outlook.com)>

**Sent:** Friday, November 10, 2023 4:58 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Subject: EA Comments, Koi Nation Shiloh Resort and Casino,

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It would take too much time to address every false claim in this environmental impact report, so I direct you to the Town of Windsor's letter for the data. This environmental impact report is a document that contains some inaccuracies, misstatements and inconsistencies. It is a way to expedite a development that would not comply with the requirements if a comprehensive environmental report was done. Some of the study sites are outdated and were done before the Tubbs and Kincade fires. The traffic studies were done at suboptimal times and days to influence the data. However, this environmental impact report makes some questionable assumptions and sometimes presents conclusions that are not corroborated by the facts. For these reasons, the only option I can support is option D, no project.

Greg Schiller  
218 Flametree circle  
Windsor, Ca

**From:** Brian Martin <[sheriffbrianmartin@gmail.com](mailto:sheriffbrianmartin@gmail.com)>  
**Sent:** Saturday, November 11, 2023 6:37 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Dino Beltran <[dbeltran@koination.com](mailto:dbeltran@koination.com)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

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I'm writing this comment after reading several appendices of the Koi Nation Shiloh Casino-Resort EA, including appendix N (Wildfire Evacuation Memorandum) and Appendix O (Sonoma Fire District Letter of Intent).

Having recently retired as neighboring Lake County's Sheriff-Coroner and Director of Emergency Services, I bring 30 years of law enforcement and disaster response experience, which includes responding with military humanitarian relief efforts to Southern Florida following Hurricane Andrew in 1992, flood responses on the Central Coast of California following El Niño weather events, and multiple wildfire and atmospheric river disasters in Lake County over the last several years.

In addition to reviewing the EA report, I have also personally visited the site location where this project has been proposed to be constructed. My comments come with this perspective as well.

For projects of this scope in this area, the concerns about wildfire safety and response are valid as any Northern California resident can attest. It's important to recognize that no mitigation and prevention effort is flawless or perfect. If there were such a plan, it would certainly be implemented in all projects. Instead, plans generally take lessons learned from previous events and tap into the experiences of those who participated in, and were directly affected by the events.

Disaster events, particularly those which have affected Northern California over the last several years, have given rise to many programs and strategies, and this EA includes those in its proposal. Early warning systems, such as Red Flag Warnings, predesignated evacuation routes, zone maps, and fire cameras all serve to mitigate the impacts of disasters, particularly the wildfire events that pose a recurring danger to this area and can be short-notice or no-notice events. Pre-event preparation and education of staff and community members increases survivability and preparedness for communities. Plans that are implemented during events, allow for more efficient and safe responses.

The plans for this project also include many features which will tend to mitigate the effects of wildfire, including clear areas for water treatment, fire safe construction

methods, ignition resistant landscaping, and the topography of the area being relatively flat, which assists in management of fire by responding resources.

Additionally, the recommendations outlined by Vern Losh in Appendix N, when implemented, will further add to the safety of the project.

When reviewing the evacuation plan, I consider factors that I witnessed first hand that were present during events which resulted in fatalities during several fires during my career. A common factor that I saw during multiple fire events which produced fatalities, was a lack of adequate escape routes. Single ingress/egress routes severely limit the flow of people and vehicles, and don't provide alternate routes in the event that a route is blocked or impassable by fire or other conditions. This project proposes multiple evacuation routes and recommends multiple actions to streamline evacuations. Many of the recommendations have been implemented in California and have proven to be effective. Robert Giordano, with whom I've worked with during our time as Sheriffs of our respective counties, and Clint Shubel outline effective, and proven strategies and recommendations for this project.

In my opinion, the proposals and recommendations outlined in the EA adequately address concerns and serve as a sufficient plan for this project to proceed.

Brian L. Martin  
Sheriff-Coroner-Director of Emergency Services (Retired)  
County of Lake

**From:** [kst@sonic.net](mailto:kst@sonic.net) <[kst@sonic.net](mailto:kst@sonic.net)>  
**Sent:** Saturday, November 11, 2023 10:59 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I am resending this in a different format in case the other email file could not be opened. This is a 19 page document with attached maps and tables.

Thank you for submitting this to the responses to the EA Comments, Koi Nation Resort and Casino.

Please let me know you have received this and that you can open and read the entire response.

Thank you,  
CBelden  
Santa Rosa, CA

**2 Attachments** • Scanned by Gmail

November 7, 2023

RE: **"EA Comments, Koi Nation Shiloh Resort and Casino"**

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Dear Mr. Broussard and Director Dutschke,

The EA Report for the Koi Nation Shiloh Resort and Casino is not acceptable because the report is based on inadequate data and insufficient analysis to evaluate the environmental impacts from the project, and consequently underestimates the impacts. The only option I support is option D, no project.

This project has been formally rejected by the Town of Winsor, Sonoma County Board of Supervisors, US Senators Diane Feinstein and Padilla, US Representatives Thompson and Huffman, and State Senator McGuire. It is overwhelmingly opposed by the residents of Sonoma County. The only people supporting this project are the building union members who have been promised the jobs while excluding non-union workers; there is no information if the carpenters union members who responded live in Sonoma County.

The location of this proposed project is wrong because the parcel is surrounded by residential neighborhoods, is not zoned for commercial development, has no separation of casino transit routes from residential routes, and has no separation of casino business activities from the surrounding residential neighborhoods.

The lack of separation of the casino from the residential neighborhoods in this case is very different from all the other Northern California casino resorts. THERE IS NO OTHER CASINO RESORT location surrounded by residential communities with shared transit routes. The EA does not consider this condition in its analysis.

This Shiloh Resort and Casino project requires an EIS before the BIA decision to take the parcel in trust. A factual and complete study of the environmental impacts is necessary.

#### 1. Project Size and location; proximity to surrounding residential neighborhoods

The Shiloh casino project is comparable in size to both Graton Rancheria and Sky River Casinos, both which required Environmental Impact Studies. See Tables A and B that list the project components and size; these charts appear in their respective EIS reports, available to the public.

The Shiloh casino parcel is only 68 acres in an area zoned for residential and agricultural use only.

The small size of the Shiloh parcel is also important because all its boundaries are immediately adjacent to residential neighborhoods, parks, and churches. There is no separation of the casino activities from the surrounding neighborhoods.

In contrast, Graton Casino is on a 252-acre parcel and Sky River Casino on a 288-acre parcel. Both Graton and Sky River casinos are built on commercial zoned areas, separated from residential areas: Graton is separated from the residential areas of Rohnert Park by the very wide Hwy 101 – the commercial areas are on the WEST side of 101, the residential neighborhoods and schools and small local businesses are on the East side of 101. Sky River is bordered by Hwy 99 and Promenade Parkway, effectively isolating it from the nearby residential areas. Promenade Parkway has its own transit from Hwy 99 separate from the transit routes for the neighborhoods.

The Koi Shiloh casino EA does not address this problem of proximity, absence of separation from surrounding residential neighborhoods, and shared transit routes with local residents. Consequently, the EA underestimates the adverse impact on the environment.

2. Proximity to Graton Rancheria Casino and River Rock Casino: only 15 miles away.

The EA also does not compare the Shiloh location proximity to 1) Graton Rancheria Casino 15 miles away along Hwy 101, and 2) to River Rock Casino 15 miles to the north along Hwy 101, and 3) to Cloverdale Rancheria casino resort. That will be FOUR casino resorts located along Hwy 101 in Sonoma County.

**There are NO OTHER large Casino Resorts in Northern California or Southern California with 3-4 locations so close together along a shared major highway. See the attached maps.**

The deficiencies of the analyses presented in the EA are revealed by comparing this report with the EIS reports done for the both Graton Rancheria Casino Resort and Sky River Casino, which can be accessed here: [https://www.gratoneis.com/documents/final\\_eis/Final\\_EIS.htm](https://www.gratoneis.com/documents/final_eis/Final_EIS.htm), and [wiltoneis.com](https://www.wiltoneis.com).

The EA economic impact analysis has no data or evidence to support its conclusion. It does not address the specific conditions relating to Graton Rancheria and River Rock Casinos' financial impacts on each other, or a specific analysis of the financial impact Shiloh Casino will have on them. The close distances of each requires serious study of financial impacts on all. The EA is deficient in addressing this concern.

3. Differences between the Shiloh Casino project and Graton + River Rock Casinos: these are significant differences that require additional careful collection of data and evidence, and in-depth analysis of impacts.

a. zoning restrictions and consistency with the Sonoma County General Plan and the Town of Windsor General Plan

The Shiloh parcel is not zoned for commercial development and a casino resort is not allowed. Graton Rancheria Casino was built on a parcel zoned for commercial development and is consistent with the Sonoma County General Plan; Sky River casino is on a parcel consistent with commercial development.

Impact on property values: (source, Sky River, Wilton EIS): "Alternative A is located north of the City of Galt in an area currently of primarily agricultural uses, with some industrial and residential properties, however the site is slated for future commercial development... the impact depends on this mix of land uses..."

The Shiloh Road parcel is NOT slated for future commercial development, and is surrounded by long-established residential neighborhoods. This location would not ever be approved for commercial development. It is premium vineyard land which would be destroyed as agricultural land.

- b. proximity to residential neighborhood communities, schools, parks, churches, small neighborhood businesses.

The absence of physical separation (no degrees of separation) between the casino visitors and the residents living here increases the risk of adverse interactions, personal harm and property damage. The lack of separation also increases the adverse impacts from increased traffic, noise, and crime. The EA did not assess the impact on public use and safety in Esposti Park and in Shiloh Regional Park. There is no data or information about impact on public attendance, events, and park activities.

- c. increased crime risks:

Proximity brings an extremely high risk to public safety (accidents, crime). This will impose significantly greater legal liability on the owners and operators of the casino for any harm or damage caused by casino visitors, for any harm from delay in emergency responses due to traffic congestion, for example. See section below on GMA findings.

- d. shared transit routes:

Casino visitors will travel on shared routes from Windsor to Larkfield/Mark West/ River Road, along Fulton and Airport Blvd, and on Old Redwood Highway (ORH). There will be over 10,000 additional driving interactions daily between casino visitors and the local residents and workers.

The EA does not evaluate the increase in motor vehicle accidents, and pedestrian and cycling accidents that will occur with the increased traffic going to/from the casino. The EA does not consider increased traffic congestion and increased transit times consequent to accidents on ORH or Hwy 101. It does not consider delays in emergency response times when traffic congestion increases due to accidents on Hwy 101, ORH, River Road, Fulton Road, Airport Blvd, and Hembree.

The area assessed by the EA is too narrow; the existing traffic area that will be significantly affected extends on the east side of Hwy 101, from Windsor to Larkfield/Mark West/Fulton/River Road, and a Full Traffic Study consistent with CEQA is mandatory.

EA: Appendix I – Traffic Impact Study

EA Executive Summary: Traffic Impact

“Alternative A of the proposed project is expected to **generate 11,213 total daily weekday trips and 15,779 total daily Saturday trips**, including 473 weekday a.m. peak hour trips (279 in, 194 out), 1,205 weekday p.m. peak hour trips (710 in, 495 out), and 1,340 midday Saturday peak hour trips (657 in, 683 out).”

The attached map with Daily Traffic Volumes shows 12,000 daily visits at the Shiloh/Old Redwood Highway intersection. The proposed project will add over 11,000 to 16,000 additional visits to this existing daily traffic volume, resulting in over 23,000 – 28,000 daily trips. The EA analysis omits data from Sonoma County and the Town of Windsor Traffic studies, is too limited in scope, and grossly underestimates the Traffic Impacts. According to CEQA requirements, this project requires a Full Traffic Study to be part of an EIS.

There are no alternative routes to absorb the increase of 11,000 to 16,000 daily trips to a casino, in addition to the existing daily trips documented in the Town of Windsor Traffic study attached. The EA does not present adequate study, data, or evidence to support its conclusions.



This condition does not exist in any other Northern California county with gaming casino resorts. Google Maps of casino locations in Northern California show clear and significant separation of the casino resorts from residential areas.

The website [500nations.com](http://500nations.com) lists the Indian Gaming Casinos in Northern California. Review of the locations shows this Shiloh location to be the only one to be surrounded by residential neighborhood communities, without a separation of transit routes from the main highway or state route. All the others are located either in a remote location or in a commercial zoned location separated from residential areas by a major highway or having a dedicated exit route to/from the casino to a main transit route. The Sky River Casino in Elk Grove has its own exit ramp from Hwy 99, located in a commercial zoned area, separate from residential areas.

Separation of transit routes and separation from residential areas is a common characteristic of all of the other casino resorts. Shiloh Casino Resort has no separation from the surrounding residential areas. A large apartment complex has just been built directly across the street; Esposti Park is directly across the street; two residential neighborhoods are directly across the street; a church with community services is directly across the street; Shiloh Regional Park is at the end of Shiloh Road at Faught. The 2019 Kincade Fire burned to this location.

Please see the map attached to this email.

Example of differences in proximity to residential neighborhoods -  
(Shiloh vs Graton, Sky River, River Rock, Cloverdale):

Shiloh – surrounded by residential neighborhoods, with ORH as main transit between Windsor and Larkfield/ Mark West, Fulton, River Road, all located on the EAST side of Hwy 101.

Graton RC – located on the WEST side of Hwy 101, which separates the casino from the residential neighborhoods and schools located on the east side of Hwy 101 in Rohnert Park. There are no schools, parks, or churches near this location. Visitors exit from Hwy 101 and use a transit route that is not shared by many other drivers or residents of Rohnert Park. The transit route leads mainly to/from the casino.

River Rock – in a remote area of Geyserville.

Cloverdale – in a commercial area, separated from the residential areas by Hwy 101

Sky River – in a commercial area circumscribed and by its own access road and Hwy 99.

Proximity to residential areas is a major problem for the Shiloh casino proposal because on a daily basis all visitors to the Shiloh casino will travel through residential neighborhoods on shared transit routes with the residents, who use these routes for work, school, shopping, business, and recreational activity.

The EA study does not examine this condition and consequently, its conclusions underestimate Impacts.

#### 4. No separation from two popular parks:

The casino would be located between the two popular parks, Esposti Park immediately across the street and Shiloh Regional Park located at the end of East Shiloh Road/ Faught Rd. This length of Shiloh Road is used daily by Sonoma County residents for exercise, relaxation, dog walking, cycling, walking. The risk of adverse interactions between casino visitors and residents on Shiloh Road is very high, with great liability for harm that will be on the casino owners and operators.

Map review of the locations of the other Northern California casinos reveals that there are no other casino resorts located 15 miles apart along a major highway, a 15-minute drive from each other.

#### 6. Wildfire evacuation risks.

In the event of a wildfire evacuation, such as occurred with the 2017 Tubbs Fire that started **with no warning and spread so fast that many people died in their homes**, unable to drive away fast enough to avoid the fire, the legal liability for the owners and operators of the casino will be tremendous if there is any interference with safe evacuation of the residents who live on the east side of Hwy 101. This liability is clear because the wildfire risk has been presented repeatedly since the proposal was made public. This risk was known when the Koi tribe purchased the property. Permit Sonoma GIS maps with the Wildfire overlays show the extent of the 2017 and 2019 wildfires, reaching to Shiloh Regional Park and Foothill Regional Park.

The wildfire risk to residents' and to visitors' safety is real and is not adequately evaluated by the EA.

The Shiloh casino project location is surrounded by residential communities and the transit routes extend from Windsor down to Larkfield/Mark West/Fulton/River Road and northeast Santa Rosa, along Old Redwood Highway (ORH) and Hwy 101. The location is EAST of Hwy 101. The EAST side residential communities are quiet. Beyond the Walmart, Home Depot and other small stores located on Hembree Lane immediately alongside Hwy 101, the area just east from this is residential, with elementary schools, churches, and two large popular parks, Esposti Park and Shiloh Regional Park. A large apartment complex is directly across the street from the Shiloh parcel, as is Esposti Park, a church with very active community assistance activities, and two planned residential neighborhoods Oak Park and Creekside.

All of the residents living and working in the area from Windsor in the north to NE Santa Rosa on the east side of Hwy 101 have experienced three wildfires, 2017 Tubbs Fire, 2019 Kincade Fire, and 2020 Lightening Fire complex. The EA does not adequately evaluate these events or assess the impact of 11,000-15,000 daily visits to Shiloh casino on the safety of the visitors or the residents who will be significantly impacted by gridlocked evacuation routes. The EA does not adequately assess current traffic loads in the area extending from Windsor to Larkfield/Mark West/ River Road, and on Airport Blvd/ Fulton and ORH, the gridlock that resulted from with wildfire evacuations in 2017 and 2019, and the risk to public safety.

Emergency response times were not evaluated for all hours of day/night and all days of the week.

EA Executive Summary: Traffic Impact "Alternative A of the proposed project is expected to generate 11,213 total daily weekday trips and 15,779 total daily Saturday trips, including 473 weekday a.m. peak hour trips (279 in, 194 out), 1,205 weekday p.m. peak hour trips (710 in, 495 out), and 1,340 midday Saturday peak hour trips (657 in, 683 out)." (from EA Appendix I ). The daily (24 hour) Occupancy for the proposed casino is not evaluated or considered in Appendix N.

There are no alternative routes to absorb the increase of 11,000 to 16,000 daily trips in addition to the existing over 5000 daily trips. The overlap of transit routes will add to the existing traffic volumes, resulting in 16,000 to 21,000 daily trips; the EA does not include the existing traffic volumes to its estimated assessment. The EA Traffic Impact report is lacking relevant data and information.

There is no evaluation of the impact on increased transit times for commutes from Windsor to Larkfield/Mark West/ River Road in the am (7-10 am) and pm (3-6 pm) rush hours. The impact on Airport Blvd, Fulton Road, and River Road was not evaluated.

Existence of an extensive network of shared transit routes for the residents and for visitors requires a thorough analysis of real data collected throughout the year at many more intersections than was done for the EA.

The EA limited its analysis to a small number of intersections, mostly along Shiloh Road.

The data was collected only two days in January (one weekday and one Saturday) and one day in July on the 28<sup>th</sup>. This data is insufficient for a reliable analysis of impact.

## 7. EA: Appendix B

### Social Impact – Risk to Public Safety:

page 16: “After careful review of various reports, the Consulting Team ultimately relied on the findings presented in the National Gambling Impact Study Commission (“NGISC”) in its Report to the U.S. Congress and President that was completed in 19992 as well as a report titled “The Impact of Gambling: Economic Effects More Measurable Than Social Effects,” prepared by the General Accounting Office (GAO) and presented to the Honorable Frank Wolf of the U.S. House of Representatives.<sup>3</sup>”

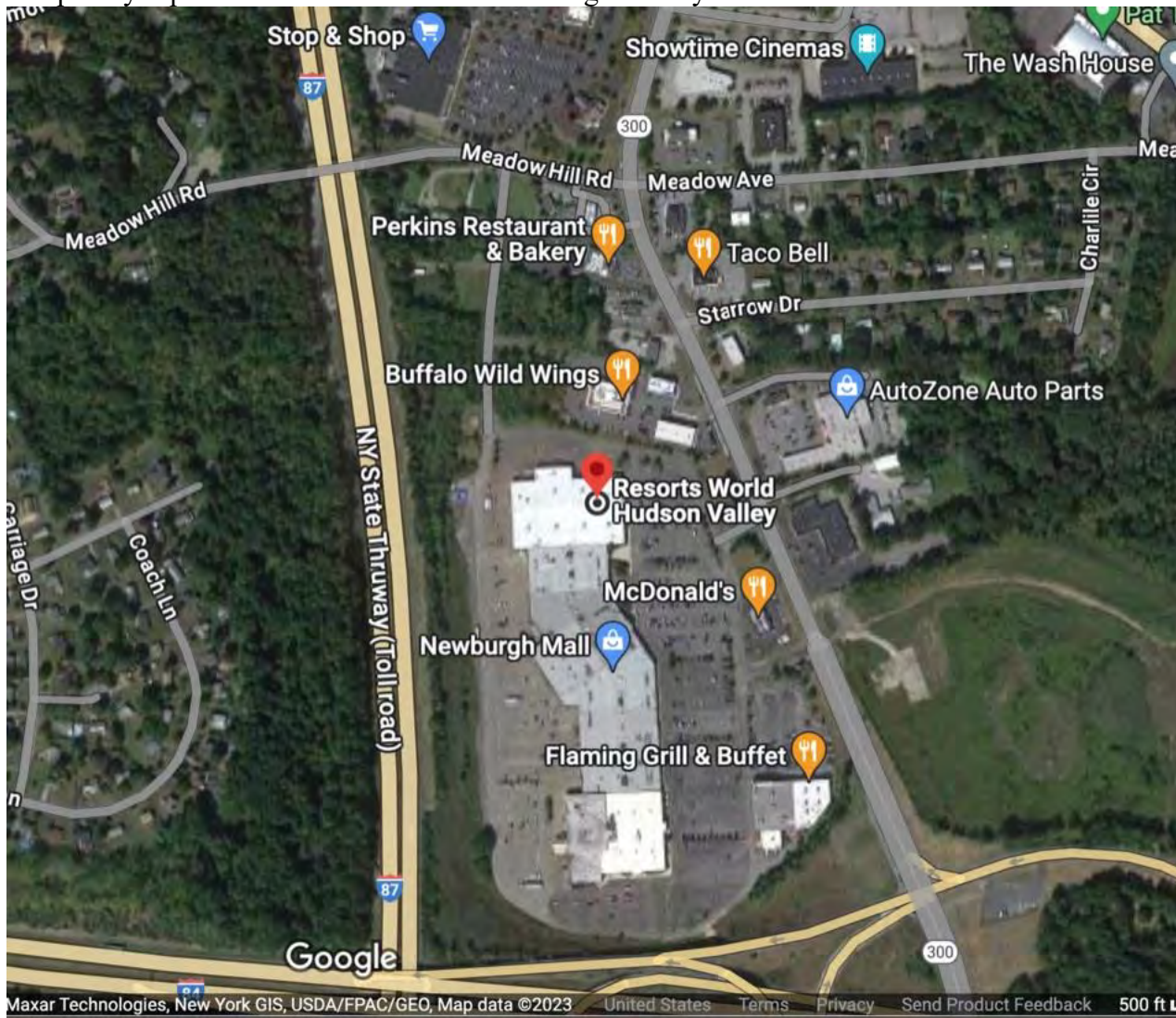
THE NGISC WAS COMPLETED IN 1999, AND THE GAO IN 2000, from 23 years ago. These studies are inadequate for analyses of the socioeconomic impacts on Northeast Santa Rosa, Windsor, and Sonoma County. The GMA report lacks current data and evidence to support its summary conclusions.

GMA further analyzed the impact that the nearby Graton Resort & Casino, located in Rohnert Park, CA, had on the nearby police force. Specifically, GMA evaluated annual incident calls and arrests for the property during its first year of operations (2013). In this assessment, GMA learned that there were a total number of 1,700 annual police calls and 39 arrests at the casino during the first year of the property’s operations. This equated to a police call rate of .41 calls per gaming position and an arrest rate equivalent to 2% of calls (with Graton having 4,134 gaming positions at that time – with 3,000 slot machines and 162 table games at 7 positions per table). Based on these metrics and with an assumed 3,485 gaming positions at the Shiloh Resort & Casino, GMA estimates that the Project would generate 1,433 annual police calls and 33 arrests during its first year of operations.

GMA also observed recent combined Fire and EMS related incidents at Graton Resort & Casino. Through this study, it learned that the property experienced incident rates that ranged from .83 incidents per day in 2020 (with a total of 303 incidents) and .88 incidents per day in 2021 (with a total of 321 incidents). Today, the facility offers 3,840 gaming positions, which means that it garnered approximately .084 Fire and EMS related incidents per gaming position in 2021. With this factor applied to the Project’s number of gaming positions, it is estimated the Project would have approximately 291 Fire and EMS incidents annually.

On a daily basis, a total of  $1433 + 33 + 291$  annual estimated events = 4.8 events/ day. This is not acceptable for a residential neighborhood, on a 68-acre parcel not approved for commercial development, whose parcel boundaries are surrounded by residential neighborhoods on 3 sides, and vineyard on the other..

The GMA references a NY Orange County 2014 report as the basis of its analysis on the impact of casino activity on crime. This New York Orange County casino was built in a commercial business area, and entirely surrounded by the New York State Thruway (87), NY State hwy 84 and route 300. These wide highways completely separate the residential areas of Orange County from the commercial areas.



This reference is completely invalid for assessing the impact of a casino resort on the residential neighborhoods surrounding the 68-acre Shiloh Road parcel in Sonoma County California.

GMA also omits evaluation of the immediate daily/nightly risk to public safety from over 10,000 estimated daily visits from visitors who will be drinking alcohol and using cannabis and driving their vehicles to/from the casino. This project will be a 24/7 bar for alcohol and cannabis consumption.

This is a major problem for this project's location on Shiloh Road where all local roads are shared with the residents living in the surrounding neighborhoods. This project site is surrounded completely by residential neighborhoods, elementary schools, churches, and two public parks; East Shiloh road is used for pedestrian and cycling activity. An Environmental Impact Study is required to evaluate the risk of harm and death to the public due to the overlap of transit routes to/from the proposed casino with the local residents and workers sharing these same routes.

THIS IS WHY OTHER CALIFORNIA CASINOS' LOCATIONS ARE SEPARATED FROM RESIDENTIAL AREAS, minimizing interactions of casino visitors with local residents, neighborhoods and local businesses. The other casino Northern California casinos are built in locations consistent with commercial development to minimize interactions with local neighborhoods and residents.

An Environmental Impact Study needs to evaluate the risks to public safety where alcohol and cannabis will be purchased to 99% of visitors to the casino. This omission by the GMA is significant and their conclusion lacks evidence; any study of the impact on public safety must consider that there is no separation from the local surrounding residential neighborhoods at this location. This condition must be seriously considered. The legal liability for personal and property damage involving a local resident caused by an intoxicated casino visitor should be thoroughly evaluated as well.

Criminal activity and increased risk to public safety will also be exacerbated by the immediate proximity of the gambling casino to the surrounding residential neighborhoods and transit routes through residential communities.

The EA report does not address this very significant impact and its summary conclusions are invalid.

#### 8. EA: Appendix B Competitive Impacts:

The modeling used in the GMA report to evaluate the competitive impacts is flawed and not relevant to building a third large casino resort in addition to Graton and River Rock casinos located 15 minutes' drive away. The EA ignores this in their analysis, and does not provide information relating to the impact of Graton on River Rock financials. The adverse impact of Graton Rancheria's operations on River Rock Casino has been documented and publicized.

GMA's assessment is not substantiated, thereby rendering its conclusions meaningless. A thorough evaluation needs to be completed to understand the impact of adding a third large casino resort only 15 minutes away from Graton or River Rock.

The following table details the estimated percentage impact that each regional gaming facility is expected to experience on their local market gaming revenue.

| Projected Local Market Substitution Effects |              |
|---------------------------------------------|--------------|
| River Rock                                  | -24.24%      |
| Sherwood Valley                             | -14.77%      |
| Graton                                      | -11.45%      |
| Konocti Vista                               | -9.39%       |
| Twin Pine                                   | -9.11%       |
| Robinson Rancheria                          | -8.93%       |
| Running Creek                               | -8.34%       |
| Coyote Valley                               | -7.33%       |
| Garda River                                 | -7.27%       |
| Colusa                                      | -5.11%       |
| Cache Creek                                 | -4.51%       |
| Hard Rock Sacramento                        | -4.38%       |
| Harrah's NorCal                             | -4.30%       |
| Thunder Valley                              | -4.13%       |
| Red Hawk                                    | -4.07%       |
| Ione Plymouth                               | -4.04%       |
| Jackson Rancheria                           | -4.04%       |
| Wilton Rancheria                            | -4.02%       |
| San Pablo Lytton                            | -3.87%       |
| <b>TOTAL LOCAL MARKET</b>                   | <b>8.05%</b> |
| Source: GMA                                 |              |

The GMA assessment in the EA shows the most negative effect on the two Sonoma County casinos located only 30 minutes' drive from each other on Hwy 101, Graton and River Rock.

The Shiloh Casino is not assessed; it would be located only 15 minutes's drive from either Graton or River Rock casinos and would result in even greater negative effect on all three Sonoma County casinos.

The Sacramento county casinos, Cache Creek, Hard Rock, Harrahs NorCal, Thunder Valley, Red Hawk, Ione Plymouth, Jackson Rancheria, and Wilton are shown on the map included in this response to the EA. They are not located close to each other and draw from a much larger population than Santa Rosa and Windsor. Their negative effects are similar and significantly less than for Graton and River Rock.

See the attached map showing the locations of these casino resorts.



Table A. (source: Graton Rancheria Casino and Hotel Final EIS, Feb 2009) EIR - 2008 traffic evaluation (Appendix O)

built on 66 acres, with 762,300 sq ft total - all project components;  
 casino gaming size: 106,000 sq ft. 300 room hotel, “employs 2400 employees”  
 “ generate 18,261 daily trips  
 peak AM 1384 peak PM 2287 “

**TABLE 2-1**  
 ALTERNATIVE A – PROPOSED PROJECT COMPONENTS

| Area                                             | Seats/Rooms/Parking Spaces  | Approximate Square Footage |
|--------------------------------------------------|-----------------------------|----------------------------|
| <b>CASINO &amp; ENTERTAINMENT</b>                |                             |                            |
| <b>Casino</b>                                    |                             |                            |
| Casino Gaming                                    |                             | 80,000                     |
| Casino Circulation                               |                             | 26,000                     |
| High Limit Gaming                                |                             | 5,000                      |
| Asian Gaming                                     |                             | 3,600                      |
| Salons (2 total)                                 |                             | 4,000                      |
| Entry Vestibules (5 total)                       |                             | 2,500                      |
| Restrooms (5 total)                              |                             | 6,000                      |
| Rewards Center                                   |                             | 750                        |
| Cage                                             |                             | 6,000                      |
| Back of House                                    |                             | 70,000                     |
| Gift Shop                                        |                             | 1,000                      |
| <b>Food and Beverage</b>                         |                             |                            |
| Buffet                                           | 500 seats                   | 23,500                     |
| Bars (3 total)                                   |                             | 4,500                      |
| Service Bars (4 total)                           |                             | 4,000                      |
| Lease Restaurants (3 total)                      | 480 seats                   | 20,000                     |
| Coffee Shop                                      | 225 seats                   | 8,800                      |
| Steakhouse                                       | 200 seats                   | 10,000                     |
| Food Court (6 tenants)                           | 210 seats                   | 12,600                     |
| <b>Entertainment</b>                             |                             |                            |
| Nightclub                                        |                             | 6,500                      |
| Show Room                                        | 1,500 seats                 | 35,400                     |
| Lounge                                           |                             | 8,000                      |
| <b>Banquet</b>                                   |                             |                            |
| Banquet Meeting Space                            |                             | 30,000                     |
| Pre-Function/Kitchen/Storage/Office/Support      |                             | 40,000                     |
| <b>Total Casino &amp; Related Square Footage</b> |                             | <b>408,150</b>             |
| <b>HOTEL &amp; SPA</b>                           |                             |                            |
| <b>Hotel</b>                                     |                             |                            |
| Lodging Area                                     | 300 rooms (20% suites)      | 291,000                    |
| Lobby/Bar/Back of House                          |                             | 13,750                     |
| Sundries                                         |                             | 1,000                      |
| <b>Pool &amp; Spa</b>                            |                             |                            |
| Spa                                              |                             | 20,000                     |
| Pool Restrooms                                   |                             | 2,600                      |
| Pool Concessions                                 |                             | 1,500                      |
| Pool Grill                                       |                             | 3,000                      |
| <b>Total Hotel &amp; Spa Square Footage</b>      |                             | <b>332,850</b>             |
| <b>CENTRAL PLANT</b>                             |                             |                            |
|                                                  |                             | <b>21,300</b>              |
| <b>Alternative A Total Square Footage</b>        |                             | <b>762,300</b>             |
| <b>PARKING</b>                                   |                             |                            |
| Surface Parking                                  | 4,102 parking spaces        |                            |
| Parking Structure                                | 2,000 parking spaces        |                            |
| <b>Alternative A Total Parking Spaces</b>        | <b>6,102 parking spaces</b> |                            |

SOURCE: Friedmutter Group, 2006; AES, 2006.

Table B. Shiloh Casino Resort proposal: (Koi Nation Shiloh Casino EA)  
 “122,600 sq ft gaming floor; “3380 gaming positions”  
 400 room hotel 2800 seat event center “1571 jobs”



Table 2.1-1: Alternative A Project Components

| Component                     | Approximate Square Footage | Units                                           |
|-------------------------------|----------------------------|-------------------------------------------------|
| <b>Casino</b>                 | <b>538,137</b>             | <b>2,750 gaming devices<br/>105 table games</b> |
| Gaming Floor                  | 114,345                    | -                                               |
| High Limits Gaming            | 8,250                      | -                                               |
| Sports Book                   | 9,900                      | -                                               |
| Food Hall                     | 14,000                     | 465 seats                                       |
| Restaurants (5)               | 37,440                     | 1,240 seats                                     |
| Coffee Shop                   | 2,750                      | -                                               |
| Casino Bar                    | 7,855                      | -                                               |
| Service Bars (4)              | 4,080                      | -                                               |
| Retail                        | 2,250                      | -                                               |
| Event Center                  | 53,380                     | 2,800 seats                                     |
| Ballrooms (2)                 | 44,900                     | -                                               |
| Meeting Rooms                 | 29,285                     | -                                               |
| Circulation and Back of House | 209,702                    | -                                               |
| <b>Hotel</b>                  | <b>268,930</b>             | <b>400 rooms</b>                                |
| Guest Rooms                   | 207,540                    | -                                               |
| Spa                           | 13,930                     | -                                               |
| Circulation and Back of House | 47,460                     | -                                               |
| <b>Parking</b>                | <b>1,689,380</b>           | <b>5,119 spaces</b>                             |
| Casino/Drop-off               | 286,000                    | 800 spaces                                      |
| Parking Garage                | 1,214,080                  | 3,692 spaces                                    |
| Surface Parking               | 183,100                    | 618 spaces                                      |
| Bus                           | 6,200                      | 9 spaces                                        |

Source: Dale Partners, 2022a

The Square Footage number presented in the EA Summary of “114,345 sq ft” is completely misleading and refers only to the gaming floor and not the other components in the Shiloh Casino Resort EA study. The TOTAL square footage needs to be evaluated in order to determine accurately and honestly the impact on the environment of the total size of this project.

Compare the information in Tables A (Graton Rancheria) and B (Shiloh Casino Resort):

Parking spaces total 5,119 in structures totaling 1,689,380 square feet. Graton Rancheria Casino had 6102 total parking spaces. Based on these numbers, Shiloh Casino Resort plans for at least 84% of the daily visits that Graton Rancheria estimated (18,261 daily trips), with 15,319 daily trips. This is only for parking; the study does not account for the daily bus and Uber/Lyft/taxi transits, especially from the airport. The EA study lacks sufficient data and its conclusions are not supported by adequate evidence.

In addition, Graton Rancheria Casino is located on a parcel zoned for commercial development, adjacent to other large commercial businesses. It is not surrounded by residential neighborhood communities, schools, and parks. The residential areas of Rohnert Park are located east of Hwy 101 and the Graton Casino is in its

own space west of Hwy 101. The transit routes to/from Graton Casino do not overlap with the residential areas on the east side of Hwy 101. The multi-laned major highway is a true barrier and protects the residential areas of Rohnert Park on the east side of 101 from the impacts of the Casino. And, the Graton Casino is not located in a high wildfire risk area where traffic impacts would cause severe risk to the safety of the residents.

The summary conclusions of the EA are therefore invalid, based on erroneous assumptions and insufficient data and evidence.

This project requires serious, careful, and thorough analysis of all the aspects of the project, as did the Graton and Sky River Casinos.

The size and proposed location of this project demand a thorough formal Environment Impact Study because the site is SURROUNDED BY RESIDENTIAL NEIGHBORHOOD COMMUNITIES that will be irreversibly harmed by the significant adverse impacts of this project. The data and evidence must be presented from serious careful analysis and address all the concerns that were raised in the Scoping Comments.

#### 9. Socioeconomic Impact:

##### GMA Appendix B: Socioeconomic Information

##### “ OPERATIONS

During the operations phase, the Project is expected to generate \$5.1 million in federal taxes and \$3.1 million in state and local taxes annually. **It is important to note that the Koi Nation is a sovereign nation that receives tax exemptions. As such, the actual tax benefits will likely vary from those presented in the following tables** addressing tax revenues during the operations phase for the Project.”

“Global Market Advisors has made its best effort to secure accurate information, however, much of the information contained in this report was received from third parties, which Global Market Advisors did not validate or verify. **Accordingly, Global Market Advisors makes no warranty, real or implied, regarding the data contained in this report.** This report also contains projections of future events based upon certain assumptions. As it is not possible to predict future outcomes with absolute accuracy, these projections should be treated only as estimates of potential future results. Actual results may differ due to unforeseen events. Consequently, Global Market Advisors **assumes no liability for the accuracy of these projections.** “

This lack of accountability invalidates GMA’s conclusions.

The DISCLAIMER by GMA invalidates its conclusions and therefore a formal Environmental Impact Study is required for the Shiloh Casino Resort proposal before the BIA considers taking this property into trust. There is no accountability by GMA for their erroneous conclusions in the EA.

#### 10. EA: Appendix L Noise Impacts:

Comparison with Graton Rancheria Sky River Casinos’ EISs is very important to reveal the inadequate evaluation done by the EA. Again, the size and significant environmental impact of the Shiloh Casino project demands that a formal Environmental Impact Study be done.

EA has insufficient data and omitted thorough analysis of all sources of noise.

The EA omits noise enhancement and amplification that occurs in multi-storied garages, caused by each vehicle's noise signals from locking/ unlocking or searching for the vehicle. The adverse noise impacts from the parking structure's location in a quiet residential neighborhood is significantly greater than from one in a location in a commercial business area (Graton Rancheria Casino) where such noise is masked, from one in a remote area (River Rock Casino). Noise is also generated when vehicles engines start, by tires when turning in tight spaces, by horns honking, by radios and boom boxes, and loud talking/ shouting in a multi-story parking garage. Actual noise data is available from Graton's multi-story garage and should be included in the Noise Impact evaluation for the Shiloh project.

There are two entry points into the garage structure – one on East Shiloh Road and one on ORH. For visitors accessing from East Shiloh Road, the increased vehicle traffic will travel from ORH along Shiloh Road to Caporale Court; the adverse impact on the residential neighborhoods directly across the street is significant will occur 24/7. These points will have significant vehicle noise associated with idling, starts and stops, noise from brakes, honking horns, radios and base boomers.

Also, the tolerance for noise will be much lower due to the normally quiet ambient noise levels that exist now; location of a casino resort in a quiet residential neighborhood rather than in a commercial area requires analysis of noise impact based on a 24 hour study of current noise levels along Shiloh Road, Old Redwood Highway extending from Windsor, through the neighborhoods, to Larkfield. The EA did not study this.

The EA Noise Impact assessment has inadequate data and insufficient study. It is unacceptable.

#### **Noise from Emergency Response vehicles:**

Importantly, the EA does not consider the **noise from police, Sheriff, California Highway Patrol, ambulance, and Fire Department sirens** for each emergency call made. Often at least 3 services respond to one emergency call. That would triple the siren noise for each response.

"GMA estimates that the Project would generate 1,433 annual police calls and 33 arrests during its first year of operations. With this factor applied to the Project's number of gaming positions, it is estimated the Project would have approximately 291 Fire and EMS incidents annually."

THIS TOTALS AT LEAST 1757 incidents in a year, or **4.8 incidents every 24 hours of every day of the year, sirens heard every day and night** in an area from Windsor, down 101, to the Airport, to the emergency room at Sutter at Larkfield/ Mark West, along River Road and Fulton Road, along Old Redwood Highway, Shiloh Road, Hembree Lane, up to Faught Road and down to ORH.

There is NO mitigation for this adverse noise impact. The EA does not assess the noise levels of sirens and consequent disruption of the peace and quiet of residential neighborhoods, causing increased stress and anxiety all the residents living in the neighborhoods from Windsor to Larkfield/Mark West/ Fulton.

Residential neighborhoods are by definition quiet. The significant increase in noise from sirens will raise stress levels in both residents and animals, pets and wildlife, and will disrupt sleep, all which will exacerbate stress and harm mental health of the residents.

These siren noises will be heard all the way from Windsor, along both ORH and Hwy 101, to Mark West/Larkfield and Fulton and River Roads. EVERY DAY AND NIGHT. The travel routes for emergency responders (Sheriff, Police, Fire Department, EMS) must be considered in the noise evaluation. These routes extend from Santa Rosa City to Windsor through quiet residential neighborhoods.

The LOCATION of this project, surrounded by residential neighborhoods, presents very significant problems because all emergency response vehicles will travel through residential neighborhoods to and from the casino. And the normally quiet residential areas, from Windsor to Larkfield/Mark West/ River Road and along Fulton to River Road, will be significantly impacted by every single response

This is why the Location is WRONG for a casino resort.

Graton Rancheria was built in a commercial zoned area, and River Rock is in a remote location, where there is minimal overlap of casino traffic with residential traffic. There is minimal overlap or sharing of transit routes. Transit routes to these casinos do not pass through residential neighborhoods.

Other Northern California gaming casinos are located in areas that are either remote or at the edge of commercial development, with their own designated transit routes that minimally intersect or overlap with residential community transit routes. Please refer to the attached maps that demonstrate the significant separation and isolation of all the other Northern California Casino Resorts from nearby residential neighborhoods. Please refer to the maps showing the specific access routes to these Casinos and their minimal sharing of transit routes with nearby residents and workers in the residential areas. And compare the number of other Northern California Casinos built on parcels zoned for residential/ agricultural use only and NOT Commercial use. The proposed Shiloh Casino Resort is THE ONLY ONE that would be in a location surrounded by many large established residential communities, on a parcel NOT approved for commercial development.

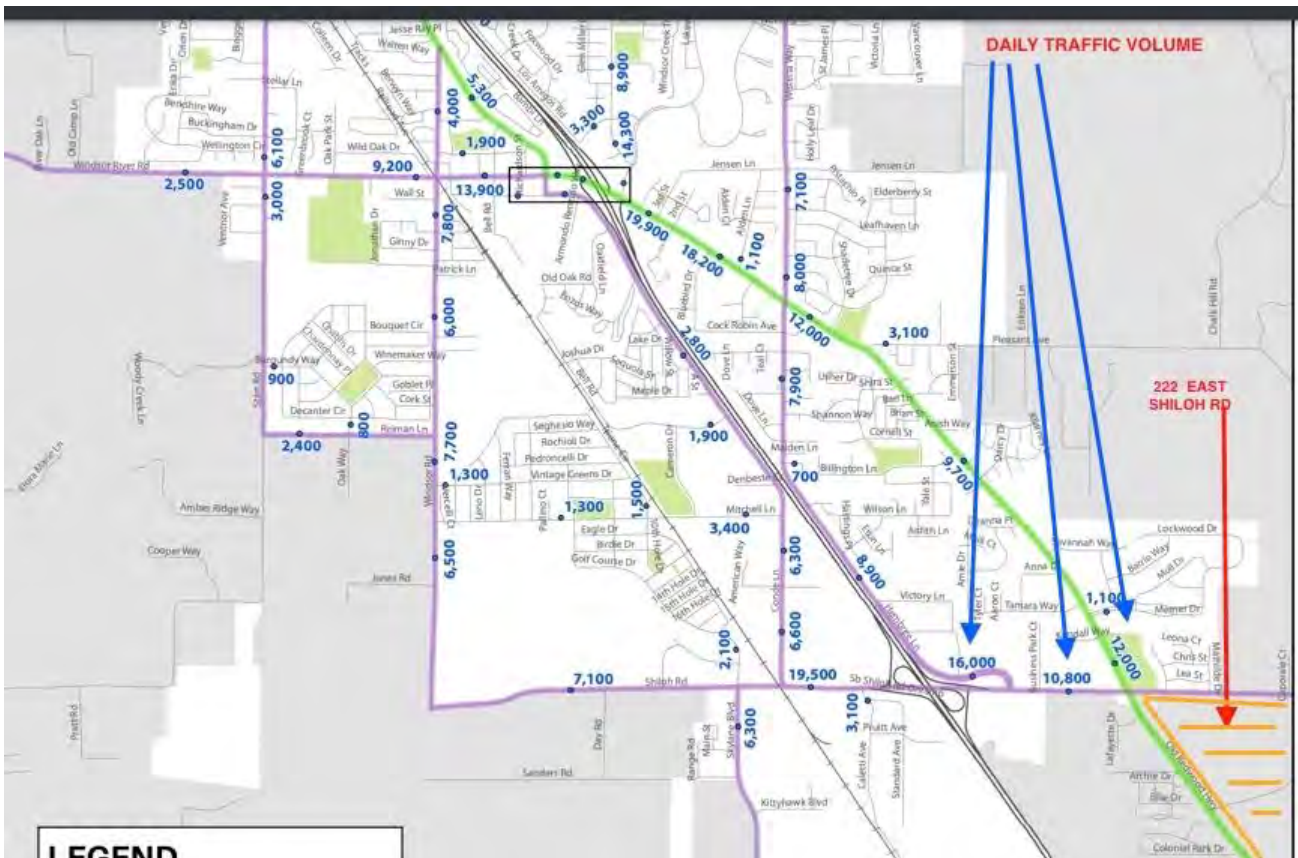
This project would not ever be permitted by the Sonoma County Planning Department because it does not comply with the rules and regulations of the Sonoma County General Plan, regulations with which every other Sonoma County business and residential property owner MUST comply.

An Environmental Impact Study was required for Graton Rancheria Casino Resort, River Rock Casino, and for Sky River Casino; **an Environmental Impact Study must be done for this project before the BIA considers taking this property into trust.**

In conclusion, the EA report omits significant information and data and lacks satisfactory analysis to support its assessments of environmental impacts on the residents living and working in Windsor and NE Santa Rosa and on the environment.

Please see the maps included in this response below.

Respectfully,  
CBelden  
resident Santa Rosa CA  
Nov.7, 2023



source: Town of Windsor Daily Traffic Volume –

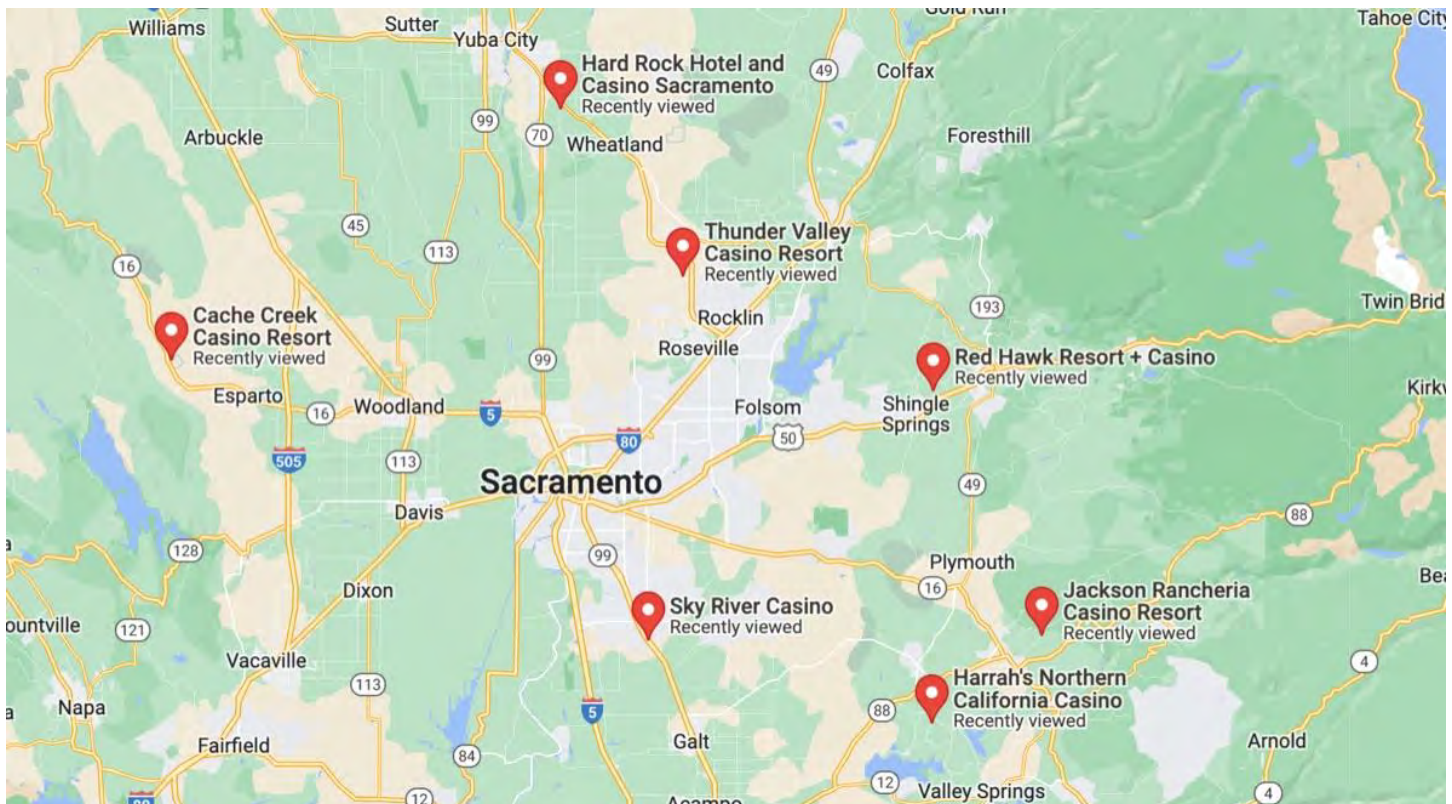
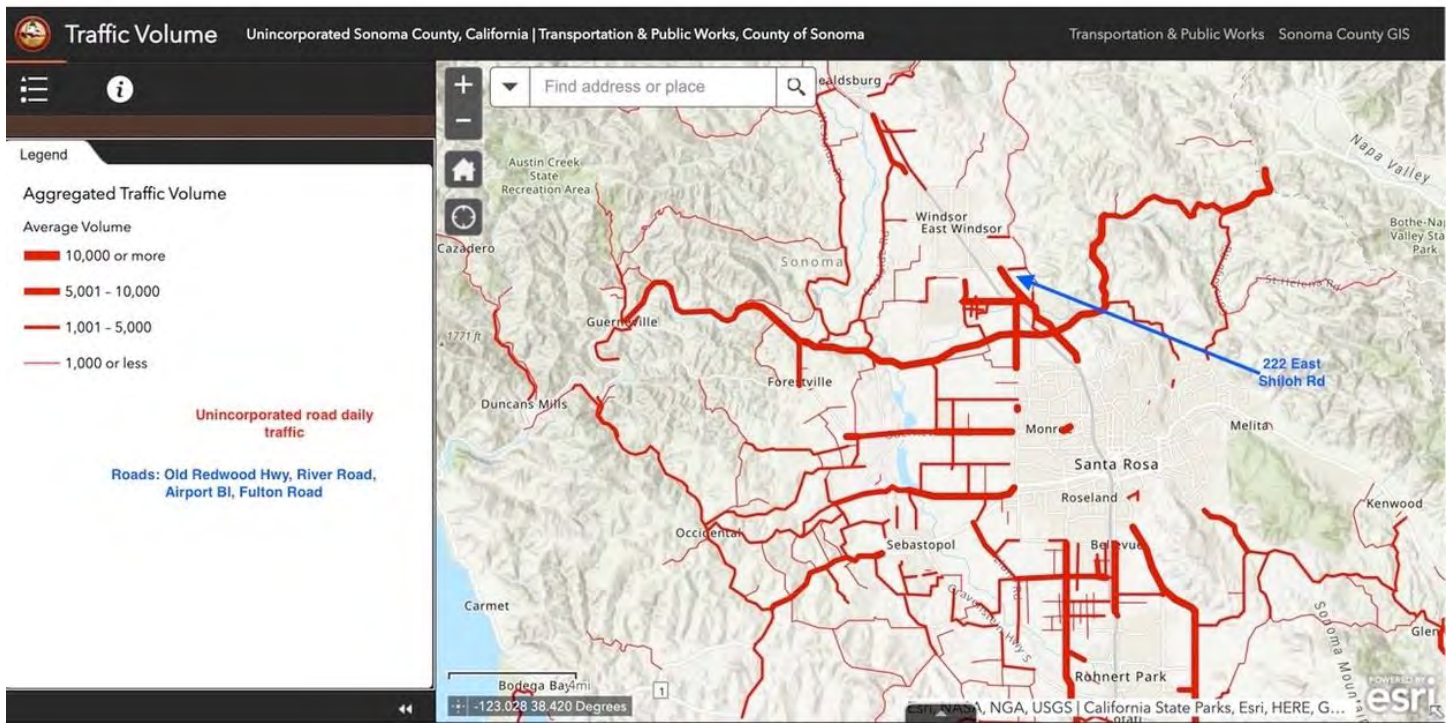
The data on this map do not agree with the data presented by EA. EA underestimated traffic volume. The EA does not add the estimated casino traffic to existing traffic volumes. The EA does not provide sufficient data to render a valid conclusion.

This study shows a daily traffic volume of 12,000 at the intersection of East Shiloh Road and ORH relating to current daily traffic, prior to the completion of the apartment complex at the intersection of ORH and Shiloh Road.

The estimated increase due to casino visits will double this volume; the EA study clearly underestimates the traffic impact.

Why did the EA not include traffic data from the Town of Windsor? This information was provided in the Scoping Comments but was ignored by the EA.





Location of Sacramento County Tribal Gaming Casino Resorts, 500nations.com.

Not one of these casinos is located in a residential area.



All are in commercial zoned or remote areas. They are at least 30 miles apart with longer driving times.

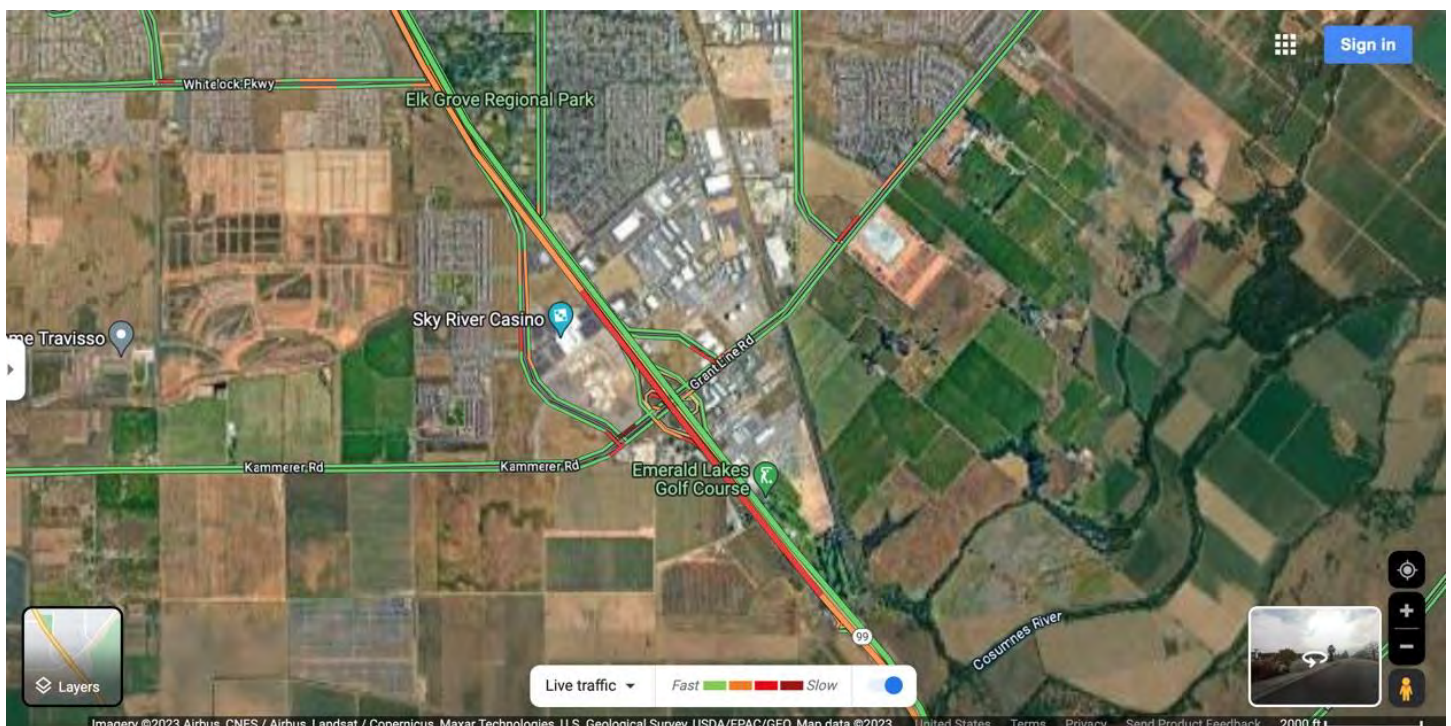
All are separated from nearby residential areas by highways and roadways that have no significant sharing with local residents' transit.

Sky River Casino's location is very far from other casinos as shown on the map above.

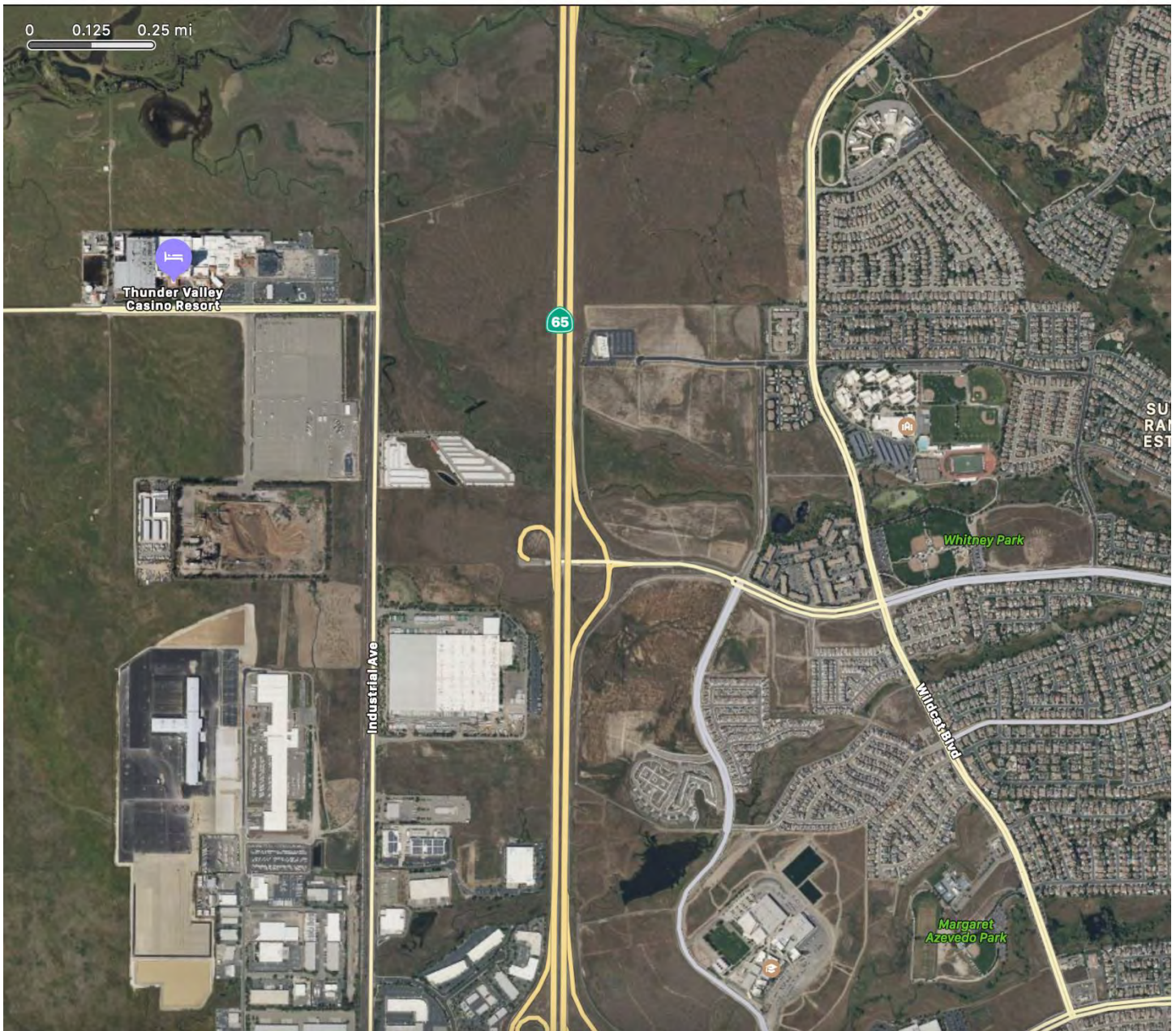
Sky River is on a commercial zoned parcel of 288 acres, entirely separated from 2 small residential areas by the Parkway and Hwy 99.

There is minimal traffic impact on these neighborhoods because the casino is located immediately adjacent to Hwy 99, with an off-ramp directed to the casino on Promenade Parkway, away from the residential areas.

See map below.





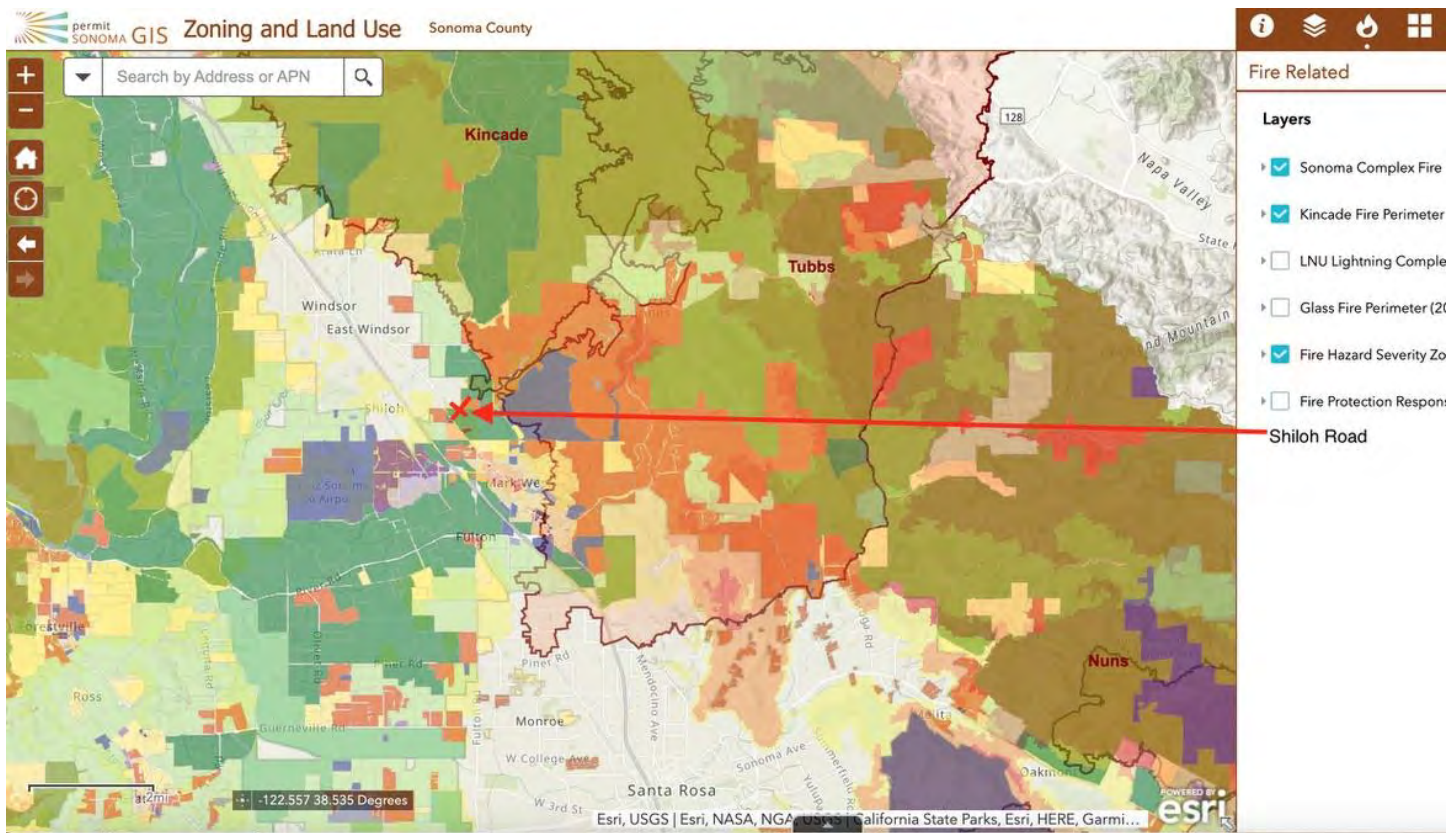


Thunder Valley Casino is separated from the Rocklin residential areas by Hwy 65 and Industrial Ave, in a commercial zoned area, and it does not share any transit routes with the residents in the area.

Examination of every other Northern California Casino shows this same condition: on commercial zoned land or remote, separated from nearby residential neighborhoods by highways, located immediately adjacent to the highway with its own transit route or minimal sharing with the residential areas.

The EA does not include assessment of these differences in location, does not compare the location of the proposed Shiloh Casino with other Northern California casinos, and ignores the current zoning of this parcel that prohibits commercial development.





source: Sonoma County Planning GIS Zoning and Land Use (November 2023)

Shiloh Road is at "X" at point of arrow. This location is surrounded by residential neighborhoods, parks, valuable vineyards as demonstrated by the colors. It lies at the point next to the boundaries of both the Tubbs Fire 2017 and Kincade Fire 2019 (orange, purple outline). All the residents living east of this point "X" will need to evacuate via Faught Road and Shiloh Road. The Casino traffic will adversely impact evacuation traffic trying to access Hwy 101 and contribute to possible deadly gridlock. The EA does not adequately address this situation and lacks critical assessment for a worst case scenario.

This location is different from EVERY OTHER CASINO RESORT in Northern California. It is surrounded by residential neighborhoods.

The EA report does not consider the residential developments that extend from Santa Rosa to north of Windsor. The East side of Hwy 101 is densely populated by residential neighborhoods. Old Redwood Highway is the main transit route, a two-land road, extending from Windsor to NE Santa Rosa.

As shown in the daily traffic map above, the numbers presented by the EA are not accurate and inadequate as an analysis of Traffic Impact.

As noted above, the EA is inadequate, with insufficient evidence and data to support its conclusions.

**From:** [mike.cote@sbcglobal.net](mailto:mike.cote@sbcglobal.net) <[mike.cote@sbcglobal.net](mailto:mike.cote@sbcglobal.net)>  
**Sent:** Sunday, November 12, 2023 1:35 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Amy Dutschke, Regional Director  
2800 Cottage Way  
Sacramento, CA 95825

SUBJECT: Koi Nation Shiloh Resort and Casino Project  
Town of Windsor Comments on Environmental Assessment  
Published September 2023

Dear Ms. Dutschke:

I am responding to the Environmental Assessment that was prepared by the Koi Nation Shiloh Resort Casino Project.

The proposed resort casino will be in my family's environment – very much within the surrounding area that we live. Despite the unregulated promises to mitigate the impact of construction and operation of the proposed resort casino, our environment will be negatively impacted. Here is my environmental assessment.

**Traffic**

300 new apartments and a senior care facility are nearing completion or starting construction, all within a few hundred feet of the proposed resort casino. If the resort casino is approved to be built, traffic and roadway changes on Shiloh Road and Old Redwood Highway **will** significantly impact lives of the community residents, businesses, schools, and churches.

Given the need for low income and elderly housing, the traffic impacts from these sources are welcome. In fact, the diversity brought to the community will have a favorable impact. I stress "community" because these projects are for permanent residents who will be our neighbors and contribute to the community.

Conversely, the impact of a resort casino in the proposed location will destroy the community. A walking and biking oriented landscape will be impractical with the proposed resort casino requirements. As a youth in South San Jose in the 1960's and 1970's, I watched as traffic mitigation separated communities.

**Wildfire**

It may not happen next year, or even within 5 or 10 years, but eventually another wildfire will approach this area. I was alerted to wildfire in the middle of the night in October 2017. As I scanned the foothills east of us, the glow of the Tubbs fire 3 miles away lit up the sky. Had the wind shifted westerly by a few degrees, our homes would have had the fate of our neighbors in Larkfield and Coffey Park. A fire driven by

extreme wind, raced at high speed and crossed a 6-lane freeway like it wasn't there. Horrible death will occur if evacuation routes are filled with resort casino patrons and staff. This is not the right location for a resort casino.

### **Our Environment**

I frequent Shiloh Ranch Regional Park. At the park pond a few years ago I saw two otters. Otters have been spotted as Windsor Golf course as well as the Russian River so I assume the otters traveled up a creek. I have video footage of foxes in my front yard. I hear and see coyote in the proposed resort casino property. I'm not a wildlife expert but I know that I don't see racoons, skunks, opossum, or bobcats as much as I used to. Building an unnecessary complex over a creek that is teeming with wildlife is unmitigable. Instead of promoting wildlife sustainability and recovery, a resort casino in the proposed location will result in another fallen domino against nature.

I've spoken with people all over the country about the location of this proposed resort casino. 100% of those I've spoken have agreed that a resort casino as close to their house as this one will be to my house would be traumatic and unacceptable to them. This is not the right location for a resort casino which is why every local elected official including the Town of Windsor and Sonoma County Board of Supervisors is opposed to the location of this project.

The Environmental Assessment used the words "short term inconveniences" and "short term disruptions" to describe unmitigated impacts. Other words like "not expected" and "not anticipated" were used to downplay potential impacts. These words may sound inconsequential to some, but not to the residents who will be impacted. Who will monitor and regulate all of the mitigating factors described in the report? For example, who will ensure that the property owners will maintain a sufficiently trained staff to manage an evacuation 5 years from now? Given the initial secrecy of the project, I do not trust these property owners.

Never has a resort casino in California been built across the street from a church and an established neighborhood. These proximities are not addressed in the Environmental Assessment. Please consider our environment.

**The only option I can support is Option D, no resort casino.**

Sincerely,

Michael Côté

5828 Mathilde Drive

Windsor, CA 95492

[mike.cote@sbcglobal.net](mailto:mike.cote@sbcglobal.net)

**From:** Nick Ratiani <[nick.ratiani@shilohnc.com](mailto:nick.ratiani@shilohnc.com)>  
**Sent:** Sunday, November 12, 2023 6:33 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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As a current member and retired pastor of Shiloh (formerly Mark West) Neighborhood Church, I am strongly opposed to the Koi Nation's Shiloh Resort and Casino Project. I have lived in the neighborhood since 1994, and served as pastor until 2022. I care deeply about our community.

During spoken testimony on September 27, 2023, I addressed some specific traffic and security issues that the casino would present to our church, which is directly across Old Redwood Highway from the proposed "Old Redwood Highway Casino Entrance 1" driveway. There is no question that Shiloh Neighborhood Church would be negatively impacted by the traffic created by any development at the proposed casino location. Because the main casino entrance/exit will be directly opposite the front of our building, traffic noise, accidents, and intrusive lights will destroy the sense of peace and serenity that we seek to foster in our church. This is not reflected in the studies presented in the Environmental Assessment.

I also spoke about the impact the additional traffic will have on East Shiloh Road and Faught Road, the narrow country road that leads to the Wikiup neighborhood where I live. After Faught Road takes a few narrow turns, it opens up to a standard road in front of San Miguel School. Casino customers who "take the back road" will accelerate right before reaching the school, even though the speed limit is 25 MPH. There is no mention of the impact the casino will have on Faught Road, or on the school. Neither are even shown on the maps or pictures included in the study.

When I spoke, I did not address the impact a large casino would have on the affordable housing complex which is being built diagonally across the Old Redwood Highway/Shiloh Road intersection from the projected casino. I see no mention of this housing project in the EA, and I am concerned that our future neighbors living there will be tempted by the possibility of winning easy money gambling at the casino right across the street.

These omissions demonstrate the project's callous disregard for the surrounding community. No attempt has been made to really understand the drastic impact the casino would have on the Shiloh and Wikiup neighborhoods. Instead the EA is full of studies and statistics denying/minimizing what will obviously be destructive impacts on the surrounding area. Even the satellite photo of the proposed project site is carefully cropped to leave out the neighborhoods on Shiloh Road and Faught Road.

The other casinos in Sonoma County were not built in existing neighborhoods. There are much better places to build a resort and casino. If the Shiloh Resort and Casino developers were from Sonoma County, they would care about the land and its residents. They would care about being good neighbors. By proceeding with this resort and casino project at this location, they

demonstrate that they are intruders, unconcerned about the people who actually are from this area.

Sincerely,  
Rev. Nikolas Ratiani  
Pastor (retired), Shiloh Neighborhood Church

**From:** Beth Evers <[blt4223@sbcglobal.net](mailto:blt4223@sbcglobal.net)>  
**Sent:** Sunday, November 12, 2023 7:59 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] This would be a disaster

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Please don't let this happen  
Sent from my iPhone



**From:** Cathy Ernst <[ernst\\_family@yahoo.com](mailto:ernst_family@yahoo.com)>  
**Sent:** Sunday, November 12, 2023 8:09 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Casino in Windsor, California

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To Whom it May Concern,

My name is Catherine Ernst and I am a long time citizen of Windsor, parent, and educator. I am extremely concerned that a casino is being considered in our residential small community. There are many reasons why this is an unsafe and highly objectionable proposal. First, this tribe, Koi, are not indigenous to Sonoma County. They set up an office here, but that doesn't make it their home county. They are from Lake County. Our indigenous tribes are the only ones entitled to this area. Also, why would another tribe from out of California be allowed to help the Koi set this up. If this is allowed the Bureau of Indian Affairs is setting up a new precedent that would allow any tribe anywhere to shop other areas other than their true ancestral home .

Second, the negative impact to our community would be multi-fold as you look at the water consumption, when drought is always a concern. Traffic is already a problem on our one lane each way streets. With fire evacuation always a concern this would cripple escape routes. Also, surrounding this 65 acre property are two schools within a mile, a church, a park and a regional park for hiking and horses. Does that sound like a place to drop a casino?

We already have two casinos within 14 miles north and south of Windsor. We don't have freeways per say, we have 101 Highway for our main road.

From everything I have read and heard, the only people who want this project have been bought and paid for with money and promises of money. The citizens of Windsor, Sonoma County, and all our true indigenous tribes do not want the casino built here. They need to go to their own ancestral county.

Please don't let the Koi Casino destroy our community and change the policies of the Bureau of Indian Affairs. I know money usually wins, but this is a matter of severe negative proportions for Windsor.

Sincerely,  
Catherine Ernst

Sent from my iPhone

**From:** sandra george <[bailey011@att.net](mailto:bailey011@att.net)>  
**Sent:** Sunday, November 12, 2023 9:49 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Good Evening Mr, Broussard,

We write to you regarding the Proposed Koi Nation Resort and Cassino. The first item we ask to be taken in consideration that should garner an automatic NO, is the fact that this proposed project is bordered on 3 sides by RESIDENTAL HOUSING. Not only residential housing, but also directly across the street is a Church, and Esposti Park which has baseball and soccer fields. Directly across the street of the proposed 65 foot high hotel are back yards of houses. Their privacy of 6 foot fence will be obliterated by the proposed 65 foot Hotel. Hotel guests will not only look down into the yards of these houses, but directly into windows. Tasking away of any and all privacy IN their houses! Sonoma County is know as Wine Country. The proposed site is zoned agriculture. Commercial building is prohibited and would RUIN the look of this area which is bordered on the 4th side by Shiloh Regional Park. The reason we bought our home across the street of he proposed project is because of all of the beautiful agricultural land surrounding us. This would be ruined by ANY building on this land. This fact CANNOT be mitigated. The Koi have been land shopping for years. After being unsuccessful in their prior attempts. They then bought the proposed site sneakily and underhandidly. Not revealing who they were, or what their intent was. They say they want to be a good neighbor. They why haven't they reached out to the neighbors? Why did they not reach out to us before they snuck into our neighborhood? The Koi talk about the economic increases they believe they will make. What about the economic damage they will make. We reached out to our realtor about our home value with and without a cassino. The response was a \$200,000 decrease with a casino. A casino would effect thousands and thousands of home values. The Koi say they will create 2000 + new jobs. They also say in their EA that Sonoma county Unemployment is at a historic low at 2.6%. Businesses and companies are closing daily. This in mainly due to lack of workers. There are more jobs available that the Koi reported 2.6% of unemployed. This 2.6 % represents those that choose NOT to work. If the Koi do produce the over 2000 projected jobs, the only workforce to fill those jobs will be from the currently struggling businesses and companies. This will further promote more closures of these businesses and companies. This will create even more commercial buildings left un rented. That will effect the land/building owners and force more forclosuers. Any financial gains the Koi tout, will pale to the economic losses of home owners, land owners, business owners who invested their life savings in their failed businesses, county tax revenue. The Koi plan to fill areas on the land by 2 feet. This will odviously be the low lying areas of the property. It is illegal to grade your property and divert water onto bordering properties. This is exactly what would happen. The properties to the south of the proposed project are directly across from Pruitt Creek and are in a low lying area. This diversion, along with depleting flood land, and land that absorbed rain water instead of channeling it into the creek will increase flooding of low lying lands, and lands along the creek which border

residential housing. The Koi project taking 170,000 gallons of water, A DAY, out of wells up to 700 feet deep. Our houses ONLY source of water is our well. Our well is not 700 feet deep. Our well WILL GO DRY with the proposed amount of water being taken daily. Wells have been going dry around the county, without having 170,000 gallons being taken on a daily basis nearby from the ground. California's Central Valley is sinking at a rate of 1 foot a year due to over use of wells. What will be the impacts in our area? These impacts CANNOT BE MITIGATED! The Koi project about 2 million gallons of wastewater a week. They propose a wastewater storage tank of 12,000 million gallons. What is going to happen when the proposed tank fills up in 6 weeks time? It will only have one place to go. Pruitt Creek! There is no way to mitigate waste water smell. Either we will smell the waste water or the deodorizer. We will also have to smell the odors of the Restaurant/Kitchen, and Laundry. These smells cannot be mitigated. The Koi say that the parking areas will be "well lit". This along with the other lighting CANNOT BE MITIGATED! The Koi talk about the TEMPORARY construction jobs for the County. The Contractors who build Casinos are primarily from Las Vegas or elsewhere in Nevada. The construction monies made by these companies will go back to these states and not the local economy. Many of the workers will be coming in with these companies from Nevada and other states. As you heard in the last zoom meeting. The only support were from some speakers from the Carpenters Union. ALL of which did not LIVE in close proximity of the proposed project and WONT be DIRECTLY affected. EVERY politician in the STATE of CALIFORNIA, from the nearby towns, cities, county, state, and federal levels, ALL OPPOSED the proposed project! All home owners, local businesses, prior Superintendent of Schools, retired Police chiefs etc. ALL OPPOSED the proposed project. We fled our house the night of the Tubbs fire with our Grandchildren with only the clothes/pajamas on our backs. Only to get onto Hwy 101 heading South and almost was hit head on by vehicles that had turned around on the freeway and were going the wrong direction because the freeway was blocked by the fire and fallen trees. After exiting the freeway we were stuck in gridlocked traffic. Luckily we escaped as 24 others died trying! When the Kinkade fire broke out. I could see it from my bedroom. I watched it grow through the night. When we were systematically evacuated the next day. It was complete gridlock. This was under controlled conditions. Had the winds not shifted. The outcome could have been worse than the Paradise fire. On a typical day Shiloh Road gets backed up almost to the freeway. With a Casino it WILL be backed up not only to the freeway, but on the freeway! If the Koi are allowed to build the proposed Casino and Resort. The hotel and casino patrons, and nearby residents WILL NOT be able to evacuate if and when another fire starts. Both the Tubbs and Kinkade fire came right through this path as this is the way the wind currents run and funnel the fires. The Koi say that they were wronged in the past. I was always told from a young age that two wrongs do not make a right. Don't let the Koi wrong us homeowners/citizens. There is plenty of commercial land available that is not near, or directly across the street of residences. The only viable, and correct option, is Option D. Our only support is of Option D.

Please make the correct decision in this matter. Option D.

Thank you,  
David and Sandra George

**From:** [dcraigm@aol.com](mailto:dcraigm@aol.com) <[dcraigm@aol.com](mailto:dcraigm@aol.com)>  
**Sent:** Monday, November 13, 2023 3:20 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Donald Craig Mitchell Comments Koi Nation EA

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To: Chard Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region

FROM: Donald Craig Mitchell

SUBJECT: Environmental Assessment  
Koi Nation of Northern California  
Shiloh Resort and Casino Project

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Attached to this email as a pdf file for the consideration of Regional Director Dutschke and other Department of the Interior officials (including the Associate Solicitor - Indian Affairs) are my comments on the Environmental Assessment the BIA has issued regarding the request of the Koi Nation of Northern California that Secretary Haaland acquire 68.8 acres of land in Sonoma County for the Koi Nation pursuant to section 5 of the Indian Reorganization Act.

I also will mail Director Dutsche a hard copy copy of my comments.

Would appreciate your confirmation of receipt of these comments.

Thanks.

**One attachment** • Scanned by Gmail

November 13, 2023

TO: Amy Dutschke  
Regional Director  
Pacific Regional Office  
Bureau of Indian Affairs

FROM: Donald Craig Mitchell  
1335 F Street  
Anchorage, Alaska 99501  
(907) 276-1681

SUBJECT: Comments on Environmental Assessment  
Koi Nation Shiloh Resort and Casino

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In September 2023 the BIA Pacific Regional Office made available for public comment an assessment (EA) of the environmental impacts that may occur if Secretary of the Interior Deb Haaland takes into trust for an organization called the Koi Nation of Northern California the title to 68.8 acres of land located adjacent to the town of Windsor, California, to enable the Koi Nation to construct and operate a casino whose gaming floor will contain 2,750 video gaming machines and 105 table games, as well as a five-story hotel and four-story concrete parking garage.

The EA describes four alternative actions.

Alternative D is no action: Secretary Haaland will not take the title to the 68.8 acres into trust, no casino, hotel, and parking garage will be built, and, should it wish to do so, the

Koi Nation (which owns the property in fee title) can continue to use the land for agricultural purposes.

For the reasons set out below, Alternative D not only would be, as a matter of public policy, the most appropriate action, as a matter of law, Secretary Haaland has a nondiscretionary duty to implement Alternative D because

1. The members of the Koi Nation of Northern California are not "Indians" as section 19 of the Indian Reorganization Act (IRA) defines that term for whom Congress, in section 5 of the IRA, has delegated Secretary Haaland authority to take the title to land into trust; and
2. The members of the Koi Nation of Northern California are not an "Indian tribe" as section 4(5) of the Indian Gaming Regulatory Act (IGRA) defines that term.

SECRETARY OF THE INTERIOR DEB HAALAND HAS NO AUTHORITY TO TAKE THE TITLE TO ANY LAND INTO TRUST FOR THE KOI NATION OF NORTHERN CALIFORNIA PURSUANT TO SECTION 5 OF THE IRA

Section 5 of the IRA, 25 USC 5108, delegates the secretary of the interior authority to acquire land "for the purpose of providing land for Indians." Section 5 also provides that the title to acquired land "shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation."

In turn, section 19 of the IRA, 25 U.S.C. 5129, defines "Indian" to mean "all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood." (emphasis added).

In 1942 Felix Cohen, who today remains an authoritative commentator on federal Indian law, cautioned that "The word 'tribe' is commonly used in two senses, an ethnological sense and a political sense" and that it is "important to distinguish between these two meanings of the term."<sup>1</sup>

In 1901 in *Montoya v. United States*<sup>2</sup> the U.S. Supreme Court defined an ethnological tribe as "a body of Indians of the same or a similar race, united in a community under one leadership or government and inhabiting a particular though sometimes ill defined territory."

A group of individuals of Native American descent is a tribe in a political sense if the group has been lawfully "recognized" to be such by the federal government. In 1994 the Committee on Natural Resources, which in the U.S. House of Representatives

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<sup>1</sup> Felix S. Cohen, Handbook of Federal Indian Law, at 268 (1942).

<sup>2</sup> 180 U.S. 261.



exercised jurisdiction over Native American-related legislation, instructed that

"Recognized" is more than a simple adjective; it is a legal term of art. It means that the government acknowledges as a matter of law that a particular Native American group is a tribe by conferring a specific legal status on that group, thus bringing it within Congress' legislative powers. This federal recognition is no minor step. A formal political act, it permanently establishes a government-to-government relationship between the United States and the recognized tribe as a "domestic dependent nation," and imposes on the government a fiduciary trust relationship to the tribe and its members. Concomitantly, it institutionalizes the tribe's quasi-sovereign status, along with all powers accompanying that status . . . . (emphasis added).

H.R. Rep. No. 103-781 at 2-3. *Accord* Newton, Nell Jessup (ed)., *Cohen's Handbook of Federal Indian Law*, at 133-134 (2012).

There are three "formal political acts" that can confer recognition:

1. The Senate's ratification of a treaty that has been negotiated with a group whose membership is composed of individuals of Native American descent;
2. Congress's enactment of a statute that "recognizes" a group whose membership is composed of individuals of Native American descent as a tribe that, as a consequence of the recognition, henceforth has a "government-to-government relationship" with the government of the United States; and

3. Final agency action by the secretary of the interior taken pursuant to a statute in which Congress has delegated the secretary authority to "recognize" groups whose memberships are composed of individuals of Native American descent as tribes in Congress's stead.

The group once called the Lower Lake Rancheria, but which now calls itself the Koi Nation of Northern California, has not been "recognized" by any of those three means. As a consequence, the group is not a "recognized Indian tribe" for which Congress has delegated Secretary Haaland authority to take the title to land into trust pursuant to section 5 of the IRA.<sup>3</sup>

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<sup>3</sup> In 2017 the Koi Nation filed a civil action against the Department of the Interior in the U.S. District Court for the District of Columbia to obtain a declaratory judgment that "the Koi Nation 'is an Indian Tribe that is restored to federal recognition' in accordance with [section 20(b)(1)(B)(iii) of the IGRA]." *Koi Nation of Northern California v. U.S. Department of the Interior*, U.S. District Court for the District of Columbia No. 1:17-cv-01718. In paragraph 6 of its complaint the Koi Nation alleged that it was a "federally recognized tribe." In their answer the federal defendants admitted the assertion of tribal status in paragraph 6. Because tribal status had not been contested, in her memorandum opinion District Judge Beryl A. Howell simply assumed, albeit without deciding, that the Koi Nation was "a landless federally recognized Indian tribe. See *Koi Nation of Northern California v. U.S. Department of the Interior*, 361 F. Supp.3d 14, 20 (D.C.D.C. 2019).

The History of the *Ultra Vires* "Recognition" of  
of the Members of the Koi Nation of Northern California  
as a "recognized Indian Tribe"

In 1848 in the Treaty of Guadalupe Hidalgo<sup>4</sup> the government of Mexico ceded to the United States authority to assert its jurisdiction throughout the geography known as California. In Article XI of the treaty the parties agreed that members of the "savage" tribes that resided in California would "hereafter be under the exclusive control of the Government of the United States."

To obtain information regarding the extent to which the United States should validate land ownership claims in California, in 1849 Secretary of State John M. Clayton sent two individuals, Thomas Butler King, a former congressman, and William Carey Jones, to reconnoiter and then report on the situation. Insofar as the occupancy of land by Native Americans was concerned, Butler reported that in California the Indians "have never pretended to hold any interest in the soil, nor have they been treated by the Spanish or American immigrants as possessing any."<sup>5</sup> And Jones reported the same, advising that "In the wild or wandering tribes, the Spanish law does not recognize any title whatever to the soil." But he also reported that

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<sup>4</sup> Treaty of Peace, Friendship, Limits, and Settlement with the Republic of Mexico, 9 Stat. 922.

<sup>5</sup> T. Butler King's Report on California, H. Exec. Doc. 31-59, at 8 (1850).

insofar as Indians who resided in villages in the vicinities of the missions that in 1833 the Mexican Congress had secularized were concerned:

I understand the law to be, that wherever Indian settlements are established, and they till the ground, they have a right of occupancy in the land which they need and use; and whenever a grant is made which includes such settlements, the grant is subject to such occupancy . . . The continued observance of this law, and the exercise of the public authority to protect the Indians in their rights under it, cannot, I think, produce any great inconvenience."<sup>6</sup>

A year later, in 1851 the 31st Congress enacted the California Lands Act,<sup>7</sup> which established a three-member commission empowered to determine the validity of the land ownership rights of "every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican government." Jones's recommendation regarding the occupancy rights of Indians who resided in villages located in the vicinities of the missions was ignored. The silence in the Act was tantamount to a decision by the 31st Congress that the United States government would not afford Native American land occupancy rights in California any legal recognition.

But a year earlier the same 31st Congress had directed President Millard Fillmore to send "not more than three agents

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<sup>6</sup> Report on the Subject of Land Titles in California, at 37 (1850).

<sup>7</sup> Act of March 3, 1851, 9 Stat. 631.

for the Indian tribes in California" to "perform the duties now prescribed by law to Indian agents."<sup>8</sup> Secretary of the Interior Alexander Stuart subsequently decided on his own that the agents should negotiate treaties that would establish reservations onto which Indians who agreed to a treaty would relocate.

The three agents negotiated eighteen treaties. But in 1852 when the treaties were presented to the Senate for ratification they were rejected, among other reasons because, as Senator David Atchison, the chairman of the Committee on Indian Affairs railed, the 31st Congress had not authorized the agents to negotiate any treaties to begin with.<sup>9</sup>

The Senate's refusal to ratify the treaties established two legal precedents. The first was that Congress would not recognize that Native Americans in California had any legally enforceable right to any of the land they occupied. The second was that Congress would not "recognize" any groups of Native Americans in California as "Indian tribes" in a political sense. Instead, Indians would be dealt with as individuals.

Throughout the latter half of the nineteenth century, in southern California Congress's Indian policies in California were problematical. For example, after visiting eight Indian

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<sup>8</sup> Act of Sept. 28, 1850, 9 Stat. 519.

<sup>9</sup> *See generally*, Harry Kelsey, "The California Indian Treaty Myth," 55 *Southern California Quarterly* 225-238 (1973).

settlements in southern California, in 1875 Indian agent D.E. Dryden reported to Commissioner of Indian Affairs Edward Parmelee Smith that

The Indians, by virtue of long possession inherited from their ancestors, very naturally feel that their rights are being invaded and their lands wrested from them. Grant-holders regard the Indians as troublesome incumbrances upon their lands, and are anxious to have them removed, while the settlers are crowding in to make homes upon the lands to which they consider the Indians have no title, notwithstanding their actual possession. The adjustment of these interests has been too long neglected, but cannot much longer without very serious consequences, and any adjustment left to the parties interested must result in disadvantage and disaster to the Indians, the weakest party.<sup>10</sup>

But in northern California, in the Sierra Nevada foothills where gold had been discovered and in the river valleys where farms and ranches had been established, the situation for Indians was horrific. Indian men wantonly murdered. Indian women sexually abused. Indian children kidnapped.<sup>11</sup>

By the turn of the twentieth century most Indians still alive in northern California were impoverished and itinerant, moving in family groups from farm-to-farm ranch-to-ranch where the white owners allowed them to camp while they labored in the fields.

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<sup>10</sup> 1875 Report of Commissioner of Indians Affairs, at 223.

<sup>11</sup> See generally Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873* (2016).

In 1894 a group of locally socially prominent women in San Jose, California, who were concerned about the dire living conditions of itinerant Indians in that locale organized the Northern California Indian Association (NCIA).<sup>12</sup>

In 1904 the NCIA petitioned the 58th Congress to appropriate money to enable the secretary of the interior to purchase small tracts of land Indian families. The petition described the rationale for doing so as follows:

The present unfortunate condition of the nonreservation Indians of northern California<sup>13</sup> is largely or perhaps wholly owing to their landless condition, and this landless condition results from the seizure of their lands by the Government of the United States without payment therefor . . . We do not wish reservations established for them. Reservations would be very expensive for the Government, and, we think, undesirable for the Indians in many ways. We ask that land be given them in severalty, under the tenure and with the probationary period or greater of the general allotment act. Our Indians have been more or less in contact with civilization for years, and are, we are convinced, ready for allotments in severalty. We do not ask for large farms. Most Indians would be unable to use a large farm properly. Small tracts, we think, will be sufficient.<sup>14</sup>

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<sup>12</sup> See generally Larisa K. Miller, "The Decline of the Northern California Indian Association," 99 *California History* 25-52 (2022).

<sup>13</sup> After the Senate rejected the treaties whose ratification would have created eighteen reservations, later in the nineteenth century several relatively small reservations were created in both northern - e.g., Round Valley and Hoopa Valley - and southern - e.g., Capitan Grande - California.

<sup>14</sup> S. Doc. No. 58-131, at 2-3.



In 1905 the 58th Congress responded to the petition by directing Secretary of the Interior Ethan Hitchcock "to investigate through an inspector or otherwise existing conditions of the California Indians and to report to Congress at the next session some plan to improve the same."<sup>15</sup>

To conduct the investigation Secretary Hitchcock appointed Charles E. Kelsey, an attorney and member of the NCIA who in 1901 had moved to San Jose from Wisconsin.<sup>16</sup>

In the report he submitted in March 1906 Kelsey "recommend[ed] the appropriation of a sufficient sum for the purchase of land in the immediate localities where the Indians live, to be allotted or assigned to them in small tracts under such rules as the Secretary of the Interior may prescribe."<sup>17</sup>

Three months later the 59th Congress appropriated \$100,000 that the secretary of the interior was directed to spend by "purchas[ing] for the use of the Indians in California now residing on reservations which do not contain land suitable for cultivation, and for Indians who are not now upon reservations in said State, suitable tracts or parcels of land, water, and water

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<sup>15</sup> Pub. L. No. 58-212, 33 Stat. 1048, 1058.

<sup>16</sup> Larisa K. Miller, "Made in Wisconsin: The Shaping of a Federal Indian Agent," 33 *Voyageur* 10-18 (Summer/Fall 2016).

<sup>17</sup> Report of the Special Agent for California Indians to the Commissioner of Indian Affairs, 21, 1906, *reprinted* at Indian Tribes of California: Hearing before a Subcomm. of the H. Comm. on Indian Affairs, 66th Cong. 125-126 (1920).

rights in the State of California."<sup>18</sup>

That was the first of several appropriations Congress made for the purpose of purchasing small tracts of land. As Commissioner of Indian Affairs Francis Leupp in 1907 explained to the Senate Committee on Indian Affairs:

The Act of June 21, 1906 appropriated the sum of \$100,000 for the purchase of lands and water rights for the Indians in the State of California. This appropriation is now nearly exhausted, and while a great deal has been done for the betterment of the condition of these Indians, it is apparent that the amount was wholly inadequate to carry out the purposes for which the appropriation is made.

. . . .

It is but justice, both to the Indians and to the citizens of the State of California, that the Congress make suitable provision to place the Indians of the State of California in a position to gain their own livelihood. It is not intended to give these Indians farms, but merely to purchase for each Indian, or family of Indians, a small tract not exceeding 5 or 10 acres, on which it will be possible to erect homes and cultivate small gardens or orchards.<sup>19</sup>

Commissioner Leupp appointed Charles Kelsey as a special Indian agent to administer the land purchase program, a position Kelsey held until 1913 when Democrat Woodrow Wilson assumed the presidency and Kelsey and all other Republican political appointees in the Department of the Interior were terminated.

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<sup>18</sup> Pub. L. No. 59-258, 34 Stat. 325, 333.

<sup>19</sup> S. Rep. No. 60-95, at 1.

During his tenure

From his office in San Jose, Kelsey racked up thousands of miles traveling around California and made two trips to the Indian Office headquarters in Washington, D.C. Kelsey bought forty-five tracts of land in California totaling more than 7,500 acres; a dozen sites were in southern California and the rest were in the north. More sites were purchased after Kelsey left the service. They are now known as Indian rancherias."<sup>20</sup>

Clear Lake is a large fresh water lake in Lake County, California, 109 miles northeast of San Francisco. In 1916 Charles Kelsey's successor as Indian agent purchased a 140.46-acre tract of land at the southern end of the lake that would be known as the Lower Lake Rancheria.

The tract was vacant because, while individuals of Pomo Indian descent long had lived around the lake, in 1916 they resided at locations other than on the 140.46-acres that had been purchased for Indian occupancy.

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<sup>20</sup> Larisa K. Miller, "Primary Sources on C.E. Kelsey and the Northern California Indian Association," 4 *Journal of Western Archives*, at 3-4 (2013). After the missions in California were secularized the Mexican government granted the land around each mission to private individuals as multi-thousand-acre ranches whose principal purpose was grazing cattle whose hides and tallow were sold to merchants who sailed around the Horn from Boston. On the ranches Indians provided most of the labor. See generally Richard Henry Dana, Jr., *Two Years Before the Mast* (1840). The location on a ranch at which the owner allowed his Indian workers to camp was called a rancheria. Similarly, during the latter half of the nineteenth century and the beginning of the twentieth century when farms and ranches were established in northern California, the location at which the owner of a farm or ranch allowed the Indians who labored in his fields (and their families) to camp also was called a rancheria. By 1907 when Charles Kelsey began purchasing small tracts of land for landless Indians the tracts were described as "rancherias."

The year after the Bureau of Indian Affairs (BIA) purchased the 140.46-acres the California Supreme Court issued *Anderson v. Mathews*,<sup>21</sup> a decision in which it held that Ethan Anderson, a Pomo Indian who resided at the north end of Clear Lake, was a citizen who, as a consequence of that status, was entitled to vote in state elections. The Court's description of the situation vis-a-vis Mr. Anderson and other Pomo Indians who lived around Clear Lake in 1917 merits the length of the quote:

[Plaintiff Ethan Anderson] was born in California, after its admission into the Union, and has always resided there.<sup>22</sup> At the time of the treaty of [Guadalupe Hidalgo] his ancestors were wild and uncivilized Indians settled in and permanently inhabiting Indian villages in the region now forming Lake county. Then and for several years thereafter they lived in tribes and maintained tribal relations, the nature of which is not stated. The name of the tribe is not given.<sup>23</sup> It does not appear that it was known by any name. The United States has never made any treaty with the tribe, or with any tribe of which it ever formed a part, or with the particular group or village of Indians with whom the plaintiff associates and resides. It does not appear that the original tribe had any form of government, laws or regulations of any kind. He is one of a group of Indians residing in Lake

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<sup>21</sup> 174 Cal. 537 (1917).

<sup>22</sup> Anderson was born in Scattered Rocks Village - also known as Kabemato'lil, an 89-acre tract of land located several miles north of Clear Lake that in 1879 fourteen Pomo Indians had purchased in fee title for \$2,200 from a local farmer. See Khal Schneider, "A Square Deal in Lake County: *Anderson v. Mathews* (1917), California Indian Communities, and Indian Citizenship," 18 *Journal of the Gilded Age and Progressive Era* 263-281 (2019).

<sup>23</sup> The context indicates that the Court was using the term "tribe" in its ethnological sense, rather than in its political sense.

county, and who, although surrounded by white neighbors, practically associate exclusively with each other and with other Indians in that and adjacent counties. The group has no tribal laws or regulations, and no organization or means of enforcing any such laws or regulations. The only sort of communal organization or semblance of political autonomy it has consists of the fact that one of them has the title of "captain," and is treated as their leader or spokesman, and receives some deference and respect on that account. But he has no authority. Disputes are sometimes submitted to him for settlement, but his decisions are considered wholly advisory. Each party accepts or rejects them as he chooses, and there is neither enforcement nor means of enforcement thereof.

Some years ago a white man named Bucknall donated a tract of land to another group of Indians in the vicinity, on which said Indians reside as in a village. In this village the United States has established a school for the benefit of all the Indians of the vicinity, and it provides transportation thereto for the children of the plaintiff's group or village. This land is held in trust for the benefit of all these Indian villages, and they all contribute to pay the taxes thereon. They have never been taxed on other property, and the plaintiff has not otherwise paid taxes.

A few years ago the federal government purchased a tract of land in Lake county for a home for these Indians, including the group of which plaintiff is a member, upon which any family of the group can live and make its home. It has been subdivided into lots for allotment, in severalty, to the beneficiaries. The plaintiff has selected a lot and has established a residence thereon where he lives when not employed elsewhere. He has not received any certificate or patent for the allotment. The Indian agent at Round Valley Reservation furnishes some food and clothing to these Indians in cases of extreme necessity "and attends to their ordinary wants." No explanation is given of the meaning of the phrase just quoted. In no other manner has the United States dealt with these Indians or recognized their distinct or communal existence separate from other inhabitants of the state.

The plaintiff and the other Indians of his group maintain themselves and their families chiefly by doing farm work for wages on the farms of their white neighbors. They also catch fish and gather acorns which they dry and store for winter food. When at work for farmers they live in houses furnished by their employers or in camps in the fields near their work, returning to their village when the employment ends . . . They all acknowledge themselves bound by state laws, and do not dispute the jurisdiction of the state over them. The plaintiff was married under state law, and when the petition was filed he was living with his family in a house on the land of a farmer for whom he was working. He expects to return to the village when his employment ceases. It is not the custom of those Indians to marry by state law. They usually take a woman and live with her according to the Indian custom, by her parents' consent, but without a ceremonial marriage after our forms. They wear clothes similar to those worn by their white neighbors.

From these circumstances we think it is clear that the plaintiff is a citizen of the United States, and entitled to registration as a voter.<sup>24</sup> (emphases added).

It is reasonable to assume that Pomo Indians who lived at the southern end of Clear Lake were similarly situated.

In 2000 the superintendent of the BIA Central California Agency reported that, as it had been in 1916, until 1947 the 140.46 acres known as the Lower Lake Rancheria continued to be uninhabited. But that year the BIA allowed two individuals of Pomo Indian descent - Louis Johnson and Harry Johnson - and their families to move onto the land. But only Harry Johnson and his family did so, settling on a 41-acre parcel inside the boundaries

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<sup>24</sup> *Supra* at 542-544.

of the rancheria.<sup>25</sup>

Three years later, in 1951 the Lake County Board of Supervisors asked the BIA whether it would be possible lease or purchase the 99.46 acres that remained uninhabited for use as an airport. Harry Johnson and the BIA agreed to that arrangement, and in 1953 Representative Hubert Scudder, who represented Lake County in the U.S. House of Representatives, introduced a bill whose enactment would effectuate that result.<sup>26</sup>

The bill was so noncontroversial that Representative Arthur Miller, the chairman of the House Committee on Interior and Insular Affairs to which the bill had been referred, did not bother to have the committee hold a hearing on the measure. But a technical land conveyance problem required Representative Scudder to introduce an amended version of the bill,<sup>27</sup> which in 1956 the 84th Congress enacted as Public Law No. 84-443.<sup>28</sup>

The Act authorized the secretary of the interior to sell the 99.46 acres to Lake County for the fair market value of the land,

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<sup>25</sup> Memorandum entitled "Administrative Reaffirmation of Federal Recognition - Lower Lake Rancheria," from Superintendent BIA Central California Agency to Regional Director BIA Pacific Region, Sept. 14, 2000 [hereinafter "BIA Superintendent Memorandum"]. This document and the documents cited in footnotes 35, 40, 44, 46, and 48 are part of the administrative record that was filed in *Koi Nation of Northern California v. U.S. Department of the Interior*, 361 F. Supp.3d 14 (D.C.D.C. 2019).

<sup>26</sup> H.R. 6105, 83d Cong. (introduced July 6, 1953).

<sup>27</sup> H.R. 585, 84th Cong. (introduced Jan. 5, 1955).

<sup>28</sup> 70 Stat. 58.



and to convey to Harry Johnson an unrestricted deed in fee title to the 47 acres he and his family were occupying. According to the superintendent of the BIA Central California Agency, subsequent to his receipt of the deed "Mr. Johnson sold at least some of the 41-acre parcel"<sup>29</sup> (and presumably pocketed the proceeds).

In 1974 Harry Johnson died in Santa Rosa, California.

At the request of the Indians who resided on forty-one rancherias in northern California, in 1958 the 85th Congress enacted the California Rancheria Act.<sup>30</sup> The Act delegated the secretary of the interior authority to convey to the occupants of each of the forty-one rancherias the land on which each occupant resided, but only after the Indians who resided on a rancheria had voted to accept the conveyances. The Act also provided that after title to the land in a rancheria had been conveyed, the Indians who now owned the land in fee title would not be entitled to "any of the services performed by the United States for Indians because of their status as Indians," and "all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them."

Throughout the 1960s the BIA implemented the California Rancheria Act.

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<sup>29</sup> BIA Superintendent Memorandum.

<sup>30</sup> Pub. L. No. 85-671, 72 Stat. 619.

In 1971 attorneys in the employ of California Indian Legal Services (CILS), a recently established OEO-funded "public interest" law firm headquartered in Oakland, California, decided to begin a litigation campaign whose objective was to reverse the BIA's implementation of the California Rancheria Act and, as part of the project, establish that the occupants of each of the former rancherias were, and had always been, members of "federally recognized tribes."

In 1977 the CILS campaign achieved its first win when in *Duncan v. Andrus*,<sup>31</sup> the U.S. District Court for the Northern District of California held that the BIA had unlawfully conveyed to the Pomo Indians who lived on it the land in the Robinson Rancheria, a tract of land on the north end of Clear Lake that Charles Kelsey had purchased in 1909. Even though the Indians who occupied homesites on the rancheria had approved the conveyances by a vote of 24 in favor to 1 opposed, the CILS attorneys won because "Defendants, through counsel, have conceded that the termination [of the Robinson Rancheria] was unauthorized."<sup>32</sup>

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<sup>31</sup> 517 F. Supp. 1 (D.C. Cal. 1977).

<sup>32</sup> Id. at 4. While Secretary of the Interior Cecil Andrus and the other Department of the Interior defendants were represented in *Duncan v. Andrus* by attorneys in the U.S. Department of Justice, the defendants' response to the lawsuit was managed by attorneys in the Office of the Solicitor of the Department of the Interior in Washington, D.C. The complicity of those attorneys with the CILS attorneys in CILS's years-long effort to invalidate the BIA's implementation of the California Rancheria Act is a subject beyond the scope of these comments.

Motivated by that victory, in 1979 in the same court the CILS attorneys filed *Tillie Hardwick v. United States*,<sup>33</sup> a class action whose objective was to invalidate the BIA's implementation of thirty-six of the forty-one rancherias.

That same year, 1979, Assistant Secretary of the Interior for Indian Affairs Forrest Gerard published in the *Federal Register* a list of "Indian Tribal Entities That Have a Government-to-Government Relationship with the United States."<sup>34</sup> The BIA also announced that in future years Assistant Secretary Gerard and his successors periodically would publish updated lists.

In 1980 CILS attorneys apparently lobbied Commissioner of Indian Affairs William Hallett to preempt the judicial process by including eleven rancherias on the next list.

While nine of the rancherias were plaintiffs in the *Tillie Hardwick* lawsuit, inexplicably, one of the two others was the Lower Lake Rancheria. Since Harry Johnson was deceased, who the individuals were who the CILS attorneys believed had a connection of any sort to the Lower Lake Rancheria is not known.

But what is known is that in a memorandum dated October 31, 1980 R.S. McDermott, the acting area director of the BIA

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<sup>33</sup> U.S. District Court for the Northern District of California No. 79-1710.

<sup>34</sup> 44 *Fed. Reg.* 7231.

Sacramento Area Office, informed Commissioner Hallett that "All of the rancherias except Lower Lake are presently involved in litigation, and it is the position of this office and the Justice Department that inclusion of the eleven would be a detriment to the legal positions being taken by the United States in the suits." And with respect to the Lower Lake Rancheria, Director McDermott advised Commission Hallett: "No tribal entity existed prior to termination."<sup>35</sup>

In 1982 when the BIA published an updated list,<sup>36</sup> neither the Lower Lake Rancheria nor the ten other rancherias were included.

No further mention of the Lower Lake Rancheria was made for twelve years until 1994 when three brothers - Dino, Darin, and Daniel Beltran - created an organization they called the Lower Lake Rancheria of Pomo Indians that they began asserting was, and had always been, a "federally recognized tribe."<sup>37</sup>

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<sup>35</sup> Memorandum entitled "California Rancherias - Tribal Entities," from Acting Area Director BIA Sacramento Area Office, to Commissioner of Indian Affairs, Oct. 31, 1980.

<sup>36</sup> 47 *Fed. Reg.* 53130.

<sup>37</sup> In 2021 Darin Beltran informed the BIA that "Our Nation has approximately eight-nine members and is governed by a three-member Council: Chairman Darin Beltran, Vice Chairman/Treasurer Dino Beltran, and Secretary Judy Fast Horse." Request for Restored Land Opinion Submitted by the Koi Nation of California, at 1, Sept. 15, 2021. Other than Darin, Dino, and Daniel Beltran, and Ms. Fast Horse, who the eighty-six other members of the Koi Nation are, where they each reside, and what each of their connection is to the Lower Lake Rancheria is not known.

Why the Beltran brothers decided to do so is not known. But six years earlier the 100th Congress had enacted the IGRA and by 1994 Indian bingo halls and card rooms that annually were earning their owners millions of dollars were becoming increasingly ubiquitous throughout California.

What was the brothers' connection to the Lower Lake Rancheria? In the 1980s all three had attended a Catholic high school in Santa Rosa. And four years before they created their organization Dino Beltran was living in Santa Rosa (fifty-one miles south of Clear Lake), Darin Beltran in Hidden Valley Lake (fourteen miles south of Clear Lake), and Daniel Beltran in Healdsburg (fifty miles south of Clear Lake).<sup>38</sup>

According to the 1950 U.S. Census, their father, Tito Beltran, had been born in San Francisco to parents who had been born in Mexico and New Mexico. But the brothers's connection to the Lower Lake Rancheria apparently was through their mother, Ann Beltran, who may have been a granddaughter of Harry Johnson.

In 1995 an organization called the Koi Nation of the Lower Lake Rancheria, whose "tribal chairman" was Dino Beltran, submitted an application to the BIA Central California Agency for a \$20,000 Tribal Government Planning Grant. In a letter dated November 20, 1995 that he mailed to the tribe's headquarters at

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<sup>38</sup> Obituary: Ann Beltran, *Press Democrat*, Nov. 28, 1990.

605 University Street in Healdsburg<sup>39</sup> Harold Brafford, the superintendent of the BIA Central California Agency, informed Mr. Beltran that the agency was "unable to consider the Koi Nation of the Lower Lake Rancheria's request because the Tribe does not appear in the February 16, 1995 Federal Register List of Indian Entities recognized and eligible to receive services from the United States Bureau of Indian Affairs."<sup>40</sup>

In other words, the BIA had determined that the Beltran brothers and the other members of their group were not a "federally recognized tribe."<sup>41</sup>

Prior to Superintendent Brafford's denial of the grant application, the Beltran brothers had been aware of the problem. To try to solve it, they lobbied the members and staff of the Advisory Council on California Indian Policy to lobby the BIA to reverse its position and declare that the members of the Lower

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<sup>39</sup> 605 University Street is a small single-family home in a residential section of downtown Healdsburg that, according to whitepages.com, as of this writing Dino Beltran continues to occupy.

<sup>40</sup> Letter from Harold M. Brafford, Superintendent, BIA Central California Agency, to Dino Beltran, Tribal Chairman, Koi Nation of the Lower Lake Rancheria, Nov. 20, 1995.

<sup>41</sup> Two months before Superintendent Brafford denied the application, on September 28, 1995 Dino Beltran filed with California Secretary of State Bill Jones articles of incorporation for a nonprofit corporation called the Lower Lake Koi Cultural Protective Association (LLKCPA). California Secretary of State Business Entity No. 1950955. The articles listed Dino Beltran as the corporation's registered agent and listed 605 University Street, Healdsburg, California, as the corporate headquarters.

Lake Rancheria of Pomo Indians were, and had always been, a federally recognized tribe.<sup>42</sup>

In a letter to Assistant Secretary of the Interior for Indian Affairs Ada Deer dated June 21, 1995 that Polly Girvin, the executive director of the Council and a former CILS attorney,<sup>43</sup> wrote "On behalf of the Advisory Council on California Indian Policy" Ms. Girvin informed Assistant Secretary Deer that the Council had concluded that the "Koi Tribe of Lower Lake Indians" had "federally recognized status."<sup>44</sup>

Assistant Secretary Deer (and John Leshy, the Solicitor of the Department of the Interior?) were unpersuaded. As was Kevin Gover, who in 1997 succeeded Ms. Deer as Assistant Secretary

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<sup>42</sup> At the instigation of California Representative George Miller, the chairman of the House Committee on Interior and Insular Affairs, which exercised jurisdiction over Native American-related legislation in the U.S. House of Representatives, in 1992 the 102d Congress created the Council *inter alia* to "identify the special problems confronting unacknowledged and terminated Indian tribes [in California] and propose reasonable mechanisms to provide for the orderly and fair consideration of requests by such tribes for Federal acknowledgment." Pub. L. No. 102-416, 106 Stat. 2131.

<sup>43</sup> See EPIC's 2022 Sempervirens Lifetime Achievement Awardees: Priscilla Hunter & Polly Girvin, <https://www.wildcalifornia.org/post/epic-s-2021-sempervirens-lifetime-achievement-awardees-priscilla-hunter-polly-girvin> ("After graduating from law school, [Polly Girvin] went on to work with California Indian Legal Services in Eureka" and later "served as the Executive Director of the U.S. Congress' Advisory Council on California Indian Policy").

<sup>44</sup> Letter from Polly Girvin, Advisory Council on California Indian Policy, to Ada Deer, Assistant Secretary - Indian Affairs, June 21, 1995.



since the list of "Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs" that Assistant Secretary Gover published in the *Federal Register* in 1998 did not include the Koi Tribe of Lower Lake Indians.<sup>45</sup>

In response, the Beltran brothers retained Lester Marston, a former CILS attorney, who arranged for Loretta Tuell, the acting director of the BIA Office of Tribal Services in Washington, D.C., and two other BIA officials to meet with Dino and Daniel Beltran and Mr. Marston in Healdsburg on November 19, 1999 to discuss the status of the brothers's request that the BIA designate group they had created five years earlier as a "federally recognized tribe" that, as a consequence of the designation would be included on the next list.

The outcome of the meeting was that Director Tuell and the other BIA officials agreed that the subject merited "additional research."<sup>46</sup> But four months later when on March 13, 2000 Assistant Secretary Gover published the next list it did not include the Lower Lake Rancheria.<sup>47</sup>

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<sup>45</sup> See 63 *Fed. Reg.* 71941.

<sup>46</sup> Memorandum entitled "Administrative Reaffirmation of Federal Recognition - Lower Lake Rancheria," from Superintendent, BIA Central California Agency, to Regional Director, BIA Pacific Region, Sept. 14, 2000.

<sup>47</sup> See 65 *Fed. Reg.* 13299.

But then nine months after the 2000 list was published, on December 12, 2000 the U.S. Supreme Court issued its decision in *Bush v. Gore*, which gave the presidency of the United States to George W. Bush.

The consequence for Assistant Secretary Gover was that on January 20, 2001 he and all other Clinton administration political appointees in the Department of the Interior would be terminated when President Bush assumed office.

Two weeks after the Court issued the *Bush v. Gore* decision, in a letter dated December 29, 2000 Assistant Secretary Gover informed Daniel Beltran, who had replaced his brother as chairman of the Lower Lake Rancheria, that

Upon careful review of the matter of the long-standing and unfortunate omission of the Lower Lake Rancheria from recognition and services by the Bureau of Indian Affairs following the adoption of the Indian Reorganization Act of 1934, as amended, the Lower Lake Act, and the Rancheria Act, and having been advised in the premises by the Office of Tribal Services [i.e., by Loretta Tuell], BIA, as well as the BIA Pacific Regional Director and Central California Agency Superintendent, that a reaffirmation of recognition would be prudent and proper, by this letter and on behalf of the United States Department on the Interior and BIA, I am hereby reaffirming the Federal recognition of the Lower Lake Rancheria. (emphases added).<sup>48</sup>

That same day, December 29, 2000, Assistant Secretary Gover sent the regional director of the BIA Pacific Region a memorandum

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<sup>48</sup> Letter from Kevin Gover, Assistant Secretary - Indian Affairs, to Daniel D. Beltran, Chairman, Lower Lake Rancheria, Dec. 29, 2000.

in which he asserted that "the Lower Lake Rancheria has been officially overlooked for many years by the Bureau of Indian Affairs even though [its] government-to-government relationship with the United States was never terminated." He then baldly asserted that "At one time, [the Lower Lake Rancheria] was recognized by the Bureau."

Assistant Secretary Gover then even more baldly asserted that

With respect to the Lower Lake Rancheria, the documentation shows that it should be treated differently than other California tribes that were terminated during the termination era. The California Indian tribes considered terminated during this era were those subject to the terms of Pub. L. 85-671, commonly referred to as the Rancheria Act. The Rancheria Act specifically provided in section 10b, that when assets were accepted, the affected tribe was terminated. In contrast, the Lower Lake Rancheria lost its land pursuant to the Lower Lake Act, which sold its land for the purpose of establishing a local airport. This Act predated the Rancheria Act and did not contain a provision to cause the loss of an Indian's legal status as an Indian as a result of his (or her) acceptance of any of the assets of the Lower Lake Rancheria. Thus, the Lower Lake Act did not terminate the Lower Lake Rancheria. (public law citations omitted).<sup>49</sup>

Assistant Secretary Gover having announced that the members of the Lower Lake Rancheria had always been a federally recognized tribe, in 2002 when Neal McCaleb, Kevin Gover's

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<sup>49</sup> Memorandum entitled "Reaffirmation of Federal Recognition of Indian Tribes," from Kevin Gover, Assistant Secretary - Indian Affairs, to Regional Directors, BIA Alaska and Pacific Regions, Dec. 29, 2000.

successor as Assistant Secretary, published in the *Federal Register* the next list of "Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs" the list for the first time included "Lower Lake Rancheria, California."<sup>50</sup>

Why Assistant Gover suddenly summarily reversed course and asserted that the Beltran brothers and other members of an organization that did not exist until 1994 had always been a federally recognized tribe is not known. But it merits noting that when Assistant Secretary Gover sent the regional director of the BIA Pacific Region the memorandum dated December 29, 2000 the Deputy Assistant Secretary of the Interior for Indian Affairs was an attorney named Michael Jon Anderson.<sup>51</sup>

In 2001 when, like Kevin Gover, he departed the Department of the Interior, Anderson joined Monteau, Peebles & Crowell, a law firm that specialized in representing Indian tribes and other Native American clients.<sup>52</sup> In 2007 Anderson and Loretta Tuell,

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<sup>50</sup> 67 Fed. Reg. 46328, 46329. In 2014 when the list was published "Lower Lake Rancheria, California," was replaced with "Koi Nation of Northern California (previously listed as the Lower Lake Rancheria, California)." See 79 Fed. Reg. 4748, 4750.

<sup>51</sup> See 106th Congress, *Congressional Directory*, at 689 (October 2000).

<sup>52</sup> "Indians Given a Parting Boost," *Boston Globe*, March 3, 2001, [https://cache.boston.com/globe/nation/packages/gaming/indians\\_given\\_a\\_parting\\_boost+.shtml](https://cache.boston.com/globe/nation/packages/gaming/indians_given_a_parting_boost+.shtml) ("Anderson, upon leaving office, joined the firm of Monteau, Pebbles and Crowell, which specializes in Indian gaming representation")

who after she departed the Department of the Interior had joined Anderson at Monteau Peebles, started their own firm, Anderson Tuell LLP. One of the firm's first clients was the Lower Lake Rancheria.<sup>53</sup> And to the present day Michael Jon Anderson continues to represent the Koi Nation of Northern California.<sup>54</sup>

Did Anderson (and Loretta Tuell) bring the Lower Lake Rancheria to Monteau Peebles as a client when he (they) joined the firm? And to what extent, if at all, was Anderson (and Ms. Tuell) involved in Assistant Secretary Gover's decision to deem the Lower Lake Rancheria a federally recognized tribe for no reason other than his say so? Even at this late date, the malodorous possibilities merit investigation.

But more importantly, in the memorandum dated December 29, 2000 that he sent to the regional director of the BIA Pacific Region, Assistant Secretary Gover announced that "At one time, [the Lower Lake Rancheria] was recognized by the Bureau." (emphases added).

Really? If so, when did that "recognition" occur?

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<sup>53</sup> See Open Secrets. 2007 Lobbying Firm Profile: Anderson Tuell LLP, <https://www.opensecrets.org/federal-lobbying/firms/summary?cycle=2007&id=F220674&year=2007>.

<sup>54</sup> See *Koi Nation of Northern California v. United States Department of the Interior*, 361 F. Supp.3d 14, 20 (D.C.D.C. 2019) ("Michael Jon Anderson, Anderson Indian Law, Washington, DC, for plaintiff").

As the history of the Lower Lake Rancheria and the Beltran brothers's invention of the Koi Nation of Northern California set out above documents, at no time between 1916 and 2000 did the BIA "recognize" that Harry Johnson, his heirs, including Ann Beltran and the Beltran brothers, or anyone else were members of an Indian tribe that, as a consequence of that legal status, had a "government-to-government relationship with the United States."

It also long has been a blackletter principle of administrative law that, because an executive branch department or agency "may not confer power on itself,"<sup>55</sup> "the exercise of quasi-legislative authority by governmental departments and agencies must be rooted in a grant of such power by the Congress and subject to limitations which that body imposes."<sup>56</sup> As a consequence, "an agency's power is no greater than that delegated to it by Congress."<sup>57</sup>

For that reason, Assistant Secretary Gover had no authority to transform the members of the Lower Lake Rancheria into a federally recognized tribe on his own unless a statute enacted by Congress had delegated him the authority to do so.

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<sup>55</sup> *Louisiana Public Service Commission v. FCC*, 476 U.S. 355, 374 (1986).

<sup>56</sup> *Chrysler Corporation v. Brown*, 441 U.S. 281, 302 (1979).

<sup>57</sup> *Lyng v. Payne*, 476 U.S. 926, 937 (1986).

But there was no such statute. For which reason Assistant Secretary Gover's action was *ultra vires*.

Because it was, the Koi Nation of Northern California is not a section 19 of the IRA "recognized Indian tribe." And because it is not, Secretary Haaland has no authority to acquire land for the Koi Nation pursuant to section 5 of the IRA.

THE KOI NATION OF NORTHERN CALIFORNIA IS NOT AN "INDIAN TRIBE" AS SECTION 4(5) OF THE INDIAN GAMING REGULATORY ACT DEFINES THAT TERM

The IGRA requires that, to engage in gaming on "Indian lands," a group whose membership is composed of individuals of Native American descent must be an "Indian tribe" as section 4(5) of the IRA, 25 USC 2703(5), defines that term.

Paragraph (B) of section 4(5) requires the group to have been lawfully "recognized as possessing powers of self-government."

In turn, to possess "powers of self-government" a group must have been lawfully designated as a "federally recognized tribe" through one of the three above described "formal political acts:" treaty, statute, final agency action of the secretary of the interior taken pursuant to authority delegated in a statute.

Because the attempt on December 29, 2000 by Assistant Secretary Gover to on his own say-so designate the Beltran brothers and other members of the Lower Lake Rancheria (later known as the Koi Nation of Northern California) as a "federally



recognized tribe" was *ultra vires*, the governing body of the Koi Nation does not possess, nor has it ever possessed, "powers of self-government." As a consequence, the Koi Nation is not an "Indian tribe" as section 4(5) of the IGRA defines that term.

#### CONCLUSION

For the reasons set out above, Secretary of the Interior Deb Haaland has a nondiscretionary legal duty to adopt the Alternative D no action alternative.

11/13/23, 2:39 PM

Subject: **Donald Craig Mitchell Comments Koi Nation EA**

Date: **11/13/2023** 2:20:14 PM Alaskan Standard Time

From: dcraigm@aol.com

To: chad.broussard@bia.gov

To: Chard Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region

FROM: Donald Craig Mitchell

SUBJECT: Environmental Assessment  
Koi Nation of Northern California  
Shiloh Resort and Casino Project

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Attached to this email as a pdf file for the consideration of Regional Director Dutschke and other Department of the Interior officials (including the Associate Solicitor - Indian Affairs) are my comments on the Environmental Assessment the BIA has issued regarding the request of the Koi Nation of Northern California that Secretary Haaland acquire 68.8 acres of land in Sonoma County for the Koi Nation pursuant to section 5 of the Indian Reorganization Act.

I also will mail Director Dutsche a hard copy copy of my comments.

Would appreciate your confirmation of receipt of these comments.

Thanks.

DONALD C. MITCHELL  
Attorney at Law  
1335 F Street  
Anchorage, Alaska 99501  
(907) 276-1681 dcraigm@aol.com

November 13, 2023

TO: Amy Dutschke  
Regional Director  
Pacific Regional Office  
Bureau of Indian Affairs

FROM: Donald Craig Mitchell  
1335 F Street  
Anchorage, Alaska 99501  
(907) 276-1681

SUBJECT: Comments on Environmental Assessment  
Koi Nation Shiloh Resort and Casino

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In September 2023 the BIA Pacific Regional Office made available for public comment an assessment (EA) of the environmental impacts that may occur if Secretary of the Interior Deb Haaland takes into trust for an organization called the Koi Nation of Northern California the title to 68.8 acres of land located adjacent to the town of Windsor, California, to enable the Koi Nation to construct and operate a casino whose gaming floor will contain 2,750 video gaming machines and 105 table games, as well as a five-story hotel and four-story concrete parking garage.

The EA describes four alternative actions.

Alternative D is no action: Secretary Haaland will not take the title to the 68.8 acres into trust, no casino, hotel, and parking garage will be built, and, should it wish to do so, the



Koi Nation (which owns the property in fee title) can continue to use the land for agricultural purposes.

For the reasons set out below, Alternative D not only would be, as a matter of public policy, the most appropriate action, as a matter of law, Secretary Haaland has a nondiscretionary duty to implement Alternative D because

1. The members of the Koi Nation of Northern California are not "Indians" as section 19 of the Indian Reorganization Act (IRA) defines that term for whom Congress, in section 5 of the IRA, has delegated Secretary Haaland authority to take the title to land into trust; and
2. The members of the Koi Nation of Northern California are not an "Indian tribe" as section 4(5) of the Indian Gaming Regulatory Act (IGRA) defines that term.

SECRETARY OF THE INTERIOR DEB HAALAND HAS NO AUTHORITY TO TAKE THE TITLE TO ANY LAND INTO TRUST FOR THE KOI NATION OF NORTHERN CALIFORNIA PURSUANT TO SECTION 5 OF THE IRA

Section 5 of the IRA, 25 USC 5108, delegates the secretary of the interior authority to acquire land "for the purpose of providing land for Indians." Section 5 also provides that the title to acquired land "shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation."

In turn, section 19 of the IRA, 25 U.S.C. 5129, defines "Indian" to mean "all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood." (emphasis added).

In 1942 Felix Cohen, who today remains an authoritative commentator on federal Indian law, cautioned that "The word 'tribe' is commonly used in two senses, an ethnological sense and a political sense" and that it is "important to distinguish between these two meanings of the term."<sup>1</sup>

In 1901 in *Montoya v. United States*<sup>2</sup> the U.S. Supreme Court defined an ethnological tribe as "a body of Indians of the same or a similar race, united in a community under one leadership or government and inhabiting a particular though sometimes ill defined territory."

A group of individuals of Native American descent is a tribe in a political sense if the group has been lawfully "recognized" to be such by the federal government. In 1994 the Committee on Natural Resources, which in the U.S. House of Representatives

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<sup>1</sup> Felix S. Cohen, Handbook of Federal Indian Law, at 268 (1942).

<sup>2</sup> 180 U.S. 261.



exercised jurisdiction over Native American-related legislation, instructed that

"Recognized" is more than a simple adjective; it is a legal term of art. It means that the government acknowledges as a matter of law that a particular Native American group is a tribe by conferring a specific legal status on that group, thus bringing it within Congress' legislative powers. This federal recognition is no minor step. A formal political act, it permanently establishes a government-to-government relationship between the United States and the recognized tribe as a "domestic dependent nation," and imposes on the government a fiduciary trust relationship to the tribe and its members. Concomitantly, it institutionalizes the tribe's quasi-sovereign status, along with all powers accompanying that status . . . . (emphasis added).

H.R. Rep. No. 103-781 at 2-3. *Accord* Newton, Nell Jessup (ed)., *Cohen's Handbook of Federal Indian Law*, at 133-134 (2012).

There are three "formal political acts" that can confer recognition:

1. The Senate's ratification of a treaty that has been negotiated with a group whose membership is composed of individuals of Native American descent;
2. Congress's enactment of a statute that "recognizes" a group whose membership is composed of individuals of Native American descent as a tribe that, as a consequence of the recognition, henceforth has a "government-to-government relationship" with the government of the United States; and

3. Final agency action by the secretary of the interior taken pursuant to a statute in which Congress has delegated the secretary authority to "recognize" groups whose memberships are composed of individuals of Native American descent as tribes in Congress's stead.

The group once called the Lower Lake Rancheria, but which now calls itself the Koi Nation of Northern California, has not been "recognized" by any of those three means. As a consequence, the group is not a "recognized Indian tribe" for which Congress has delegated Secretary Haaland authority to take the title to land into trust pursuant to section 5 of the IRA.<sup>3</sup>

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<sup>3</sup> In 2017 the Koi Nation filed a civil action against the Department of the Interior in the U.S. District Court for the District of Columbia to obtain a declaratory judgment that "the Koi Nation 'is an Indian Tribe that is restored to federal recognition' in accordance with [section 20(b)(1)(B)(iii) of the IGRA]." *Koi Nation of Northern California v. U.S. Department of the Interior*, U.S. District Court for the District of Columbia No. 1:17-cv-01718. In paragraph 6 of its complaint the Koi Nation alleged that it was a "federally recognized tribe." In their answer the federal defendants admitted the assertion of tribal status in paragraph 6. Because tribal status had not been contested, in her memorandum opinion District Judge Beryl A. Howell simply assumed, albeit without deciding, that the Koi Nation was "a landless federally recognized Indian tribe. See *Koi Nation of Northern California v. U.S. Department of the Interior*, 361 F. Supp.3d 14, 20 (D.C.D.C. 2019).



The History of the *Ultra Vires* "Recognition" of  
of the Members of the Koi Nation of Northern California  
as a "recognized Indian Tribe"

In 1848 in the Treaty of Guadalupe Hidalgo<sup>4</sup> the government of Mexico ceded to the United States authority to assert its jurisdiction throughout the geography known as California. In Article XI of the treaty the parties agreed that members of the "savage" tribes that resided in California would "hereafter be under the exclusive control of the Government of the United States."

To obtain information regarding the extent to which the United States should validate land ownership claims in California, in 1849 Secretary of State John M. Clayton sent two individuals, Thomas Butler King, a former congressman, and William Carey Jones, to reconnoiter and then report on the situation. Insofar as the occupancy of land by Native Americans was concerned, Butler reported that in California the Indians "have never pretended to hold any interest in the soil, nor have they been treated by the Spanish or American immigrants as possessing any."<sup>5</sup> And Jones reported the same, advising that "In the wild or wandering tribes, the Spanish law does not recognize any title whatever to the soil." But he also reported that

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<sup>4</sup> Treaty of Peace, Friendship, Limits, and Settlement with the Republic of Mexico, 9 Stat. 922.

<sup>5</sup> T. Butler King's Report on California, H. Exec. Doc. 31-59, at 8 (1850).

insofar as Indians who resided in villages in the vicinities of the missions that in 1833 the Mexican Congress had secularized were concerned:

I understand the law to be, that wherever Indian settlements are established, and they till the ground, they have a right of occupancy in the land which they need and use; and whenever a grant is made which includes such settlements, the grant is subject to such occupancy . . . The continued observance of this law, and the exercise of the public authority to protect the Indians in their rights under it, cannot, I think, produce any great inconvenience."<sup>6</sup>

A year later, in 1851 the 31st Congress enacted the California Lands Act,<sup>7</sup> which established a three-member commission empowered to determine the validity of the land ownership rights of "every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican government." Jones's recommendation regarding the occupancy rights of Indians who resided in villages located in the vicinities of the missions was ignored. The silence in the Act was tantamount to a decision by the 31st Congress that the United States government would not afford Native American land occupancy rights in California any legal recognition.

But a year earlier the same 31st Congress had directed President Millard Fillmore to send "not more than three agents

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<sup>6</sup> Report on the Subject of Land Titles in California, at 37 (1850).

<sup>7</sup> Act of March 3, 1851, 9 Stat. 631.



for the Indian tribes in California" to "perform the duties now prescribed by law to Indian agents."<sup>8</sup> Secretary of the Interior Alexander Stuart subsequently decided on his own that the agents should negotiate treaties that would establish reservations onto which Indians who agreed to a treaty would relocate.

The three agents negotiated eighteen treaties. But in 1852 when the treaties were presented to the Senate for ratification they were rejected, among other reasons because, as Senator David Atchison, the chairman of the Committee on Indian Affairs railed, the 31st Congress had not authorized the agents to negotiate any treaties to begin with.<sup>9</sup>

The Senate's refusal to ratify the treaties established two legal precedents. The first was that Congress would not recognize that Native Americans in California had any legally enforceable right to any of the land they occupied. The second was that Congress would not "recognize" any groups of Native Americans in California as "Indian tribes" in a political sense. Instead, Indians would be dealt with as individuals.

Throughout the latter half of the nineteenth century, in southern California Congress's Indian policies in California were problematical. For example, after visiting eight Indian

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<sup>8</sup> Act of Sept. 28, 1850, 9 Stat. 519.

<sup>9</sup> See generally, Harry Kelsey, "The California Indian Treaty Myth," 55 *Southern California Quarterly* 225-238 (1973).

settlements in southern California, in 1875 Indian agent D.E. Dryden reported to Commissioner of Indian Affairs Edward Parmelee Smith that

The Indians, by virtue of long possession inherited from their ancestors, very naturally feel that their rights are being invaded and their lands wrested from them. Grant-holders regard the Indians as troublesome incumbrances upon their lands, and are anxious to have them removed, while the settlers are crowding in to make homes upon the lands to which they consider the Indians have no title, notwithstanding their actual possession. The adjustment of these interests has been too long neglected, but cannot much longer without very serious consequences, and any adjustment left to the parties interested must result in disadvantage and disaster to the Indians, the weakest party.<sup>10</sup>

But in northern California, in the Sierra Nevada foothills where gold had been discovered and in the river valleys where farms and ranches had been established, the situation for Indians was horrific. Indian men wantonly murdered. Indian women sexually abused. Indian children kidnapped.<sup>11</sup>

By the turn of the twentieth century most Indians still alive in northern California were impoverished and itinerant, moving in family groups from farm-to-farm ranch-to-ranch where the white owners allowed them to camp while they labored in the fields.

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<sup>10</sup> 1875 Report of Commissioner of Indians Affairs, at 223.

<sup>11</sup> See generally Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873* (2016).



In 1894 a group of locally socially prominent women in San Jose, California, who were concerned about the dire living conditions of itinerant Indians in that locale organized the Northern California Indian Association (NCIA).<sup>12</sup>

In 1904 the NCIA petitioned the 58th Congress to appropriate money to enable the secretary of the interior to purchase small tracts of land Indian families. The petition described the rationale for doing so as follows:

The present unfortunate condition of the nonreservation Indians of northern California<sup>13</sup> is largely or perhaps wholly owing to their landless condition, and this landless condition results from the seizure of their lands by the Government of the United States without payment therefor . . . We do not wish reservations established for them. Reservations would be very expensive for the Government, and, we think, undesirable for the Indians in many ways. We ask that land be given them in severalty, under the tenure and with the probationary period or greater of the general allotment act. Our Indians have been more or less in contact with civilization for years, and are, we are convinced, ready for allotments in severalty. We do not ask for large farms. Most Indians would be unable to use a large farm properly. Small tracts, we think, will be sufficient.<sup>14</sup>

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<sup>12</sup> See generally Larisa K. Miller, "The Decline of the Northern California Indian Association," 99 *California History* 25-52 (2022).

<sup>13</sup> After the Senate rejected the treaties whose ratification would have created eighteen reservations, later in the nineteenth century several relatively small reservations were created in both northern - e.g., Round Valley and Hoopa Valley - and southern - e.g., Capitan Grande - California.

<sup>14</sup> S. Doc. No. 58-131, at 2-3.

In 1905 the 58th Congress responded to the petition by directing Secretary of the Interior Ethan Hitchcock "to investigate through an inspector or otherwise existing conditions of the California Indians and to report to Congress at the next session some plan to improve the same."<sup>15</sup>

To conduct the investigation Secretary Hitchcock appointed Charles E. Kelsey, an attorney and member of the NCIA who in 1901 had moved to San Jose from Wisconsin.<sup>16</sup>

In the report he submitted in March 1906 Kelsey "recommend[ed] the appropriation of a sufficient sum for the purchase of land in the immediate localities where the Indians live, to be allotted or assigned to them in small tracts under such rules as the Secretary of the Interior may prescribe."<sup>17</sup>

Three months later the 59th Congress appropriated \$100,000 that the secretary of the interior was directed to spend by "purchas[ing] for the use of the Indians in California now residing on reservations which do not contain land suitable for cultivation, and for Indians who are not now upon reservations in said State, suitable tracts or parcels of land, water, and water

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<sup>15</sup> Pub. L. No. 58-212, 33 Stat. 1048, 1058.

<sup>16</sup> Larisa K. Miller, "Made in Wisconsin: The Shaping of a Federal Indian Agent," 33 *Voyageur* 10-18 (Summer/Fall 2016).

<sup>17</sup> Report of the Special Agent for California Indians to the Commissioner of Indian Affairs, 21, 1906, *reprinted at* Indian Tribes of California: Hearing before a Subcomm. of the H. Comm. on Indian Affairs, 66th Cong. 125-126 (1920).



rights in the State of California."<sup>18</sup>

That was the first of several appropriations Congress made for the purpose of purchasing small tracts of land. As Commissioner of Indian Affairs Francis Leupp in 1907 explained to the Senate Committee on Indian Affairs:

The Act of June 21, 1906 appropriated the sum of \$100,000 for the purchase of lands and water rights for the Indians in the State of California. This appropriation is now nearly exhausted, and while a great deal has been done for the betterment of the condition of these Indians, it is apparent that the amount was wholly inadequate to carry out the purposes for which the appropriation is made.

It is but justice, both to the Indians and to the citizens of the State of California, that the Congress make suitable provision to place the Indians of the State of California in a position to gain their own livelihood. It is not intended to give these Indians farms, but merely to purchase for each Indian, or family of Indians, a small tract not exceeding 5 or 10 acres, on which it will be possible to erect homes and cultivate small gardens or orchards.<sup>19</sup>

Commissioner Leupp appointed Charles Kelsey as a special Indian agent to administer the land purchase program, a position Kelsey held until 1913 when Democrat Woodrow Wilson assumed the presidency and Kelsey and all other Republican political appointees in the Department of the Interior were terminated.

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<sup>18</sup> Pub. L. No. 59-258, 34 Stat. 325, 333.

<sup>19</sup> S. Rep. No. 60-95, at 1.



During his tenure

From his office in San Jose, Kelsey racked up thousands of miles traveling around California and made two trips to the Indian Office headquarters in Washington, D.C. Kelsey bought forty-five tracts of land in California totaling more than 7,500 acres; a dozen sites were in southern California and the rest were in the north. More sites were purchased after Kelsey left the service. They are now known as Indian rancherias."<sup>20</sup>

Clear Lake is a large fresh water lake in Lake County, California, 109 miles northeast of San Francisco. In 1916 Charles Kelsey's successor as Indian agent purchased a 140.46-acre tract of land at the southern end of the lake that would be known as the Lower Lake Rancheria.

The tract was vacant because, while individuals of Pomo Indian descent long had lived around the lake, in 1916 they resided at locations other than on the 140.46-acres that had been purchased for Indian occupancy.

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<sup>20</sup> Larisa K. Miller, "Primary Sources on C.E. Kelsey and the Northern California Indian Association," 4 *Journal of Western Archives*, at 3-4 (2013). After the missions in California were secularized the Mexican government granted the land around each mission to private individuals as multi-thousand-acre ranches whose principal purpose was grazing cattle whose hides and tallow were sold to merchants who sailed around the Horn from Boston. On the ranches Indians provided most of the labor. See generally Richard Henry Dana, Jr., *Two Years Before the Mast* (1840). The location on a ranch at which the owner allowed his Indian workers to camp was called a rancheria. Similarly, during the latter half of the nineteenth century and the beginning of the twentieth century when farms and ranches were established in northern California, the location at which the owner of a farm or ranch allowed the Indians who labored in his fields (and their families) to camp also was called a rancheria. By 1907 when Charles Kelsey began purchasing small tracts of land for landless Indians the tracts were described as "rancherias."



The year after the Bureau of Indian Affairs (BIA) purchased the 140.46-acres the California Supreme Court issued *Anderson v. Mathews*,<sup>21</sup> a decision in which it held that Ethan Anderson, a Pomo Indian who resided at the north end of Clear Lake, was a citizen who, as a consequence of that status, was entitled to vote in state elections. The Court's description of the situation vis-a-vis Mr. Anderson and other Pomo Indians who lived around Clear Lake in 1917 merits the length of the quote:

[Plaintiff Ethan Anderson] was born in California, after its admission into the Union, and has always resided there.<sup>22</sup> At the time of the treaty of [Guadalupe Hidalgo] his ancestors were wild and uncivilized Indians settled in and permanently inhabiting Indian villages in the region now forming Lake county. Then and for several years thereafter they lived in tribes and maintained tribal relations, the nature of which is not stated. The name of the tribe is not given.<sup>23</sup> It does not appear that it was known by any name. The United States has never made any treaty with the tribe, or with any tribe of which it ever formed a part, or with the particular group or village of Indians with whom the plaintiff associates and resides. It does not appear that the original tribe had any form of government, laws or regulations of any kind. He is one of a group of Indians residing in Lake

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<sup>21</sup> 174 Cal. 537 (1917).

<sup>22</sup> Anderson was born in Scattered Rocks Village - also known as Kabemato'lil, an 89-acre tract of land located several miles north of Clear Lake that in 1879 fourteen Pomo Indians had purchased in fee title for \$2,200 from a local farmer. See Khal Schneider, "A Square Deal in Lake County: *Anderson v. Mathews* (1917), California Indian Communities, and Indian Citizenship," 18 *Journal of the Gilded Age and Progressive Era* 263-281 (2019).

<sup>23</sup> The context indicates that the Court was using the term "tribe" in its ethnological sense, rather than in its political sense.



county, and who, although surrounded by white neighbors, practically associate exclusively with each other and with other Indians in that and adjacent counties. The group has no tribal laws or regulations, and no organization or means of enforcing any such laws or regulations. The only sort of communal organization or semblance of political autonomy it has consists of the fact that one of them has the title of "captain," and is treated as their leader or spokesman, and receives some deference and respect on that account. But he has no authority. Disputes are sometimes submitted to him for settlement, but his decisions are considered wholly advisory. Each party accepts or rejects them as he chooses, and there is neither enforcement nor means of enforcement thereof.

Some years ago a white man named Bucknall donated a tract of land to another group of Indians in the vicinity, on which said Indians reside as in a village. In this village the United States has established a school for the benefit of all the Indians of the vicinity, and it provides transportation thereto for the children of the plaintiff's group or village. This land is held in trust for the benefit of all these Indian villages, and they all contribute to pay the taxes thereon. They have never been taxed on other property, and the plaintiff has not otherwise paid taxes.

A few years ago the federal government purchased a tract of land in Lake county for a home for these Indians, including the group of which plaintiff is a member, upon which any family of the group can live and make its home. It has been subdivided into lots for allotment, in severalty, to the beneficiaries. The plaintiff has selected a lot and has established a residence thereon where he lives when not employed elsewhere. He has not received any certificate or patent for the allotment. The Indian agent at Round Valley Reservation furnishes some food and clothing to these Indians in cases of extreme necessity "and attends to their ordinary wants." No explanation is given of the meaning of the phrase just quoted. In no other manner has the United States dealt with these Indians or recognized their distinct or communal existence separate from other inhabitants of the state.



The plaintiff and the other Indians of his group maintain themselves and their families chiefly by doing farm work for wages on the farms of their white neighbors. They also catch fish and gather acorns which they dry and store for winter food. When at work for farmers they live in houses furnished by their employers or in camps in the fields near their work, returning to their village when the employment ends . . . They all acknowledge themselves bound by state laws, and do not dispute the jurisdiction of the state over them. The plaintiff was married under state law, and when the petition was filed he was living with his family in a house on the land of a farmer for whom he was working. He expects to return to the village when his employment ceases. It is not the custom of those Indians to marry by state law. They usually take a woman and live with her according to the Indian custom, by her parents' consent, but without a ceremonial marriage after our forms. They wear clothes similar to those worn by their white neighbors.

From these circumstances we think it is clear that the plaintiff is a citizen of the United States, and entitled to registration as a voter.<sup>24</sup> (emphases added).

It is reasonable to assume that Pomo Indians who lived at the southern end of Clear Lake were similarly situated.

In 2000 the superintendent of the BIA Central California Agency reported that, as it had been in 1916, until 1947 the 140.46 acres known as the Lower Lake Rancheria continued to be uninhabitated. But that year the BIA allowed two individuals of Pomo Indian descent - Louis Johnson and Harry Johnson - and their families to move onto the land. But only Harry Johnson and his family did so, settling on a 41-acre parcel inside the boundaries

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<sup>24</sup> *Supra* at 542-544.



of the rancheria.<sup>25</sup>

Three years later, in 1951 the Lake County Board of Supervisors asked the BIA whether it would be possible lease or purchase the 99.46 acres that remained uninhabited for use as an airport. Harry Johnson and the BIA agreed to that arrangement, and in 1953 Representative Hubert Scudder, who represented Lake County in the U.S. House of Representatives, introduced a bill whose enactment would effectuate that result.<sup>26</sup>

The bill was so noncontroversial that Representative Arthur Miller, the chairman of the House Committee on Interior and Insular Affairs to which the bill had been referred, did not bother to have the committee hold a hearing on the measure. But a technical land conveyance problem required Representative Scudder to introduce an amended version of the bill,<sup>27</sup> which in 1956 the 84th Congress enacted as Public Law No. 84-443.<sup>28</sup>

The Act authorized the secretary of the interior to sell the 99.46 acres to Lake County for the fair market value of the land,

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<sup>25</sup> Memorandum entitled "Administrative Reaffirmation of Federal Recognition - Lower Lake Rancheria," from Superintendent BIA Central California Agency to Regional Director BIA Pacific Region, Sept. 14, 2000 [hereinafter "BIA Superintendent Memorandum"]. This document and the documents cited in footnotes 35, 40, 44, 46, and 48 are part of the administrative record that was filed in *Koi Nation of Northern California v. U.S. Department of the Interior*, 361 F. Supp.3d 14 (D.C.D.C. 2019).

<sup>26</sup> H.R. 6105, 83d Cong. (introduced July 6, 1953).

<sup>27</sup> H.R. 585, 84th Cong. (introduced Jan. 5, 1955).

<sup>28</sup> 70 Stat. 58.

and to convey to Harry Johnson an unrestricted deed in fee title to the 47 acres he and his family were occupying. According to the superintendent of the BIA Central California Agency, subsequent to his receipt of the deed "Mr. Johnson sold at least some of the 41-acre parcel"<sup>29</sup> (and presumably pocketed the proceeds).

In 1974 Harry Johnson died in Santa Rosa, California.

At the request of the Indians who resided on forty-one rancherias in northern California, in 1958 the 85th Congress enacted the California Rancheria Act.<sup>30</sup> The Act delegated the secretary of the interior authority to convey to the occupants of each of the forty-one rancherias the land on which each occupant resided, but only after the Indians who resided on a rancheria had voted to accept the conveyances. The Act also provided that after title to the land in a rancheria had been conveyed, the Indians who now owned the land in fee title would not be entitled to "any of the services performed by the United States for Indians because of their status as Indians," and "all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them."

Throughout the 1960s the BIA implemented the California Rancheria Act.

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<sup>29</sup> BIA Superintendent Memorandum.

<sup>30</sup> Pub. L. No. 85-671, 72 Stat. 619.



In 1971 attorneys in the employ of California Indian Legal Services (CILS), a recently established OEO-funded "public interest" law firm headquartered in Oakland, California, decided to begin a litigation campaign whose objective was to reverse the BIA's implementation of the California Rancheria Act and, as part of the project, establish that the occupants of each of the former rancherias were, and had always been, members of "federally recognized tribes."

In 1977 the CILS campaign achieved its first win when in *Duncan v. Andrus*,<sup>31</sup> the U.S. District Court for the Northern District of California held that the BIA had unlawfully conveyed to the Pomo Indians who lived on it the land in the Robinson Rancheria, a tract of land on the north end of Clear Lake that Charles Kelsey had purchased in 1909. Even though the Indians who occupied homesites on the rancheria had approved the conveyances by a vote of 24 in favor to 1 opposed, the CILS attorneys won because "Defendants, through counsel, have conceded that the termination [of the Robinson Rancheria] was unauthorized."<sup>32</sup>

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<sup>31</sup> 517 F. Supp. 1 (D.C. Cal. 1977).

<sup>32</sup> Id. at 4. While Secretary of the Interior Cecil Andrus and the other Department of the Interior defendants were represented in *Duncan v. Andrus* by attorneys in the U.S. Department of Justice, the defendants' response to the lawsuit was managed by attorneys in the Office of the Solicitor of the Department of the Interior in Washington, D.C. The complicity of those attorneys with the CILS attorneys in CILS's years-long effort to invalidate the BIA's implementation of the California Rancheria Act is a subject beyond the scope of these comments.



Motivated by that victory, in 1979 in the same court the CILS attorneys filed *Tillie Hardwick v. United States*,<sup>33</sup> a class action whose objective was to invalidate the BIA's implementation of thirty-six of the forty-one rancherias.

That same year, 1979, Assistant Secretary of the Interior for Indian Affairs Forrest Gerard published in the *Federal Register* a list of "Indian Tribal Entities That Have a Government-to-Government Relationship with the United States."<sup>34</sup> The BIA also announced that in future years Assistant Secretary Gerard and his successors periodically would publish updated lists.

In 1980 CILS attorneys apparently lobbied Commissioner of Indian Affairs William Hallett to preempt the judicial process by including eleven rancherias on the next list.

While nine of the rancherias were plaintiffs in the *Tillie Hardwick* lawsuit, inexplicably, one of the two others was the Lower Lake Rancheria. Since Harry Johnson was deceased, who the individuals were who the CILS attorneys believed had a connection of any sort to the Lower Lake Rancheria is not known.

But what is known is that in a memorandum dated October 31, 1980 R.S. McDermott, the acting area director of the BIA

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<sup>33</sup> U.S. District Court for the Northern District of California No. 79-1710.

<sup>34</sup> 44 *Fed. Reg.* 7231.

Sacramento Area Office, informed Commissioner Hallett that "All of the rancherias except Lower Lake are presently involved in litigation, and it is the position of this office and the Justice Department that inclusion of the eleven would be a detriment to the legal positions being taken by the United States in the suits." And with respect to the Lower Lake Rancheria, Director McDermott advised Commission Hallett: "No tribal entity existed prior to termination."<sup>35</sup>

In 1982 when the BIA published an updated list,<sup>36</sup> neither the Lower Lake Rancheria nor the ten other rancherias were included.

No further mention of the Lower Lake Rancheria was made for twelve years until 1994 when three brothers - Dino, Darin, and Daniel Beltran - created an organization they called the Lower Lake Rancheria of Pomo Indians that they began asserting was, and had always been, a "federally recognized tribe."<sup>37</sup>

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<sup>35</sup> Memorandum entitled "California Rancherias - Tribal Entities," from Acting Area Director BIA Sacramento Area Office, to Commissioner of Indian Affairs, Oct. 31, 1980.

<sup>36</sup> 47 *Fed. Reg.* 53130.

<sup>37</sup> In 2021 Darin Beltran informed the BIA that "Our Nation has approximately eight-nine members and is governed by a three-member Council: Chairman Darin Beltran, Vice Chairman/Treasurer Dino Beltran, and Secretary Judy Fast Horse." Request for Restored Land Opinion Submitted by the Koi Nation of California, at 1, Sept. 15, 2021. Other than Darin, Dino, and Daniel Beltran, and Ms. Fast Horse, who the eighty-six other members of the Koi Nation are, where they each reside, and what each of their connection is to the Lower Lake Rancheria is not known.



Why the Beltran brothers decided to do so is not known. But six years earlier the 100th Congress had enacted the IGRA and by 1994 Indian bingo halls and card rooms that annually were earning their owners millions of dollars were becoming increasingly ubiquitous throughout California.

What was the brothers' connection to the Lower Lake Rancheria? In the 1980s all three had attended a Catholic high school in Santa Rosa. And four years before they created their organization Dino Beltran was living in Santa Rosa (fifty-one miles south of Clear Lake), Darin Beltran in Hidden Valley Lake (fourteen miles south of Clear Lake), and Daniel Beltran in Healdsburg (fifty miles south of Clear Lake).<sup>38</sup>

According to the 1950 U.S. Census, their father, Tito Beltran, had been born in San Francisco to parents who had been born in Mexico and New Mexico. But the brothers's connection to the Lower Lake Rancheria apparently was through their mother, Ann Beltran, who may have been a granddaughter of Harry Johnson.

In 1995 an organization called the Koi Nation of the Lower Lake Rancheria, whose "tribal chairman" was Dino Beltran, submitted an application to the BIA Central California Agency for a \$20,000 Tribal Government Planning Grant. In a letter dated November 20, 1995 that he mailed to the tribe's headquarters at

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<sup>38</sup> Obituary: Ann Beltran, *Press Democrat*, Nov. 28, 1990.

605 University Street in Healdsburg<sup>39</sup> Harold Brafford, the superintendent of the BIA Central California Agency, informed Mr. Beltran that the agency was "unable to consider the Koi Nation of the Lower Lake Rancheria's request because the Tribe does not appear in the February 16, 1995 Federal Register List of Indian Entities recognized and eligible to receive services from the United States Bureau of Indian Affairs."<sup>40</sup>

In other words, the BIA had determined that the Beltran brothers and the other members of their group were not a "federally recognized tribe."<sup>41</sup>

Prior to Superintendent Brafford's denial of the grant application, the Beltran brothers had been aware of the problem. To try to solve it, they lobbied the members and staff of the Advisory Council on California Indian Policy to lobby the BIA to reverse its position and declare that the members of the Lower

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<sup>39</sup> 605 University Street is a small single-family home in a residential section of downtown Healdsburg that, according to whitepages.com, as of this writing Dino Beltran continues to occupy.

<sup>40</sup> Letter from Harold M. Brafford, Superintendent, BIA Central California Agency, to Dino Beltran, Tribal Chairman, Koi Nation of the Lower Lake Rancheria, Nov. 20, 1995.

<sup>41</sup> Two months before Superintendent Brafford denied the application, on September 28, 1995 Dino Beltran filed with California Secretary of State Bill Jones articles of incorporation for a nonprofit corporation called the Lower Lake Koi Cultural Protective Association (LLKCPA). California Secretary of State Business Entity No. 1950955. The articles listed Dino Beltran as the corporation's registered agent and listed 605 University Street, Healdsburg, California, as the corporate headquarters.



Lake Rancheria of Pomo Indians were, and had always been, a federally recognized tribe.<sup>42</sup>

In a letter to Assistant Secretary of the Interior for Indian Affairs Ada Deer dated June 21, 1995 that Polly Girvin, the executive director of the Council and a former CILS attorney,<sup>43</sup> wrote "On behalf of the Advisory Council on California Indian Policy" Ms. Girvin informed Assistant Secretary Deer that the Council had concluded that the "Koi Tribe of Lower Lake Indians" had "federally recognized status."<sup>44</sup>

Assistant Secretary Deer (and John Leshy, the Solicitor of the Department of the Interior?) were unpersuaded. As was Kevin Gover, who in 1997 succeeded Ms. Deer as Assistant Secretary

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<sup>42</sup> At the instigation of California Representative George Miller, the chairman of the House Committee on Interior and Insular Affairs, which exercised jurisdiction over Native American-related legislation in the U.S. House of Representatives, in 1992 the 102d Congress created the Council *inter alia* to "identify the special problems confronting unacknowledged and terminated Indian tribes [in California] and propose reasonable mechanisms to provide for the orderly and fair consideration of requests by such tribes for Federal acknowledgment." Pub. L. No. 102-416, 106 Stat. 2131.

<sup>43</sup> See EPIC's 2022 Sempervirens Lifetime Achievement Awardees: Priscilla Hunter & Polly Girvin, <https://www.wildcalifornia.org/post/epic-s-2021-sempervirens-lifetime-achievement-awardees-priscilla-hunter-polly-girvin> ("After graduating from law school, [Polly Girvin] went on to work with California Indian Legal Services in Eureka" and later "served as the Executive Director of the U.S. Congress' Advisory Council on California Indian Policy").

<sup>44</sup> Letter from Polly Girvin, Advisory Council on California Indian Policy, to Ada Deer, Assistant Secretary - Indian Affairs, June 21, 1995.



since the list of "Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs" that Assistant Secretary Gover published in the *Federal Register* in 1998 did not include the Koi Tribe of Lower Lake Indians.<sup>45</sup>

In response, the Beltran brothers retained Lester Marston, a former CILS attorney, who arranged for Loretta Tuell, the acting director of the BIA Office of Tribal Services in Washington, D.C., and two other BIA officials to meet with Dino and Daniel Beltran and Mr. Marston in Healdsburg on November 19, 1999 to discuss the status of the brothers's request that the BIA designate group they had created five years earlier as a "federally recognized tribe" that, as a consequence of the designation would be included on the next list.

The outcome of the meeting was that Director Tuell and the other BIA officials agreed that the subject merited "additional research."<sup>46</sup> But four months later when on March 13, 2000 Assistant Secretary Gover published the next list it did not include the Lower Lake Rancheria.<sup>47</sup>

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<sup>45</sup> See 63 *Fed. Reg.* 71941.

<sup>46</sup> Memorandum entitled "Administrative Reaffirmation of Federal Recognition - Lower Lake Rancheria," from Superintendent, BIA Central California Agency, to Regional Director, BIA Pacific Region, Sept. 14, 2000.

<sup>47</sup> See 65 *Fed. Reg.* 13299.

But then nine months after the 2000 list was published, on December 12, 2000 the U.S. Supreme Court issued its decision in *Bush v. Gore*, which gave the presidency of the United States to George W. Bush.

The consequence for Assistant Secretary Gover was that on January 20, 2001 he and all other Clinton administration political appointees in the Department of the Interior would be terminated when President Bush assumed office.

Two weeks after the Court issued the *Bush v. Gore* decision, in a letter dated December 29, 2000 Assistant Secretary Gover informed Daniel Beltran, who had replaced his brother as chairman of the Lower Lake Rancheria, that

Upon careful review of the matter of the long-standing and unfortunate omission of the Lower Lake Rancheria from recognition and services by the Bureau of Indian Affairs following the adoption of the Indian Reorganization Act of 1934, as amended, the Lower Lake Act, and the Rancheria Act, and having been advised in the premises by the Office of Tribal Services [i.e., by Loretta Tuell], BIA, as well as the BIA Pacific Regional Director and Central California Agency Superintendent, that a reaffirmation of recognition would be prudent and proper, by this letter and on behalf of the United States Department on the Interior and BIA, I am hereby reaffirming the Federal recognition of the Lower Lake Rancheria. (emphases added).<sup>48</sup>

That same day, December 29, 2000, Assistant Secretary Gover sent the regional director of the BIA Pacific Region a memorandum

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<sup>48</sup> Letter from Kevin Gover, Assistant Secretary - Indian Affairs, to Daniel D. Beltran, Chairman, Lower Lake Rancheria, Dec. 29, 2000.



in which he asserted that "the Lower Lake Rancheria has been officially overlooked for many years by the Bureau of Indian Affairs even though [its] government-to-government relationship with the United States was never terminated." He then baldly asserted that "At one time, [the Lower Lake Rancheria] was recognized by the Bureau."

Assistant Secretary Gover then even more baldly asserted that

With respect to the Lower Lake Rancheria, the documentation shows that it should be treated differently than other California tribes that were terminated during the termination era. The California Indian tribes considered terminated during this era were those subject to the terms of Pub. L. 85-671, commonly referred to as the Rancheria Act. The Rancheria Act specifically provided in section 10b, that when assets were accepted, the affected tribe was terminated. In contrast, the Lower Lake Rancheria lost its land pursuant to the Lower Lake Act, which sold its land for the purpose of establishing a local airport. This Act predated the Rancheria Act and did not contain a provision to cause the loss of an Indian's legal status as an Indian as a result of his (or her) acceptance of any of the assets of the Lower Lake Rancheria. Thus, the Lower Lake Act did not terminate the Lower Lake Rancheria. (public law citations omitted).<sup>49</sup>

Assistant Secretary Gover having announced that the members of the Lower Lake Rancheria had always been a federally recognized tribe, in 2002 when Neal McCaleb, Kevin Gover's

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<sup>49</sup> Memorandum entitled "Reaffirmation of Federal Recognition of Indian Tribes," from Kevin Gover, Assistant Secretary - Indian Affairs, to Regional Directors, BIA Alaska and Pacific Regions, Dec. 29, 2000.



successor as Assistant Secretary, published in the *Federal Register* the next list of "Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs" the list for the first time included "Lower Lake Rancheria, California."<sup>50</sup>

Why Assistant Gover suddenly summarily reversed course and asserted that the Beltran brothers and other members of an organization that did not exist until 1994 had always been a federally recognized tribe is not known. But it merits noting that when Assistant Secretary Gover sent the regional director of the BIA Pacific Region the memorandum dated December 29, 2000 the Deputy Assistant Secretary of the Interior for Indian Affairs was an attorney named Michael Jon Anderson.<sup>51</sup>

In 2001 when, like Kevin Gover, he departed the Department of the Interior, Anderson joined Monteau, Peebles & Crowell, a law firm that specialized in representing Indian tribes and other Native American clients.<sup>52</sup> In 2007 Anderson and Loretta Tuell,

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<sup>50</sup> 67 Fed. Reg. 46328, 46329. In 2014 when the list was published "Lower Lake Rancheria, California," was replaced with "Koi Nation of Northern California (previously listed as the Lower Lake Rancheria, California)." See 79 Fed. Reg. 4748, 4750.

<sup>51</sup> See 106th Congress, *Congressional Directory*, at 689 (October 2000).

<sup>52</sup> "Indians Given a Parting Boost," *Boston Globe*, March 3, 2001, [https://cache.boston.com/globe/nation/packages/gaming/indians\\_given\\_a\\_parting\\_boost+.shtml](https://cache.boston.com/globe/nation/packages/gaming/indians_given_a_parting_boost+.shtml) ("Anderson, upon leaving office, joined the firm of Monteau, Peebles and Crowell, which specializes in Indian gaming representation")

who after she departed the Department of the Interior had joined Anderson at Monteau Peebles, started their own firm, Anderson Tuell LLP. One of the firm's first clients was the Lower Lake Rancheria.<sup>53</sup> And to the present day Michael Jon Anderson continues to represent the Koi Nation of Northern California.<sup>54</sup>

Did Anderson (and Loretta Tuell) bring the Lower Lake Rancheria to Monteau Peebles as a client when he (they) joined the firm? And to what extent, if at all, was Anderson (and Ms. Tuell) involved in Assistant Secretary Gover's decision to deem the Lower Lake Rancheria a federally recognized tribe for no reason other than his say so? Even at this late date, the malodorous possibilities merit investigation.

But more importantly, in the memorandum dated December 29, 2000 that he sent to the regional director of the BIA Pacific Region, Assistant Secretary Gover announced that "At one time, [the Lower Lake Rancheria] was recognized by the Bureau." (emphases added).

Really? If so, when did that "recognition" occur?

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<sup>53</sup> See Open Secrets. 2007 Lobbying Firm Profile: Anderson Tuell LLP, <https://www.opensecrets.org/federal-lobbying/firms/summary?cycle=2007&id=F220674&year=2007>.

<sup>54</sup> See *Koi Nation of Northern California v. United States Department of the Interior*, 361 F. Supp.3d 14, 20 (D.C.D.C. 2019) ("Michael Jon Anderson, Anderson Indian Law, Washington, DC, for plaintiff").



As the history of the Lower Lake Rancheria and the Beltran brothers's invention of the Koi Nation of Northern California set out above documents, at no time between 1916 and 2000 did the BIA "recognize" that Harry Johnson, his heirs, including Ann Beltran and the Beltran brothers, or anyone else were members of an Indian tribe that, as a consequence of that legal status, had a "government-to-government relationship with the United States."

It also long has been a blackletter principle of administrative law that, because an executive branch department or agency "may not confer power on itself,"<sup>55</sup> "the exercise of quasi-legislative authority by governmental departments and agencies must be rooted in a grant of such power by the Congress and subject to limitations which that body imposes."<sup>56</sup> As a consequence, "an agency's power is no greater than that delegated to it by Congress."<sup>57</sup>

For that reason, Assistant Secretary Gover had no authority to transform the members of the Lower Lake Rancheria into a federally recognized tribe on his own unless a statute enacted by Congress had delegated him the authority to do so.

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<sup>55</sup> *Louisiana Public Service Commission v. FCC*, 476 U.S. 355, 374 (1986).

<sup>56</sup> *Chrysler Corporation v. Brown*, 441 U.S. 281, 302 (1979).

<sup>57</sup> *Lyng v. Payne*, 476 U.S. 926, 937 (1986).

But there was no such statute. For which reason Assistant Secretary Gover's action was *ultra vires*.

Because it was, the Koi Nation of Northern California is not a section 19 of the IRA "recognized Indian tribe." And because it is not, Secretary Haaland has no authority to acquire land for the Koi Nation pursuant to section 5 of the IRA.

THE KOI NATION OF NORTHERN CALIFORNIA IS NOT AN "INDIAN TRIBE" AS SECTION 4(5) OF THE INDIAN GAMING REGULATORY ACT DEFINES THAT TERM

The IGRA requires that, to engage in gaming on "Indian lands," a group whose membership is composed of individuals of Native American descent must be an "Indian tribe" as section 4(5) of the IRA, 25 USC 2703(5), defines that term.

Paragraph (B) of section 4(5) requires the group to have been lawfully "recognized as possessing powers of self-government."

In turn, to possess "powers of self-government" a group must have been lawfully designated as a "federally recognized tribe" through one of the three above described "formal political acts:" treaty, statute, final agency action of the secretary of the interior taken pursuant to authority delegated in a statute.

Because the attempt on December 29, 2000 by Assistant Secretary Gover to on his own say-so designate the Beltran brothers and other members of the Lower Lake Rancheria (later known as the Koi Nation of Northern California) as a "federally



recognized tribe" was *ultra vires*, the governing body of the Koi Nation does not possess, nor has it ever possessed, "powers of self-government." As a consequence, the Koi Nation is not an "Indian tribe" as section 4(5) of the IGRA defines that term.

#### CONCLUSION

For the reasons set out above, Secretary of the Interior Deb Haaland has a nondiscretionary legal duty to adopt the Alternative D no action alternative.

**From:** Sidnee Cox <[sidnee@sonic.net](mailto:sidnee@sonic.net)>  
**Sent:** Monday, November 13, 2023 4:03 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Re: EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

November 12, 2023

Hello Mr. Broussard,

Thank you for this opportunity to submit comments regarding the Koi Shiloh Casino Project. The Environmental Assessment is deficient on most points regarding this location and I am asserting that the only option for this project is "D"...no project. Here's why:

1) Aesthetics: a & c: (significant impact).

The project will damage scenic vistas from Shiloh Regional Park and create substantial light pollution for the entire area, including surrounding neighborhoods.

2) Agricultural Resources: a: (significant impact).

The project will convert many acres of off-reservation farmland to non-agricultural use.

3) Air Quality: a, b, c, d, e: (significant impact).

The project will violate air quality standards due to substantial vehicular traffic on a two lane road adjacent to residential neighborhoods, resulting in cumulatively considerable increase in air pollutants. This includes employee traffic, service trucks and the like, construction crews, and of course, patrons of the casino resort. There will also be pollutants from the operation of a 24/7 casino project itself. This will obviously "create objectionable odors affecting a substantial number of people off-reservation."

7) Hazards and Hazardous Materials: d: (significant impact).

This project will absolutely expose off-reservation people or structures to a significant risk of loss, injury or death involving wildland fires!! We have had to evacuate our neighborhoods twice due to wildfires! All of Windsor had to evacuate in 2019. How can we safely evacuate and how can fire engines do their job if this project goes in? People will die in their cars due to gridlock and there will be mass chaos.

8) Water Resources: a, b, c, d: (significant impact).

This project will significantly impact ground water resources and the



surrounding environments resulting from disposal of waste water and sewage.

These is much more that I would like to add, but time is short. How can the EA state that there is less than significant impact to Noise, Population and Housing, Public Services (police, fire, parks, etc), Recreation, Traffic, Utilities and Services, and Cumulative Effects, even with mitigation incorporation?

Please deny this project in its entirety. Option D.

Sincerely,  
Sidnee Cox  
5846 Leona Court  
Windsor, CA 95492

**From:** Scott & Casey Snow <[snkcsnow@comcast.net](mailto:snkcsnow@comcast.net)>  
**Sent:** Monday, November 13, 2023 3:09 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Environmental assessment KOI Nation casino project

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Mr. Chad Broussard  
Bureau of Indian Affairs,  
Pacific Region 2800 Cottage Way  
Sacramento, CA 95825

My wife and I are longtime residents of the Town of Windsor, CA and we have lived in our home at 6267 Lockwood Dr. Windsor in the Oak Creek subdivision since January 1984. Our home is approximately 2,584 feet (.49 miles) from the proposed Koi Nation Casino project so we have a vested interest in the environmental impacts of this venture.

In my profession as a senior commercial credit officer at a major national commercial bank, I've had the opportunity to review environmental impact reports and traffic studies and I find the quality of this report to be extremely lacking or biased in favor of the applicant.

Traffic Study:

- In regards to the traffic study, a tribal casino in Elk Grove, CA was utilized as a comparable. Sonoma County is a major tourist destination as compared to Elk Grove and in all likelihood more people would be drawn to the Koi Nation Casino as a result of the desirable tourist opportunity Sonoma County affords which could lead to more customer visits than as indicated in the traffic studies.
- The traffic study took place during the wet month of January 2022 when you would historically find less cars on the road and that study doesn't take into account the additional traffic that will be created by the nearly completed 133 unit apartment complex at the corner of Shiloh Rd and Old Redwood Hwy and the under construction of the 173 unit apartment complex at the corner of Shiloh Rd and Hembre Lane. These two new projects alone will create an additional 7 trips per day, 0.7 per peak hour per ITE Trip Generation reports for apartments, condos & townhouses. The traffic on Shiloh Rd which would be the main access point to the proposed casino is already backed up on many weekdays' late mornings to late afternoons from Old Redwood Hwy to

Hwy 101 on ramps on Shiloh Rd and vice versa. When these two new apartment complexes are fully occupied, they will both negatively add to the traffic impacts to Shiloh Rd with their primary ingress and egress points from the apartment complexes coming onto Shiloh Rd. Adding 1,104 daily trips from these two apartment complexes where their access and egress to these complexes comes directly onto Shiloh Road will create major traffic jams and backups and potentially backing up to the off ramp of Hwy 101 making for an extremely dangerous situation for drivers.

- Since the Town of Windsor has no immediate plans to widen Shiloh Rd from its current configuration, Shiloh Rd would not be capable of handling the added vehicle count the proposed casino would create in a safe manner. Adding additional stop lights or adjust the timing on the stoplights on Shiloh Road in this very short stretch of roadway from Hwy 101 to Old Redwood Hwy will only compound the traffic backup issue on Shiloh Rd for those trying to enter onto Shiloh Road or for those driving on Shiloh Rd.
- Shiloh Road is also one of the major bicycle routes used by all of the road cyclists who ride and tour around Sonoma County and I did not see any mention of the impacts to bicycle riders. On any given day in the Spring, Summer and Fall months and even on nice days in the winter, there are a substantial number of road bike cyclists who utilize Shiloh Rd as a means to get from the west side of Hwy 101 to the east side of Hwy 101. Most cyclists ride the back roads of West Sonoma County and East Sonoma County because they offer some of the most dynamic and scenic riding opportunities in the area and Shiloh Rd is the main artery for this crossing. With the addition of the two new apartment complexes let alone the addition of the proposed casino, Shiloh Rd will become very dangerous for bicycle riders. With the current emphasis to put more people on bicycles and get them out of their automobiles, bicycling impacts need to be taken seriously into consideration with any approval for a casino.
- All of the above traffic impacts lead to my biggest concern and that is evacuation in the **event of major fires**. Since 2017, we've had to evacuate our home twice and been under evacuation orders 4 times. Never before had we ever needed to evacuate from our home since 1984. With global warming and drought conditions California is experiencing on a more regular basis, this concern can not be overlooked and brushed under the carpet like it was in the report. You would have to have lived here and experience being evacuated to understand my concern. Cars were backed up to a crawl in both directions on Old Redwood Hwy and Shiloh Road trying to get out of the

area and this happened without the added pressure of 133 new apartment units at the corner of Shiloh Rd and Old Redwood Hwy and 173 apartment units at the corner of Shiloh Rd and Hembre Lane. If and when another fire occurs, it will come from the direction of the hills behind us and behind the proposed casino and the primary way out to safety would be on Shiloh Rd. driving to the west towards Hwy 101. To burden our area with the expected 11,213 daily trips to the proposed casino per the report would at least be equal to a minimum of 1,000 additional cars trying to evacuate onto Shiloh Rd and Old Redwood Hwy which would cause a total disaster for these two small 2 lane roadways. We don't want our area to be another Paradise, California or Santa Rosa, CA where many people died because they couldn't get out of the area fast enough because of the fast-moving fires. If the proposed casino is approved and another fire like the ones we've had in the past in Windsor, this expected disaster will lay at the hands of the Bureau of Indian Affairs for approving such project.

- Don't just rely on this traffic study, come out yourself and look at the subject roads, surrounding subdivisions and visualize for yourself how you would be able to safely evacuate if there was another major fire in the Windsor area. Just look at all of the major Insurance Companies that are pulling out of the California home insurance market. They are in the risk business and they see California as having high fire potential all over the state and that is why they are pulling out and we can't just think there won't be another fire on the horizon in our area.

I could go on and on why it doesn't make environment sense to build a casino in the proposed area especially when it comes to noise. Just go park near the front or rear entrance to the Graton Casino in Rohnert for 24 hours and see if that is the type of noise you would want to hear as a homeowner living near or right across the street from this proposed casino. I live ½ mile from Home Depot/Walmart shopping area and on most nights, I can hear the noise of trucks "beep beep" from backing up and a casino would just add to this noise. Nobody in their right mind would ask for this no matter what the noise and vibration report tends to lead one to believe.

There's no mention of the health effects coming from automobile, bus and commercial trucks road noise. There are many major medical health studies that have come out over past few years that indicate the road noise over 45 decibels from motor vehicles increase the likelihood of stroke by 27% for people over 65 years old who live near noisy roadways and increase risk of ischemic heart disease with daytime noise levels of 55-60 decibels and above. The traffic study indicates common traffic noise levels of 78db which is well above these health effect levels. Epidemiological studies have

shown that traffic noise increases the frequency of arterial diseases, hypertension and vascular dysfunctions in people. Why should the folks living near the proposed casino be subjected to this noise?

I'm not opposed to Native Americans having the ability to be self-supporting but there are numerous other locations that could have been chosen in and around their home territory of Clear Lake, CA. There is plenty of space in Lake County or more remote areas of Sonoma County where you won't be putting the neighboring community at risk and creating major traffic and noise impacts that would greatly affect those of us living in this community.

Regards,

Scott Snow  
6267 Lockwood Dr.  
Windsor, CA  
415-309-2533

**From:** Paul Browning <[paul.browning@comcast.net](mailto:paul.browning@comcast.net)>  
**Sent:** Monday, November 13, 2023 5:13 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Amy Dutschke, Region Director of the Bureau of Indian Affairs, Chad Broussard and other BIA members,

This communication is to voice by concerns with the Environmental Assessment and overall opposition to the Koi Nations attempt to build any type of development on the property located at 222 East Shiloh Rd.

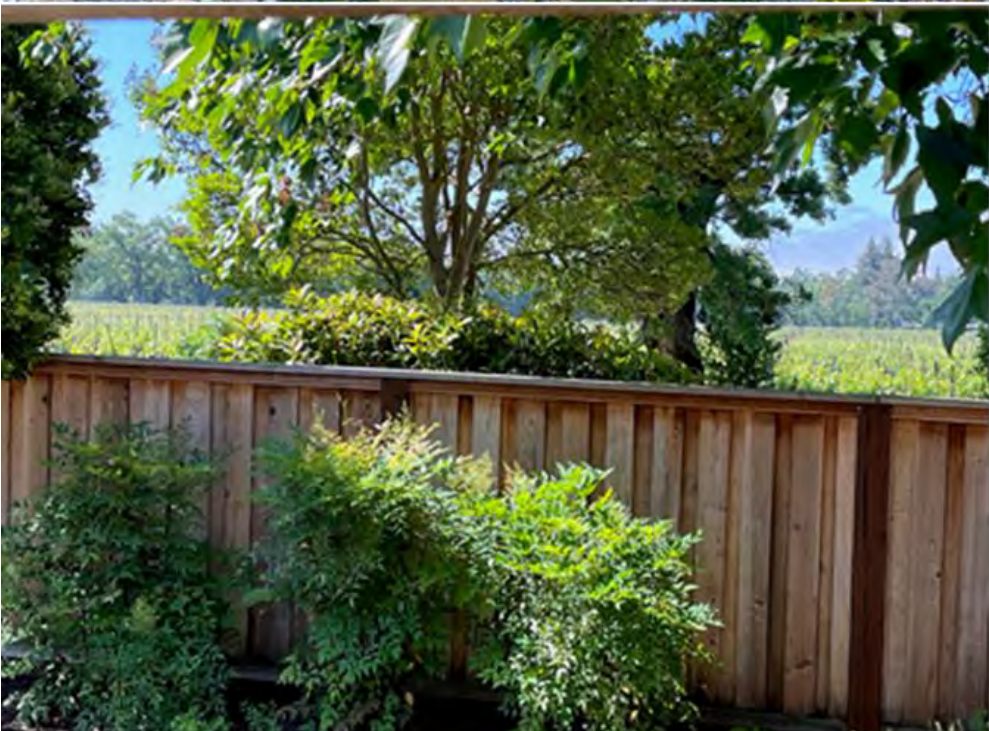
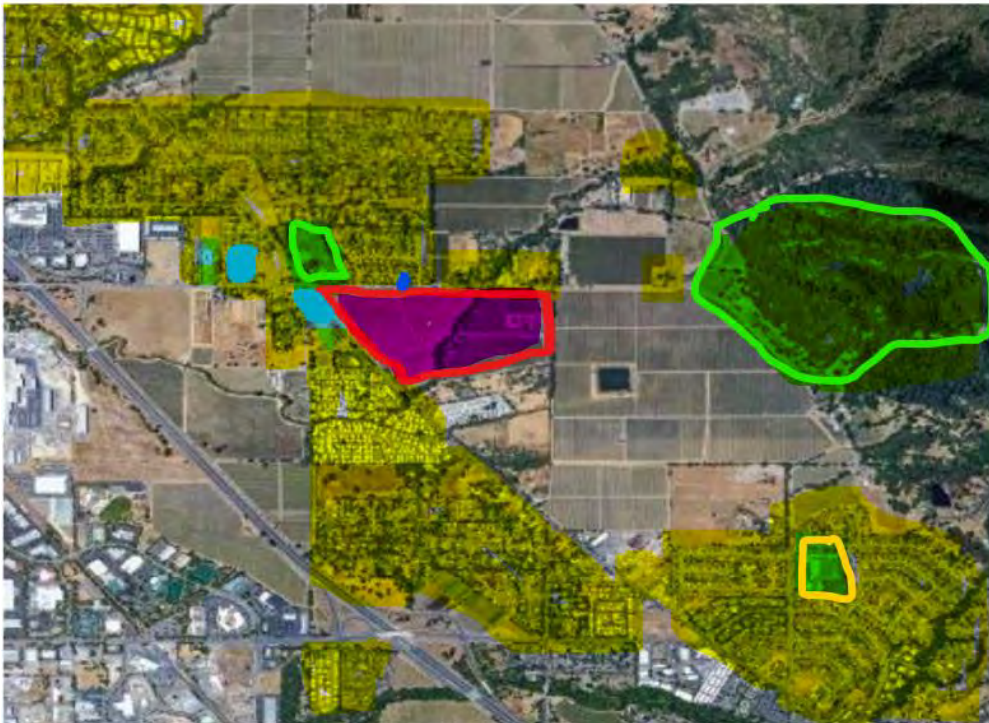
**Please see my attached letter/document.**

Kind regards,  
Paul and Stephanie Browning  
**One attachment** • Scanned by Gmail

Dear Amy Dutschke, Region Director of the Bureau of Indian Affairs, Chad Broussard and other BIA members,

This communication is to voice my overall concerns with the Koi Nations casino proposal, the Environmental Assessment and my overall opposition to the Koi Nations attempt to build any type of development on the property located at 222 East Shiloh Rd. I support Option D, no project.

My home sits directly adjacent to the proposed casino. As you can see by the pictures, this development will have a profound effect on my family's quality of life and will dictate whether we stay in our current home of over 25 years. The hotel portion of this project will look into the windows of our home. Based on the supplied information, the hotel portion of this project, will be roughly 85 feet from my home. The main entrance to the casino will be roughly 95 feet from my home as well. On the colored aerial the blue dot is my home and the other picture looks out from my family room to where the hotel and casino will be.





In referring to the aerial photo above, the proposed casino will be constructed among family homes (yellow), churches (blue), parks (green) and schools (orange/green). This would be the first full scale casino ever allowed to be built in the state of California that would be constructed among ***an already existing community***. There is no such precedence at this time.

The Environmental Assessment report is far from impartial and factual. I would go as far as to say it is purposely misleading and written with the explicit intent of falsifying information to gain approval of the Bureau of Indian Affairs. The contracted party was only looking out for the interests of the Koi Nation which I am sure is what they paid for.

There are so many false or fabricated points made in the Environmental Assessment, here are just a few as it is overwhelming to try and speak to each and every one of them:

**Noise:** the EA states that there will be limited if any increases in noise. How can this be? 222 East Shiloh Road is all vineyards with one residence. The only noticeable noise generated from this property is the occasional spraying in the spring and harvest in the fall, which this year lasted only one night. The proposed casino will employ over 1,000 people and will generate thousands of car trips per day which will extend to all hours of every night. This will result in an endless increase in noise at all hours. It will be impossible for us to keep our windows open, all night during the summer, this added noise that will be created by cars, buses and delivery trucks. From 9 PM to 6 AM there is virtually zero traffic on East Shiloh Rd., if built the traffic will be exponential at all hours of the day and night. The noise will be life changing for us. And to add to this, as I work from home 50% of the time, the noise generated during the construction phase would be intolerable.

**Traffic:** the same principles regarding noise will extend to traffic. The property currently generates almost zero traffic. The EA states it will only marginally increase, this is incredibly deceptive. For all intents and purposes, East Shiloh road only sees traffic from the residences in the Mayacama development and those visiting Shiloh Regional Park. With over 5,100 parking spaces for both cars and buses, as well as ongoing delivery trucks, the anticipated impact will be overwhelming.

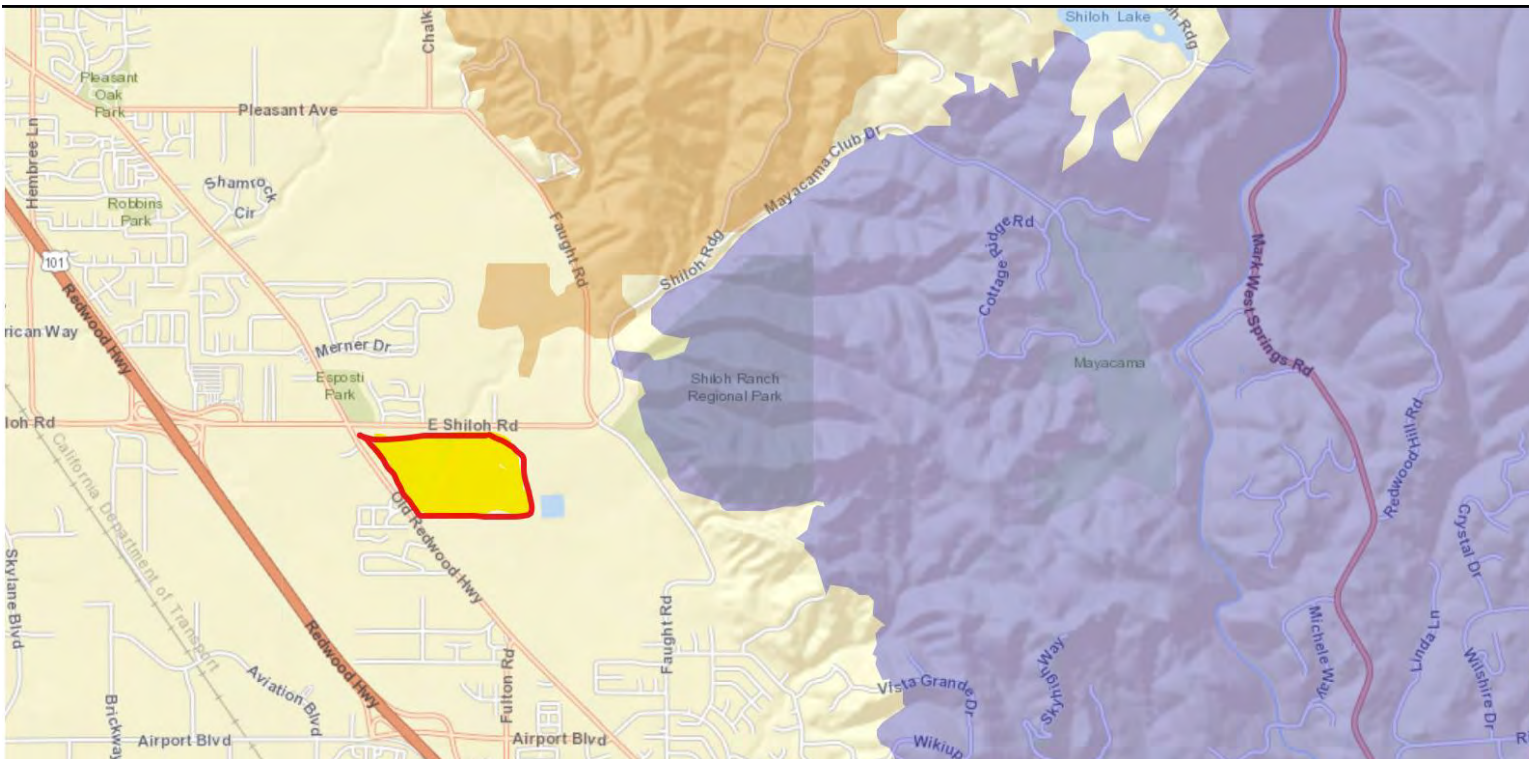
**Crime:** my neighbors and I have experienced zero crime over the last 25 years. The EA report suggests very little if any additional violent crime will be seen. I find this incredibly hard to believe. By putting a casino amongst neighborhoods, the inevitable crime that this type of establishment will draw will spill into our streets. Here is a list of just a few of the reported crimes generated by the Graton casino in Rohnert Park. Please keep in mind, there are no residential neighborhoods close to this property so at the very least, the communities were buffered, that will not be the case with the Koi's proposal. This is in addition to knowing there will be an increased likelihood of drunk driving taking place on the roads in our neighborhood.

- 
- <https://www.pressdemocrat.com/article/news/at-graton-casino-east-bay-couple-arrested-on-drug-weapons-charges/>
- <https://lakeconews.com/news/57880-lake-county-man-arrested-in-assault-at-graton-casino>
- <https://www.nbcbayarea.com/news/local/man-arrested-in-connection-with-assault-with-deadly-weapon-at-graton-casino/1968921/>
- <https://www.cbsnews.com/sanfrancisco/news/lake-county-man-gets-4-years-for-fatal-casino-parking-lot-confrontation/>
- <https://www.cbsnews.com/sanfrancisco/news/2-arrests-made-in-christmas-eve-robbery-outside-graton-casino/>
- <https://www.sonomanews.com/article/news/cops-find-borrowed-car-at-graton-casino/>
- <https://www.kron4.com/news/bay-area/bus-driver-arrested-on-dui-charges-at-graton-casino/>
- Here is a posting from the Sonoma County Sheriff's office from just 2 weeks ago



**Wildfire Evacuation:** over the last 6 years we have lived through 2 devastating fires, Tubbs and Kincaid. Both of these fires required the surrounding communities to evacuate which caused gridlock and panic. In both instances, the fires burned down to and across Faught Rd. making it completely impassible, for the Tubbs fire south at Shiloh Rd. and the Kincaid fire north at Shiloh Rd. Please see the map below. If a mass evacuation of the community and casino were required, people exiting the casino and heading west would effectively create a roadblock while entering Shiloh Rd. while backing up traffic onto Faught Rd. and into the Mayacama development. This would have the potential of repeating what happened in Maui with gridlock resulting in people burning to death in their vehicles while trying to escape. The EA states that a potential evacuation would be handled by having an individual(s) direct traffic at the entrance of the casino at Shiloh Road. Based on what we experienced during past evacuations, there is nothing one, two or even three people could do to prevent a complete blockage of vehicles that could result in people attempting to flee on foot. The links below are to videos from the Tubbs fire, the last 20 seconds of the helicopter video is of Wikiup Dr. area less 2 miles from the proposed casino site and then the second video is from Vista Grande Drive less than one mile from the proposed casino. A fire in this area could have catastrophic consequences.

- <https://www.youtube.com/watch?v=zmAmxkTdElo>
- [https://www.youtube.com/watch?v=f2QXrR\\_zmvM](https://www.youtube.com/watch?v=f2QXrR_zmvM)



Here is an estimated amount of time it would take to evacuate the casino and the surrounding area taken directly from the EA. The Tubbs Fire, fueled by 65 mph winds traveled over 12 miles in less than 2 ½ hours. If a fire were to start closer to this area with similar conditions, the results would be catastrophic due to the roads being blocked by fleeing patrons and residents.

- At the signalized exit onto Old Redwood Highway, the exiting would be less efficient due to the signal itself and a higher proportion of other traffic using the signalized intersection. At a service rate of about 800 vehicles per hour, it would take about two hours and 45 minutes to handle all the traffic at this location.

**Property Values:** the EA did not use apples to apples examples of casino impacts on property values. In those examples only a few existing homes were already located near the preexisting tribal lands were used for comparative analysis. 99% of all homes were built after the casino was already in operation. Those examples do not even remotely come close representing established communities like those that surround the property at 222 East Shiloh Rd. How can anyone think a casino and what goes with it would not affect my property value vs. the existing vineyard? Additionally, there is no account given to the expenses current homeowners would incur if they made the decision that living next to a casino and the impacts brought by it would cost. After calculating in 6% realty fees, thousands of dollars in both inspection reports, appraisals and closing costs, the cost to relocate would be \$70,000 or more. This amount would be enough to prevent a family from being able to purchase a similar home in Windsor or the surrounding areas.

**Koi's claim that the property is part of their ancestral home range:** it is a well know fact that the Koi tribe does not call any part of Sonoma County home. Their ancestral home is in Lake County. This is proven by their August 2023 lawsuit against the City of Clearlake because a sports complex was going to be built on what they consider is a major cultural site next to the city. Their claim was also supported by a local Attorney General in their case. This is the Koi's third attempt to seek property outside of their indigenous lands. Please see the supporting information.

- <https://oag.ca.gov/news/press-releases/attorney-general-bonta-files-amicus-brief-supporting-koi-nation-lawsuit-against>
- <https://www.pressdemocrat.com/article/news/koi-nation-sues-city-of-clearlake-over-development-of-sports-complex/>
- The Koi Nation should be encouraged to seek a viable alternative in their true ancestral home range of Lake County

It is very obvious that the Koi Nation directed the consulting firm that put the EA together to paint a picture favoring the construction of the casino and gloss over any negative effects. It is long, in some cases confusing and reads like a paid advertisement. There are too many false details to list in the EA report.

It is no accident that both United States Senators, both surrounding United States House of Representatives members, Sonoma County Board of Supervisors, Town of Windsor officials, historically based local Indian tribes and many others, have spoken out against the Koi Nations efforts, in addition to hundreds of community members. The only local supporter has been the Northern California Carpenters Union who obviously have entered into a lucrative agreement with the Koi Nation. The opposition has been broad and comprehensive.

For all of these reasons, I am asking you to support option D, **NO Project.**

Thank you for your time and consideration,

Paul and Stephanie Browning

**From:** [walterbrusz@comcast.net](mailto:walterbrusz@comcast.net) <[walterbrusz@comcast.net](mailto:walterbrusz@comcast.net)>

**Sent:** Sunday, November 12, 2023 9:59 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Attached COMMENTS KOI NATION SHILOH RESORT AND CASINO

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Broussard,

Please find attached comments on the EA written by myself and my wife.

Best,

Walter Bruszewski

Pam Bruszewski

**One attachment** • Scanned by Gmail

## HIDING A FIVE-STORY HOTEL IN A VINYARD: The Koi have attempted to deceive our neighborhood by misrepresenting their planned casino development.

September 27, 2023

**SUMMARY.** The Koi have presented arguments for creating a gambling casino, event center, spa and hotel to host thousands of people, replacing a vineyard in our neighborhood inhabited by no one. In their EA, they attempt to convince our neighborhood that this development will have no significant impact on our environment, our lives, or our safety. The Koi's arguments in their EA are disingenuous and specious. Here I address the Koi's assertions in the EA about:

- the appearance of the planned development;
- the Koi's history relevant to their claim of being a local tribe;
- noise created by the casino-hotel-event center operation;
- the safety of evacuations during wildfires with the additional estimated 2000 daily casino / hotel patrons.

In sum, the Koi have grossly misrepresented the safety and benign nature of their planned project. They present voluminous "analyses" which give the false impression that they are seeking the truth about the impact of their casino. They have misrepresented the appearance of the development with deceptive photographs which attempt to hide the casino, resort, hotel, etc. in a vineyard. Conclusion: the Koi have produced an EA which gives the appearance diligent analysis, but is actually deception. I do not trust the Koi and their consultants and they are not entitled to ruin my quiet residential neighborhood.

I strongly support the efforts of indigenous peoples over the world to assert their rights as individuals and groups. I believe that the United States created a shameful record of genocide, taking of indigenous lands, and destruction of the culture of the first citizens of America. Further, I believe that these people demonstrated a spiritual connection with the land of which they were the custodians. In contrast, I believe that they were confronted with white settlers supported by the United States Government who plundered indigenous lands by mining, logging, and extermination of wildlife. I believe that American indigenous peoples have suffered from systematic racism in the same way as African Americans. And they have a right to expect support for their livelihood from the government of the United States.

Still, I am opposed to the Koi casino enterprise, which would ruin our peaceful residential neighborhood.

**THE KOI MISREPRESENT THE SIZE OF THE CASINO.** In Figure 3-13.2 the Koi present “VISUAL SIMULATION OF ALTERNATIVE A”. Here, the Koi attempt to show that their proposed resort would be almost invisible from the perimeter of their parcel. In Figure 1, below, I show that the before and after development views presented by the Koi in their figure are considerably distorted, compared with what one sees with the naked eye from the Koi’s Viewpoint A looking east from the intersection of Old Redwood Highway (ORH) and Shiloh Rd., southeast corner. I am familiar with this view because I see it every time I return home, traveling east on Shiloh to my home at 219 Lea Street in the Oak Park development, which is directly north of the proposed casino site. I have lived there since 2010.

In Figure 1 (below), the EA image from Figure 3-13.2 of the parcel before development is compared with my recent image of the same view. My image was taken with a camera with a 50 mm “normal lens”. A normal lens creates an image that is closest to what the human eye sees. This image is not manipulated in any way. The EA image is strikingly different. It has been extensively tinkered with in PhotoShop: the fence has been removed and a large space between the edge of the parcel has been inserted between the road (Old Redwood Highway) and the vines. A fantastic distortion was created such that, on the right-hand side of the image, one can see that ORH apparently runs nearly parallel to Shiloh. ORH intersects Shiloh at about a 60 degree angle. I am not sure how this was achieved, but the image was probably captured with wide angle lens; a cell phone may have been used. One of the effects a wide angle lens is that it makes objects in the distance become abnormally small and distant. Notice how the ridge within Shiloh Ranch park in the EA image is small and receding, compared with the ridge in my image. Why would one want to make an image like this?

Figure 2 shows the post-development view from EA Figure 3-13.2. Here, the utility of the distorted, receding background is apparent: It makes the 60-foot high hotel appear to recede into the distance. In this picture, notice that relative to the “before” picture, the Mayacamas mountains have disappeared.

In both of the images in EA Figure 3-13.2, notice that the concrete walkway extends all across the image bottoms. This shows another effect of the wide angle lens: objects in the foreground become huge. This segment of walkway is only about 15 feet wide.

It appears that the Koi’s consultants have been fiddling with the photos presented in the EA to make the casino disappear into the vineyard.





Figure 1. Top: the EA image of the view from Viewpoint A before development. Bottom: my image of the same view.





Figure 2. The EA post development image.

**THE EA MAKES FANTASTIC CLAIMS ABOUT NOISE AND LIGHT.** The EA claims that the project will create no significant impact from noise and light pollution. It claims that proposed mitigations will render the project benign. How can this be so? How can a site which is currently inhabited by no one be no quieter and no darker than a casino and event center with thousands of 24/7 visitors? From 15 years of personal experience, I can say that, at night, there is no light coming from the proposed site and no sound, with the exception of cricket chirps and the faint sound of coyotes. NO SOUND. Without resorting to the Koi's obfuscating "analysis", It is impossible for any development of the site to be as quiet as no development. This shows how specious the Koi's EA is.

**THE EA PRESENTS AN INADEQUATE HISTORY OF THE KOI AS A LOCAL GROUP.** As residents who will be substantially affected by the project, our clear impression is that our neighborhood is now at the mercy of unknown, financially powerful entities rather than individuals with a genuine interest in local matters. Who are these entities?

- Chickasaw Nation gaming interests
- the source of the \$12.3 million to purchase the land for the project
- the Koi nation, whose geographic base is Clear Lake, not Windsor. In fact, the Koi continue to litigate against the City of Clearlake on the basis of claims of Koi cultural artifacts in the Clearlake region. It is notable that the Koi have never made an attempt to present their case to residents of this neighborhood. It appears that they have chosen to hide behind their EA and their PR consultants.

- the BIA
- Singer Associates PR
- the Carpenters' union

In all the description in the EA of the Koi's movements since leaving their original geographic base in Lower Lake, there is no indication that the Koi have ever settled near the proposed project site. In both the EA and in PR materials created by Singer Associates, the diaspora of the Koi is vague and members of the tribe are described as living and working in Santa Rosa, Sebastopol, and along the Russian River. These locations are far away from the site chosen for their tribal base. The Koi are not and never have been local.

At the meeting in which public comment on the EA was heard, the preponderant group of individuals testifying in favor of the casino development were members of the Carpenters' Union. The Koi have lobbied this group and offered construction jobs at the casino. In his comments, Sam Singer (Singer Associates, San Francisco) commended the Koi for reaching out to the Union membership as an example of the Koi's effort to connect with local stakeholders. None of the union members testifying mentioned that they lived in this locality. It's clear that the possibility of construction jobs is the carrot which the Koi is offering to the carpenters in return for their support.

No one, not even the Press Democrat reporter who has published two stories on the casino development, knows who has bankrolled the Koi by purchasing the parcel they hope to make into a casino. The money does not seem to have a local origin. We in this community whose homes and lives will be disrupted by casino development don't know who has precipitated this crisis.

The original event which precipitated the Koi's need to find a place for their tribal base is the exit of the Koi from their reservation in Clear Lake because the BIA did not provide them with good quality lands. This means that a casino development which will render our neighborhood uninhabitable is primarily the responsibility of the BIA in its incompetence. Why is our neighborhood being taken from us to correct a BIA mistake?

**FIRE.** We live directly across Shiloh Road from the project site. My wife and I evacuated during both the Tubbs Fire and the Kinkaide Fire. We watched trees burn in the Shiloh Ranch Regional Park.

The Koi and their consultants who wrote the EA are either ignorant of the realities of local wildfires or disingenuous. The fact is that the Koi plan to create a very large casino, hotel, and performance venue which will accommodate thousands of people in a region with a local history of deadly wildfires. The Koi maintain that there will be no significant impact on the evacuation of people living in the neighborhood. On page 3-118, the EA says, "Therefore, Alternative A would not significantly impede evacuation traffic as patrons and staff would be evacuated early and before community wide evacuation." This is an outrage: they are saying that they will fix the evacuation problem by making the local residents wait for the casino to evacuate. In section 4, the Koi describe mitigations which supposedly will ensure no impact by the casino on general evacuation. In section 4, a number of evacuation plans are presented, but nowhere in the EA is there described a mechanism which ensures accountability to implement their plans. There is no guarantee that the Koi will in fact implement the described plans.

Public comment Shiloh Casino EA; Bruszewski

It is generally accepted that recent California wildfires are a manifestation of global warming. On page 3-28, the EA directs the reader to Appendix E for a summary of potential effects of climate change in the region. In Appendix E, among the impacts of climate change, wildfires are not even mentioned. This represents either considerable ignorance, or just deception.

Walter Bruszewski

Pam Bruszewski

**From:** Renee Avanche <[renee.lorenz73@gmail.com](mailto:renee.lorenz73@gmail.com)>  
**Sent:** Monday, November 13, 2023 7:24 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Casino project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello Mr. Broussard,

I am a concerned resident of the immediate community where the Koi Nation is trying to put a casino. I live on Old Redwood Highway and my kids attend the Mark West Elementary School just south of the 65 acres where the Koi (actually, the Oklahoma gaming big shots who are spearheading this idea), want to build a huge casino and hotel etc.

This will ruin the beautiful and cohesive community where many of us were raised. I also attended the MW Elementary School and grew up across the street from the proposed casino site. It is a place where kids play soccer and baseball and ride bikes, walk their dogs, get exercise (Esposti Park). My family had to evacuate twice from our home due to the wildfires. Traffic was a scary challenge even then, prior to the estimated 5,000 plus more cars that the casino folks say will need evacuating. Its mind boggling and crazy to think this site is even being considered.

Please reject this site and assist the Koi Nation in finding a suitable place that is not residential and where the impact could be absorbed better. This is not their ancestral homeland, Lake County is. Please come here and see what this site is among. They did a video that was ridiculous in terms of the impact by not showing the close proximity to residences etc and was not to scale.

Sincerely,

Renee Lorenz & family

**From:** Dylan Whittemore <[dwhittemore26@cardinalnewman.org](mailto:dwhittemore26@cardinalnewman.org)>  
**Sent:** Monday, November 13, 2023 9:14 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Amy Dutschke  
Regional Director  
2800 Cottage Way  
Sacramento, CA 95825

Dear Ms. Dutschke,

My name is Dylan Whittemore and I'm very much against this casino plan on Shiloh Road. I am a high school student who lives along Shiloh Road in Windsor, CA. I have read the EA report even though it is very difficult to understand. What upsets me the most are the issues that were NOT studied enough or accurately. Obviously, this report was done by people with no real connection or understanding of this area.

Wild fire concerns and evacuation:

My family and I lived through the fire evacuations in 2017 and 2019. It was horrible and chaos. I remember my sister calling our mom from the car. She told my mom that she was on Shiloh Road for 20 minutes but had only moved a little bit to get to Hwy 101. She was really scared that the rest of our family wouldn't have a chance of getting out because of EVERYBODY trying to evacuate. The casino staff would not be able to help with an evacuation. Somebody working a job will only care about their own life when you see smoke and fire heading over Shiloh Ridge. These employees are not first responders. Also, all those customers at a casino wouldn't even listen to a casino worker saying slow down or do this, do that. It's crazy! Even if roads were widened, they would still not be able to handle all the current residents, casino people and all the people that will be added with the THREE new apartment buildings in the area. People will die and then what???

Faught Road dangers:

Another big issue where I see people could die would be Faught Road that is less than a quarter mile from this casino idea. Faught Road is a very small

and narrow two lane country road that goes right by our regional park. There are a number of sharp turns on Faught Road and a couple are even 90 degree turns. It's pretty well known that people take back roads to avoid police when they have been drinking. This will be death waiting to happen on Faught Road. People jog and ride their bikes there. Also, there is a school called San Miguel Elementary on Faught Road just one mile south from the casino site. It can be very congested there during school hours. About one mile to the north on Faught Road is ANOTHER elementary school called Mattie Washburn. So either way that these casino drivers take, they will pass through schools and neighborhood areas with people everywhere. It would not be a matter of IF somebody gets killed. It would just be a matter of when. I would think that nobody wants that blood on their hands.

The site that is proposed for this casino project couldn't be a WORSE idea. Families, churches, schools and parks will be changed forever and ruined by this thing. Please, please help in making this thing go away. Please, please only support Option D - No Project.

Thank you very much for your time,

Dylan Whittemore  
237 Lea Street  
Windsor, CA 95492

**From:** Susie Sedlacek <[ssedlacek2015@gmail.com](mailto:ssedlacek2015@gmail.com)>  
**Sent:** Monday, November 13, 2023 8:32 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Chad Broussard  
 Environmental Protection Specialist Bureau of Indian Affairs, Pacific Region [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Dear Mr. Broussard -

We are writing to add our support to many of our community neighbors who have written to you with concerns about the proposed Koi Nation Shiloh Resort and Casino. We are wine grape growers living within 10 miles of the proposed site and use Shiloh road to shop at Home Depot, Walmart as well as access the Shiloh Ranch Regional park multiple times a week in our exercise routine.

Many of our community members have taken the time to research and provide you with concerns backed up with very detailed data to support their concerns. We will reiterate them below, and respectfully ask that you please provide us with the requested responses.

We ask that the Bureau reject the Koi Nation's effort to build a casino of **any size** in Sonoma County. In addition to the preferred alternative, other proposed options for what is to be called the **"Shiloh Resort & Casino"** at 222 E. Shiloh Road, Windsor is also unacceptably large.

Sources used for the following information and our understanding of the facts are listed at the end of this letter. The current proposal will include a:

- 540,000 square foot casino
- 400-room hotel
- 2,800 seat event center
- 5,000 parking spots and an estimated 54,000 daily visitors
- Two ballrooms
- Five restaurants
- Additional support and entertainment facilities
- Use 280,000 gallons of water per day

My understanding is that the **Shiloh Resort & Casino** would **become the largest casino in California**. The **Graton Casino in Rohnert Park** is already the **fifth largest casino in California**. It is now **embarking on an approved \$1 Billion expansion to make it even bigger!**

***A few key points against the proposal include:***

**KOI NATION IS INDIGINOUS TO LAKE NOT SONOMA COUNTY**



- It is our understanding that the Koi Nation are **indigenous to Lake not Sonoma County** and therefore have **no significant historical connection or inherent rights** to build this casino in Windsor or anywhere in Sonoma County.
  - Their website acknowledges this history
  - ABC News and others also reported that “Five other tribes question Koi Nation's "historical connection" to Sonoma County, saying their ancestors lived 50 miles away in Lake County.”
- And just this month, the **Clearlake City Council, in Lake County** approved increasing funding the city will devote to **defending itself against legal challenges involving major park and road projects filed by the Koi Nation. The reference notes that “The tribe, whose traditional territory includes the city of Clearlake and Lower Lake...”**, They go on to note that the money is needed because the tribe, **indigenous to Lake County**, approving \$250,000 for legal defense... “after the tribe sued to stop the city’s extension of 18th Avenue as part of a new hotel development at the former Peace Field airport site.” (Lake County News, October 20, 2023)
- Yet in 2021, the Koi Nation purchased 68 acres in Sonoma County at 222 E. Shiloh Road, Windsor, for \$12.3 Million. They did not have approval to build the casino before this purchase and are now requesting permission.

#### **LARGE CASINOS ALREADY EXIST IN SONOMA COUNTY ARE ALREADY HAVING PROBLEMS COMPETING**

By building the Shiloh Resort & Casino, the biggest in California, Sonoma County will become the Las Vegas of California. Forever changing our cherished rural landscape and sense of community, while creating new crime and safety challenges, and contributing to transportation gridlock for all.

- **Just 14 miles, or 15 minutes south** off Highway 101 is the 2013 built **Graton Casino**. It has a:
  - 135 square foot casino – 25% the size of one proposed for Windsor
  - 200-room hotel, and others built nearby to support it
- **In June 2023 Graton began a \$1 Billion expansion** which will add a:
  - Second hotel wing with 200 rooms
  - 3,500-seat theater for live entertainment
  - Rooftop restaurant seating for 480 guests
  - 144,000 square feet of gaming space
  - Five-level parking structure for 1,500 additional vehicles
- Upon completion, **Graton will be the second largest casino in California. The Shiloh Resort & Casino would easily become the largest in the state.** Surrounded by other massive casinos just a few miles away.
- Earlier this year, on March 1, 2023, Sonoma County Supervisors approved the **Dry Creek Rancheria Band of Pomo Indians’ new River Rock resort and casino in nearby Geyserville.**
  - That location is only 18 miles or 30 minutes north of Windsor

- Why are they tearing down their existing facilities to build a bigger new luxury resort and casino? **During the approval process they argued that business *slowed significantly* after Graton opened. They were granted permission for a complete re-build as they need it to compete! How will they compete with a third casino closer in geographic distance?**
- This suggests that **Sonoma County cannot sustain *three* massive casinos requiring high revenue targets for financials to meet expectations.** If this turns out to be the case, it will lead to owner neglect as operating funds diminish. **Sonoma County taxpayers** may in the end need to step in with taxpayer monies to fund basic maintenance and security functions. Moreover, Sonoma County may not get the planned tax revenue approval all these new casino builds promise.
- **Twin Pine Casino & Hotel in Middleton, Lake County,** is also just one hour by car from the proposed Windsor site.
- The Dry Creek Rancheria Band of Pomo Indians also plan to build a **large casino in Petaluma south of Windsor.** They have delayed it until 2032 but it is still a strong and viable possibility.
- Again, just 14 miles from Graton Casino and 18 miles from River Rock Casino, **the proposed Shiloh Casino in Windsor would easily become California's largest casino.** Built in a residential area and location Sonoma County cannot support.

**Sonoma County residents do not need *three* massive Las Vegas style casinos within a 32-mile radius of each other.**

#### **PROPOSED SHILOH RESORT AND CASINO WOULD BE LOCATED IN THE MIDDLE OF ESTABLISHED RESIDENTIAL NEIGHBORHOODS**

- the proposed site is smack dab in the middle of established residential communities, and the stores, restaurants, churches and other operations the local community relies on.
- What will the impact be on diminishing rural landscape, the wildlife and natural environment that land currently supports? Crime, drunk-driving, drug use, and noise from this new 24/7 operation? Property values of long-existing residents?

#### **IMPACT OF NEW URGENT STATE MANDATED PROHOUSING COMMUNITY MULTI-FAMILY HOUSING. HAVE YOU CONSIDERED THIS IN YOUR ENVIRONMENTAL REVIEW?**

Have you considered other major expansion projects within Sonoma County in your assessment?

Governor Newsom's Fiscal Year 2019-20 budget established the [Prohousing Designation Program](#) help meet California's goal of 2.5 million new homes over the next eight years, with at only about 40% of these new homes serving the needs of lower-income Californians. Windsor, Santa Rosa, and Rohnert Park are part of this designated, fast-growth housing program.

According to Gustavo Velasquez, Department of Housing and Community Development (HCD) Director:

“I’m thrilled that we now have 30 communities that have achieved the Prohousing designation,” said HCD Director Gustavo Velasquez. “The cities and counties are leading the way by **reducing unnecessary barriers and red tape** that discourage new housing production, instead they are **signaling to developers that are ready to build more housing faster.**”

(California Department of  
[Housing and Community Development](#), August 7, 2023)

“This isn’t hype. If it becomes law, the bill could really revolutionize California cities. As currently written, SB 827 would essentially **exempt all new housing built within half a mile of a train stop or quarter mile of a frequent bus stop from most local zoning rules**. So, if a city had zoned an area for single-family homes, developers could invoke the bill to build multifamily apartment buildings **between four and eight stories high.**”

(Cal Matters June 23, 2020)

- One only has to look at the large multi-family housing developments going up all over Santa Rosa now to know there will be major issues going forward with transportation gridlock, parking and community services. Eliminating the “red tape” that is fundamentally needed to successfully incorporate new housing into Sonoma County.
- Windsor, Santa Rosa and Rohnert Park have been designated **Prohousing Communities** by the State of California.
- All three have embarked on building new multi-housing units to address homelessness. Santa Rosa alone is adding almost 4,700 new housing units by 2025 (technically 2031 but they are on-track to finish sooner).
- Highways, roads, and community services such as grocery stores and medical facilities are not equipped to deal with the **Prohousing Community** requirements, let alone a third Las Vegas style casino.
- The State mandate has also put aside many developer requirements in order to get this housing built, including developer money to support new roads, adequate parking and multi-family community services such as nearby grocery stores, and public transportation. This whole program is going to provide needed housing but at great expense to the public, and those who will reside in these new homes.
- The Wal-Mart and Home Depot right off Highway 101 along with other stores and restaurants located there are already destination points for residents **outside of Windsor** which also leads to much more traffic.
- My understanding from the recent public Zoom hearing is that your transportation study was done in the early morning on a winter day. Have you re-evaluated it during afternoons when schools let out and people leave work? Highway 101 already becomes a parking lot at many busy travel times of the day.

## **ADDITIONAL NEW MULTI-FAMILY HOUSING GOING UP AT 295 SHILOH ROAD, WINDSOR**

- The Corporation for Better Housing and Integrated Community Development received \$40 million in construction financing for Shiloh Crossing, **a 171-unit complex**.
- The development will have two buildings plus 8,000 square feet of commercial space. The North Building will include 130 apartments, while the South Building will consist of the remaining residential units, administrative offices, community space and two commercial spaces. It will have a swimming pool, community room and bocce court.
- The development will be located at 295 Shiloh Road near Route 101. Just one mile or a 3-minute drive from the proposed new Shiloh Resort & Casino. This new residential development, one of many fast-tracked to deal with California's housing shortage will also add to traffic congestion, slow wildfire evacuation efforts and pull from depleted water reserves.

## **WILDFIRE EVACUATION ROUTES ALREADY STRESSED**

It is also quite easy to see from the above map that the proposed casino would hamper wildfire evacuations as evacuees travel west on narrow roads to get to Highway 101 during emergency evacuation. It is also unrealistic in my view to expect casino employees to risk their lives trying to evacuate patrons as the road traffic quickly comes to a standstill and a death trap.

If the Koi Nation's proposal is approved the BIA will share the blame should more wildfires lead to death due to an inability to flee. The BIA knows locating the largest casino in California at this location will add significant wildfire evacuation hurdles.

## **SONOMA COUNTY BOARD OF SUPERVISORS UNANIMOUSLY OPPOSES THE KOI NATION PROPOSAL**

- There has been great Sonoma County opposition to the Koi Nation plan. In April 2022 the "Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Nation's proposed casino and resort outside Windsor while discounting the tribe's historical ties to the county". (CDC Gaming Reports, April 6, 2022). Many other groups also oppose this new development.

## **SUMMARY**

The proposed location is not equipped nor the spot for another massive casino. In addition to overcrowding, casino-saturation, the water table, **environment**, and **wildfire evacuation routes** are also not equipped to support another casino.

Right off Highway 101 by Walmart and Home Depot? Adjacent and near long established residential areas families, children and the elderly call home? Where property owners are already facing low water pressure as their wells dry up? With Prohousing Designations already adding thousands of multi-family housing in Windsor, Santa Rosa and Rohnert Park?

**Please let me know** if you have factored in the impact of the new **Prohousing Community** build in Windsor, Santa Rosa and Rohnert Park in your evaluation, and re-evaluated the impact on roads, water requirements, and the safety of adjacent neighborhoods, which seems flawed as many pointed out during the Public Hearing. **I request a written reply to these questions.**

I urge you to deny the Koi Nation Shiloh Resort & Casino **in any form.**

Sincerely

Susie Sedlacek

Fred Sedlacek

Data sources include:

- The September 27, 2023, Public Hearing, Zoom-moderated by C. Broussard, BIA
- Publications:
  - <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - <https://www.lakeconews.com/news/76942-clearlake-sets-aside-half-a-million-dollars-to-defend-against-tribal-lawsuits-over-city-projects>
  - <https://www.pressdemocrat.com/article/news/sonoma-county-supervisors-approve-casino-agreement-with-dry-creek-rancheria/>
  - <https://www.pressdemocrat.com/article/news/federal-hearing-on-proposed-koi-nation-casino-near-windsor-draws-scores-of/>
  - <https://www.townofwindsor.com/1303/Koi-Nation-Resort-and-Casino-Project>
  - [https://en.wikipedia.org/wiki/Koi\\_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.](https://en.wikipedia.org/wiki/Koi_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.)
  - <https://www.koinationsonoma.com/history/>
  - <https://www.koinationsonoma.com/project/>
  - <https://www.srcity.org/CivicAlerts.aspx?AID=2253>
  - <https://www.hcd.ca.gov/about-hcd/newsroom/california-department-of-housing-and-community-development-awards-prohousing-designation-to-five-new-jurisdictions>
  - <https://www.hcd.ca.gov/about-hcd/newsroom/governor-newsom-designates-three-more-california-communities-prohousing-strides-made-to-accelerate-housing-production>
  - <https://www.townofwindsor.com/DocumentCenter/View/27736/3818-23-Authorizing-Town-Manager-to-Submit-Prohousing-Incentive-Pilot-Program-App-to-CA-HCD?bidId=>
  - <https://calmatters.org/housing/2018/03/what-to-know-about-the-housing-bill-that-has-people-freaking-out-from-marin-to-compton/>
  - <https://www.pressdemocrat.com/article/news/public-hearing-announced-for-koi-nations-proposed-casino-project-near-wind/>
  - <https://huffman.house.gov/media-center/in-the-news/sonoma-county-elected-leaders-react-to-koi-nation-proposal-for-casino-near-windsor>
  - [https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/?utm\\_campaign=trueAnthem%3A%20Trending%20Content&utm\\_medium=trueAnthem&utm\\_source=facebook&fbclid=IwAR2VfPsWJpFRLIH8vIsWcOb8hd\\_IQqZd2bwOTuM3lvK7rOnxKjc6u53MWvQ](https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/?utm_campaign=trueAnthem%3A%20Trending%20Content&utm_medium=trueAnthem&utm_source=facebook&fbclid=IwAR2VfPsWJpFRLIH8vIsWcOb8hd_IQqZd2bwOTuM3lvK7rOnxKjc6u53MWvQ)
  - <https://www.petaluma360.com/article/north-bay/sonoma-county-dry-creek-tribe-poised-to-extend-agreement-banning-casinos-n/>
  - <https://cdcgaming.com/brief/california-sonoma-county-supervisors-unanimously-oppose-koi-nations-casino-near-windsor/>
  - <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - <https://www.landispr.com/wp-content/uploads/2019/11/PD-Coverage-Koi-Nation-casino-battle-091821.pdf>
  - <https://www.healdsburgtribune.com/windsor-casino-would-increase-fire-risk-impact-residential-communities-opponents-say/>
  - <https://www.shilohresortenvironmental.com/>
  - <https://www.multiphousingnews.com/california-affordable-development-lands-40m/>

November 1, 2023

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento CA 95825

RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke,  
I read information about the proposed Shiloh Resort and Casino in Sonoma County, Windsor California. I am opposed to this project.

My understanding is that the Koi Nation is NOT from Sonoma County. The Koi Nation is a tribe from Lake County. Why can a tribe from Lake County develop a casino in Sonoma County?

This proposed casino and resort is in a residential neighborhood. This would be awful to have gambling and drinking in a quiet residential neighborhood. I seriously hope this project does not get approved.

The site is close to Shiloh Ranch Regional Park. So much for the rural park setting that many people enjoy if the resort and casino is approved.

Thank you for taking into consideration my concerns and the concerns of others in Sonoma County.

Sincerely,



Valerie McKamey  
739 Natalie Drive  
Windsor CA 95492  
[vmckamey@msn.com](mailto:vmckamey@msn.com)

Lynn R. Darst  
5845 Mathilde Drive  
Windsor, CA 95492  
(707) 318-9917  
Backpackers\_darst@sprynet.com

October 5, 2023

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs – Pacific Region  
2800 Cottage Way – Room @-2820  
Sacramento, CA 95825

Re: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

A glaring reality occurred in the public forum on Zoom on September 27, 2023 which highlights there is only one reasonable plan and that is for the **BIA to TAKE NO ACTION.**

During the almost four-hour Zoom session, there were people who spoke out in support and in opposition to the proposed Casino Resort project along E. Shiloh Road. Aside from the three people associated with Koi Nation, Dino Beltran, someone from the Chickasaw Tribe in Oklahoma and Mr Singer, the only other people who expressed support for the Casino were from the Carpenter's Union, whose only interest is motivated by money. Absent those there was no one else who expressed support, not even any of the 90 members of the Koi Nation. Stunning! The overwhelming majority of speakers strongly voiced opposition. This is compelling evidence of major opposition with valid reasons that the **BIA CANNOT IGNORE.**

A correction is necessary about the comment made on zoom about Koi Nation being open and transparent. That statement is not true. Koi Nation invited a select few for a Meet and Greet function on their property on September 7, 2023. None of the neighbors in the properties directly across the street from the proposed Casino Resort site were invited, nor the residents who surround the site. That is truly significant. Upon learning of the Meet & Greet for neighbors, flyers were distributed to the neighborhoods. In the last minute, Koi Nation cancelled the meeting, probably upon learning that real neighbors would be attending. While we tried to notify everyone that the meeting had been cancelled, there were some who did not get the message and resulted in 100 vehicles showing up to find a closed and locked gate. **This is a clear indication of interested neighbors thwarted from sharing their thoughts.**

While the Koi Nation has a website and a Facebook page, it should be noted that there is no visible information around town advertising and inviting people to their social media sites. On Facebook they have a total of 150 likes and 177 followers. The population of Santa Rosa and Windsor combined is over 200,000. The population for Sonoma County as of January 2023 is 478,174. The number of followers to the Koi Nation Facebook page pales in comparison to the population. While the Koi Nation claims to be transparent by posting things, the fact is that very few people are aware of their social media sites. **Bottom line – In actuality this is not real transparency.**



We have been residents of Windsor, California for 24 years. We selected Windsor as a place where we could age in place and be close to a variety of businesses that would fill our needs without having to travel far. Koi Nation has estimated they will need between 1100-2000 employees. That would devastate many existing businesses in the towns of Windsor, Santa Rosa and outlying towns where low staffing has been an issue for several years. There have been a number of businesses that have been forced to close as a result of staffing issues. As residents, we are forced to endure poor customer service and altered operating times from businesses. Approving a business of this magnitude would be an economic disaster particularly for Windsor and Santa Rosa. I present to you photographs of "Now Hiring" signs (attached) that demonstrate what I say is the truth. These photographs are just a small sample of what exists in the Windsor and Santa Rosa area. You are invited to take a drive through our area and witness these signs for yourself! Also in this packet, I have cut and pasted comments from Sonoma County residents, along with newspaper headlines. This could spell economic doom for many businesses, up to and including an entire town! For six of Sonoma County towns, the total number of jobs that Zip Recruiter is trying to fill is 60,784. **This is something the BIA cannot turn a deaf ear to or brush off!**

Additionally, it is extremely concerning to me that consideration is being given to allow this project to move forward based on:

1. Five Sonoma County Tribes oppose the project.
2. Santa Rosa Board of Supervisors opposes the project
3. The Town of Windsor opposes the project
4. Also opposing the project is:
  - a. Jared Huffman, Congressman
  - b. Mike Thompson, Congressman
  - c. Alex Padilla, Senator
  - d. The Late Dianne Feinstein, Senator
  - e. Mike McGuire, Senator
5. The Koi Tribe has claimed Clearlake their home for the last 14,000 years. See attached.

In closing, it is my hope that the BIA could assist the Koi Nation in identifying a suitable location for their dream Casino that is less invasive to residential neighborhoods, churches, schools and recreational areas and would not put human beings at risk of death during an evacuation. E. Shiloh Road is the wrong location!

My husband and I **STRONGLY oppose this project** and highly **recommend that no action be taken!**

Sincerely,



Lynn R. Darst





THIS IS THE WRONG LOCATION  
FOR A CASINO RESORT. IT IS  
IN THE MIDDLE OF RESIDENTIAL  
NEIGHBORHOODS.

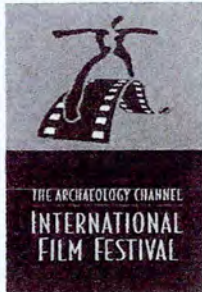




(/)

Exploring the human cultural heritage through streaming media

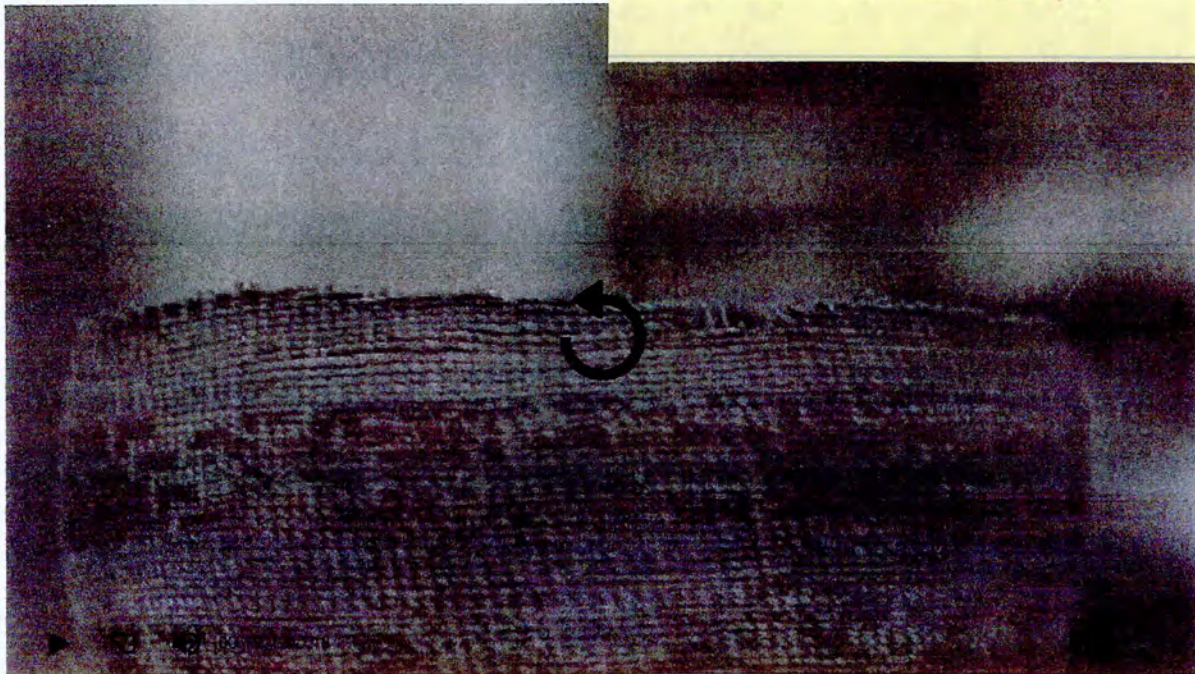
SEARCH Q



## SAVING THE SACRED



The Koi have claimed Clearlake to be their home for 14,000 years. It is posted throughout the internet.



The Koi and Habemetol Pomo have called the majestic Clear Lake Basin home for an incredible 14,000 years. However, rapid urbanization and the looting of artifacts for sale on illegal markets has threatened to erase their long history and rich culture from this unique landscape. In an effort to protect these sacred sites, the tribes unite with their local governments and communities to preserve their priceless culture and past. This is a story of the those who occupied the Clear Lake Basin first and how they are trying to maintain the culture and history of their ancestral lands, told by representatives of the Pomo along with partners in the local and state governments.



**Padilla T.** · Cotati, CA

...

That is becoming the norm with many stores. They are only open when they have staff to cover the time of operation. People truly don't want to work and want to work from home.



**Jennifer Brune** · Santa Rosa, CA

...

They have adjusted their hours due to staffing issues. We understand how frustrating it is for our customers as well as the employees.

1w

**Like** **Reply** **Share**





**Jerri Mendivel** · Cotati, CA

...

I've experienced early closures at both RiteAid and Walgreens multiple times due to staffing shortages. I'm strongly considering transferring my prescriptions to an online pharmacy like Amazon because of the unreliability of the local pharmacy access. Not thrilled about doing that, but it's becoming very frustrating to not be able to count on when I can pick up prescriptions.



**Kay Gordy** · NW of Downtown

...

I was in there last week and a man had to come from somewhere else in the store to work the cash register. He said they only had two employees working.

... - . -





**Eddie Ruddick** · Hessel

...

Might have to do with staffing shortages. Or perhaps it was a genius that wanted to close at 6 pm just to inconvenience customers! 🙄





**Marie Reichlmayr** · NW of Downtown

...

Have spoke with management, definitely staffing issues, no one to stock shelves, no applicants applying. Another member leaving in 2 weeks 🙄



**Joy Wakefield** · Coddingtontown

...

I bought tires at Walmart, made an appointment and paid with a credit card. I went on the day and time they gave me, only to be told they didn't have the staff to put on my tires. So I came home without tires! and we don't need migrant labor???



PHOTO BY SARA EDWARDS FOR THE PRESS DEMOCRAT

# Prima Linens to close

By **SARA EDWARDS**  
THE PRESS DEMOCRAT

**P**rima Linens, a bedding and fine linens shop, is the latest store to close in Santa Rosa's Montgomery Village. Owner Pamela Layton attributed her store's closure at the end of this month after 10 years in business to the ongoing staffing shortage.

Because of a lack of staff, she's usually working six to seven days a week, which has made it difficult for her to take time off. And finding qualified candidates to ease the shortage has been tough.

"I need a better work-life balance," she said. "And that's what it really boils down to."

Layton said she has considered moving her business elsewhere, but she has yet to find a new location.

In the meantime, she's going to transform her business into a concierge service where she'll design the linen aspect of a customer's home — picking out the right table napkins for dinner or finishing a bedroom with the right throw pillow cases and duvet covers, for example.

Montgomery Village General Manager Brittany Mundarian, in a statement to The Press Democrat, wished Prima Linens the best in its new chapter.

"We would like to thank them for the years of dedication to their community, providing the best in bath, bedding, and decor essentials," she said in the statement.

Layton's career has always revolved around retail, with a background in interiors and textiles. She was owner of the former high-end stationary shop Sincerely



**Prima Linens owner Pamela Layton said she has considered moving her business elsewhere after she closes the Montgomery Village shop in Santa Rosa at the end of the month.**

Yours, also located in Montgomery Village, which she closed about a year and a half ago.

She opened Prima Linens in 2013, five months after another linen store closed in Montgomery Village. Layton's shop has since been the local spot for premier bed, bath and table linens and textiles. She said her shop is one of the only stores north of San Francisco that carries fine linens.

"I had my business cards redone with all of my information and my linen companies (that I buy from) are supportive of me

so that I can continue to assist my customers," Layton said.

"A lot of (my clients) still need bedding or they're making changes to their homes and they need these types of linens."

She said she's also open to options outside of working with customers on a one-on-one basis, though for now her plans are to spend more time with family.

*You can reach Staff Writer Sara Edwards at 707-521-5487 or [sara.edwards@pressdemocrat.com](mailto:sara.edwards@pressdemocrat.com). On Twitter @sedwards380.*

*Editorial Comment*



# The North Coast

## Fight to keep birth center open

**PETALUMA » Operator says it's unable to keep facility properly staffed**

By **MARTIN ESPINOZA**  
THE PRESS DEMOCRAT

The battle lines have been drawn over a proposal to close Petaluma Valley Hospital's Family Birth Center, with a host of supporters of the popular maternity ward gearing up this week to voice their strongest op-

position yet. Expectant mothers, nurse midwives, doulas, obstetric nurses, physicians and other hospital staff are expected to raise concerns over plans to close the unit during a meeting Wednesday of the Petaluma Health Care District, which sold the hospital to Providence health care company two years ago.

Providence wants to close the birth center because it has been unable to recruit the staff necessary to operate the unit safely, particularly anesthesia services. But opponents say the health care giant is simply trying to cut costs by closing the unit and consolidating obstetrics services at Santa Rosa Memorial Hospital. In purchasing the hospital from the district, Providence agreed to keep the birth center open until 2025.

"I'm shocked that they're being allowed to even consider this, quite honestly," said Sheri Buda, an obstetrics nurse at Petaluma Valley Hospital. Buda, who is also a nurse representative with the nurse's union, the Petaluma Staff Nurse Partnership, said maintaining an obstetrics department at Memorial Hospital is required to maintain the facility's Level II Regional Trauma Center designation, the highest such designation of any hospital in the county.

"They're trying to roll two units into one to save Memorial and to save their trauma designation," Buda said. "But it's very much being done at the cost of Petaluma ... so Petaluma Valley Hospital and the community of Petaluma have been made the sacrificial lamb to Memorial."

The Providence proposal is scheduled to be taken up early during Petaluma Health Care District's meeting Wednesday evening. The meeting, which will also be carried via Zoom,

TURN TO CENTER » PAGE A4


STAFFING SHORTAGE

OCTOBER 2023  
JOBS LISTED WITH ZIP RECRUITER  
(This list does not include all Sonoma County Towns)

Summary

|              |                       |
|--------------|-----------------------|
| Cloverdale   | 6,105                 |
| Cotati       | 14,118                |
| Healdsburg   | 7,892                 |
| Rohnert Park | 11,644                |
| Santa Rosa   | 11,714                |
| Windsor      | 9,311                 |
| TOTAL:       | 60,784 (Jobs to Fill) |

SEE ATTACHED

 ZipRecruiter

<https://www.ziprecruiter.com> › Jobs › -in-Cloverdale,CA ⋮

## \$16-\$32/hr Jobs in **Cloverdale, CA** (NOW HIRING) Sep 2023

6,105 **Jobs in Cloverdale, CA** · Bookkeeper Office Manager · Assistant Store Manager ·  
Outside Sales Representative/Building Envelope Specialist · Seasonal Driver gig ...





ZipRecruiter

<https://www.ziprecruiter.com> > Jobs > -in-Cotati, CA ::

## \$16-\$31/hr Jobs in Cotati, CA (NOW HIRING) Sep 2023

14,118 Jobs in Cotati, CA · Customer Service Representative · Retail Merchandiser · Sales Associate, CA Job 776.23 · Seasonal Sales Representative · Customer Service ...

ZipRecruiter

<https://www.ziprecruiter.com> > Jobs > ⋮

## \$19-\$42/hr Jobs in Healdsburg, CA (NOW HIRING) Sep 2023

7,892 Jobs in Healdsburg, CA · Operations Manager · Maintenance Technician I · DBV1 - ROUE - ROUG EXPRESS LOGISTIK - Lieferfahrer (m/w/d) · Tasting Room Associate.

... ..

Supervisory Services Technicians (L.V.) - Sales Associate - Distilled



ZipRecruiter

<https://www.ziprecruiter.com> > Jobs > :

## \$16-\$32/hr Jobs in Rohnert Park, CA (NOW HIRING) ...

11,644 Jobs in Rohnert Park, CA · Retail Merchandiser · Maintenance Technician Trainee/Level

I · Seasonal Sales Representative · Sales Associate · Server ("Mesero/a").



ZipRecruiter

<https://www.ziprecruiter.com> › Jobs › :

## \$22-\$46/hr Jobs in Santa Rosa, CA (NOW HIRING) Sep 2023

11714 SANTA ROSA, CA jobs (\$22-\$46/hr) from companies with openings that are hiring now. Find job listings near you & 1-click apply to your next opportunity!

CHINA Ink



ZipRecruiter

<https://www.ziprecruiter.com> › Jobs › -in-Windsor, CA ⋮

## \$16-\$32/hr Jobs in Windsor, CA (NOW HIRING) Sep 2023

9311 WINDSOR, CA jobs (\$16-\$32/hr) from companies with openings that are hiring now. Find job listings near you & 1-click **apply** to your next opportunity!



## **Latest wave of restaurant closures hits Sonoma County**

Nearly a dozen restaurants closed throughout the county in 2022, many experiencing difficulty in finding staff and having to deal with rising food costs. | 97

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Zimi on Mission is just one of nearly a dozen restaurants that closed throughout the county in 2022. Almost all of the owners cited the difficulty in finding staff and food costs that continue to rise as supply-chain issues and inflation take their toll.

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**Tudor Rose, Santa Rosa - closing January 2023:** Owner Angela Grant decided she will close her 10-year-old tearoom in downtown Santa Rosa after dealing with increased operating costs and what she saw as a lack of support from the city and the challenges of finding staff. (Beth Schlanker/The Press Democrat)

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## **Staffing woes dominate Sonoma County government budget talks**

Staffing challenges dominated discussions during the Board of Supervisors budget workshops this week that served as precursor to next month's proposed spending plan.

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### **Santa Rosa Press Democrat: Sonoma County Social Workers Decry Tight Staffing They Say Puts Children At Risk**

Sonoma County's Child Protection Services agency is grappling with a severe staff shortage that has social workers claiming children's lives could be in danger. They have been going before the county supervisors in recent weeks to call out the agency's unsafe practices and raise public awareness of the problems resulting from not having enough people to handle the workload. ...Officials said the county has had difficulty recruiting and retaining social workers for a number of reasons, including the area's housing shortage and high cost of living. Last year's wildfires have caused additional strain on social services and the community, leading to more cases of alleged domestic abuse, county supervisor Shirlee Zane said.

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Staffing concerns were the theme of this week's budget workshops hosted by the Sonoma County Board of Supervisors. Twenty-six county departments presented their preliminary budgets and spending requests. Many top government administrators said employee burnout and growing vacancies are their major issues, adding that it's affecting essential services like public health, law enforcement and elections. The Sonoma County budget for the 2022-2023 fiscal year is expected to be about two-billion-dollars, with salaries and benefits accounting for about \$793-million of the total. The Board of Supervisors will finalize the budget and spending requests at hearings in June.

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Landscapers and dishwashers are the first ones to leave," said Brandon, general manager of the



Vintners Inn north of Santa Rosa.

They depart for seasonal jobs that pay more money, often with wineries and vineyard management companies. This year, however, it is particularly difficult to replace them.

A low jobless rate, a tight housing market and steady growth among the county's hospitality businesses is making it harder than ever for Brandon to find cooks and other workers for the inn and its three kitchens, including its highly regarded John Ash & Co. restaurant.

"It's the worst it's ever been," said Brandon, who has worked here 17 years.

The hospitality sector isn't the only one dealing with a shortage of help. From construction to health care, from food manufacturers to wineries, Sonoma County employers say finding available workers has become a major headache.

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Mary's Pizza Shack remains closed in downtown Santa Rosa due to staffing shortage

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Prima Linens, a bedding and fine linens shop, is the latest store to close in [Santa Rosa's Montgomery Village](#).

Owner Pamela Layton attributed her store's closure at the end of this month after 10 years in business to the ongoing staffing shortage.

Because of a lack of staff, she's usually working six to seven days a week, which has made it difficult for her to take time off. And finding qualified candidates to ease the shortage has been tough.

---

Sonoma County education officials sound alarm over worker shortages

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## COUNTY OF SONOMA

### Department of Human Services

Health + Food +

Jobs + Money +

Housing + Shelter +

Older Adults + People with Disabilities +

Children + Families +

Veterans

### FOR IMMEDIATE RELEASE

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SANTA ROSA, CA | July 31, 2023

[En español »](#)

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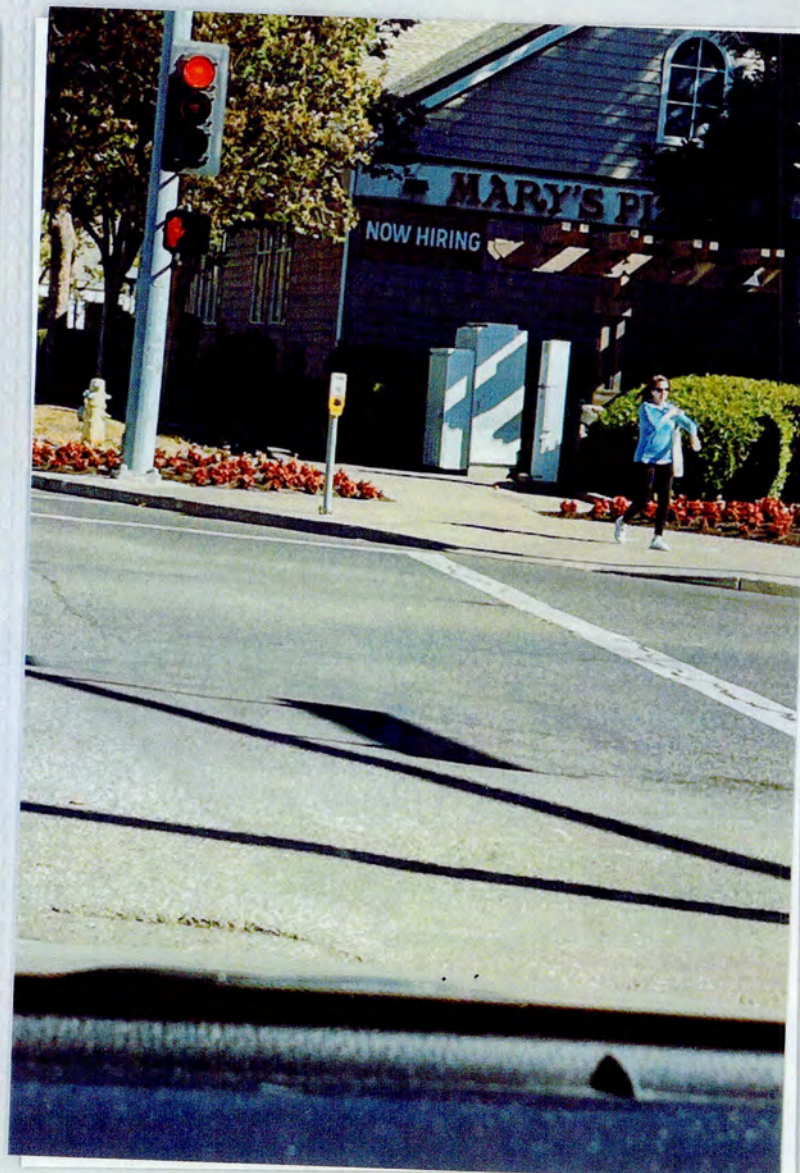
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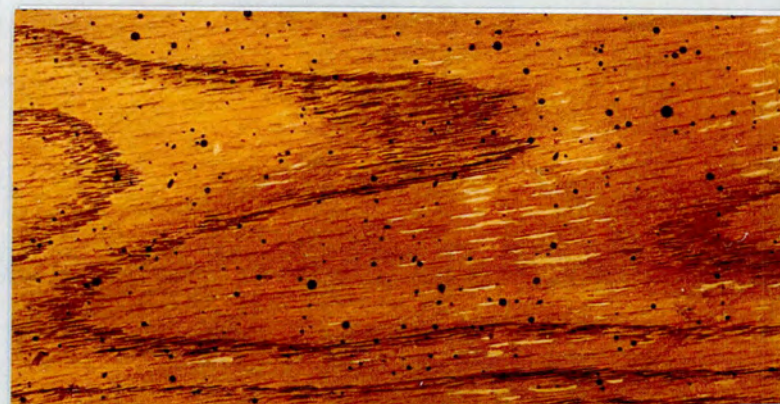












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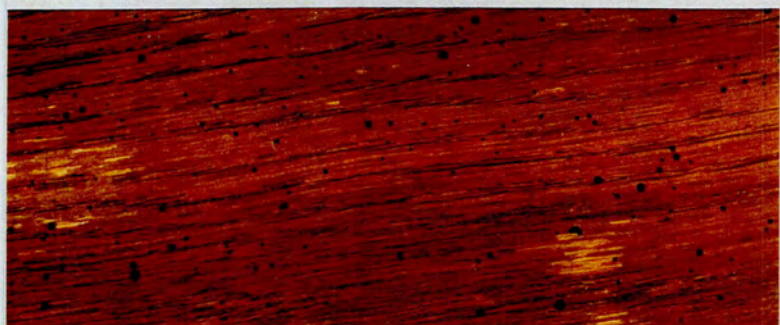
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**From:** Kristine Anderson-Manos <[kris.anderson.manos@gmail.com](mailto:kris.anderson.manos@gmail.com)>  
**Sent:** Thursday, September 21, 2023 1:40 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I do not know that I have anything more to say than what has already been said about the proposed casino in Windsor.

1. The Koi Nation is not from Sonoma County. Their homeland was Lake County. Therefore they cannot claim this was their homeland. They do not have an automatic right to build a casino in Windsor or any other location in Sonoma County.

2. The location is right in the middle of subdivisions and vineyards. The access to and from will be a nightmare. Maybe they should have looked into a location with less impact. If it had to be Windsor, why not the bare land next to the freeway?

--

Kris Anderson  
Kristine Lynn Anderson-Manos  
Senior Mortgage Consultant  
BRE# 01040787  
NMLS# 236256



(707) 521-3434 ext. 323 Office  
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November 5, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825  
RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

I have lived in the Town of Windsor for 28 years, approximately 3 miles from the proposed Koi Shiloh Resort project. This letter is to voice my extreme opposition to this project, which would destroy the quality of life and safety in our town. In addition to the quality of life concerns in this proposed residential area such as traffic and noise as well as environmental impacts, I would like to emphasize the following two serious safety concerns.

- **Wildfire Evacuation** – I have lived through the evacuations of both the Tubbs Fire and the Kincadee Fire and know first-hand how dangerous this situation is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would very likely cause gridlock and a real potential for loss of life robbing us of our peace of mind and will cause constant fear for our safety in our own homes. The EA is faulty in the assumption that we will have adequate warning to evacuate the casino property prior to evacuating the Town of Windsor.
- **Crime** – The proposed mitigation to address this issue by staffing up the police department in response to the increased crime is not acceptable. The proposed location of the casino project is in very close proximity to neighborhoods with families and retired people. The knowledge that police are available to respond after a DUI accident or worse occurs will not alleviate the impact and fear of these crimes in our community.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired live, children go to school and play in the park, wildlife live, and we all enjoy the incredible natural beauty of this area. The proposed location is absolutely **not** the right location for this project.

I wholeheartedly request that you implement **Alternative D, no action**.

Sincerely,



Bruce DeCrona  
1206 Eagle Drive  
Windsor, CA 95492

707-696-0892

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

EA Comments, Koi Nation Shiloh Resort and Casino

Dear Amy Dutschke,

My husband and I and our two sons moved to Windsor from Rohnert Park, CA in 1988. We purchased a home in the new subdivision of Oak Park. We have enjoyed living here.

I was very dismayed to learn the Koi Nation plans on building a large hotel and casino at the end of our block! This is not the place for it. We do not want all the traffic, noise, lights, and crime in our neighborhood! This is a peaceful residential area.

I sincerely hope my family and neighbor's concerns will be addressed and the Koi find a better suited area to build on.



Nancy Larson

5834 Gridley Drive  
Windsor, CA 95492

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

EA Comments, Koi Nation Shiloh Resort and Casino

Dear Amy Dutschke,

I stand with my neighbors in rejecting a casino and all its vices and inconveniences! This type of establishment will ruin our neighborhood and surrounding agricultural environment.

There is no mitigation. Mitigation means compromise and this type of establishment does not compromise. The vices that we are concerned about automatically come with a casino. Not if, but when any of these vices occur it will be one too many!

There are plenty of commercial spaces on the west side of Highway 101 that could work for the Koi.

Please don't let a casino be built in our neighborhood.

Thank you for reading my letter.

  
Wilbur B. Larson, Jr.

5834 Gridley DR  
Windsor, CA 95492

October 18, 2023

458-D Las Casitas Court  
Santa Rosa, CA 95403

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Dear Ms. Dutschke,

It has recently come to my attention that the Koi Nation is planning to build a 538,000 square foot "Shiloh Resort and Casino" at the corner of Redwood Highway and Shiloh Road, in Santa Rosa. As a resident of Wikiup Greens, a small senior community only a few miles from the proposed building location, I am writing to express my strong opposition to this project.

Over the past few years, we have seen several major fires, which produced widespread devastation in nearby areas. The first of these fires reached less than 1/2 mile from our community, and the ensuing evacuation was a nightmare which compounded the disaster. We know that similar natural emergencies can occur at any time: Our environment is entirely vulnerable. In such a case, a major casino, encompassing a 2,800- seat event center, 400-room hotel, and 5,000 parking spaces, could create the kind of traffic situation that would significantly reduce nearby residents' chances of escaping to safer locations.

Further, an establishment of such huge dimensions will place immeasurable strain on our local infrastructure and ecology. Our own community has been asked to save water in every possible manner and work hard to reduce our energy consumption. The proposed casino will drain vital sources of water and energy. Moreover, the hugely increased ambient noise and light pollution will place further stress on our natural habitat, which is already endangered from encroaching development. In a time of environmental stress, there is no justifiable excuse for such a project.

Finally, as Indian casinos are not required to pay taxes on the land or their profits, the local residents--all working people--will be required to subsidize it. None of us have asked for this project; the jobs created will be short-term and unskilled, and it will not benefit our communities. Even both the local tribes at Graton and River Rock are against it!

We understand that the final decision about the proposed casino may not be based on local response, but on the environmental assessment of the project by the Bureau of Indian Affairs. However, we strongly urge you to consider the welfare and needs of our communities in determining whether this initiative will be approved. We stand firmly against it and hope that you will take our views into consideration.

Sincerely yours,

A handwritten signature in cursive script that reads "Suzanne Cowan". The signature is written in black ink and is positioned below the "Sincerely yours," text.

Ms. Suzanne Cowan

Amy Dutschke, Region Director

OCTOBER 15, 2023

Bureau of Indian Affairs, Pacific Regional Office

**I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD ON E. SHILOH RD. SANTA ROSA, CA**

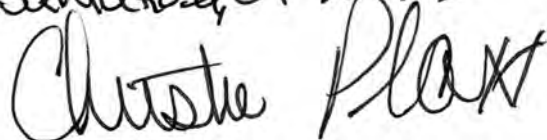
- I have lived on E. Shiloh for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on E. Shiloh Rd. I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

**I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

Christine Plaxco

143 E. Shiloh Rd

Santa Rosa, CA 95403





November 6, 2023

Amy Dutschke  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Subject: EA Comments, Koi Nation Shiloh Resort and Casino

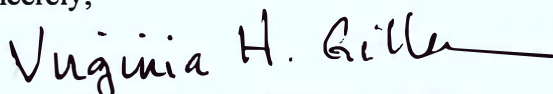
Red flags! Fire Weather Watch! Nixles! As a resident of Windsor for the last 17 years, these are terms we have come to live with every Fall. And if you didn't know that you live in a "moderate to high fire zone" as the environmental reports calls it, you know it's serious when your water company sees the need to enclose a full-color, trifold brochure on emergency preparedness (including an Evacuation Map) in with your monthly bill. Two copies, actually, one for our Spanish-speaking neighbors.

But what good is the evacuation map when you try to escape and find the only roads out clogged by the thousands (up to 2,450) cars that are pouring out of the casino several miles to the south. Not to mention the thousands of local residents also in mortal danger. We know that typically the fires begin to the north of us and the Diablo winds push the flames to the south, therefore Old Redwood Highway (2 lanes) and Highway 101 (4 lanes) are the only way out. Having experienced a controlled evacuation during the Kincade fire, I know that it can take hours to go several miles during the best of circumstances and without all the additional vehicles that the proposed casino would contribute.

I believe that for many, many reasons: water availability, traffic congestion, proximity to a residential area and local schools, etc, etc, the Koi Casino should not be built in the proposed location. But above all, the real impact would be to the lives of who knows how many Sonoma County residents who would be put in jeopardy by this reckless proposal. Just look at how many poor souls died in their cars in the Paradise and Maui fires. Don't let this happen here!

There are no evacuation zones, alarms, warnings, or sirens that could begin to mitigate the real danger of another fire sweeping thru our county with no way out because people failed to recognize what Mother Nature has already demonstrated. Please, stop the Casino!

Sincerely,



Virginia H Gillen

9559 Ashley Drive, Windsor, CA 95492

November 10, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Re: **Proposed KOI Nation of Northern California Shiloh Resort and Casino Project**

To further expand on our earlier letter, below are additional concerns in opposition to the proposed Koi Nation Casino in Windsor, California and the negative impact it would have in our community.

- **Community Safety:** The risk of a casino near San Miguel Elementary School is, of itself, a concern as Faught Road to the south becomes an alternative route for casino goers trying to get around congested traffic on E Shiloh Road. This will increase traffic and add additional risk for children, parents, teachers and administrators. Further, for those traveling north on Faught Rd. / Pleasant Ave. drivers will pass yet another elementary school, increasing risk for community members. Already traffic and congestion at Mattie Washburn Elementary School today, during morning drop offs and afternoon pick up is terrible, causing back ups on Old Redwood Highway. Has this been reviewed? Near both campuses, not only occupied during school session, but used for after-school activities, sports, etc., are regional and community parks and a dog park which are used daily.
- **Pruitt Creek runoff.** As noted several times during the September hearing, Pruitt Creek water pollution is a serious issue and concern, especially for nearby families that rely on wells as their water source. How carefully has this been reviewed and evaluated in the EA for both drought years and in the event of El Niño flooding?
- **Sonoma County repeated drought years;** Water is a needed and limited resource. To build a casino today, or anywhere in Sonoma County, when our community (and the State) has experienced years of drought requiring people to ration water is not responsible. The community is also required to build additional affordable housing to meet the needs of the people. We can't put ourselves in a situation where we have more people and not enough water, further impacted because hundreds of thousands of gallons of water per day is consumed by the proposed casino/hotel....a recreational site!!! As responsible citizens, water must be preserved for the people of the community and we should not create unnecessary risk of well, creek and water contamination.
- **Esposti Park,** a regional community Park, was built for and is used to offer outdoor activities for children and adults. Building a casino literally next to a community park creates risk with increased traffic, people drinking and driving, loiterers, and other riff-raff that comes with casinos and increased population in the area. This fact was noted by the retired Police Chief of Santa Rosa at the September Zoom hearing.
- **Our roads our terrible and traffic congestion already exists.** How can a residential area handle an increase of up to 15,000 cars per day along 2-lane roads? It's just not feasible, not to mention how poorly maintained our roads are now. Already, there is backed up traffic on E Shiloh Road and Old Redwood Highway in the mornings and evenings. As a Windsor resident, it took > 30 years to repair roads in our neighborhood and E Shiloh Road (and still work-in-process); and the quality delivered unsatisfactory. How can the city/town handle the additional traffic and maintain a heavily traveled road? This is already a concern with the 140+ 2 & 3 bedroom apartments that

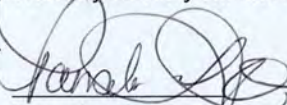


were recently built, and two other large developments that are being build near Home Depot, along Shiloh Rd, 1/2 mil from the proposed casino/hotel.

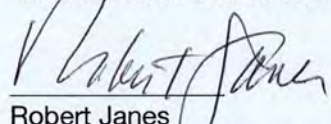
- **Impact to Residents.** Residents of Oak Park, which is right across the street from the proposed casino, will be recipients of noise, traffic, more exhaust fumes, light pollution, people parking and entering our neighborhoods, and potential for more crime and traffic accidents, making it less safe and a less desirable place to live. Is it fair to take this away from the people and potentially decrease the value of our homes? Especially for those who chose to live here before the KOI Nation quietly purchased the property?
- **During the September Zoom hearing,** concerned citizens reiterated impactful issues of building the casino including traffic, noise, crime, property values and the effect on the local water table of pumping more than 200,000 gallons of water from the ground each day. Again, with repeated years of drought in Sonoma County, the concern of global warming and hotter days, and potentially having to ration water again, it is not responsible to build such property in this location (or Sonoma County for that matter).
- **Fire evacuation risk.** As area residents, we want to repeatedly warn and voice our concern, based on first-hand experience, about the potential risk of loss of life due to the inability to successfully evacuate in the event of a fire should the casino be built in this area. The wooded, 850-acre Shiloh Regional Park and Mayacama mountains, which are less than 1/4 mile from the proposed site, have an increased likelihood of fire. And to risk residents of Shiloh Estates, Oak Park, Wikiup and along Faught Road, to name a few areas, is irresponsible. This will also impact traffic along Hwy. 101, which was a nightmare, as residents attempted to escape flames and the fast moving fires in 2017 & 2019. How did the environmental assessment report not capture this?
- To date, **NO OTHER CASINO in California was granted permission to build in a residential area** and this makes sense and precedence should prevail. Why would BIA even consider making that change now? A casino in an industrial or commercial area is where it belongs. Not to mention, in the county where the tribe originated (Lake County - not Sonoma County).
- Attending the September hearing, what was remarkable was that the only group in favor of building the casino was the Carpenters union, because, they said, it would guarantee jobs for workers. This is not a reason to build a casino in a fire and drought-prone, residential area. Plus it is a short-term gain and not what is best for our town, our community, or our county. Its worth mentioning that with a myriad of construction projects across the county, many focusing on affordable housing to meet county targets, there are plenty of jobs and opportunities without building a casino that would have a negative impact on the community.

To reiterate, we are vehemently opposed to all three alternatives (A, B & C) proposed for a Casino & Resort on E. Shiloh Road in Windsor, California.

Thank you for your thoughtful consideration to do what is right for the community



Pamela Janes  
Windsor Oak Park Resident



Robert Janes  
Windsor Oak Park Resident

Don Ziskin  
5862 Leona Court  
Windsor, CA. 95492  
Phone 707.292-0779  
[donziskinlaw@comcast.net](mailto:donziskinlaw@comcast.net)

November 8, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

**Re: EA Comments, Koi Nation Shiloh Resort and Casino,**

Thank you for the opportunity to comment on the findings in the Environmental Assessment (EA) and the impact the Koi Casino Resort will have on the local environment and community.

**1. Acorn Environmental Statement**

The neutrality of the EA report prepared by Acorn Environmental is questionable. Their website identifies Fee-to-Trust Applications, NEPA Compliance for Fee-to-Trust and Two-Part Determinations and Tribal-State Compact Environmental Analysis as areas of specialty. Acorn Environmental provides environmental studies for Native American Indian tribes acquiring land for gaming purposes and has a vested interest in minimizing environmental impact for their clients.

As a retired trial attorney, I have experienced the biased nature of expert testimony and the need to have it thoroughly vetted. The Environmental Assessment references numerous technical standards and regulations; but fails to provide relevant fact specific or substantive information of the impact the casino will actually have on the environment and community.

The conclusions reached are all based on subjective analysis and minimal data. This applies to most sections listed in the Table of Contents, from the evaluations on traffic and circulation to the impact drawing 170,000 gallons a day ave on the water supply. When the EA does recommend mitigation of a condition, it's recommendation doesn't provide a solution; rather, it frequently calls for creation and adoption of a policy. The concerns raised in the scoping questions last year and addressed by Acorn were all determined to be insignificant after their evaluation. Examples of their common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.



Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

It is hard to believe that the proposed casino complex will have little or no impact on the community. When Acorn does reference a possible negative impact, such as wells running dry, the remedies offered are inadequate and callous. Compensating someone with money or trucked in water after causing their well to run dry is not “insignificant” or an adequate remedy.

## **2. Transportation and Circulation/ Fire/Evacuation**

My family and I are 31 years residents of Oak Park, the development directly across E. Shiloh Road from the proposed hotel/casino complex. We have been through the Tubbs and Kincaid fires and experienced gridlock during evacuations as well as property damage from flying embers. Over the years traffic has increased significantly with backed up stop and go traffic from the 101 Shiloh exit to Old Redwood Highway a daily occurrence. There are 3 projects approved and/or under construction between the Highway 101 Shiloh offramp and Old Redwood Highway that will result in approximately 400 residential units in addition to commercial ventures. An additional 15,000 trips a day to and from the casino will result in constant traffic congestion.

The Environmental Assessment consists of a minimal traffic study done over two wet, cold days in January 2022. Those days and traffic during that time of year are not representative of conditions on E. Shiloh Road. The conclusions of the TIS concerning the impact the casino project will have on traffic are not based on actual conditions but on assumptions and subjective analysis.

Again, an opposing “expert” could just as easily reach an opposite conclusion. While the traffic study does acknowledge that the casino will cause a loss of services (LOS) it utilizes the common phrase in the report... “Mitigation would reduce impacts to a less than significant level”. Changing lane striping and signal phasing is not going to alleviate the LOS. There is no information in the TIS on how signal installation will impact traffic. Further detailed analysis incorporating actual conditions is needed.

The only time evacuation is mentioned is in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. No specific plan is referenced. There is some information on what their plan is on the Casino grounds in Appendix N. It calls for a large group of employees to provide traffic control to casino guests. It plans on evacuating the guests from the casino grounds through the two exits. It does not incorporate people evacuating from the surrounding community. It acknowledges that even then it would take between 2 and 2 3/4 hours to evacuate all Casino guests. They will be exiting onto single lane roads carrying local residents as well. There is no way the roads can handle this. People will die!



How will 5,000+ vehicles leaving the casino at one time during an emergency impact residents in Oak Park and east of the casino Shiloh entrance trying to evacuate?

How will local residents and businesses morning and evening commutes be impacted by people traveling to and from the casino?

How will traffic signals at Gridley and Shiloh casino entrance impact traffic on East Shiloh?

How will the traffic signals at Gridley and the Shiloh casino entrance impact residents of Oak Park?

How will Casino and residential evacuation impact responding emergency services travelling in the opposite direction?

How will several thousand vehicles coming and going to an event at a specific time impact traffic?

The minimal eight hours of actual traffic monitoring over two days in January 2022, does not provide adequate data for accurate evaluations. The conclusions of the TIS are conclusory and speculative.

### 3. Other Casinos in Residential Communities

In response to scoping concerns over casinos in residential areas, the Environmental Assessment references three casinos in California in residential communities; however, there are significant differences between the Yaamava, Pechanga and San Pablo casinos in the ES and the proposed Koi Casino Resort.

None of the three have housing as close to the casino as does the proposed Koi Casino. None share a common entry/exit with private residences, or a church as does the proposed Koi Casino. Contrary to these casinos, The Koi Casino East Shiloh entrance will share a common intersection with the residents of Oak Park. Homes are located on the corner of the intersection of Gridley and the East Shiloh casino entrance.

The Environmental Assessment acknowledges “the Project Site is bordered by Shiloh Road, **residential parcels, and Esposti Park to the north**; vineyards to the east; **residential to the south**; and Old Redwood Highway, **residential, commercial, and Shiloh Neighborhood Church, to the west**. The Charles M. Schulz Sonoma County Airport is located approximately 2 miles southwest of the Project Site. Shiloh Ranch Regional Park is located approximately 0.3 miles east of the Project Site.

As evidenced by the EA the immediate area surrounding the casino site consists of homes, churches, parks, and a school. There are no commercial or business ventures on Old Redwood Highway or Shiloh/East Shiloh in the vicinity of the Casino project. The commercial area



referenced in the EA is freeway adjacent and is one half mile away from the proposed project and does not impact local traffic.

The Pechanga Casino is separated from homes by a four-lane parkway and a nature trail. The only two entrances to the casino are from the four-lane parkway. The casino is over ¼ mile from the closest residences. It was built on historical reservation lands belonging to the Pechanga tribe for over 10,000 years in Temecula. Here the community is well established as rural/residential while the Koi purchase was only two years ago.

The Yaamava casino, like the Pechanga Casino is built on the San Miguel Band of Indians historical reservation land in San Bernardino. It was designed so that the casino entry way faces an unoccupied hillside on their reservation lands. The homes in the area all face the unlit, backside of the casino and are separated by open space and a service road. Driveways and roadways entering and exiting the casino are removed from any residential areas. The Koi proposal has the casino entrance directly facing homes.

Like Pechanga and Yaamava, San Pablo casino does not share a common entry with any residential community. The only entrance is off a major commercial intersection. Overall, the general area is mostly industrial and retail, with commercial buildings and a large parking lot surrounding the casino on three sides. The few homes around San Pablo Casino only face the backside of the casino area and the houses are separated by trees and a creek.

The EA does not provide specific information on the impact these Casino's had and continue to have on the surrounding communities.

#### **4. Crime and Drunk Driving**

The EA states that with mitigation (by financially contributing to law enforcement) the Proposed Project would not result in significant adverse effects associated with crime.

The EA reached the conclusion without any data analysis. It does state that generally as a local population increases so generally does the crime rate in a proportional, corresponding rate. And that as a result of the local population increasing because of the size of the Koi casino, they do expect more criminal incidents and law enforcement calls. Their analysis does not incorporate the type of business, gambling, and entertainment, which is a relevant factor. This type of population increase is more likely to cause an increase in crime and should be factored into the analysis. At the very least specific data is needed from other casinos. I did locate some older studies (2002 and 2006) that did show increases following the opening of casinos.<sup>1</sup>

The Town of Windsor's letter states there will be increased crime due to the project and that a mechanism to mitigate the impact on Windsor Police Department resources should be developed. Again, the EA fails to provide substantive information and refers to a future plan

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<sup>1</sup> <https://oag.ca.gov/sites/all/files/agweb/pdfs/gambling/GS98.pdf>



The EA makes draws another favorable conclusion without any data in finding the implementation of a "Responsible Alcoholic Beverage Policy," would be implemented during the operation of the casino resort to reduce the likelihood of drunk driving resulting from Alternative A. Consequently, the potential impacts to drunk driving as a result of Alternative A would be less than significant."

Six restaurants serving liquor, bars/lounges, a casino and entertainment venue all serving alcohol logically creates an increased risk of drunk or impaired drivers. Implementing a "Responsible Alcoholic Beverage Policy," does not alleviate the drunk/impaired driving issue. Drunk Driving increased 13.5% in Rohnert Park the first year after the Graton Casino opened.

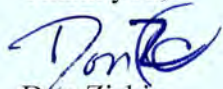
5. **Best Management Practices-** The EA indicates that the Tribe will ensure that BMPs will be followed; however, it does not say how! Best Management Practices is a totally subjective determination. Is it self-governing by the Koi; or will an independent agency oversee, regulate, and ensure that the Tribe is adequately using/enforcing the BMPs? Who determines the BMPs. How does the Tribe become trained and responsible for enforcing compliance? You can design to State and Local standards, but will state and local inspectors regularly inspect during construction and ongoing operation?

There is no question that this project will materially change every aspect of this community. I have watched the community slowly grow to what it is today, a semi-rural residential neighborhood. This is not about the who, it is about the what! It will change from a quiet residential/recreational community into a 24 hour a day destination entertainment center.

It is important to address the four alternatives in the EA. In lieu of suggesting "an alternative project be investigated, it is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. A, B and C all bring the same issues, albeit at different levels.

Because the Environmental Assessment report is lacking any substantive detailed information on how the proposed casino project would impact the environment and local residents is imperative that a more detailed Environmental Impact Study be done unless Alternative D is adopted.

Thank you,



Don Ziskin  
5862 Leona Court  
Windsor, CA. 95492  
707.292-0779

November 9, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Re: KOI Nation of Northern California Shiloh Resort and Casino Project

We are writing you in opposition to the above project...alternatives A, B, and C.

My wife and I reside in the Oak Park subdivision directly across E. Shiloh Road from the proposed Resort and Casino. The thought of having a gambling casino/large hotel immediately outside a residential area, and more specifically our quiet neighborhood, is heartbreaking. It's our understanding that of all the casino/hotels constructed in California, not one of them is located approximately 100 feet away from a residential subdivision, as with this proposal, and with good reason.

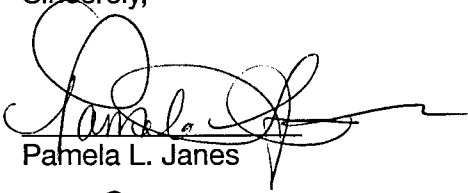
We believe the Environmental Assessment (EA) dated September 2023 is defective in numerous ways and appears to be nothing more than a thinly veiled attempt to encourage the BIA to rubber-stamp the project. Additionally, since the KOI tribe paid for the EA, it represents an inherent conflict of interest. Many of the impacts addressed....water and wastewater, air quality, traffic, noise and vibration, wildfire evacuation, potential for increased crime/drunk drivers....both during construction and post construction....are deemed to be "less than significant." We have lived on Leona Court for nearly 35 years, raised our family here, and common sense tells us that living with this type of construction/completed project, literally at our subdivision's door step, whether it be alternative A, B, or C, would be anything BUT "less than significant". Common sense must prevail here.

In particular, the EA fails to adequately address the fire safety issues of a project of this magnitude (alternatives A, B, or C). History tells us that the E. Shiloh Road corridor is a major artery in the event of a fire evacuation. Both during the Tubbs Fire of 2017 and the Kincaid Fire of 2019, E. Shiloh Road was clogged with cars as residents fled for their lives. It's important to note that this was BEFORE the construction of the large apartment complex at the corner of E. Shiloh Road and Old Redwood Highway, BEFORE the construction of the large apartment complex on E. Shiloh Road just east of Hembree Lane, and BEFORE the proposed construction of a massive Senior Living Complex on E. Shiloh Road, just east of US Highway 101. We cannot imagine the chaos that would ensue on E. Shiloh Road, with all this additional traffic, including the proposed Resort and Casino, should another wildfire occur near us. If deaths were to occur as a result of not being able to flee due to a standstill on E. Shiloh Road traffic corridor, post Hotel/Casino construction, I am sure the BIA would be taken to task, as well they should.

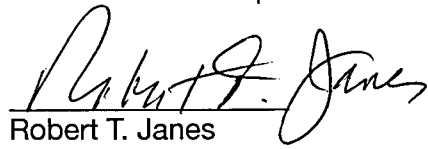
Lastly, the loss of nearly \$100K in property tax revenue to Sonoma County is also a concern. Yes, as noted in the EA, it's only a fraction of the total property tax proceeds for Sonoma County....but it is still ONE HUNDRED THOUSAND DOLLARS.

We strongly oppose this project (alternatives A, B, and C) and implore the BIA to deny approval.

Sincerely,



Pamela L. Janes



Robert T. Janes  
5855 Leona Court  
Windsor, CA 95492

**From:** denyse spektor <[denysespektor@gmail.com](mailto:denysespektor@gmail.com)>  
**Sent:** Friday, March 8, 2024 4:09 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NO KOI NATION CASINO IN WINDSOR

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

YOU WILL RIP A FAMILY NEIGHBORHOOD APART.  
Not the appropriate neighborhood for gambling.  
Shiloh & Old Redwood Highway will be worse than a nightmare to drive. Every artery in Windsor will be impacted.  
Thank you  
denyse Spektor

**From:** "Arash Behrouz" <[abehrouz@hotmail.com](mailto:abehrouz@hotmail.com)>

**Sent:** Friday, March 8, 2024 7:18 PM

**To:** "<[admin@shilohresortenvironmental.com](mailto:admin@shilohresortenvironmental.com)>" <[admin@shilohresortenvironmental.com](mailto:admin@shilohresortenvironmental.com)>

**Cc:** "<[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)>" <[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)>

**Subject:** Re: Notice of Intent for Environmental Impact Statement

thanks. can you have a bus from marin county to this new casino? this will save environment and save gas and many cars from highway.

same price and times and pickup location as river rock casino.

(river rock casino express bus)

thanks.

arash



**From:** Pamela Geiss <[geiss@att.net](mailto:geiss@att.net)>  
**Sent:** Friday, March 8, 2024 7:02 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Casino

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Please do not allow this casino to be built in the lovely residential neighborhood off of Shiloh Road in Windsor, CA. It would be a shame to destroy the beauty of the area with a casino. The increased traffic and police presence needed would tax our resources and the actual property is not in Windsor, but in Santa Rosa = tax revenues would go to Santa Rosa vs Windsor. Windsor will bear the brunt of resurfacing roads, police calls, fire calls, vandalism, unwanted vagrants, drunken drivers, etc. Windsor will not benefit from this casino. It is a shame to ruin our little town with a giant structure and the accompanying infrastructure changes and hardships that will be required. I vote NO!

Respectfully,  
Pamela Geiss  
Windsor resident  
1112 Enzos Way, Windsor

Sent from me

**From:** Richard zolli <[richard.zolli@att.net](mailto:richard.zolli@att.net)>  
**Sent:** Saturday, March 9, 2024 8:17 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi nation Casino

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In response to possible casino on Shiloh in Windsor.....I can't think of any positives for this project. Terrible location infringing on neighborhoods now in the area. Old Redwood Hwy not conducive to the amount of traffic it will cause. Disruption to life of residents with constant lights and commotion at hotels and casino. destruction of beautiful land leading to Shiloh park. Allowing Koi nation to claim land out of their area sets a bad precedence...I do not deny Native American rights, but not at the price of denying others their rights to land ownership and peace...too much disruption in the area. Hoping for no casino.....Mary Ann Zolli

**From:** m henry <[michenrypatrick@yahoo.com](mailto:michenrypatrick@yahoo.com)>  
**Sent:** Saturday, March 9, 2024 9:55 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOIComments,Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Michelle Henry  
55 Billington Lane  
Windsor, CA 95492

This is in response to your article regarding the proposal of Casino Project off Shiloh and Old Redwood Highway in Windsor CA. Concerns of mine are the impact of increased traffic on the Highway. Also with the newly constructed huge apartments on the corner of Shiloh and Old Redwood which brings increased parking, not enough of it in the apartment complex forcing occupants to park on the roads. During our past wildfire evacuations; Old Redwood and Shiloh were gridlocked. I foresee a huge nightmare in coming wildfire evacuations in Windsor. What is the necessity of a casino in this area.? I can't see that locals will seek employment there as Windsor has a huge retirement base. Employees will be brought in I imagine to fill positions. I firmly oppose the construction of this casino. I feel city managers didn't do an effective environmental impact survey.

Sent from my iPad

**From:** RICHANDSHERYL LAWTON <[rslawton@aol.com](mailto:rslawton@aol.com)>

**Sent:** Saturday, March 9, 2024 10:09 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI comments, Koi Nation Fee to Trust and Casino Project

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Hello,

I previously submitted concerns about this project but will restate them as I don't want any of this concerns to be minimized or looked over. This proposed project would be extremely detrimental to Sonoma County, specifically the northern section of Santa Rosa and the Town of Windsor.

1. Traffic- the corner of Shiloh Road and Old Redwood Highway if already impacted by recently built housing and projecting currently underway. Additional traffic on these two lane roads will cause significant backups leading to numerous negative impacts such as noise and air pollution, accidents, soil and water contamination, etc.

2. Evacuation routes in emergencies fall in this proposed area. Current roadways, freeway access, and the surrounding areas can not accommodate the additional projected numbers of visitors.

3. Water usage- water is already a limited resource within our community. The current sanitation and water systems would be overloaded with the estimated increase usages.

4. Flooding potential- Poole Creek often floods during the rainy season. Additional conversion of land available for water absorption to building development will increase the amount of runoff and erosion.

5. Wildlife corridors currently exist on the proposed property. Development will displace these important corridors and thereby reduce the populations of endangered species.

6. Gaming opportunities already exist within the county and meet the demands of visitors.

There isn't a need for further options.

7. The proposed project is immediately adjacent to existing neighborhoods, town park, and large apartment complex. Residents, specifically children, will be exposed to negative social behaviors that are associated with casinos ( smoking, drinking, gambling, addictive substances, etc.)

I anticipate that my twice stated concerns will be heard and that a decision to not develop this 68.60 acre parcel will be reached.

Thank you,  
Sheryl Lawton

[rslawton@aol.com](mailto:rslawton@aol.com)

Sent from my iPhone

**From:** Laurie Smith <[laurieks5@gmail.com](mailto:laurieks5@gmail.com)>  
**Sent:** Saturday, March 9, 2024 10:23 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Shiloh casino question

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Hello,  
I just saw your email in a post on [nextdoor.com](https://nextdoor.com) about the Shiloh Koi casino.  
I live on Donna Drive, southwest of the site. I anticipate dust during construction, and traffic once it's open.  
I have one question; Will it have a gas station? With diesel?  
Thank you kindly,  
Laurie Smith, RN



**From:** Janet S Marsten <[jsmarsten@gmail.com](mailto:jsmarsten@gmail.com)>  
**Sent:** Monday, March 11, 2024 8:33 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "NOI Comments, Koi Nation Fee-to- Trust and Casino Project"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

March 11, 2024  
RE: NOI Comments, Koi Nation Fee-to-  
Trust and Casino Project

Dear Bureau of Indian Affairs and Representatives,

This proposed casino resort in our Sonoma County neighborhood by the Koi Nation from Lake County must be stopped.

Mandatory evacuations due to wildfires clogged our few escape routes. People spent hours just attempting to get on Highway 101. A 24/7 casino, event center, and hotel would create catastrophic impacts to an already tenuous situation. Stopping this project could save lives.

Drought is a very real part of living in Sonoma County. The Russian River aquifer is a fragile and limited resource we all depend upon. It could not support a huge development with an estimate of almost 300,000 gallons of water wasted daily and the potential hazards of groundwater depletion and contamination to water quality, both during construction and in the long term.

A popular Sonoma County Regional Park and a Little League park would sit directly across from the proposed casino site! A wildlife corridor, hiking green space, and peaceful community would be destroyed by the noise and congestion a casino, event center, hotel, restaurants, and parking garage would create. It is unthinkable how this would ruin our unique public landscape. Also, our quiet two-lane roads are popular with many tourist and team bicyclists. The threat to wildlife migration and public safety is unavoidable with this project.

Casinos unfortunately bring with them crime. It is unfathomable that this could happen to our residential neighborhood and community. Please stop this.

Thank you for your time,  
A.P. and Janet Marsten, Shiloh area residents

**Sent:** Saturday, March 9, 2024 9:58 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Fwd: Casino Opposition Letter

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Hello,

Please see my letter below.

Thank you,

Mary Catelani

**One attachment** • Scanned by Gmail

October 2, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825  
RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

I have lived in the Town of Windsor for 60 years, approximately ½ mile from the proposed Koi Shiloh Resort project in Oak Creek housing development. I spent almost 4 hours, on September 27, listening to every comment made during the Environmental Assessment Public Hearing and it was heartbreaking to hear the fear from members of our community regarding the proposed destruction of our way of life and our safety. I must add my voice in extreme opposition to this project. I echo all the objections made at the public hearing regarding this project but emphasize the following:

- **Wildfire Evacuation** – This cannot be emphasized enough. I have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first hand how dangerous and scary it is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, & event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would cause gridlock and a real potential for loss of life robbing us of our peace of mind and causing constant fear for our safety in our own homes.
- **Traffic** –As mentioned, Shiloh and Old Redwood Highway are 2 lane roads. A large apartment building is currently under construction at the corner of Shiloh and Old Redwood Highway and more developments are currently under consideration in that area. The stretch of Shiloh Road between Old Redwood Highway and the freeway onramps is already so congested that often one must wait for several light changes before being able to cross the intersection at Hembree Lane. The addition of the traffic from this project is simply unmanageable.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired people live, children go to school and play in the park, wildlife abounds, and we all enjoy the incredible natural beauty of this area.

I support the Koi Nation's ability to better itself economically and promote the welfare of their people but this location is absolutely not right for this project. I wholeheartedly request that you implement **Alternative D, no action.**

Sincerely,

Mary Catelani  
6240 Lockwood Drive  
Windsor, CA 95492

**From:** Marie Eddy <[mheddy86@yahoo.com](mailto:mheddy86@yahoo.com)>

**Sent:** Saturday, March 9, 2024 3:08 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Mr. Broussard:

I live in Windsor on Old Redwood Highway, in a Senior Mobile Home Park, just 1/2 mile from the vineyard where the Koi Nation is trying to build the Casino.

Having the casino built on this vineyard is a terrible idea for the following reasons:

1. It is directly across Shiloh from a densely populated residential area and the casino will have a huge impact on that community because of the noise and traffic at all hours of the night;
2. There is currently a new apartment complex being built on the corner of Shiloh and Old Redwood Hwy which will contribute to the increase in traffic and lack of street parking, and when the casino goes in, it will be impossible for Shiloh and Old Redwood to handle the traffic flow. It is difficult enough to get through that area with the current housing;
3. There is a neighborhood park across from the vineyard where many people play baseball and just have picnics, etc. This park will be impacted by the traffic from the casino.

I believe your environmental report said there will be "less than significant" impact upon the community once the casino is built, but I don't agree with that theory. Of course, you would say there was very little impact - they don't live here - and this means money, money, money for the Koi Tribe.

We are already in a drought in this area and having the casino here will increase the water use, along with the added apartment complex water use.

The traffic along Old Redwood and Shiloh is already busy, so adding so many more automobiles will not help the situation at all, and the impact to the wildlife in the area is definitely going to be affected.

What happens in a disaster? All of us along Old Redwood Highway had a very difficult time getting out of the area during the last evacuation. The number of automobiles at the casino trying to get out to the freeway will slow everything down and possibly prevent some of the other residents from clearing the area in time.

It is a very bad idea to have this casino in this area. We already have Graton in Rohnert Park and River Rock in Geyserville, all within a short drive from here, so this casino is not needed. This is a nice area with many residential homes and having a casino with a hotel, etc. will definitely impact this quiet community.

Marie Eddy  
82 Shamrock Circle  
Santa Rosa CA 95403

**From:** Heidi Doggwiler <[hdoggwiler@msn.com](mailto:hdoggwiler@msn.com)>  
**Sent:** Monday, March 11, 2024 11:35 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi casino in Windsor, CA

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To whom it may concern,

I am writing to voice my strong objections to allowing the Koi nation to buy themselves a reservation, with rights of sovereignty, in my town. We don't have the infrastructure, the water, or the support services to keep both ourselves and customers of a large commercial enterprise safe in this location.

Furthermore, and just as important, the Koi nation has NO CONTACTS with this area that would justify infringing on the rights of the people who live here, some of whom have been here for decades. We've already had one remote tribe allowed to do this, and it's about time we say enough is enough.

Heidi M. Doggwiler  
619 Smoketree Ct.  
Windsor, CA 95492



**From:** Barbara <[bcoen@sonic.net](mailto:bcoen@sonic.net)>

**Sent:** Monday, March 11, 2024 1:27 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee to Trust and Casino Project

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From:

Barbara Coen

411 B Las Casitas

Santa Rosa, CA 95403

I wish to register my protest to the building of a casino complex as noted above. I have concerns about density, fire mitigation and the existence of similar gambling casinos in the vicinity.

Thank you for your attention to this matter.

**From:** Marilyn Volpert <[peanutsgrama@yahoo.com](mailto:peanutsgrama@yahoo.com)>  
**Sent:** Monday, March 11, 2024 2:04 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

We are a close Town. We are not willing to have gambling here to influence our children, our spouses, our co-workers! Especially when we have droughts here, quite often, that depletes our residents usage and raises our costs. A large development of visitors using hotel water ( Laundry!!! Sheets washed daily, and kitchen usage. Oh my.)

This is not a well thought project. In fact, poorly thought out. There are casinos just 7 miles and 15 miles from here. But having one so close to our Town and children who don't need that type of business, is BAD for our environment. How do we explain, next drought, that sorry, we must empty our pools and not wash clothes as often??? Or bathe as often?

The Koi can surely find a piece of land where they have NO casinos.

Thank you for listening to this senior, wise and happy lady's comments.

Marilyn Parsons-Volpert 8085 A Street, Windsor, California 95492

**From:** Raul Guillen <[r.guillentovar@gmail.com](mailto:r.guillentovar@gmail.com)>

**Sent:** Monday, March 11, 2024 3:23 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Raul, guillen from Rohner Park I think that casino it's going to be great it's going to bring more jobs and more value to the county

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Sent from my iPhone

**From:** Regan Arndt <[reganandrosanna@gmail.com](mailto:reganandrosanna@gmail.com)>  
**Sent:** Monday, March 11, 2024 3:42 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Casino Opposition - OurCommunityMatters <[OurCommunityMatters2@gmail.com](mailto:OurCommunityMatters2@gmail.com)>; Regan Arndt <[reganandrosanna@gmail.com](mailto:reganandrosanna@gmail.com)>  
**Subject:** [EXTERNAL] KOI Nation Shiloh Resort - RESIDENT COMMENTS

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Amy Dutschke  
Regional Director  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Sacramento, CA 95825

I am writing to provide comments on the Koi Nation Shiloh Resort and **Casino** Project EIR.

This proposal will significantly affect the quality of this residential environment.

**Home sales & home values are affected!** Several homeowners have been told by prospective buyers that they were no longer interested because of the proposed **casino** project. Real estate brokers have advised that that the **casino** project is a negative disclosure impacting sale and pricing. One residential neighborhood is directly across the street, 50 feet from the proposed **casino** project. Please study the impact the **casino** project will have on local home values and marketability. Please study how housing values will be impacted by the transformation of the area from rural residential/agriculture to commercial/industrial. Please study how decreases in home values will affect homeowners.

**Additionally the Loss of Aesthetic Quality of Neighborhood Populations Adjacent to location** - Study how many residents will be impacted by traffic/ noise/ light pollution/ loss of scenic corridor/ inflow of tens of thousands of visitors daily into area with increase in crime and accidents/ increase in drunk and intoxicated driving accidents on local residents. Please study how many families live in these neighborhoods, how many students attend the local elementary and middle and high schools served by the residents in this area – in Windsor and NE Santa Rosa, Mark West, Fulton, Wikiup/Larkfield. This loss of aesthetic quality will result in decline in property values for the many homes and housing units impacted by the direct visibility of the large buildings, the flux of vehicles to/from the **casino** resort and the noise caused by the increase in vehicle traffic as well as entertainment, both inside and outside during evening hours and weekend hours when the residents in the adjacent neighborhoods

desire peace and quiet after working all day or for those who work night-time shift, peace and quiet during the day.

**Most Importantly the Decline in Property Values** - Please study the expected decline in property values during construction (for how many years?) and after completion as a consequence of the impact of noise, traffic, loss of aesthetic quality of life. RE: Aesthetic/ social/ public safety – wildfire evacuation, intoxicated driving/ crime, residential property value impacts, noise, residential life activities, proximity to major public parks, transit routes to the casino.

**Also - Especially because this** Area is home to annual bike races, triathlons, cycling club routes, as well as pleasure riding. My husband & I are Cyclists & have Recently moved here primarily because of it's Landscape & Serenity & Easy Cycling Lifestyle. Shiloh Regional Park is home to mountain bike trails and draws bicycle traffic on Shiloh Road. Adding the volume of additional cars, trucks and traffic to Shiloh Road will make biking in the area unsafe and undesirable. Please study the safety of bike riders, tours, races and recreational cycling with this added traffic volume.

The reasons I addressed are Extremely Serious & Important for our Livelihoods & Financial Stability. Yet they are Only a Very Small Amount in comparison to the list of the Myriad Reasons the Casino is Not a positive option for this location.

Please take Serious Consideration on the Negative affect of this proposal. There are many other options which can & Should be considered with a 'Win-Win' on All sides and Not One-Sided.

Thank you very much for considering my comments.

*Rosanna & Regan Arndt*  
*5099 Deerwood Drive*  
*Santa Rosa, Ca. 95403*

**From:** Bill Bolster <[billbolster@gmail.com](mailto:billbolster@gmail.com)>  
**Sent:** Monday, March 11, 2024 2:08 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Concerns

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad Broussard, Environmental Protection Specialist  
Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

My wife and I have lived at 6500 Faught Rd., Santa Rosa, CA since September, 1977 (46 years).

Here are our objections to the Koi Nation Shiloh Resort and Casino:

1. This development will have a significant impact on traffic on all the surrounding roads. People avoiding the congestion will spill onto our narrow winding country road (Faught Rd.). It is not designed for that.
2. Fire danger. This development is in the path of the last 2 fires, Tubbs and Kinkade. The vineyard is supposed to be a fire break. The development will be fuel for the next big fire.
3. We live in the country and have 2 wells on our property. Until the drought, we had no problems. In the last 5 years one well went dry and the 2<sup>nd</sup> is marginal. We do not irrigate our landscaping anymore and keep our fountain dry. If the Koi Nation builds the development they will draw down the water table more. I will have to drill an expensive deep well. The very least they should do is to get their water from the Town of Windsor or the County of Sonoma so that they live with the same rules others do.
4. This location is not near the Koi Nation's home. That is 48 miles away in Lake County. No other tribe has built a development farther than 15 miles from their home. This is a terrible precedent to set.
5. Sam Salmon, former mayor of Windsor and now on the town council, suggested that the suitable land for this development was on the vacant land south of Home Depot on the south side of Shiloh Rd. Easy access, wide road and just off Hwy 101.

Do not let this development proceed. There are too many issues with the impact of it. Again a terrible precedent to set.

William and Joan Bolster  
6500 Faught Rd., Santa Rosa, CA 95403



**From:** Rochell Letasi <[cletasi@comcast.net](mailto:cletasi@comcast.net)>

**Sent:** Tuesday, March 12, 2024 2:24 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-To-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Chad Broussard,

I'd like to once again express my concern over the intended Koi Nation Shiloh Resort and Casino Project.

My husband and I have lived in the Town of Windsor for 29 years where we raised our four boys and now some of our grandchildren are growing up here. I drive past the location several times a week on my way to drop off or pickup kids to and from school. I can only imagine the amount of traffic such a large resort and casino will have on our roads. The traffic on Old Redwood Hwy is already congested and then there is the maintenance which will be considerable.

Windsor, as you know is a quiet small town and that's one of its many charms and why we as well as many others chose to move here. With the proposed development we lose that! It doesn't take a college degree to understand the negative impact casinos have on neighboring communities. Gambling addiction and crime are just two that come to mind. Let's not forget about the noise from events and traffic. There is an existing neighborhood right across the street on Shiloh and a new apartment development on Shiloh and Old Redwood Hwy with more homes being planned on Shiloh.

We have had several wildfires in recent years and I for one have experienced trying to evacuate with the traffic we currently have. This was an organized evacuation and still Hwy 101 became congested with stand still traffic as did our backroads. It's not a matter of if we will experience more wildfires but a matter of when.....they are going to happen.

We need to think of what the impact this project will have on our water supply through out our community. Most of our community members have made changes/sacrifices to reduce our water use. We can't afford to have a resort and casino taking valuable resources from the land.

I hope you will consider the negative impact a resort casino will have on our little town and the people in it. We like our neighbors just want a peaceful and safe community to raise our families and peaceful place spend our retirement years. There is no doubt that if a resort and casino is allowed it will have a negative impact on Windsor and our community. The land should remain as it has been.....a vineyard gives birds a place to roost, helps to reduce the carbon dioxide in the atmosphere and as we have found is a great firebreak and so much more.

Regards,

Rochell Letasi  
431 Christopher Way

Windsor, CA 95492  
[cletasi@comcast.net](mailto:cletasi@comcast.net)

**From:** Nancy Daher <[nldaher48@gmail.com](mailto:nldaher48@gmail.com)>  
**Sent:** Tuesday, March 12, 2024 6:27 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Casino Nightmare on Shiloh

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

This site is completely unacceptable for a hotel and casino. It is in the middle of a neighborhood and near a park where organized children's sports are played.

Old Redwood Hwy is a 2 lane street. In case of fire, it would be disastrous for people and families to get out. Santa Rosa and Windsor have already experienced grid lock while trying to flee a fire.

Also there is a large apartment complex which is almost complete to add to the possible grid lock.

I hope some federal employees research and visit the site to see how unacceptable the site is. It will also bring crime to the neighborhood.

Thank you,  
Nancy Daher

Sent from my iPhone

**From:** John Calverley <[calverley05@sbcglobal.net](mailto:calverley05@sbcglobal.net)>  
**Sent:** Tuesday, March 12, 2024 9:47 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Fw: Notice of Intent for Environmental Impact Statement

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

In response to this environmental impact statement our position is that we neighborhood resident across the street from proposed casino development do not want a casino in our neighbor hood there are no pro's in my mind only negative conditions for our neighborhood including;

Congestion and traffic at the corner of Shiloh Road and Old Redwood Hwy.  
Location close to an elementary school ( San Miguel )  
Location across Neighborhood Church  
Evacuation plans due to recent fires Shiloh Road is only a 2 lane road with numerous residents using the same outlet.  
Crime that comes with a Casino  
Noise pollution with 200 plus cars/customers on any given day  
Light pollution

This is a quite bedroom community that is why we moved here, if you move in we will be forced to move out!

Penny Calverley

**From:** Peter Walker <[mmraminvest@yahoo.com](mailto:mmraminvest@yahoo.com)>

**Sent:** Wednesday, March 13, 2024 1:04 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Opposition to the Proposed 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 Chad Broussard,

I am writing to you as an Environmental Protection Specialist at the Bureau of Indian Affairs to express my strong opposition to the development of the proposed Shiloh Resort and Casino Project, situated adjacent to the Town of Windsor on approximately 68.60 acres. This development, while promising economic growth, raises significant concerns that I believe could fundamentally change the essence of what makes Sonoma County unique and desirable.

The local community, including the city council, prominent businesses, and many residents of Sonoma County, have already voiced their alarm regarding the potential impacts of this casino. It has come to my attention that the Indian tribe advocating for this project does not have a historical connection to the area, which raises questions about the authenticity and justification for its location here. We've seen similar scenarios play out, such as with the Graton Casino in Rohnert Park, which serves as a stark reminder of the potential for historical claims to be utilized for the benefit of a few, at the expense of the broader community's well-being.

The introduction of a sprawling casino resort threatens to disrupt our wine-growing heritage, rural character, and the ecological balance that our community deeply values. Among my concerns are the irreversible agricultural and environmental impacts, the significant strain on our already limited water supply, increased traffic and pollution, socioeconomic displacement, and the broader social costs associated with gambling. Such developments can lead to a dilution of our community's strong ties to agriculture and a shift in our collective identity, which I find deeply troubling.

Given these considerations, I wish to add my name to the many others in Sonoma County who are opposed to the proposed Shiloh Resort and Casino Project. I urge you to consider the broad spectrum of concerns shared by the community and to take action that reflects the best interests of Sonoma County and its residents.

I believe we must stand together at this critical juncture to safeguard the integrity, beauty, and future of our beloved county. Your role as an Environmental Protection Specialist could be pivotal in ensuring that our collective voice is heard and that the development that threatens our community does not proceed.

Thank you for your attention to this matter. I look forward to your support in preserving the land and values that are dear to us all.

Sincerely,

Peter Walker  
Long-time Resident of Sonoma County



**From:** Catherine Correia <[CatherineCorreia@msn.com](mailto:CatherineCorreia@msn.com)>  
**Sent:** Friday, March 15, 2024 8:19 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello Mr. Broussard,

I live about a mile down Old Redwood Hwy, south of your property intended for a casino. Already, the traffic is so thick it is hard to pull out onto the roadway from our side street. The Overcrossing at River Rd, is a disaster daily since they built the Sutter Hospital near the freeway there. It's hard to get to the freeway onramp there. Your casino will create a no doubt worse condition at the Shiloh Rd. overcrossing, which will make our life so much harder. We will still have the Airport Overcrossing, but that one is almost as bad as River Rd.

Let me be clear, during the Tubbs fire, which I may add, is the second time in my lifetime that burned, the road out of Larkfield, where I live, was a parking lot. It took forever to get out of here, due to everyone having to go North. Your casino would be a death sentence should an emergency like that happen again, at least for us. And maybe the other problem we may have need of evacuating from, is an earthquake, since the fault lines run right through Wikiup.

Please reconsider your casino, understand what it would do to the traffic, which is bad enough prior to your construction. That's all I can ask.

Sincerely,  
Catherine Correia  
41 Sussex Dr.,  
Santa Rosa, CA

**From:** Pam Pizzimenti <[ppizzimenti33@gmail.com](mailto:ppizzimenti33@gmail.com)>  
**Sent:** Friday, March 15, 2024 6:28 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** [district4@sonoma-county.org](mailto:district4@sonoma-county.org) <[district4@sonoma-county.org](mailto:district4@sonoma-county.org)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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**One attachment** • Scanned by Gmail

Friday, March 15, 2024

Chad Broussard  
NEPA Lead Agency:  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way

**Subject:** NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Dear Mr. Broussard -

This letter contains my response to the Notice of Intent for EIS for the Shiloh Resort and Casino Project.

**Traffic Impacts/Concerns**

The Traffic Impact Study, attached to the Environmental Analysis, does not address intersections for likely routes to the proposed casino from the south. The following intersections should be analyzed to identify measures to discourage trips using these routes. The trips should be discouraged as these routes pass schools, go through residential neighborhoods, and are popular walking and biking routes. The TIS should be revised to include the following intersections:

1. Hwy 101 N/B offramp at Airport Blvd
2. Hwy 101 S/B offramp at Airport Blvd
3. Airport Blvd onramp to Hwy 101 North
4. Airport Blvd onramp to Hwy 101 South
5. Airport Blvd and Old Redwood Drive
6. Airport Blvd and Faught Road
7. Faught Road and Shiloh Road
8. Airport Blvd and Fulton Road
9. Fulton Road and Old Redwood Hwy

A significant number of trips will likely be made using southern approaches including (1) Airport Blvd to Fulton Road to Old Redwood Hwy to Shiloh Road and (2) Airport to Faught Road to Shiloh Road. These routes are not appropriate or safe for heavy use as there are schools and they pass through residential neighborhoods. Route 2, is especially not suitable as it uses a narrow winding road with no shoulders and deep ditches that is popular with bicyclists and walkers, and the route passes the Shiloh County Park. The Project includes an eastern entrance on Shiloh Road to the Project which will further entice people to use these "back" routes to the Project. In addition to trips generated from the south, those visitors arriving at the Sonoma County airport and disembarking the SMART train at the Airport station are likely to also use these back routes.

The use of routes that are not anticipated or mitigated for by similar casino projects in the area include the existing River Rock and Graton casinos. For example, River Rock's route was to be State Route 128 through Geyserville. However, many trips are taken using the Lytton route through Alexander Valley using narrow roads, unsafe intersections, working farms, and along popular bicycle routes. Another example is the Graton casino, where, despite not being marked by directional signs, trips are made from more southern Hwy 101 exits and enter through back entrances.

The back routes listed above are inappropriate so, therefore, the TIS should identify measures to discourage trips on these routes. Some potential mitigation measures, that should be evaluated for inclusion in the Project, include the following:

1. Preventing access to the Casino from Faight Road. For those traveling west on Shiloh Road from Faight Road, access to the Casino should be blocked, by a center island, striping, or other road configuration means. This would discourage trips using Faight Road.
2. Removing the easternmost Shiloh Road entrance to the Project or making it an Emergency Vehicle access entrance only with a locked gate.
3. Closing Faight Road to through traffic.
4. Include traffic calming measures on
  - a. Fulton between Airport Blvd and Old Redwood Hwy
  - b. Airport Blvd between Old Redwood Highway and Faight Road, and
  - c. Faight Road between Old Redwood Hwy and Carriage Lane.

For the reasons stated above, the Traffic Impact Study is inadequate which makes the Environmental Assessment inadequate. The EIS should include revisions to these documents to adequately address the impacts by the proposed casino channeling a significant number of trips through residential neighborhoods, past schools, and through popular walking and biking routes. Mitigation measures listed above and others should be evaluated and included in the EIS and Project to address these concerns.

### **Water Impacts/Concerns**

The Water and Wastewater Feasibility Study (Study) is concerning as it projects an 11 to 16 fold increase of water pumping compared to existing pumping. The Study incorrectly assures us the dramatic increase in water pumping is feasible yet the Study does not provide any data to support this claim. The Cal American Water Co. relies solely on wells and there was no evaluation or measures to safeguard negative impacts to those wells. What happens if the production capacity drops and those wells are no longer viable - will the Project proponents compensate Cal American Water Co. and its customers for efforts to secure a reliable water source? What are the options for the Project if the groundwater is not adequate and/or negatively impacts neighboring wells. Not addressing this very real possibility is unacceptable.

Page 4-2 states it is not anticipated use of deeper wells for the Project will impact the Esposti and other neighboring wells including Cal American wells. There does not appear to be any analysis supporting this conclusion.

The Study states the existing well will be redrilled down to 700 feet. This well will have significant pumping and its location is in the upper reaches of the Santa Rosa Groundwater basin which is thought to be a significant area of natural recharge for the basin. Large and constant groundwater pumping in this area could directly reduce a main source of natural recharge for the basin. This potential reduction in natural recharge should be studied as it has basin-wide impacts and could threaten the long-term sustainability of the basin.

The Study states fire flow demands could be 8,000 gpm for 4 hours or be reduced to 2,000 gpm for 4 hours. This represents a storage tank that's from between half a million gallons to two million gallons yet the site plans do not show where this tank is located. The tank would need to be either elevated or at ground level and have large fire pumps with backup generator power.

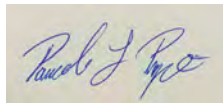
### **Wastewater Concerns**

Regarding Wastewater, have the Project proponents approached Sonoma Water or the Town of Windsor for extension of their wastewater systems to serve the Project? The development of a separate wastewater system is more energy intensive and less reliable than adding on to an existing system. Additionally, what are the provisions for discharging treated wastewater when the storage pond's capacity is exceeded?

**Impacts on Shiloh Ranch Regional Park**

Shiloh Ranch Regional Park is a highly used gem of 850 acres located only about 700 feet from the proposed Project. The views from the park's hiking trails are spectacular but the Project threatens to ruin these views. Measures need to be taken by the Project to maintain a low building profile and do renderings, so the public has a more realistic understanding of the Project's impact on these views. Additionally, the wastewater ponds are at the property's border closest to the park, and the wastewater treatment plant and these ponds will have a strong odor noticeable if not overwhelming to park visitors. Mechanisms to reduce this smell should be evaluated.

Please do not hesitate to contact me with any questions you may have regarding these comments and concerns.



Pamela L Pizzimenti  
5381 Arnica Way  
Santa Rosa, CA 95403

Cc: James Gore, County of Sonoma Supervisor, District 4 ([district4@sonoma-county.org](mailto:district4@sonoma-county.org))

**From:** Karen Fies <[karenalvesfies@gmail.com](mailto:karenalvesfies@gmail.com)>  
**Sent:** Monday, March 18, 2024 2:51 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Karen Fies <[karenalvesfies@gmail.com](mailto:karenalvesfies@gmail.com)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I understand that there is another opportunity to submit comments on the Koi National Casino Project as a result of the notice of intent for an environmental impact statement (EIS).

I believe my comments, sent to you in November (below), are appropriate now to submit again with the NOI. Therefore, I am resubmitting them again, for the record.

Sincerely,  
Karen Fies  
Mark West area resident

Begin forwarded message:

**From:** Karen Fies <[karenalvesfies@gmail.com](mailto:karenalvesfies@gmail.com)>  
**Date:** November 9, 2023 at 6:41:55 AM PST  
**To:** [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)  
**Cc:** Karen Fies <[karenalvesfies@gmail.com](mailto:karenalvesfies@gmail.com)>  
**Subject:** EA Comments, Koi Nation Shiloh Resort and Casino

Dear Mr. Broussard,

Thank you for the opportunity to comment on the EA for the Koi Nation Shiloh Resort and Casino.

I live just south of the proposed casino, in the Mark West area of Sonoma County, which includes the unincorporated areas of Larkfield and Wikiup. My EA comments are as follows:

- Community input: The EA seems to focus on the impact to the Town of Windsor, but little to no outreach or focus was given to the impacts of the Mark West area. Even though we are unincorporated, we have a strong community presence and would have



liked to have shared our concerns and comments on the proposed casino.

- School district: The footprint of the proposed casino is within the Mark West Unified School District and is dangerously close to one of its elementary schools. Casino traffic, disorderly conduct, and drunkenness are real threats to the school district.

- Fire evacuation: I'm sure that this will be a very common comment, as all of us living in the area have experienced evacuations many times over. I lost my home in the Tubbs Fire. The evacuation in the middle of the night in a firestorm was terrifying. Adding non-residents who are staying, or working, at the proposed casino would be disastrous.

- Traffic: If visitors and/or employees of the proposed casino are fed up with traffic on the freeway, the overflow will negatively impact the surface streets of the Mark West area, particularly Old Redwood Hwy (where people already drive above the speed limit) and Shiloh Road, a small two-lane rural road.

- Crime and social service needs: As the retired director of Sonoma County's Human Services Department, I know first hand of crimes in our existing casinos; crime that spills out onto the parking and surrounding areas. In addition to the typical drunk and disorderly behavior and driving, there has been a history of child abuse and neglect (leaving children in cars while parents gamble), addiction, sexual trafficking and exploitation, and other crimes. Additional services are needed to respond to these issues.

- Green space: Part of the culture of Sonoma County is the community separators or green spaces between cities. The proposed property is currently zoned for agricultural use and is used as a vineyard, creating a beautiful green space between Santa Rosa and Windsor. To "fill in" the community separator, starting with a casino, would change the character of the Mark West area.

These are a few of my top concerns. Thank you for allowing me to comment on the EA.

Sincerely,  
Karen Fies  
707-529-0191

**From:** Valerie Zanette <[vzanette4@gmail.com](mailto:vzanette4@gmail.com)>

**Sent:** Friday, March 15, 2024 2:34 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

As a resident of the Esposti Park neighborhood in Windsor, I am very opposed to the Koi Nation Shiloh Resort and Casino project. It will no doubt affect the following areas (to name a few):

- Land resources, use biological resources
- Air quality, noise, + visual resources
- Transportation + circulation
- Socioeconomics
- Cumulative, indirect and growth inducing effects
- Public services + utilities
- Cultural + Paleontological resources
- Environmental justice
- Hazardous materials + hazards

We moved to this area to enjoy our retirement in a safe and beautiful environment with an emphasis on family and community. A monstrosity such as this casino project is not needed or welcome in our little community. Of course, the union workers are supportive of this project **because they don't live here**. Simple as that.

Thank you,  
Valerie and Mike Zanette  
189 Savannah Way, Windsor, CA 95492

**From:** Daniel Pellegrini <[corsagna14@gmail.com](mailto:corsagna14@gmail.com)>

**Sent:** Friday, March 15, 2024 2:17 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good Morning Mr. Broussard,

I do not believe the Koi Nation aka the Lower Lake Rancheria should be putting their casino on land that is not on their original ancestral land. Their ancestors came from Lake County, which is not Sonoma County where they are trying to place their casino. The Indian tribes originally from Sonoma County are the Cloverdale Rancheria of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Federated Indians of Graton Rancheria, Kashia Band of Pomo Indians of the Stewart's Point Rancheria, and the Lytton Band of Pomo Indians. Two of the tribes that are actually from Sonoma County already own casinos. If the Lower Lake Rancheria casino project is allowed to open then it will create too much competition in a small area.

Lower Lake Rancheria should look into other ventures such as the wine and cannabis industry since they bought a plot of land with vineyards.

Thanks,

Sonoma County Native and resident for 32 years.

**From:** Craig Scott <[craigscott41@gmail.com](mailto:craigscott41@gmail.com)>  
**Sent:** Friday, March 15, 2024 6:53 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** [district4@sonoma-county.org](mailto:district4@sonoma-county.org) <[district4@sonoma-county.org](mailto:district4@sonoma-county.org)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-To-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad -  
Please find my comments on the subject project attached.  
Craig Scott  
5381 Arnica Way  
Santa Rosa, CA. 94303  
**One attachment** • Scanned by Gmail



ReplyReply allForward

Friday, March 15, 2024

Chad Broussard  
NEPA Lead Agency:  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way

**Subject:** NOI Comments, Koi Nation Fee-To-Trust and Casino Project

Dear Mr. Broussard -

This letter contains my response to the Notice of Intent for EIS for the Shiloh Resort and Casino Project.

**Traffic Impacts/Concerns**

The Traffic Impact Study, attached to the Environmental Analysis, does not address intersections for likely routes to the proposed casino from the south. The following intersections should be analyzed to identify measures to discourage trips using these routes. The trips should be discouraged as these routes pass schools, go through residential neighborhoods, and are popular walking and biking routes. The TIS should be revised to include the following intersections:

1. Hwy 101 N/B offramp at Airport Blvd
2. Hwy 101 S/B offramp at Airport Blvd
3. Airport Blvd onramp to Hwy 101 North
4. Airport Blvd onramp to Hwy 101 South
5. Airport Blvd and Old Redwood Drive
6. Airport Blvd and Faught Road
7. Faught Road and Shiloh Road
8. Airport Blvd and Fulton Road
9. Fulton Road and Old Redwood Hwy

A significant number of trips will likely be made using southern approaches including (1) Airport Blvd to Fulton Road to Old Redwood Hwy to Shiloh Road and (2) Airport to Faught Road to Shiloh Road. These routes are not appropriate or safe for heavy use as there are schools and they pass through residential neighborhoods. Route 2, is especially not suitable as it uses a narrow winding road with no shoulders and deep ditches that is popular with bicyclists and walkers, and the route passes the Shiloh County Park. The Project includes an eastern entrance on Shiloh Road to the Project which will further entice people to use these "back" routes to the Project. In addition to trips generated from the south, those visitors arriving at the Sonoma County airport and disembarking the SMART train at the Airport station are likely to also use these back routes.

The use of routes that are not anticipated or mitigated for by similar casino projects in the area include the existing River Rock and Graton casinos. For example, River Rock's route was to be State Route 128 through Geyserville. However, many trips are taken using the Lytton route through Alexander Valley using narrow roads, unsafe intersections, working farms, and along popular bicycle routes. Another example is the Graton casino, where, despite not being marked by directional signs, trips are made from more southern Hwy 101 exits and enter through back entrances.

The back routes listed above are inappropriate so, therefore, the TIS should identify measures to discourage trips on these routes. Some potential mitigation measures, that should be evaluated for inclusion in the Project, include the following:

1. Preventing access to the Casino from Faught Road. For those traveling west on Shiloh Road from Faught Road, access to the Casino should be blocked, by a center island, striping, or other road configuration means. This would discourage trips using Faught Road.
2. Removing the easternmost Shiloh Road entrance to the Project or making it an Emergency Vehicle access entrance only with a locked gate.
3. Closing Faught Road to through traffic.
4. Include traffic calming measures on
  - a. Fulton between Airport Blvd and Old Redwood Hwy
  - b. Airport Blvd between Old Redwood Highway and Faught Road, and
  - c. Faught Road between Old Redwood Hwy and Carriage Lane.

For the reasons stated above, the Traffic Impact Study is inadequate which makes the Environmental Assessment inadequate. The EIS should include revisions to these documents to adequately address the impacts by the proposed casino channeling a significant number of trips through residential neighborhoods, past schools, and through popular walking and biking routes. Mitigation measures listed above and others should be evaluated and included in the EIS and Project to address these concerns.

### **Water Impacts/Concerns**

The Water and Wastewater Feasibility Study (Study) is concerning as it projects an 11 to 16 fold increase of water pumping compared to existing pumping. The Study incorrectly assures us the dramatic increase in water pumping is feasible yet the Study does not provide any data to support this claim. The Cal American Water Co. relies solely on wells and there was no evaluation or measures to safeguard negative impacts to those wells. What happens if the production capacity drops and those wells are no longer viable - will the Project proponents compensate Cal American Water Co. and its customers for efforts to secure a reliable water source? What are the options for the Project if the groundwater is not adequate and/or negatively impacts neighboring wells. Not addressing this very real possibility is unacceptable.

Page 4-2 states it is not anticipated use of deeper wells for the Project will impact the Esposti and other neighboring wells including Cal American wells. There does not appear to be any analysis supporting this conclusion.

The Study states the existing well will be redrilled down to 700 feet. This well will have significant pumping and its location is in the upper reaches of the Santa Rosa Groundwater basin which is thought to be a significant area of natural recharge for the basin. Large and constant groundwater pumping in this area could directly reduce a main source of natural recharge for the basin. This potential reduction in natural recharge should be studied as it has basin-wide impacts and could threaten the long-term sustainability of the basin.

The Study states fire flow demands could be 8,000 gpm for 4 hours or be reduced to 2,000 gpm for 4 hours. This represents a storage tank that's from between half a million gallons to two million gallons yet the site plans do not show where this tank is located. The tank would need to be either elevated or at ground level and have large fire pumps with backup generator power.



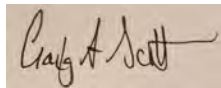
**Wastewater Concerns**

Regarding Wastewater, have the Project proponents approached Sonoma Water or the Town of Windsor for extension of their wastewater systems to serve the Project? The development of a separate wastewater system is more energy intensive and less reliable than adding on to an existing system. Additionally, what are the provisions for discharging treated wastewater when the storage pond's capacity is exceeded?

**Impacts on Shiloh Ranch Regional Park**

Shiloh Ranch Regional Park is a highly used gem of 850 acres located only about 700 feet from the proposed Project. The views from the park's hiking trails are spectacular but the Project threatens to ruin these views. Measures need to be taken by the Project to maintain a low building profile and do renderings, so the public has a more realistic understanding of the Project's impact on these views. Additionally, the wastewater ponds are at the property's border closest to the park, and the wastewater treatment plant and these ponds will have a strong odor noticeable if not overwhelming to park visitors. Mechanisms to reduce this smell should be evaluated.

Please do not hesitate to contact me with any questions you may have regarding these comments and concerns.

A handwritten signature in dark ink on a light-colored rectangular background. The signature appears to read "Craig A. Scott" in a cursive, flowing script.

Craig A. Scott  
5381 Arnica Way  
Santa Rosa, CA 95403

Cc: James Gore, County of Sonoma Supervisor, District 4 ([district4@sonoma-county.org](mailto:district4@sonoma-county.org))

**From:** maricam C <[maricam58@gmail.com](mailto:maricam58@gmail.com)>

**Sent:** Friday, March 15, 2024 1:29 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Koi Nation of Northern California Shiloh Resort and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Where will all the water that is needed to run this resort come from? You will need a lot of it to maintain landscaping, fill baths, run showers, and wash dishes. You'll need potable water for your kitchens and restaurants to cook with, to drink, and to make ice.

In Sonoma County we often experience drought. It's a fact of life here. We've had austerity measures forced upon us when water was short. We're constantly bombarded with water conservation PSAs. Governor Newsom told Californians to let our lawns and gardens die a couple of years ago to save water (even though having a garden helps the soil retain water and bare earth does not, but oh well).

So where is the large and reliable source of water to run this resort coming from? And wherever or whatever it is, why hasn't it been available to the public previously to relieve so much of the grief brought on by drought? Will the people of Windsor be paying more for their own water because what little is available they will now have to share with the resort? Or will the resort have its own well which will subsequently drain its neighbors' wells?

Sincerely,

MKCampbell

**From:** Stefan and Kathy Parnay <[skparnay@sonic.net](mailto:skparnay@sonic.net)>  
**Sent:** Friday, March 15, 2024 1:10 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing in response to the **"Intent to Prepare the Environmental Impact Statement (EIS) for the Koi Nation's Proposed Shiloh Resort and Casino Project, Sonoma County, California"**.

My family and I have lived in the Oak Creek subdivision, 1/2 mile from the Koi Tribe's proposed site, for the last 26 years. We feel strongly that the scope of the EIS should address, in detail, the criteria listed below in order to provide a clear picture of the environmental impacts the Koi Tribe's proposed projects will have on the surrounding residential neighborhoods.

**Requested criteria to be included on the EIS:**

- **The EIS traffic study should analyze the "true" traffic patterns on the roadways surrounding the Koi Tribe's site by taking into account the dramatic increase in cars traveling the roadways resulting from the completion of the apartment complexes and office building projects currently under construction on Shiloh Road and Old Redwood Highway** in order to get an accurate picture of the mitigations necessary to ensure safe evacuation routes as well as to avoid major traffic congestion during peak hours. **All three roads surrounding the project** (Shiloh Road, Old Redwood Highway, and Faught Road) need to be included in the study. Once the new apartment complexes are fully rented and the new office buildings are operating at full capacity there will be hundreds of additional vehicles traveling along these roads.

The EIS traffic study should include:

- **A detailed and realistic disaster evacuation strategy** by outlining how thousands of people can safely evacuate the area during a disaster. The evacuation strategy must go beyond the EA's suggestion of having the Casino be the first to evacuate during a crisis - before a mandatory evacuation is ordered. The EA's strategy will cause accidents and traffic issues as neighboring residents try to reach their homes and connect

with loved ones in preparation for a mandatory evacuation while thousands of visitors are trying to leave the proposed project site.

- **The ramifications of implementing the eminent domain law.** The widening road mitigations will directly affect the residents that reside along Shiloh, Old Redwood Highway and Faught Roads. The EIS needs to identify the homes that will be required to be taken over through the eminent domain law in order to widen the roadways to accommodate the new safe traffic patterns and acknowledge how the act of the government taking over those individuals' personal property will impact our community and it's view of the Koi Tribe and their business as community partners.
- **The report needs to have a thorough evaluation of the water tables on the Koi Tribe property and the neighboring homes that have private wells** so that a clear understanding about how the proposed projects' water needs will affect the local residents. In addition, the report needs to provide realistic mitigations that will prevent water shortages for the private well owners during drought years due to the high water usage needs of the Koi Tribe's proposed projects.

The EIS should also evaluate:

- **The water usage needs of the apartments and office building projects currently under construction on Shiloh Road and Old Redwood Highway, using the data based on the apartment complexes being occupied and the office/business spaces operating at full capacity.** Although under the Town of Windsor's jurisdiction and not Unincorporated Santa Rosa, the close proximity of the new apartment complexes and businesses to the Koi Tribe's proposed projects makes it important to evaluate how each site's water needs can affect the other's and the shared aquifer.
- **The water requirements for the new project and a clear comprehensive plan for fire protection needs to be carefully outlined** to ensure that, when the next fire hits the area, the local community has resources that support effective fire protection and response activities.
- **The report needs to take an in-depth look at the increased need for law enforcement based on the nature of the proposed businesses to operate on the Koi Tribe's site as compared to similar projects across the state and include an honest and thorough evaluation of the capacity of local law enforcement to protect the surrounding area 24 hours/7 days a**

**week so residents can trust that their homes and family will remain safe.** Currently, the crime in the proposed projects area is basically nonexistent. Naturally, exponentially increasing the number of individuals into a small area will increase crime and traffic accidents. However, introducing a large casino, hotel, spa and events center will compound the need for law enforcement significantly by increasing the likelihood of drunk driving, drug abuse, sex crimes and petty theft. The EIS safety report needs to address mitigations that can protect the residents living in the surrounding areas of the proposed site, beyond the promise that local authorities will take responsibility. Neighbors to the Koi Tribe's proposed projects need to be able to trust that their safety is a priority and they will not lose the basic right to maintain the same level of safety in their neighborhoods they currently experience.

- **The report needs to identify and address all aspects of noise pollution that can result from a casino, hotel, spa, and events center and how the introduction of these new noises will change the noise levels negatively from what local residents currently experience.** The report needs to evaluate reasonable and realistic mitigations that respect the rights of the proposed projects' neighbors as new and disrupting sounds will be introduced into their quiet homes 24 hours/7 days a week. These mitigations must go beyond the EA's suggestion of special roadway materials to dampen the sound of tires on the street and the installation of double paned windows in the homes (which is standard in most homes already) to dampen environmental noises and address the noise pollution created by the comings and goings of thousands of people 24 hours a day/7 days a week, including car crashes, car backfires, people yelling or speaking loudly, loud music from car radios, etc. Neighbors to the Koi Tribe's proposed projects need to be able to trust that maintaining their quiet neighborhoods is a priority.
- **The report needs to unbiasedly and honestly weigh the benefits of the Koi Tribe's proposed projects against the negative environmental changes that affect the local community.** The EIS should perform a careful and thorough evaluation of the many levels of disruption and harm that occur when drastically changing the local environment from peaceful agriculture, quiet residential homes, and places of worship by introducing a mega-sized business for this area that operates 24 hours/7 days a week.

The EIS should address:

- **The vast incongruity between the current local environment and the changes that will occur due to the enormity of the Koi Tribe's proposed**

- projects. The report should provide realistic mitigation strategies that **minimize the drastic irrevocable changes** to the community's current environment and minimize this incongruity.
- [The vast incongruity between the scale of the Koi Tribe's proposed projects and the resources of the Koi Tribe](#), a small tribe of 90 members who do not have ancestral ties to Sonoma County. The EIS should provide transparency on **who is benefiting from these proposed projects**. As stated in the [Notice of Intent](#), the purpose of the casino project "is to facilitate tribal self-sufficiency, self-determination, and economic development". However, the **Koi Nation will NOT be the ones running the proposed projects**. Per the [Koi Nation website](#), the Koi Tribe publicly announced on January 2022 that they partnered with the Chickasaw Nation to develop, manage and operate the Shiloh property, a tribe of "more than 73,000 citizens" from Oklahoma with no ancestral ties to Sonoma County. The report needs to provide transparency regarding the role and responsibilities the Koi Tribe will be required to take as owners of the proposed projects.
  - [How the Koi Tribe's proposed projects benefit, not only the Koi Tribe's "self-sufficiency, self-determination and economic development", but also the local community and surrounding residents](#). Eliminating 66 acres of agriculture land, forcing selected residents to move from their homes, disrupting the peaceful environment of nearby neighborhoods and increasing crime and traffic for the benefit of bringing in thousands of visitors daily so the Koi Tribe and the Chickasaw Nation can build their legacy of financial independence **leaves our community feeling violated and disrespected**. Making the assumption that, due to the magnitude of the proposed projects, the local economy will benefit with an increase in job creation and tourism is unrealistic. If the Chickasaw Nation is actually running and managing the Koi Tribe's businesses, over time these local jobs will most likely be filled by the out of state Chickasaw people. In addition, assuming that attracting visitors will provide increased revenue to local businesses is hypothetical and impossible to quantify as the proposed projects are designed to be destination points with the goal of encouraging their visitors to spend their money on site. The EIS needs to show realistic benefits the Koi Tribe's proposed projects will actually provide the community that will balance the drastic negative effects.

We are saddened by the lack of integrity, empathy and honor the Koi Tribe has shown in the designs for their proposed projects. Instead of considering the local community culture, the beauty of the land, and recognizing and honoring the sacredness of our quiet peaceful family oriented community, their single-minded quest for financial gain and ability to improve their standing among the Tribal communities will irrevocably negatively impact our community.



Thank you for your time and consideration.

Best,

Kathy and Stefan Parnay  
190 Barrio Way  
Windsor, CA 95492

**From:** Kathy Reiche <[kryoga@sonic.net](mailto:kryoga@sonic.net)>  
**Sent:** Friday, March 15, 2024 12:34 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Noi comments koi nation fee to trust and casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear chad: I live at 5754 Mobil Drive Santa Rosa Ca 95404-1154, 95403. I also lived at 382 Donna drive. I took natural resource management at cal poly slo. I am heart sick that the plans for a casino is even being considered. I have lived near Shiloh park for 35 years. The development here is horrific. Disgusting. Environment disaster. Traffic is horrible. A crime against humanity, seniors, and nature. I oppose the plans 100 percent. I call upon sanity to prevail and not corruption, corporate greed, addiction, and elder abuse. Stop now. Respect the environment. Kathleen and John Reiche. (707) 755 4750.  
Sent from my iPhone

**From:** Mary Ann Huckabay <[huckabay@synth.org](mailto:huckabay@synth.org)>  
**Sent:** Friday, March 15, 2024 11:35 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Greetings, Mr. Broussard,

I'm writing out of deep concern about the proposed Koi Nation casino project. It borders on regional park land that will be seriously degraded by traffic, population, and urbanization in an already over-developed area. It is in the line of historically devastating wildfires, like the Tubbs Fire and should another wildfire sweep through the area, the structural losses and traffic congestion would be life-threatening. We are a geographical area with a very rich indigenous cultural history and while the Koi Nation has my full respect and sympathy for being robbed of their native homelands, this is not the right form of compensation for that horrific injustice. We have too many huge casinos in our area already.

Thank you for your consideration,  
Mary Ann Huckabay  
12446 Fiori Lane  
Sebastopol, CA 95472  
510-684-6462

**From:** [kst@sonic.net](mailto:kst@sonic.net) <[kst@sonic.net](mailto:kst@sonic.net)>  
**Sent:** Friday, March 15, 2024 11:32 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Please submit these questions to the NOI Comments, Koi Nation Fee-to-Trust and Casino Project on Shiloh Road, Santa Rosa.

Questions and Comments, plus attached maps.

Evaluation of Residential Neighborhoods:

What is the population living within a 4 mile radius from the Shiloh site? The map shows the areas in WHITE.

What is the population living within a 5 mile radius? What are the demographics? How many families with children, grandchildren?

THE NEPA REPORT DOES NOT EVALUATE THIS.

HOW WILL A CASINO RESORT located at Shiloh Road/ Old Redwood Hwy (ORH) impact the people who will be living in the new 123 unit apartment building across the street? How will the increased traffic, noise, and night activity impact them? What will be their public safety risks? Will the owners of the building be able to attract the best residents when the quality of life is adversely impacted by being immediately adjacent to a casino resort?

THE NEPA REPORT DOES NOT EVALUATE THIS.

Evaluation of 10 schools located in area:

The NEPA does not name the 10 schools or consider the adverse impact on the schools, the students, their families, and the routes taken by walking, car, bicycle, or other for families and students to reach school, homes, or after-school activities. What is the impact on the students and families that attend the 10 schools in the area? What is the increased risk to their safety going to/from school and school events?

How many schools are located 4 miles from this Shiloh site? within 5 miles? How many students attend these

schools? What parks are used by these schools for school activities? What transit routes are used by the students and families to travel to/from school? How will after-school activities at these schools be impacted by a casino resort at the Shiloh site - what is the impact on traffic and public safety?  
THE NEPA REPORT DOES NOT EVALUATE THIS.

#### Evaluation of Esposti Park and Shiloh Regional Park:

How many parks used for school and public recreation are located within 4 miles of this site? within 5 miles?

How many visitors every month use these parks? How do visitors travel to these parks? Where do they park?

How will a casino resort on Shiloh Road impact their enjoyment and safety? How many special events occur at these locations? How many special events use East Shiloh Road - Faught Road every year?

What is the impact of loss of Scenic Corridor on the residential neighborhood immediately across the street? What is the impact of this loss to tourists and visitors to the area who would see tall commercial structures, the casino, hotel, and parking garages blocking the views from 101/ Shiloh Road and ORH to the east?

What is the impact on the aesthetic quality of Esposti Park? On the aesthetic quality of Shiloh Regional Park?

How many visitors to these parks will be affected? What will be the impact on local tourism to this area?

THE NEPA REPORT DOES NOT EVALUATE THIS.

#### Evaluation of transit routes:

How much overlap with transit routes used by local residents will there be with casino visitors? And how much increased risk to public safety due to the proximity of a casino to these schools and residential neighborhoods?

How many roads used by local residents will share traffic with casino visitors? There are many transit routes used by local residents that will overlap with visitors to/from the casino, increasing their risk to public safety.

THE NEPA REPORT DOES NOT EVALUATE the impact that this location is **COMPLETELY SURROUNDED** BY RESIDENTIAL NEIGHBORHOODS.

**THIS IS DIFFERENT FROM EVERY OTHER NORTHERN CALIFORNIA CASINO RESORT.**

How many roads will be used by casino visitors to get to the Shiloh Road site? How many alternate routes exist that will be used by visitors to a casino at this location?

THE NEPA REPORT DOES NOT EVALUATE THIS.

How will the current traffic patterns be affected by a casino at Shiloh Road? The NEPA REPORT is too superficial and the data inadequate to evaluate: only two days in January and one day in July were used for traffic analysis.

THE NEPA REPORT is INADEQUATE to evaluate the impact of tens of thousands of estimated daily visits to the proposed site. The conclusions in the NEPA contradict the findings for VMT for employees found in the recent Graton Rancheria 2022 TIER, for example.

The NEPA report does not evaluate the significance of Old Redwood Highway for local transit to/from Windsor to Larkfield and Fulton, and Airport Bl. to River Road/ Mark West Springs Rd.

It does not consider the impact on traffic to/ from the 10 schools located within a 5 mile radius from the Shiloh site.

It does not consider the fact that Hwy 101 is a major corridor that separates the east side residential neighborhood

developments from the west side commercial development.

This boundary extends from Rohnert Park, where Graton Rancheria Casino Resort is located, to Cloverdale. Graton Casino Resort is built on over 250 acres, and its access from Hwy 101 goes through commercial areas, not residential areas. The residential and school locations in Rohnert Park are on the east side of 101.

Evaluation of Sonoma County General Plan and non-compliance of casino proposal with their criteria:

The NEPA report does not consider how many Sonoma County General Plan criteria are ignored by this project:

the Shiloh site is a designated SCENIC CORRIDOR. The NEPA does not consider the loss of valuable

agricultural acreage which will be a PERMANENT LOSS of 48 acres which now benefit all the residents of

Sonoma County and Sonoma County Wine Tourism.

THIS IS THE ONLY CASINO IN NORTHERN CALIFORNIA THAT WOULD BE LOCATED ON A SITE ENTIRELY SURROUNDED BY RESIDENTIAL NEIGHBORHOODS, SCHOOLS, AND PARKS.

THE ONLY ONE. AND WHY?

BECAUSE THERE IS TOO MUCH RISK TO PUBLIC SAFETY DUE TO PROXIMITY TO

RESIDENTIAL NEIGHBORHOODS. **This site is completely SURROUNDED BY residential neighborhoods.**



What is the liability risk to the Casino business for anyone harmed in an accident off-reservation by an employee of or visitor to the casino?

And, BECAUSE THIS PROJECT WILL DOMINATE THE LANDSCAPE AND THE PARKS AND DAMAGE THE SPECIAL CHARACTER OF THE SURROUNDING RESIDENTIAL NEIGHBORHOODS IN WINDSOR AND NORTHEAST SANTA ROSA.

THE NEPA REPORT DOES NOT CONSIDER HOW THE SHILOH SITE IS DIFFERENT FROM SITES OF EXISTING NORTHERN CALIFORNIA CASINO RESORTS.

THE EIR NEEDS TO COMPARE THEIR LOCATIONS RELATIVE TO RESIDENTIAL NEIGHBORHOODS NEARBY WITH THE PROPOSED SHILOH CASINO LOCATION.

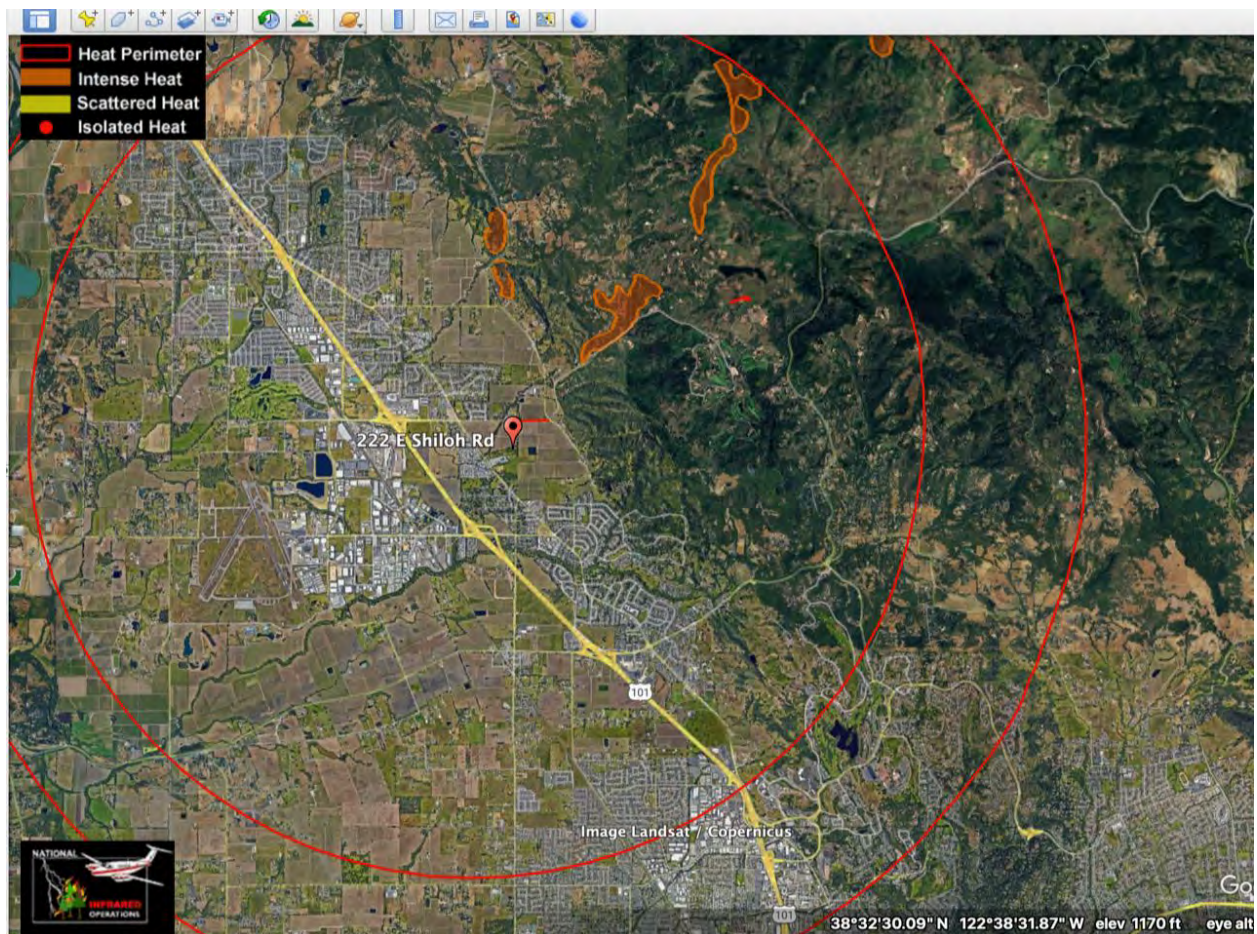
THERE IS NO OTHER CASINO IN NORTHERN CALIFORNIA WITH DENSELY POPULATED RESIDENTIAL NEIGHBORHOODS AND SCHOOLS SURROUNDING ITS LOCATION. This is the WRONG location for a casino.

MAP SHOWS DISTANCE 4 MILES AND 5 MILES FROM THE SHILOH ROAD site. The Residential areas are in white. The Wildfire Burn areas with highest intensity burn are in orange.

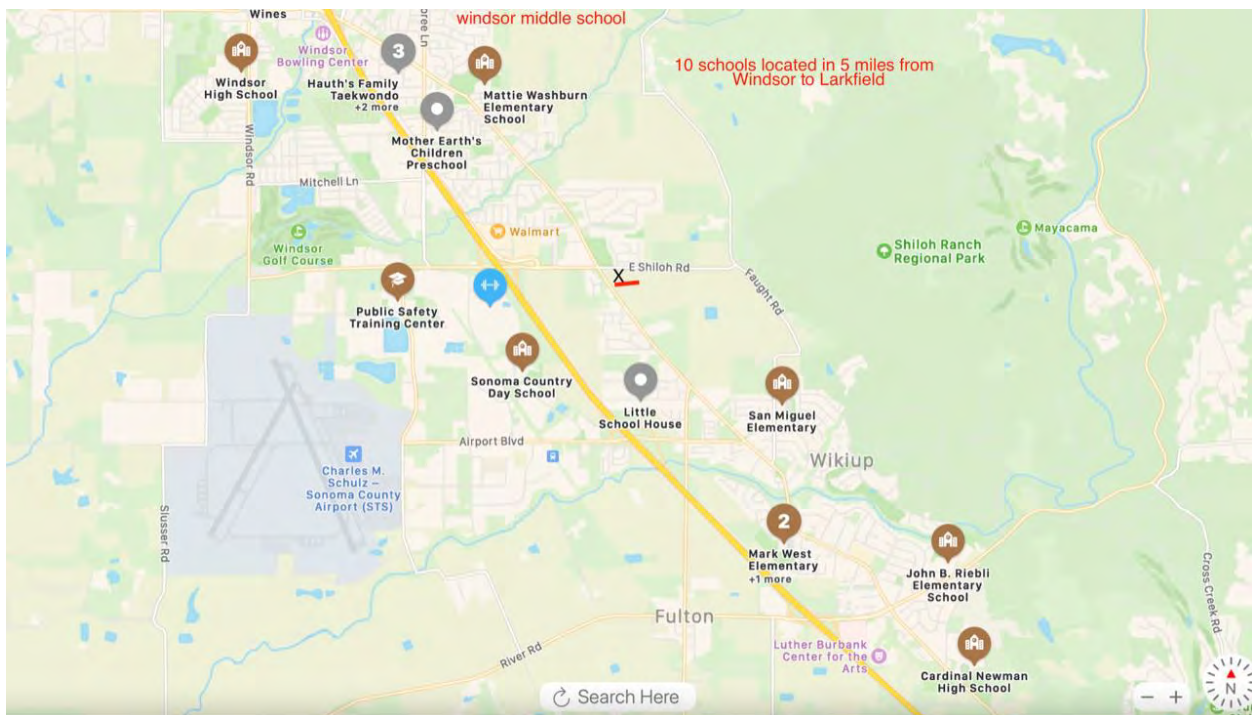
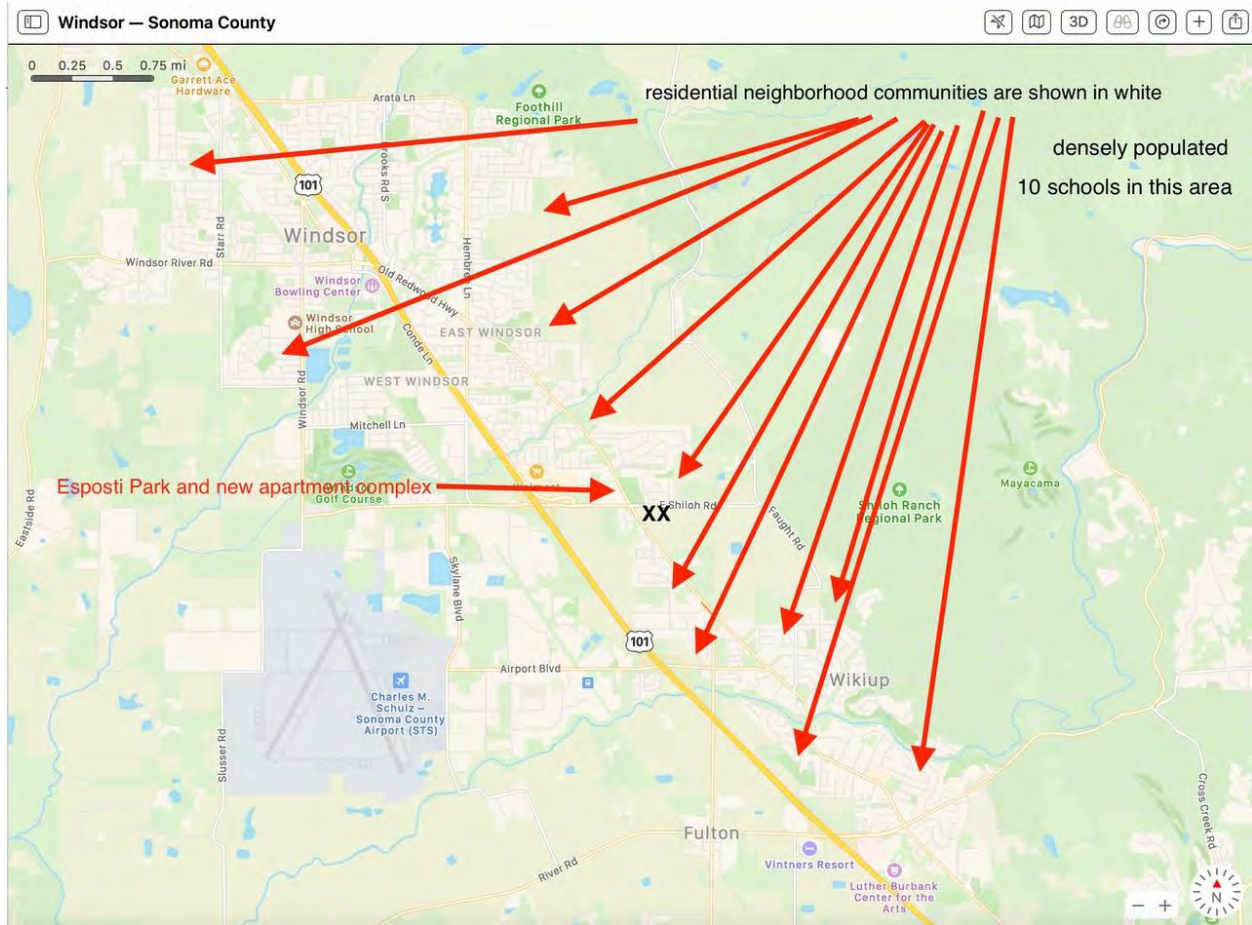
Maps showing residential neighborhoods and the location of 10 schools are also attached below.

Thank you for your help submitting these questions for further evaluation of adverse impact on the environment by the proposed Shiloh casino resort.

Cathleen Belden  
resident Santa Rosa, Sonoma County







**From:** Nancy Lindell <[nancy lindell1@gmail.com](mailto:nancy lindell1@gmail.com)>

**Sent:** Friday, March 15, 2024 10:58 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] 'NOI Comments, Koi Nation Fee-to-Trust and Casino Project'

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

As a resident of Santa Rosa, CA located just 5 miles from this proposed Casino, I am against this project. How many casinos within a radius of 20 miles is truly necessary!!! After going through a second drought living in Sonoma County, and a huge devastating fire in 2017, we cannot afford the water and resources for such a large enterprise.

My VOTE IS NO GO on this project!!

--

Kind Regards,

Nancy Lindell

**From:** dgwines <[dgwines@att.net](mailto:dgwines@att.net)>

**Sent:** Friday, March 15, 2024 9:58 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Chad,

Please do not invade the safety of our neighborhood with this casino! The risk include fire evaluation, traffic congestion, high water usage, deflation of home values and compromising the rural area to industrial area.

Please share these concerns with others.

Much appreciated,

Denise Gill

Sent from my Verizon, Samsung Galaxy smartphone

**From:** Amy Hoover <[amychoover@gmail.com](mailto:amychoover@gmail.com)>

**Sent:** Thursday, March 14, 2024 5:00 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>; Dutschke, Amy <[Amy.Dutschke@bia.gov](mailto:Amy.Dutschke@bia.gov)>

**Subject:** [EXTERNAL] Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr Broussard, Ms Dutschke and the BIA,

I am forwarding the detailed and impassioned letter from my friend and neighbor, because I would not be able to add to it. Please understand that the KOI project is NOT appropriate for this area.

Thank you for your consideration.

Amy and Chris Hoover  
225 La Quinta Dr, Windsor, CA 95492

Sent from Gmail Mobile

It is my understanding that the Bureau of Indian Affairs has Announced a Notice of Intent To Prepare an Environmental Impact Statement for the Koi Nation's Proposed Shiloh Resort and Casino Project, Sonoma County, California.

The original Environmental Assessment seemed pretty ridiculous and useless to me. As someone who has lived in Windsor for 20 years (and Sonoma county for 30 years) I have seen a lot of change and a lot of it is concerning. Our family, and everyone I have personally spoken to, is not wanting this casino considering there are already 2 casinos, one north and one south within 20 minutes in either direction - and I am sure those tribes do not want this impinging on their casinos unless they potentially are getting a cut. The Pomos are welcome neighbors here in my town, where they have built homes for their families. This land on Shiloh/Old Redwood Hwy purchased unknowingly at the time, by the KOI tribe, who is not a local tribe, might possibly be more suitable for some native family homes than an immense casino and hotel.

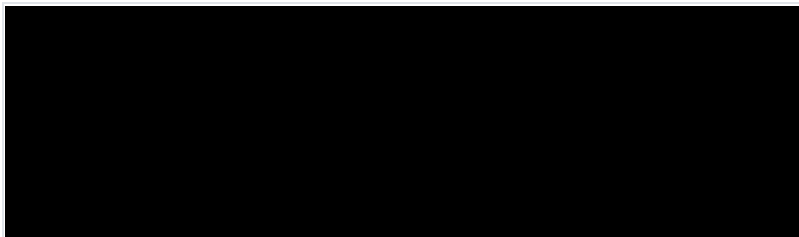
The EIS will need to look at how our extreme weather will impact not just the people who go to this proposed casino, but how it will affect all of us when we are evacuating from fires. Whether that is in a year, or two years, 10 years or 20 years, it will happen again. As it has happened already 3 times here where we have had to evacuate.



This proposed new casino is directly across from a brand new apartment complex which appears to have an enormous amount of apartments. I do not know the number but it is extremely large. The traffic impact will be monumental on just a regular school/work week as people start moving in. Old Redwood Highway and Shiloh are already very busy roads at certain times, but also one lane each direction. I cannot imagine how this would work without significant roadwork – but even that, if there is a fire – it is irrelevant because getting onto the freeway in the morning can be well backed up without all these new apartment dwellers and casino folk. And add fire evacuation and it's nightmare of epic proportions. Even just building this casino/hotel would cause traffic/backup with all of the people needing to construct it.

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**Sent:** Thursday, March 14, 2024 4:07 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>; Dutschke, Amy <[Amy.Dutschke@bia.gov](mailto:Amy.Dutschke@bia.gov)>; [carrie@cfapromo.com](mailto:carrie@cfapromo.com) <[carrie@cfapromo.com](mailto:carrie@cfapromo.com)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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To: Bureau of Indian Affairs, [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov), Amy Dutschke, Regional Director

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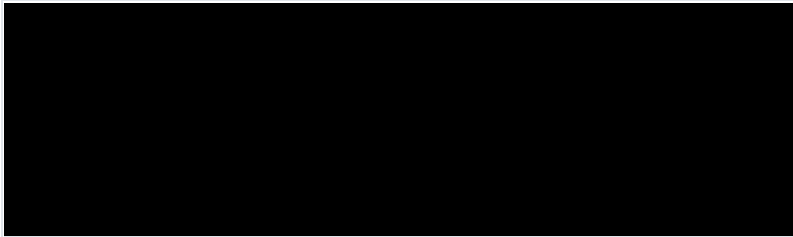
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Besides natural disasters, we have had several businesses close even recently due to lack of workers. Just yesterday I looked online and saw ads for Walmart 1 minute away from the proposed casino site, looking for help. I went to the local Chinese restaurant and other restaurants right there for lunch/dinner where Walmart is, and many had signs up looking for help. There simply isn't even a pool of workers to draw from. At least at Graton Casino they are closer to Marin County which has more population than we have here. Everywhere they are short help here in our county. And with the exception of these new apartments being built (and I don't know what they are costing for rent) - we have a housing shortage. I believe our unemployment rate is now around 4.5%

The long term building of this casino will be incredibly disruptive to the entire adjacent neighborhood. To offer them better windows is a joke. You know it's day and night construction around the clock. Neighbors to this land have jobs. Kids have school. This is no place for a casino. Some of those homes don't have A/C - how can they cool the house down - the dust and noise pollution will be horrible for them. And everyone who doesn't have a high end AC with HEPA is going to have issues.

I would like the BIA to NOT continue further with this site. It is smack in the middle of a neighborhood and across from a park where kids play soccer/baseball and also near Shiloh Park which is used by hikers and equestrians. The roadways surrounding are not suitable and some very rural. This is not an appropriate place for a casino and I would imagine a more competent Assessment would show just that. Of course if they are working for you, I cannot imagine it would be a fair report. Would be nice to have an independent report done where they really discuss the fire situation with people who know and understand.

As you know this tribe has an alternate name - the Lower Lake Rancheria. It is even indicated on THE BIA website. We are NOT near Lower Lake. This is not their home. This is

no place for this massive casino. This is NOT their land and has been stated by many tribes along with a resolution from the Sonoma County Board of Supervisors. <https://sonomacounty.ca.gov/board-of-supervisors-adopts-resolution-opposing-koi-tribe-attempts-to-establish-casino> NO further assessments should be done. This should be a hard no for this tribe and the OK tribe looking to expand their gaming franchise.

It is important to note that the KOI PEOPLE are NOT from WINDSOR or technically Sonoma County.

The **Koi Nation of the Lower Lake Rancheria** is a federally recognized tribe of Southeastern [Pomo people](#) in northern California. Their name for their tribe is **Koi Nation of Northern California**, from their traditional village, [Koi](#), once located on an island in [Clear Lake](#). Clear Lake is located in LAKE COUNTY, not Sonoma County and certainly not Windsor.

Koi, meaning people of water, lived on islands in the Clear Lake in what is now Lake County, California, and migrated seasonally to the California coast. The "Purvis Tract" is located on the Northwest corner of the Clear Lake. For thousands of years, the Nation lived under the Purvis Tract. In that time, the nation continued to assert its unique identity and maintain control of its area.

The Koi people were among the Southeastern Pomo who lived in north-central California for millennia. They fished, hunted, and gathered. In the 19th century, European-Americans rapidly flooded Pomo lands. The US government signed two treaties with Pomos in 1851–1852 which defined Pomo territory; however, these treaties were never ratified by congress. In 1856, the US government forcibly removed many Pomo people to a reservation in [Mendocino County](#); however, the Koi remained on their island.

In 1870, Koi people attended a historic [Ghost Dance](#). By 1871, their homes had been burned and destroyed by European-Americans. Disease, enslavement, and murder greatly reduced their population. The federal government secured a parcel of land called Purvis Flat, which became the Lower Lake Rancheria, for the homeless Koi people. In [Bureau of Indian Affairs](#) then declared the land "uninhabitable" in 1937; however, the BIA reversed itself and demanded that Koi people had to live on the land or lose their rights to it. Seven tribal families lived on the rancheria in 1950. In 1956, the tribe sold the land to [Lake County](#) to use as an airport; however, the federal government never terminated their recognition of the tribe. The BIA finally reaffirmed tribal recognition of the Lower Lake Rancheria on 29 December 2000.

NOWHERE does this indicate the tribe is from Windsor or anywhere close. I know that the tribe has been all over the internet putting in that they are from "Sonoma county" but in fact, that isn't accurate. This site actually has an excellent article on the tragedy of the KOI tribe, which admittedly they were treated terribly. That still doesn't mean that they should put a casino in our NEIGHBORHOOD. [https://kids.kiddle.co/Koi\\_Nation](https://kids.kiddle.co/Koi_Nation)

There is another article where the KOI work directly with the California Parks Department and they celebrate and rename a trail and a Ridge. Is it located in our county? Sonoma County? Is it in Windsor? NOPE – it is in LAKE COUNTY. Because that is where their tribe is from.  
<https://www.parks.ca.gov/NewsRelease/1206> and this was just from 2023. NO KOI CASINO IN WINDSOR.

Carrie Marvin

**From:** Brett Mail <[bkwright450@comcast.net](mailto:bkwright450@comcast.net)>

**Sent:** Thursday, March 14, 2024 4:18 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I hope this email finds you well. I am writing to express my deep concerns regarding the proposed Koi casino project adjacent to our community. As a resident of the Larkfield-Wikiup community, I believe it is crucial to address the potential negative impacts such a project could have on our neighborhood.

The planned development of a 68-acre casino in such close proximity to our small community neighborhoods, and little league baseball field, raises several significant concerns. Firstly, the increased traffic flow generated by the casino would undoubtedly have adverse effects on our local infrastructure, including road congestion and safety hazards for pedestrians and cyclists. Moreover, this influx of traffic could disrupt the peaceful atmosphere of our community and decrease property values.

Additionally, there is a heightened risk of increased crime associated with large-scale casino developments. Research has shown that casinos often attract criminal activity, including theft, fraud, and drug-related offenses. The presence of a casino could also lead to an increase in problem gambling behaviors, which may further contribute to criminal activity in our area.

Furthermore, the social and economic consequences of a large-scale casino development cannot be overlooked. Studies have shown that casinos often exacerbate issues related to gambling addiction, leading to financial hardship and strained relationships within families. Furthermore, the influx of tourists drawn to the casino could strain local resources and services, putting additional pressure on our community's already limited amenities.

Additionally, there is a concerning pattern where casinos tend to disproportionately displace low-income and minority communities. These communities are often targeted by the gambling industry due to their vulnerability to financial hardship and limited access to resources. As a result, the presence of a casino in the vicinity of several low income housing complexes could exacerbate existing socioeconomic disparities, further marginalizing these already disadvantaged groups.

The environmental impact of such a project cannot be ignored. The construction and operation of a casino on this scale would likely result in habitat destruction, increased pollution, and a significant strain on water resources. As stewards of our environment, it is essential that we consider the long-term consequences of any development in our area.

I urge you to carefully consider these concerns before moving forward with the proposed casino project. It is vital that the well-being and interests of our community are prioritized in any decision-making process. I strongly encourage open dialogue and community engagement to



explore alternative development options that align with our values and goals.

Thank you for your attention to this matter. I look forward to hearing your response and participating in discussions regarding the future of our community.

Sincerely,

Brett Wright  
227 Wikiup Meadows Dr  
Santa Rosa

Sent from my iPhone

**From:** Lynne Carpenter <[lyndistarr@att.net](mailto:lyndistarr@att.net)>

**Sent:** Thursday, March 14, 2024 4:40 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments; Koi nation fee-to-Trust and casino Comments

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Dear Sir

I am happy to hear that you have decided to move forward with an environmental impact statement for this poorly designed and poorly located project. There are many areas that need further study including, but not limited to, the things listed below.

Land resources

Air quality

Noise

Light pollution

Fire risk without mitigation

Biological resources

Cultural and paleontological resources

Transportation and circulation

Land use - in a predominantly residential area

Hazardous materials and hazards

Public services and utilities - this project includes onsite waste water treatment plant where public sewer is readily available, causing huge concerns about safety and contamination of our aquifer

Water use as proposed with wells rather than accessible public water

Impact on water resources due to drought

Socioeconomics

Environmental justice

Visual resources

Cumulative, indirect and growth inducing effects

I look forward to reading the impact statement and attending the subsequent public hearing. This impact statement should be more detailed and developed than the initial environmental work done on this project, which I found to be superficial and lacking any true analysis of the issues that will impact our residential community.

Thank you for your consideration.

Lynne Carpenter

Typos courtesy of my iPhone

**From:** paul I <[paul.ignatius.lynch@gmail.com](mailto:paul.ignatius.lynch@gmail.com)>  
**Sent:** Friday, March 15, 2024 1:51 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Support Koi Nation Casino Windsor, CA

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We have lived in Lake County over the years and the KOI NATION should be given the same respect to develop as other similar groups in the area. Their choice should be honored as their history is a story of sadness and repression so common amongst the local native populations that stretch back thousands of years in this area. Let them build as they wish. They have been told what to do and where to live for far too long in California History.

P Lynch PO BOX 1983 Middletown, CA

**From:** Matthew Culmore <[mculmore@comcast.net](mailto:mculmore@comcast.net)>  
**Sent:** Saturday, March 16, 2024 11:22 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Hello Chad,

As a Windsor resident already concerned about too much traffic on Old Redwood Hwy., this commercial business should not be put in a residential neighborhood. Put it at the airport.

As a person with Native American blood, I understand the issue of land which was taken before, but this is not what we need, more gambling for gambling addicts, more drunks on the road in a quiet residential area, dimly lit roads and all for the profits of an out of state business and tribe.

I will appear at any hearings, and definitely vote against this poor decision to bully your way around in the name of rights.

Matthew Culmore

**From:** Annette <[flachman@sonic.net](mailto:flachman@sonic.net)>  
**Sent:** Sunday, March 17, 2024 9:37 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI comments, Koi Nation fee-to-trust and casino project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I am writing you urge you to reject the Koi Nation resort casino in Windsor, CA. Aside from the fact that this is a poor location, in a residential neighborhood that will reduce the value of homes in the area resulting in destroying families' equity in their homes, this is not anywhere near the Koi Nation's native lands. Additionally, CA has been in a severe drought for a number of years, and while we've had significant rain in the past two winters, drought conditions will return and become worse as climate change becomes worse. Add to that, we've had wildfires for five years in a row which resulted in extreme loss of homes and lives. There is no infrastructure for more traffic to be evacuated in case of emergency. During the Kincade fire in 2019, when we were evacuated from Windsor, it took me over an hour to get from Windsor to Santa Rosa, a distance of about 7 miles, on three lanes of freeway heading south; just me and my cat in the car, choking on the smoke, buffeted by the winds and having difficulty seeing because the smoke was so thick, not knowing if I had a home to return to. It was terrifying. People were killed in the Paradise fire because they were unable to flee due to the lack of exit roads. If we had any additional traffic attempting to flee the Kincade fire, there's a good chance people would have burned to death in their cars, like the Paradise fire, just because of traffic gridlock. I can't think of a worse way to go. Drought will return. Fires will happen. Adding more people will only make things worse. This is a semi-rural area with homes and families around. This is the wrong location for the wrong type of business. Thank you for your consideration.

Annette Flachman  
Windsor, CA

**From:** Louise Calderon <[louisecalderon338@comcast.net](mailto:louisecalderon338@comcast.net)>

**Sent:** Sunday, March 17, 2024 9:50 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Nation Casino project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

In response to the Koi Nation of Northern California Shiloh Resort/Casino project environmental impact statement I submit the following.

I am not familiar or knowledgeable to be aware of species protected by the Federal Endangered Act and California Endangered Species Act (CESA) in that particular location. I am aware of the common Bee (Bombus Crotchii, Bombus Franklini, Bombus Suckleyi, and Bomus Occidentali) which play a critical role in pollination and that their decline affects ecosystems and agriculture.

Koi Nation of Northern California was originally located on an island in Clear Lake. As of 2021, the Koi Nation has 90 members, whereas Windsor has a population of 25,000. Windsor is a community that appeals to families, singles and retirees with its richness of schools, churches, parks, family movie nights, restaurants which adds to the sense of community for which its residents have embraced. This is not conducive to a casino with its lack of roadway, environmental noise, traffic, the possibility of crime, and the potential impact on the community environment and wellbeing.

I respectfully urge the Koi Nation to consider another location, other than Windsor, for its casino.

Louise Calderon, 338 Winemaker Way, Windsor, CA



**From:** Kathy Doran <[sonomahealing@sonic.net](mailto:sonomahealing@sonic.net)>

**Sent:** Sunday, March 17, 2024 11:03 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Hello Chad,

The traffic at the Shiloh Road exit is already completely impacted throughout most of the day due to the shopping center across the street from the proposed casino/resort. When exiting Old Redwood Highway at the northbound Shiloh Road exit, one often needs to wait for two or more light changes to be able to exit, leaving cars to back up on the highway. Additional traffic would only compound this problem. I don't know if it would be possible to have an exit put in south of Shiloh Road so that all traffic to the proposed casino/resort could exit there and avoid Shiloh Road. I know that would be expensive but it would be necessary. Thank you, Kathy Doran

**From:** Sonic <[martc2@sonic.net](mailto:martc2@sonic.net)>

**Sent:** Sunday, March 17, 2024 1:18 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments,Koi Nation Fee-to -Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Please add my name to those opposing the proposed casino by the Koi nation. A casino has no place in residential neighborhoods or in close proximity to schools. This casino will greatly devalue property values of the nearby homes, not to mention the increase in water usage. The increase in area traffic will not only be an every day headache, but a major problem exiting if another fire should occur again in this area. Lastly the loss of the scenic vineyard will be a detriment not only to this area but the entire county. We do not need another casino in Sonoma County.

Martha L Clark  
523 Juniper Ln  
Windsor, CA 95492  
[martc2@sonic.net](mailto:martc2@sonic.net)

**From:** Kenneth Pietrelli <[ken.pietrelli@gmail.com](mailto:ken.pietrelli@gmail.com)>  
**Sent:** Sunday, March 17, 2024 6:48 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, KOI Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Attached is a PDF with my written comments on the KOI Nation Fee-to-Trust and Casino Project.

Regards,

Kenneth Pietrelli  
4873 Hoen Avenue  
Santa Rosa, CA 95405  
**One attachment** • Scanned by Gmail

March 13, 2024

Subject: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Mr. Broussard,

In reviewing the EA for the Koi Nation Shiloh Resort and Casino, I do not find an adequate mitigation plan to address the neighboring communities needs to egress down Shiloh Road to the Highway 101 interchange.

Adding yet more traffic for the proposed destination would totally overwhelm the existing infrastructure, especially the feeder roads of Shiloh Road and Old Redwood Highway as well as the existing "undersized" Shiloh Road interchange at the overpass for Highway 101.

My family has been evacuated twice since 2017 due to fires in Sonoma County, in both cases we had to drive several backed-up streets to reach Highway 101 to drive south to San Francisco. I own at Shiloh Estates at the end of Shiloh Road, and I am very concerned about fire evacuation that would be made almost impossible if the casino is sited at the intersection of Shiloh Road and Old Redwood Highway.

I also had a recent experience in West Maui, Hawaii where we also have a home. Due to the fires in Lahaina, the sole remaining road was closed during the fire and for over a week after. To leave we had to take a helicopter from the West Maui airport to depart Maui. Many of the individuals who perished in the fire died in their vehicles because there was no way to exit the town in a timely manner. Even now as they try to reopen the schools in West Maui, high school and elementary, the parents are demanding that "evacuation plans be well thought out and prepared- and not only prepared and talked about, but actually completed. They want to see improvements to the roads done before they are willing to send their kids back to the schools."

This is what needs to be done before allowing the planning for the Casino to go forward. The existing infrastructure is "undersized" for the existing traffic patterns which experience backups, especially during the summer and fall months when we have fires in Sonoma County. Adding yet more traffic for the proposed destination would totally overwhelm the existing infrastructure. There has to be an actual plan and funding to improve the surface roads and highway interchange to support a valid evacuation plan for everyone East of Highway 101 who would use Shiloh Road to reach Highway 101. Failure to include this in the evaluation of the EA would border on being "criminally negligent".

Kenneth Pietrelli  
4873 Hoen Avenue  
Santa Rosa, CA 95405

**From:** MEREDITH STROM <[mandmstrom@comcast.net](mailto:mandmstrom@comcast.net)>

**Sent:** Monday, March 18, 2024 10:25 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-To-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Chad Broussard,

I am adamantly opposed to the casino proposed on Shiloh Road in the Windsor area. I live one block off of Shiloh Road on Mathilde Drive, a quiet residential area of homes owned mostly by older citizens who have lived here for years. We will be across the road from this casino.

I have had to evacuate twice in the last two years due to wildfires I could see burning from my front door. Shiloh Road is the only access road between US 101 and several rural roads running along the hillside behind us. During these evacuations, Shiloh Road was backed up and stopped all the way to US 101 which is the only north/south through road in this part of the county. Emergency vehicles could not get through to the fires nor to assist people in need. I am 78 years old and need assistance when evacuating and my kids could not get to me to give that assistance. Imagine the increased risk and danger if traffic from employees and visitors to the casino are added to this situation.

With the exception of US101, almost all roads in this area are two-lane rural roads with heavy traffic. They are not well kept up and this increased traffic will only add to their failing condition. There are three elementary schools and several churches along with numerous mobile home parks within a mile or two of the proposed site. Traffic is gridlocked during drop off and pick up times for the schools. A casino, with its increased traffic, noise and possible crime will not be a good fit in this neighborhood.

The wine country, and Sonoma County specifically, is a destination for many bike races, triathlons, cycling club events and just pleasure riding. Nearby Shiloh Regional Park is home to mountain bike trails. Literally hundreds of these riders gather at Esposti Park, which is on the corner of Shiloh Road and the Old Redwood Highway, to begin their rides on a weekly basis. It is also a much used park for youth athletic teams and parking is at a premium, including on the shoulder of Shiloh Road all weekend and in the evenings, year around for soccer, youth football, baseball and other activities.

We bought our homes because this is a quiet area that backs up to open space and vineyards, believing the zoning would not allow anything to change that. What is to be almost certain 24 hour increase in noise will completely disrupt our lives, to say nothing of the decrease in our property values if we find we can not tolerate the traffic, noise,

increased crime, light pollution, etc. and need to sell to relocate. I feel totally bullied and aggrieved that I might be expected to pay the price out of my retirement pension so that a casino can be built in an area not zoned for it and totally inappropriate for it.

Of further frustration for me is that the Koi Tribe that is pushing this casino has no legal or moral right to claim a connection to this land. This is evidenced by the fact that five other tribes in this immediate area have expressed their opposition to the project.

Water is a constant concern for this area. Almost every year Windsor residents are placed on water rationing during the summer months. Adding this huge casino is going to negatively effect the water table as it draws massive amounts from the water table. This will effect not only those of us just across the road but for miles around. Building permits, including those for affordable housing, are restricted because of this water issue.

We also experience periodic power outages. I can't image how much this tremendous power driven casino will add to that problem.

I appreciate your careful study of all the issues surrounding the proposed casino that will produce your expressed opposition to the project.

Meredith Strom  
5825 Mathilde Road  
Windsor, CA 95492



**From:** Mark Hauser <[mark.hauser@gmail.com](mailto:mark.hauser@gmail.com)>

**Sent:** Monday, March 18, 2024 10:28 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To those considering the Koi proposal to build a casino off Shiloh Rd,

I oppose this casino proposal. Some of my reasons:

- There is a casino 14 miles to the south, and 20 miles to the north. I believe both casinos are in the process of expanding. There are ample casino services for this valley. Are we to overbuild and induce a competition, with more advertising to create more demand? My vote is No. There are sufficient casino services for this community.
- The Koi Nation has no roots in this area. My understanding is their roots are in Lake county, not Sonoma county. This clearly looks like opportunity shopping for a site, not based on righting past wrongs. Why not Marin county, or San Francisco?
- The impact of water, drainage, road congestion and support services will be substantial.
- It would certainly change the nature of this neighborhood, not for the better. Both of the existing casinos are located in non-neighborhoods. This location is not community friendly. I am not close to the wrongs done to this tribe. But do they give them the right to drop in wherever they want?

Yes, there is an element of NIMBY in my input, but with all the factors, is this a good place for a casino? My input is No.

Mark Hauser  
236 Lea St  
Windsor, CA 95492

**From:** RALPH MELARAGNO <[dralphm@comcast.net](mailto:dralphm@comcast.net)>

**Sent:** Monday, March 18, 2024 2:04 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I am a 93-year-old Korean War veteran, living in a senior complex just south of the proposed casino location. I travel past that location for medical matters and for grocery shopping. There are already multiple apartment buildings going up in the same area, which means the traffic will be very great and get even more so if the casino were built. Water is now an issue and would increase greatly for a casino. Finally, while I support developments that benefit Native Americans, I note there currently are many casinos in the county. The tribe members requesting this approval are not actually native to Sonoma County and would be better served by developing a casino in their natural native area.

Ralph Melaragno  
441D Las Casitas  
Santa Rosa CA 95403

**From:** Paige Mazzoni <[paigemazzoni@gmail.com](mailto:paigemazzoni@gmail.com)>  
**Sent:** Tuesday, March 19, 2024 12:50 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Paige Mazzoni <[paigemazzoni@gmail.com](mailto:paigemazzoni@gmail.com)>; Brad Pighin <[brad8460@sbcglobal.net](mailto:brad8460@sbcglobal.net)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard:

We are writing to voice our strong opposition to the proposed casino off of Shiloh Road in Windsor, California. As you are no doubt aware, the Koi Tribe from Lake County has purchased vineyard acreage adjacent to a series of single-family residential neighborhoods, located at the crossroads of Old Redwood Highway and East Shiloh in North Santa Rosa/Windsor. They have announced plans to build a large casino complex, including multiple restaurants and a 200-room hotel. Our neighborhood, and all neighborhoods in the surrounding area, are very distressed by this plan and the negative impact this development would have on our local environment, traffic congestion, wildlife habitats, emergency access, infrastructure strain and much more. While we understand the need to address the wrongs committed against indigenous people in our country, we are confident that this proposed development is not an appropriate manifestation of those efforts.

Although we do not believe this land is even appropriate land for the Koi to claim as their tribal land, given they are from another county, we have focused our concerns in this letter on the potential environmental impact of the casino. Our points are highlighted as follows:

- The neighborhoods adjacent to this proposed casino are middle class, mostly long-time resident neighborhoods. We are families, retired couples and citizens that have invested in our properties for a lifetime, planning to retire in the area because it is quiet, safe and family oriented. To introduce a casino in the midst of these neighborhoods would immediately and irreparably damage both the quality of the residents' lives as well as their lifetime investments.
- When the proposed casino was announced, the Koi had a celebration on the site. The noise from this celebration lasted for hours and was heard throughout the neighborhood. That is acceptable for a celebration. But it does illustrate how noise from this area will travel throughout the adjoining neighborhoods, making the quality of life and the peaceful quiet we all enjoy changed to more of a busy commercial level of noise.
- It is well established that casinos cause an increase in prostitution, drunk driving and crime in the immediate area. In the Thompson, Gazel and Rickman study of 1996, the researchers found that, "that the casino or near casino counties had rates of major crimes 6.7% higher than expected and Part II offense arrest rates were 12.2% higher than non-casino counties. They concluded that the introduction of casino gambling is associated with increased crime." (Thompson, Gazel, & Rickman, 1996). This increase in crime will not be isolated in

a remote area, focused on the casino. It will spread into multiple nearby residential neighborhoods.

- In addition, there are several elementary schools and two high schools within a 7-mile area of the proposed casino. This increase in crime will play out in the lives of these youth and, without a doubt, be an enticement to them in terms of underage drinking and possible crime.

- Traffic in our area has already been increased due to the shopping center on Shiloh and the Sonoma County Airport area. Most days the commute to work involves a 20-minute journey from Old Redwood highway to the freeway access at Shiloh and 101. There is no other clear pass for an on ramp, since all potential pathways run directly through residential neighborhoods. A low income housing apartment complex is nearing completion on the corner of Old Redwood Highway and Shiloh roads. This complex already does not have enough parking for the number of apartments, due to concessions made for the low income housing. That means cars will be spread into our neighborhoods already, further increasing congestion. There is no place for traffic to a casino and 200-room hotel to go but onto Shiloh and Old Redwood Highway. This will create incredible backups and traffic issues, increase accidents and clog the flow of movement for everyday life in the area.

- Our neighborhoods that directly adjoin the proposed casino property have all been evacuated consistently during fires in Sonoma County. The evacuations cause traffic. In the Tubbs fire, as you know, lack of planning for traffic in emergencies caused deaths due to people not being able to drive or get to safety fast enough. We are very concerned that a casino will exacerbate this issue in our area, causing horrific impacts that can be avoided.

- While we understand that tribal land developments are not held to CEQA standards, the surrounding areas are. We have red tailed hawks, barn owls, fox, coyotes, endangered wildflowers, bobcats and many other forms of wildlife in our area. We see them frequently. The vineyards are a habitat and feeding ground for these animals and flowers. It is definite that a development in that vineyard will significantly damage the environmental surroundings and wildlife present.

- We already have infrastructure issues in our area. Cable lines are overloaded and have not been upgraded. Internet signal is often weak. Television outages with Comcast and other carriers that dominate the area are frequent. Wells are tied to the functioning of the neighborhood, as much of the initial housing was tied to wells for water. To put the size of a

development proposed, with the individual televisions, internet connections, water, sewage and technology needs required of a hotel and casino, would completely damage the ability of our neighborhoods to access such needed activities as working from home or basic recreation such as watching a movie at home. In addition, we are in a drought area and frequently limit our water intake, plant care, etc at the request of the city and county. To put this large a facility in the middle of a fire zone affected by drought seems irresponsible and very inequitable to the local residents being asked to cut back.

- During low rainfall years, which happen every few years, we are all on water mitigation measures in the nearby neighborhoods. We can only water on certain days, we are asked to take 2 minute showers, not flush toilets and are held to very tight water standards. To put a

200- room hotel in this area is just not environmentally sound. Water mitigation measures would suggest we already do not support the housing in place, including the new low income housing on the corner of Shiloh and Old Redwood Highway. To add a resort with high water needs, who are not monitored in the same way, will have environmental impact on other residents in the area who are already limited in their water consumption.

For all these reasons, we feel this casino must be stopped. We are asking for your support in stopping this development.

We are happy to discuss any further points with you. Thank you for your consideration.

Sincerely,

Paige Mazzoni Ostheimer

Brad Pighin

707 235 8332

[paigemazzoni@gmail.com](mailto:paigemazzoni@gmail.com)

**From:** Richard Kluck <[kluck11@att.net](mailto:kluck11@att.net)>  
**Sent:** Tuesday, March 19, 2024 3:50 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments ,KOA Nation Fee to Trust Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

CONCERNS.

Well water level in our shallow wells. Mine is less than 100ft..

Treated sewage from private treatment plant being dumped in our creek and river. Is there an oversight plan from government? or regulations?

Light and noise pollution. My home sits 30 Ft. from the edge of Shiloh rd., about 1000 ft. from your entrance.

Road noise and safely entering road is already an issue.

Evacuation for fire may become impossible for the residents and livestock in our area if our only escape is crowded with thousands of people and cars using our only escape route. The proposal that the casino provide personnel to direct traffic is just dumb and laughable. Often the roads around here become impacted do to slow downs, accidents or rush hours on 101 .

Crime and criminals in our neighborhood will increase with the influx of thousands casino, event , and bar customers. Who protects our neighborhoods and children outside your casino?

Shortage of low cost housing and labor has put a burden on many of our local normal local businesses. The casino will exacerbate this and other government service issues around our community.

I see no mechanism from the Koi Nation to compensate the community for lower water tables, crime, pollution, more law enforcement, fire safety, and my loss of peaceful enjoyment of my home, along with loss of real estate value. [ My retirement]

I respectfully oppose this project. Thank you for listening , I've lived here for forty years.

Richard Kluck  
149 E.Shiloh Rd  
SantaRosa, Calif.  
95403

707 480-7870



**From:** Peter Pelham <[peterpelham@gmail.com](mailto:peterpelham@gmail.com)>  
**Sent:** Tuesday, March 19, 2024 9:21 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Koi Nation Shiloh Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

RE NOI Comments, Koi Nation Fee to Trust and Casino Project

Dear Sir

I heartily oppose any casino development in the Shiloh area. I visit this area for cycling quite often and enjoy the natural beauty as well as minimal traffic. Your development will destroy that plus put many more cars in the area.  
This is an area that needs to be preserved not developed.

Sincerely

Peter Pelham  
19 Jules Dr, Novato CA 94947

**From:** [dgtaylor1@gmail.com](mailto:dgtaylor1@gmail.com) <[dgtaylor1@gmail.com](mailto:dgtaylor1@gmail.com)>

**Sent:** Tuesday, March 19, 2024 5:29 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I am not in favor of this development as we already have two casinos in the area and with the EEL River diversion not settled we may have insufficient water to support the casino.

***Don Taylor***  
***Healdsburg, CA***  
***707-217-9500***

**From:** Ron Grassi <[ronsallygrassi@me.com](mailto:ronsallygrassi@me.com)>

**Sent:** Tuesday, March 19, 2024 6:13 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and California Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard, We are concerned with the proposed Koi Nation Casino Project that would be built in an inappropriate location of our county. It doesn't fit with the current neighborhood and surrounding areas. The traffic, environmental impacts of noise and pollution, the size of the project are all concerns of the negative effect of this proposal. The goal of the casino is to have a maximum number of visitors which equates to hundreds or thousands of added cars to the area. I understand that. But then what happens not if, but when, we need an emergency evacuation due to a fire being spread by high winds?? Why is the focus always more development which places the residents at risk? Why does the planning agency minimize the environmental harm and evacuation risks most of the time? Assuming the motivation for this project is to help the Koi Nation earn income for its members, that's fine, but why does it have to be gambling casinos most of the time? How about putting our heads together and coming up with an equally good income stream which benefits the entire community, including the Koi Nation? How about, as an example, design and build solar panels and capture solar energy and sell it like the utility companies and also sell and install solar panels throughout Sonoma County. Why don't we solicit ideas from the community as to what mini-industry to develop at the site? More thought and ideas need to be put into this proposed development and whatever the plan it should enhance the area and the people that would be affected.

Sincerely,

Sally and Ron Grassi  
Healdsburg, Ca.

**From:** Kate Stevens <[knonella@comcast.net](mailto:knonella@comcast.net)>

**Sent:** Tuesday, March 19, 2024 7:04 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

As a life-long resident of Sonoma County I am stunned and alarmed that a massive casino and hotel project is planned for the the 70 acres of unincorporated land between Old Redwood Highway and Shiloh Regional Park in Sonoma County. I am a frequent hiker of Shiloh Park and love the beauty and tranquility there. I highly doubt that any member of the Koi Nation has even taken the time to hike up in Shiloh Park. If they had, they would understand how detrimental a 100,000 square foot casino and 200-400 room hotel would be to the area. The promo video, where the Koi "cleverly" hired Peter Coyote to narrate is deceiving. It says "The Shiloh Resort is destined to become one of California's most iconic and beautiful destinations". Really? That's a stretch, given that California is home to The Sierra Nevada, Joshua Tree National Park, Bodega Bay Headlands, The Lost Coast and Yosemite National Park, just to name a few. It's laughable to even try and compare this horrible ill-conceived development with California's natural wonders. The video further goes on to say by building this casino/hotel, the Koi Nation is "taking long overdue steps to preserve its cultural and historic integrity". How is dumping a ghastly casino/hotel in the middle of a vineyard adjacent to a gorgeous open park preserving their culture? That is a preposterous statement.

I am an active birder and 25+ year member of the Audubon Society. The birds, other wild life and area residents will be negatively impacted by this development with light and noise pollution. General traffic on Shiloh Road as well as the large tour buses from the Bay Area bringing gamblers in to the casino will add to the congestion and overall air and noise pollution. Parking for the "more that 1000 employees" as well as guests will be a multi-story highly visible eyesore or an endless blacktop parking lot. What about crime? It is a fact that casinos and bars attract a criminal element and this development is no exception.

The Koi Nation does not care about the environment. They do not care about the natural land. They do not care about the residents in the area, some of whom have lived there for several decades. Making the claim that this resort casino will "preserve their culture" as stated above is absurd. This project will not benefit Sonoma County residents in any way. The Koi Nation cares about one thing and one thing only: making money.

I am vehemently opposed to the Shiloh Resort and Casino. This project must be stopped to preserve the integrity of Sonoma County.

**From:** Emily Carlson <[emilyoehl@yahoo.com](mailto:emilyoehl@yahoo.com)>

**Sent:** Tuesday, March 19, 2024 9:12 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project —Emily Carlson

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

I live a few miles away from the proposed casino site and would like to voice my opinion against the casino. The proposed site is in between a residential neighborhood and a beautiful park both of which I would no longer feel comfortable to live in or recreate at if there was a casino near by.

Graton casino has seen a lot of crime on the premises and in the parking lots (including a killing) and that is very far from an area that people live in. Imagine that violence and crime in a residential area. It is a horrible location for a casino.

Furthermore, there is another casino, not too far from the site this is casino is being proposed for, River Rock. It is empty most of the time, so I don't see the need for another casino so close by.

Please do not allow this casino to be built. It is not in the best interest of the community.

Thank you,  
Emily Carlson  
Sent from my iPhone

**From:** MICHAEL SKAGGS <[maskaggs@comcast.net](mailto:maskaggs@comcast.net)>  
**Sent:** Wednesday, March 20, 2024 8:31 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NNOI Comments, Koi Nation Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard

It is clearly obvious to anyone who is familiar with the location of the proposed Koi gambling casino, that this location is completely inappropriate. I am sure you have heard all the arguments about tiny one lane roads, schools, neighborhoods and little league parks literally feet away from the planned casino. I have lived in the area for nearly all of my 60+ years and have never been so disturbed about a development. This is a rural, agricultural area with small roads that have little to no shoulder.

The idea that some non local tribe could be allowed to destroy the community, the environment and our lives in pursuit of the almighty dollar is borderline insane. They could have procured land just half a mile west on Shiloh road in a commercial zone next to highway 101 and that would have been safer and frankly a better and lower cost to build venue.

The massive Tubbs fire (2017) burned right to the edge of their property and we will certainly have fire again. In fact the massive Kinkaid fire burned very close in 2019. I remember evacuating during these fires when it took nearly two hours to drive two miles on Old Redwood at Shiloh Road. Since then, there is even more development in the area and if you add a 24/7 casino, it will be a disaster.

I implore you and the Director to come up here to Windsor and see the site for yourself. Then you can truly see why the local population and "actual" local tribes are so upset. This is nothing but an attempted end run around the law by an out of area tribe and should not be allowed to proceed.

Best regards,  
Mike Skaggs  
Windsor, CA



From: [kst@sonic.net](mailto:kst@sonic.net) <[kst@sonic.net](mailto:kst@sonic.net)>

Sent: Wednesday, March 20, 2024 9:44 AM

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear BIA Director, and Mr. Broussard,

Here is a photo of the proposed Shiloh Casino location showing it surrounded by residential neighborhoods that have existed for over 20 - 30 years.

There is NO OTHER Commercial development nearby.

There are 7 schools located less than 4 miles from this location.

Esposti Park is at the right edge, directly across the street from the proposed casino site. Shiloh Regional Park is at the left edge: Faught Road runs at the base of the hills. This photo is oriented south to Santa Rosa. The areas with trees are residential areas. Visitors to the Casino will have to pass through the surrounding residential areas to get to this location.

The traffic impacts cannot be mitigated; the risks to public safety cannot be mitigated.

The adverse environmental impact on the tens of thousands of humans living in these neighborhoods cannot be mitigated. This is the wrong location for this project.

The glossy Koi Nation presentation on their website is not accurate and is misleading in its representation of the surrounding area.



PLEASE look at the maps of the locations of casinos in Northern California and find another casino resort that is surrounded by long-established residential neighborhoods with their schools and parks in areas where there are no large commercial businesses. There is no other casino located within a residential community that is not already on tribal land. The reason: there are many adverse significant impacts on established residential communities and the risks to public safety are paramount.

The Walmart and Home Depot businesses in the Shiloh Center are located immediately adjacent to Hwy 101, and have low profiles, standing only 1-2 stories high. These buildings do not block the SCENIC CORRIDOR along Old Redwood Highway and Shiloh Road. They are immediately adjacent to Hwy 101, and on the west side of Old Redwood Highway. ORH is the main transit route for most of the traffic transit between Windsor Town Center to the north and Mark West Springs/ River Road at the south boundary, where Sutter Hospital is located. The other stores located in the shopping area next to Hwy 101 at Hembree are small businesses, have a low profile, and serve the residential neighborhoods in the area. There are no other large businesses.

A casino resort at Shiloh/ Old Redwood Hwy will dominate the landscape and forever ruin the Sonoma County Wine Country character in the area. At Shiloh Rd, the valley is at its narrowest point, extending from the Larkspur/Mark West Hills up to the Windsor Hills and Foothills Regional Park. Development in this area has been restricted to be in compliance with the Planning Code and the Sonoma County General Plan.

This is also the area with the most intense wildfire burn areas affected in the Tubbs Fire (2017) and the Kincade Fire (2019), where fires burned to Windsor and to Faught Road/ Shiloh intersection. and south, to Fountaingrove, then crossing Hwy 101 to burn Coffee Park.

Shiloh is the ONLY Northern California Casino that would be built in an area zoned for residential and agricultural use ONLY, an area with long established residential communities and prized agricultural land for vineyards established over 20 years. This location has a SCENIC CORRIDOR designation due to its proximity to Shiloh Ranch Regional Park and the value it provides for wine country tourism.

Building a 4-5 story commercial business at this location is entirely INCONSISTENT with the Sonoma County General Plan which has guided the development of the area, and INVESTMENT OF THE SONOMA COUNTY RESIDENTS in their homes for over 40 years. The residents of this area have paid property taxes to support this area, the schools, and the parks. If you allow this casino to be built here, this will be the ONLY ONE CASINO in Northern California to be located where there is NO COMMERCIAL DEVELOPMENT ALLOWED by County Planning Codes.

PLEASE EXAMINE THE SHILOH ROAD LOCATION in detail, and consider the significant differences with the Wilton Rancheria/ Sky River Casino in Elk Grove, the location used to compare Transportation impacts in the Shiloh NEPA Report.

Sky River Casino, approved in 2017, is located immediately off Hwy 99 with NO TRANSIT THROUGH EXISTING RESIDENTIAL NEIGHBORHOODS. The nearby Sterling Meadows housing was developed at the same time as Sky River Casino - this is very important because the Sky River Casino project was known by anyone wanting to live here, and likely with a purpose to serve the employees of the casino resort and Tribe members. **The Casino was built on the site of the abandoned Elk Grove Mall.** Sky River is located in an area consistent with the Elk Grove Planning guidelines surrounded mostly by an area of undeveloped land. There were no nearby or adjacent residential communities already existing.

Again, the transit from Hwy 99 to the Casino does not pass through any residential neighborhoods.

THE CONDITION AT SHILOH ROAD IS ENTIRELY DIFFERENT. THE RESIDENTIAL NEIGHBORHOODS AND SCHOOLS HAVE EXISTED FOR OVER 20 YEARS. The transit routes from Hwy 101 pass through several residential neighborhoods and the degree of overlap of transit routes with local residential traffic is VERY HIGH.

THERE IS SIGNIFICANT RISK TO PUBLIC SAFETY DUE TO THE OVERLAP OF TRANSIT ROUTES AND THE IMMEDIATE PROXIMITY TO THE SURROUNDING RESIDENTIAL NEIGHBORHOODS AND PARKS AND SCHOOLS.

Compare the populations in the areas where the No. California casino resorts were built.

Compare the number of schools in the area, the number of students in these schools, and the distance travelled by these students between home and school; compare the distance from the casino to each school and the transit routes that intersect these routes.

Seven schools are located 3.7 miles and less from 222 E Shiloh Road

Three elementary schools are located 2 miles or less from 222 E Shiloh Road:

|                                   |                                            |
|-----------------------------------|--------------------------------------------|
| San Miguel elementary school      | 1.4 miles from 222 E Shiloh Road (red pin) |
| Mattie Washburn elementary school | 2.1 miles from 222 E Shiloh Road           |
| Mark West Charter School          | 2.1 miles from 222 E Shiloh Road           |

|                                     |                                  |
|-------------------------------------|----------------------------------|
| John B. Riebli elementary school    | 3.3 miles from 222 E Shiloh Road |
| St. Rose Catholic School, preschool | 3.6 miles from 222 E Shiloh Road |
| Windsor Middle School               | 3.7 miles from 222 E Shiloh Road |

|                          |                                  |
|--------------------------|----------------------------------|
| Brooks Elementary School | 3.8 miles from 222 E Shiloh Road |
|--------------------------|----------------------------------|

Compare the number of town, city, and county parks, and the size of these parks, and proximity to the casino resort:

- the number of local residents served by these parks
- the number of county and tourist visitors to these parks
- the parking spaces provided for visitors to these parks
- the street parking for residents and visitors to the parks

Compare the proposed Shiloh Casino location and the proximity of surrounding residential neighborhoods with the following Northern California casinos' locations:

HOW MANY OF THESE ARE IN A LOCATION SURROUNDED BY DENSELY POPULATED RESIDENTIAL NEIGHBORHOODS WITH SCHOOLS AND PARKS?  
HOW MANY ARE BUILT IN AREAS ZONED FOR COMMERCIAL DEVELOPMENT, CONSISTENT WITH LOCAL ZONING REGULATIONS?

### **Sonoma County:**

Graton Rancheria Casino Resort - 15 minutes away, 2nd largest casino in Calif.

River Rock Casino

Cloverdale Rancheria Resort  
resorts

Napa County- no casino

Sacramento County  
Sky River Casino  
Casino

Colusa County  
Colusa Casino Resort

Amador County  
Harrahs Northern California

Jackson Rancheria Casino Resort  
Placer County  
Thunder Valley Casino

El Dorado County  
Red Hawk Casino

Lake County  
Casino  
Konocti Vista  
Robinson  
Running Creek  
Twin Pine

Mendocino County  
six casinos

Bay Area - San Pablo Lytton

A CASINO RESORT WITH 400 HOTEL ROOMS AND HIGH-RISE PARKING IS NOT CONSISTENT WITH THE SONOMA COUNTY GENERAL PLAN AT THIS LOCATION AND WILL HAVE A SIGNIFICANT DETRIMENTAL IMPACT ON THE ENVIRONMENT.

THIS IS THE WRONG PLACE FOR THIS PROJECT: the Casino Resort will destroy the special character of Sonoma County residential neighborhoods on the east side of Hwy 101 from Mark West Springs/ Larkfield to Windsor, and the public safety will forever be significantly compromised.

C Belden, resident Santa Rosa, Sonoma County



**From:** Arash Behrouz <[abehrouz@hotmail.com](mailto:abehrouz@hotmail.com)>  
**Sent:** Wednesday, March 20, 2024 2:21 PM  
**To:** [admin@shilohresortenvironmental.com](mailto:admin@shilohresortenvironmental.com) <[admin@shilohresortenvironmental.com](mailto:admin@shilohresortenvironmental.com)>  
**Cc:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Re: Notice of Intent for Environmental Impact Statement

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if your agency also monitors the other casino's and so forth; can you find out if in the "original" agreements and so forth happened and approval was done to build the casino in rohnert park on "tribal land" ; was it a requirement for them to get approval to build that casino to provide bus transportation for example from marin county to the graton casino?

the reason I ask is when the graton casino first opened ; there was a bus or shuttle service from marin county to graton casino.

but then ; they stopped that service.

providing affordable bus and transportation services to these casinos is a wonderful and helps eliminate traffic and pollution. i thank you for all you do.

---

**From:** Arash Behrouz <[abehrouz@hotmail.com](mailto:abehrouz@hotmail.com)>  
**Sent:** Friday, March 8, 2024 7:18 PM  
**To:** [admin@shilohresortenvironmental.com](mailto:admin@shilohresortenvironmental.com) <[admin@shilohresortenvironmental.com](mailto:admin@shilohresortenvironmental.com)>  
**Cc:** [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov) <[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)>  
**Subject:** Re: Notice of Intent for Environmental Impact Statement

thanks. can you have a bus from marin county to this new casino? this will save environment and save gas and many cars from highway.

same price and times and pickup location as river rock casino.

(river rock casino express bus)

thanks.

arash



**From:** Sallie Silveira <[sallysdogs548@gmail.com](mailto:sallysdogs548@gmail.com)>  
**Sent:** Wednesday, March 20, 2024 4:06 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Marcy Silveira <[marcycpleinair@gmail.com](mailto:marcycpleinair@gmail.com)>; Brenda Abrahams <[abrahamsb32@gmail.com](mailto:abrahamsb32@gmail.com)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I would like to say that the proposed Koi Nation Shiloh Resort and Casino is an absolutely LUDICROUS and unacceptable project and should be stopped.

The idea of putting this kind of business in this area is simply absurd and insidious. I was born and raised in Healdsburg CA, and have lived in Sonoma County most my life. I currently live directly across the street from the beautiful vineyard where this monstrosity is proposed to be built. This just can't happen.

It would have devastating affects on wildlife in the area. It would put dangerous drunk drivers on all the surrounding roads day and night. It would create even more horrific traffic congestion than already unfortunately exists due to too many people having moved into Sonoma County.

This County wasn't meant to have such a grotesquely burdensome over-population catering to these kinds of cheap, tawdry, tacky, low-brow casinos/resorts. The juxtaposition is tragic and despicable.

The Koi tribe isn't even indigenous to Sonoma County, and would have adverse effects on the current five local indigenous Sonoma County tribes.

Our beautiful area that is now disgustingly and pathetically only known as "Wine Country" already has enough drunks staggering and dangerously driving around, we don't need an atrocious seedy casino adding to it. This area is meant to be serene, quiet and peaceful. This casino will hold concerts which will create artificial loud noise unnatural and jarring to the environment.

It's just so wrong beyond any words, and I will do whatever I can to see that this project never comes to fruition. And I will recruit as many others as I can to join in efforts to stop it. The concept is a travesty. We must preserve the sanctity and natural beauty of this area, not ravage and degrade it.

Earnestly and desperately,

Sallie Silveira  
106 Lafayette Drive  
Santa Rosa, CA 95403

From: DG <[mdg1265@gmail.com](mailto:mdg1265@gmail.com)>

Sent: Thursday, March 21, 2024 12:32 PM

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Subject: [EXTERNAL] NOI Comments. KOI Nation Fee to Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing to voice my strong objection to the proposed Koi Nation Casino project in Windsor, California. The development of a large casino on this current agricultural property would be a local disaster. It would increase congestion and traffic in a quasi-rural area.

Two of the current roads around it are one lane only, and both are heavily travelled by bicycles. There is a regional park and homes adjacent to the proposed casino site. There is also an elementary school just down the Faught Road.

I don't know anyone locally who thinks the project is a good idea. The Koi Nation has no local roots. They have picked a site strictly because it would pull traffic from 101 Highway. I don't see why they should be given an exemption for land that has no connection to their history for a project that would ruin our community.

Please stop this project! The Koi should build a casino on their historic land.

Sincerely yours,

Dana Gioia

7190 Faught Road  
Santa Rosa, CA  
95403

**From:** Pam Johnsen <[pamsoss@gmail.com](mailto:pamsoss@gmail.com)>

**Sent:** Thursday, March 21, 2024 1:13 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To whom it may concern:

We are greatly opposed to having a casino in our immediate area.

Our concerns involve increased traffic, land use, crime, public services and utilities, socioeconomics and maintaining residential property values.

Please find a better location that is not in close proximity to residential subdivisions where we have invested the majority of our savings.

Thank you,

Pamela and Larry Johnsen  
139 Savannah Way  
Windsor, CA 95492

**From:** denyse specktor <[denysespecktor@gmail.com](mailto:denysespecktor@gmail.com)>  
**Sent:** Thursday, March 21, 2024 1:45 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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NO - NOI Casino

Residential family neighborhood

2 Lane highway



From: [kates1@sonic.net](mailto:kates1@sonic.net) <[kates1@sonic.net](mailto:kates1@sonic.net)>

Sent: Thursday, March 21, 2024 2:23 PM

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

My comments as a resident of the Town of Windsor follows:

1. It is my understanding that the proposed site is not within the traditional area for this tribe. The Tribe should not be permitted to select any area within the United States to site their proposed facilities, rather such facilities should be within their traditional Tribal territory boundaries.
2. Water supply and rights to use local water is a hot topic in the Western US. The Tribe's intent to use local infrastructure, and essentially circumvent local limitations on water use should not be permitted. There is no "excess" water within the Town of Windsor, and the tribe should not be permitted to bypass local limitations and water use provisions already in place within the Town and imposed on the Town by State agencies. Particularly, they should not be permitted to "buy" their way to the front of the long line for increasingly precious water supply.
3. By purchasing the land for their proposed facilities in advance of any decision from your agency, the Tribe seems to have intended to make a negative decision more difficult for the Bureau. Real estate developers can choose this path, but the risk must remain on them to sell the property if the Bureau ultimately turns down the proposal. Thus, the fact that they already have rights to the proposed site should not be part of the decision-making process by the Bureau. This risk must remain on them, as it would for any developer of real property.

Thank you for considering these comments in your evaluation of this proposal.

David Kates  
1082 Elsbree Lane  
Windsor, CA 95492

**From:** Barbara Reed <[barbra623@sbcglobal.net](mailto:barbra623@sbcglobal.net)>  
**Sent:** Thursday, March 21, 2024 2:55 PM  
**To:** Dutschke, Amy <[Amy.Dutschke@bia.gov](mailto:Amy.Dutschke@bia.gov)>  
**Cc:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>; [TribalAffairs@sonoma-county.org](mailto:TribalAffairs@sonoma-county.org) <[TribalAffairs@sonoma-county.org](mailto:TribalAffairs@sonoma-county.org)>  
**Subject:** [EXTERNAL] Opposition Letter to Koi Nation Proposed Casino and Resort

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**One attachment** • Scanned by Gmail

March 21, 2024

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way  
Sacramento CA. 95825  
email: amy.dutschke@bia.gov  
Re: Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke,

I am a resident of Windsor CA and am strongly opposed to the to the proposed Koi Resort and Casino. I feel it would be environmentally devastating to our community.. This casino would drastically affect the towns and area's limited water supply. It would greatly affect our traffic especially on the Old Redwood Hwy which many of us seniors use to get to our doctors and hospitals in Santa Rosa. We have a large senior population that avoids driving on the Freeway and this proposed casino is right off Old Redwood Hwy. It's also proposed in a residential community. It will affect the property values, parking and noise in that residential community.

We are always being threatened with rolling power blackouts and have already been asked to limit our power use to specific times. Presumably they will be using an exorbitant amount of power for a casino etc.

With regard to water we are encouraged to tear up our lawns and conserve water use. There are restrictions for both our homes and businesses. This proposed resort and casino would require both a heavy use of power and water which are already in limited supply.

This casino would have an extreme negative impact on our daily lives in this community!

I strongly oppose this Koi Casino Resort and Casino Project!

Thank you for your considerations of my comments.

Sincerely,

Barbara Reed

729 Kay Starr Court

Windsor, CA. 95492

cc: Chad Broussard, Environmental Protection Specialist Bureau of Indian Affairs  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

cc: [TribalAffairs@sonoma-county.org](mailto:TribalAffairs@sonoma-county.org)

From: [hiecke@sonic.net](mailto:hiecke@sonic.net) <[hiecke@sonic.net](mailto:hiecke@sonic.net)>

Sent: Thursday, March 21, 2024 5:18 PM

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Subject: [EXTERNAL] NOI Comments. KOI Nation Fee to Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing to register my and my neighbors' objections to the proposed Koi Nation Casino project in Windsor, California.

The development of a big hotel and casino on this agricultural property will be overwhelming for all of us. It will increase congestion, noise, and traffic in a semi-rural area.

My street—Faught Road—(which intersects Shiloh Road where the casino and hotel is proposed) is currently the route for a number of large-scale weekend bike rides and public races/marathons/ etc. Hundreds of bikers use this country road each month during the good weather. Oftentimes the route goes past the proposed casino.

There are two regional parks—one has a playing field which is always in use for local leagues on the weekends and the other is a hiking and horse-riding park right by the casino site. There are also many homes adjacent to the proposed site. Plus there is also an elementary school just down the Faught Road.

Finally, for local residents, still recovering from two historic large-scale wildfires, and fresh from multiple large-scale (and may I say SLOW) evacuations over the past few years, the thought of a major hotel and casino emptying traffic onto our limited exit routes is very scary.

I don't know anyone locally who thinks the project is a good idea. **The Koi Nation has no local roots.** They have picked a site strictly because it would pull traffic from 101 Highway. I don't see why they should be given an exemption for land that has no connection to their history. And, in fact, the town of Windsor is currently the home of the Lytton Band of Pomo Indians.

Please stop this project! The Koi should build a casino on their historic land—not in an entirely different county.

Sincerely yours,

Mary Hiecke Gioia

7190 Faught Road  
Santa Rosa, CA  
95403



**From:** John Quinn <[johnpquinn@sbcglobal.net](mailto:johnpquinn@sbcglobal.net)>  
**Sent:** Sunday, March 24, 2024 10:54 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Shiloh Casino

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Some time ago we wrote in opposition of the proposed Shiloh Casino although our email letter was not acknowledged. Our main objections are:

1. Having moved to Windsor from Rohnert Park we can attest to the increase in crime resulting from elements attracted to the nearby Graton Casino. Since that casino opened to the public, sirens increased significantly throughout both days and nights.
2. The proposed casino would be located in a residential area, unlike Graton, with family homes immediately adjacent to the Shiloh Road site. Both Old Redwood Highway and Shiloh are one lane roads and the ability for residents of the area to easily access their homes would be next to impossible with increased traffic
3. There is currently a serious parking problem in the area with residents of highrise condos and apartments already forced to find parking on nearby streets.

In summary we recommend that the Koi Nation consider selling the proposed acreage and look to purchase a location in a more rural and less congested area.

Please consider these factors in future decision-making and note our strong opposition to the development of this casino in our neighborhood.

John and Candice Quinn  
444 Tamara Way  
Windsor

**From:** Greg Alexander <[gsa9@cornell.edu](mailto:gsa9@cornell.edu)>

**Sent:** Friday, March 22, 2024 10:45 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

As a full-time resident of Chalk Hill Road, I wish to express my strong opposition to the proposal for a new Shiloh Casino and Resort on Shiloh Road. My opposition is based on two considerations: demand and negative externalities.

Demand:

Although I have not conducted a market analysis of the demand for a third casino between Santa Rosa and Geyserville, I am deeply skeptical that such a demand exists. If anything, I suspect the market is already saturated. As a member of the Board of the Alexander Valley Association, I am privy to information that suggests that the River Rock Casino itself is not financially healthy. Adding a third casino within what is essentially the same market will surely deepen River Rock's problems in remaining solvent. I just can't see an economic case for adding a third casino to our area.

Negative externalities:

As you likely know, the AVA originally opposed the River Rock casino proposal because of its likely impact on its neighbors. But River Rock really isn't in a dense residential area. Rather, the area is mainly agricultural, so it was at least arguable that the externalities of that project would be minimal. The proposed Shiloh project is entirely different. It is immediately contiguous to a densely populated residential neighborhood. We know from the River Rock experience that among the externalities that the casino will generate are substantially increased traffic on Pleasant Avenue and increased noise. Aside from the fact that these factors will affect the property values of the contiguous homes, it will surely degrade the quality of their lives.

There is another externality to take into consideration. Chalk Hill Road has been the site of three major wildfires in recent years, which have required mass evacuations. The odds are that there will be more such wildfires in the future. Our evacuation requires that we drive down Chalk Hill Road to Pleasant Avenue, then to the 101 Freeway. If a casino exists at the proposed site, the amount of traffic along that route will be very high, significantly slowing down evacuation. I cannot stress enough how precarious a situation residents of Chalk Hill Road are in with respect to wildfire evacuation.

I urge you in the strongest terms not to approve the proposed project. It is in no one's interests except its promoters.

Sincerely,

**Gregory S. Alexander**

A. Robert Noll Professor of Law *Emeritus*

Cornell Law School

Ithaca, NY 14853

607-280-8589

[Gsa9@cornell.edu](mailto:Gsa9@cornell.edu)

14830 Chalk Hill Road

Healdsburg, CA 95448

**From:** brian bollman <[bdbollman@sbcglobal.net](mailto:bdbollman@sbcglobal.net)>  
**Sent:** Saturday, March 23, 2024 10:56 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Hi,

It is difficult to imagine that a casino in this location would be appropriate. I realize that local zoning laws do not apply on land taken into trust by the federal government, but local zoning laws exist for a reason. Local zoning laws take into account not only future expectations for growth, but also things like infrastructure, environmental concerns, and the affects of a particular type of development on surrounding neighborhoods and businesses. I don't think anyone can argue that this type of development is appropriate adjacent to what is essentially a residential neighborhood and park. This development will also greatly increase traffic in the area, requiring millions of dollars in road improvements beyond the boundaries of the land taken into trust. Unless the federal government deems the local zoning to be groundless, any new project on any land under federal jurisdiction should attempt to stay within the parameters of local zoning laws, and any infrastructure improvements that the project requires should be paid for by the appropriate federal agency, or in this case, the developers.

In addition to the zoning issues and the impact on the local community, there is another concern regarding this type of development. All development contributes greenhouse gasses (GHGs) to the atmosphere. Those gasses are created in the manufacture of materials (especially cement), and in the construction process itself. Once built, the project contributes additional operational GHGs, and transportation GHGs. A casino is essentially a frivolous enterprise. It doesn't produce needed goods, it doesn't provide housing, and it doesn't improve the local community in any way (in fact people living near new casinos often say that the casino has had a detrimental effect on their quality of life). If we are truly in a global warming crisis, as climatologists are telling us, then we shouldn't be building anything that isn't clearly necessary, and in fact, building this type of development in a location such as this is inconsistent with the federal government's goal of reducing GHGs.

Thank you,

Brian Bollman  
Wellington Circle  
Windsor, CA 95492

**From:** Victor Delpanno <[victordelpanno@gmail.com](mailto:victordelpanno@gmail.com)>

**Sent:** Saturday, March 23, 2024 11:23 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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I'm a resident of Santa Rosa, just a few miles from this project. I don't go to casinos, and am wary of new construction outside urban areas because it causes sprawl and promotes car dependency.

That being said, tribal land is different. If this is what the Koi Nation wants to do with their land, let them.

The only thing is that I would like to see if for them to work with the county and the Town of Windsor to ensure the casino is connected to safe bike routes and near transit stops.

**From:** Mark Mezey <[mmezey@sbcglobal.net](mailto:mmezey@sbcglobal.net)>  
**Sent:** Saturday, March 23, 2024 1:59 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Mark Mezey <[mmezey@services.sbcglobal.net](mailto:mmezey@services.sbcglobal.net)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Ref: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

To: Chad Broussard

From: Mark Mezey  
301 Stirrup Ct.  
Santa Rosa, CA 95403  
707-478-2450

Hello- I am against any of the proposed options outlined in the Koi Nation proposal. My objections are twofold:

**Increased traffic-**

Despite the lovely diagrams and charts within the proposal, all additional traffic will negatively impact the neighborhood. We have yet to even recognize the impact of the additional apartment units on the corner of Shiloh and ORH and now we are talking about adding significantly more. I do see that there are mitigation options identified in the **Appendix I: Traffic Impact Study** in all of those ad-nauseam details. None of it paints a picture of a workable solution for the area; Even with some future four lane road intersecting with a new four lane 101 freeway overpass (Rohnert Park Expressway style). The infrastructure just can't support it.

As a survivor / evacuee of the 2017 and 2019 fires, I am very concerned about access to the freeway. My Larkfield home was lucky enough to be spared in the fires but the 2017 trauma of realizing that I can't get out of my neighborhood still resonates. As I attempted to travel west on El Mercado (towards Faught Rd.) that night, it was gridlock. The short version is that my family caravan made it to ORH and couldn't go south or west (toward the freeway). We couldn't go west once we finally made it to Shiloh Rd. either. The first freeway access was in downtown Windsor. We had thought about trying to take Faught north to Pleasant / ORH but didn't want to be anywhere near hillsides full of trees. A slight northerly shift in the winds and what happened in Maui would have happened to the traffic jams in Larkfield.

**Not at all the right fit for a residential neighborhood-**

Increased traffic is enough to ruin any neighborhood. Add in the alcohol and the need to get your gambling fix and you turn that extra traffic flow into a community killing torrent of manic drivers. A detail not specifically covered by the study, but that is dear to me, is what happens to the 5% of the traffic that chooses to go east on Shiloh. How many of those departures will race down the back roads



to avoid the police sobriety checks? As an avid hiker and biker in the Shiloh county park (along the north/south connecting road of Faught), I definitely worry about increased traffic along the terribly narrow road. The local traffic up Faught to Pleasant and even up Chalk Hill to 128 coincides with the beginning (for me), middle, or end of one of the most epic road bike ride segments into the north of the county. Adding a steady flow of traffic will lead to deaths on this newly paved stretch of Sonoma county bike riding heaven.

How many of those groups will continue their evening partying in the closed for the night Shiloh park picnic area? How many of those people will be careless with their garbage and cigarettes? Will the casino pay for security to monitor the park? The park is a local hidden gem and one of the many reasons the Windsor / Larkfield area is so outdoor activity friendly.

There will be 24/7 (?) lights and noise. I can look north to star gaze from my balcony and see a small section of the west facing hills of Shiloh park. Will this hillside be lit up every night? I'm away from the Santa Rosa and Windsor city lights and that was a choice. I thought that there was some master plan that sought to maintain green zones between cities? Any of these options will, at least visually, close a significant portion of that gap.

If I am being completely honest, the Alternative C (winery option) is the only one I would ever vote for; If I was to ever to be convinced that that is where things would stop (Minus the massive hotel of course). I don't want to say "What's in it for me" but essentially there is not an upside from my soon to be well lit vantage point. I doubt the increased traffic, crime, air pollution, and general crush of people will do anything for my already dropping home value either. This location is not, and never will be, suitable for, or capable of supporting, this type and scale of business. As an alternative, the farmland for sale on the west side of the freeway, on Shiloh adjacent to the Valero, is a much better fit if there is something magic about the distance from the Graton casino. Across the street is an industrial park and further up there are already breweries and the like. It is not a neighborhood location and has significantly better access to 101. This proposal just doesn't pass the common sense test.

Regards,

Mark Mezey

**From:** Francis Le <[phuongle47@gmail.com](mailto:phuongle47@gmail.com)>  
**Sent:** Saturday, March 23, 2024 4:38 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] KOI Nation Shiloh Casino

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Francis P. Le  
207 Lea Street  
Windsor, CA 95492  
(707) 479 9798

To Whom It May Concern:

I, Francis P. Le reside at 207 Lea Street, Windsor, CA 95492

I strongly oppose the project of Koi Nation Shiloh Casino.

Reasons :

- Increase traffic
- Environment
- Security concern
- Reduce green, trees, agriculture area.
- Effect on young age residents in nearby areas.
- Hazardous materials and hazards.

Very Truly Yours.

**From:** Debra <[d\\_avanche@yahoo.com](mailto:d_avanche@yahoo.com)>  
**Sent:** Saturday, March 23, 2024 5:20 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am once again writing to you to address the proposed Gambling operation for the Koi Nation's benefit on E Shiloh Rd in Santa Rosa, CA

I am requesting that the powers that are deciding on the scope and approval of this project come to the actual proposed site in order to realistically assess the impact such an operation (all three scenarios are inappropriate for this site) would have on the surrounding community. It's quite striking that the Koi Nation thought this would be a project that blends into the environment and residential neighborhood without **unacceptable impacts** for the community.

Another major factor presented with this project is the fact that the Koi Nation does not have jurisdiction in Sonoma County.

I have yet to hear how this particular site was arrived at, just that the Koi Nation "chose" it. Its unfathomable to me and my neighbors how you arrived at determining the Koi may have sovereign rights here. We've heard about the members relocating to Sebastopol and somewhere in Santa Rosa but no specific ancestral connection exists. The Koi Nation tribe's native land is in Lake County and Lake County is where they were treated so inhumanely. I'm pretty sure it's not ridiculous to emphatically suggest that it is Lake County that owes the Koi Nation this opportunity. Sonoma County already has two large casinos and we don't need another one, particularly in a residential neighborhood abutting homes, elementary school a church, senior mobile home park, recreational fields at Esposti Park and our beautiful Shiloh Regional Park.

The Oklahoma gaming entities who are financially backing this project have no passion for our community and do not care what negative effects result from gambling operations. I feel they could locate land in Lake County at a lesser price which is not in a residential area and which will provide needed jobs there. It's not unreasonable to ask why this was not the plan. Obviously from the beginning of their plan they intended to keep their Shiloh project under wraps while they quietly purchased the property and then sent a press release to the local paper once the sale was final. Our Community will never accept a project that has no interest in playing fair and up front.

This is our third opportunity to submit comment for consideration. I chose to focus on the lack of Koi Nation connection to Sonoma county and our community environment. Many others have rightfully focused on serious impacts like wildfire concerns, traffic, light excess, crime etc. All valid.

Please come to the site and let's have a polite public forum, not just on zoom. I think the zoom meeting that was held last fall was well run and people were respectful in their comments.

Respectfully submitted,

Debra Avanche

127 E Shiloh Rd  
Santa Rosa, CA 95403

**From:** Roger Nichols <[roger5cents@icloud.com](mailto:roger5cents@icloud.com)>  
**Sent:** Sunday, March 24, 2024 10:05 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

From:  
Roger Nichols  
4241 Chanate Rd  
Santa Rosa, CA 95404

Please find attached my original comment on the proposed Casino/Shiloh Resort in the Town of Windsor in Sonoma County, CA.

Thank you for considering my inputs and thank you for the further work on an EIS in relation to this proposed project. The further EIS is to assess a wide range of issues related to this proposal. The alternatives appear to be anything from allowing the project to proceed as planned to a "no-action alternative".

I do not need to restate the details of my position as described in the attached dated from September 2023. We have no need of additional gambling establishments in the state or even in the nation. While such, if well-run, would offer the potential of "tribal self-sufficiency, self-determination, and economic development", this would come at the cost of a degradation of society in the immediate surroundings at least. The photos on the web-site of the Koi Nation show beautiful natural landscapes, wildlife. Such is the opposite of what casino-resorts bring to any environment (have a quick drive through Central City or Cripple Creek in Colorado). I would have the same response regardless of the basis of any group wishing to build such an establishment.

I implore you to opt, at the very least, for a non-gaming alternative but I prefer that this property remain undeveloped. The net negative of this proposal cannot be overstated.

Sincerely,

Roger Nichols  
Santa Rosa

**From:** Roger Nichols <[roger5cents@icloud.com](mailto:roger5cents@icloud.com)>

**Sent:** Sunday, March 24, 2024 10:17 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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The Koi Nation as of 2021, according to Wikipedia, has 90 members. A 90-member tribe wants to build a 400-room hotel with 2500 gaming machines and six restaurants for “tribal self-sufficiency, self-determination, and economic development”. The absurdity of these numbers alone, especially given the negative environmental impact to far more than 90 people in the nearby locations, should not get past anyone.

On Mar 24, 2024, at 10:05, Roger Nichols <[roger5cents@icloud.com](mailto:roger5cents@icloud.com)> wrote:

<EA Comments, Koi Nation Shiloh Resort and Casino.eml>

Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

From:

Roger Nichols

4241 Chanate Rd

Santa Rosa, CA 95404

Please find attached my original comment on the proposed Casino/Shiloh Resort in the Town of Windsor in Sonoma County, CA.

Thank you for considering my inputs and thank you for the further work on an EIS in relation to this proposed project. The further EIS is to assess a wide range of issues related to this proposal. The alternatives appear to be anything from allowing the project to proceed as planned to a “no-action alternative”.

I do not need to restate the details of my position as described in the attached dated from September 2023. We have no need of additional gambling establishments in the state or even in the nation. While such, if well-run, would offer the potential of “tribal self-sufficiency, self-determination, and economic development”, this would come at the cost of a degradation of society in the immediate surroundings at least. The photos on the web-site of the Koi Nation show beautiful natural landscapes, wildlife. Such is the opposite of what casino-resorts bring to any environment (have a quick drive through Central City or Cripple Creek in Colorado). I would have the same response regardless of the basis of any group wishing to build such an establishment.



I implore you to opt, at the very least, for a non-gaming alternative but I prefer that this property remain undeveloped. The net negative of this proposal cannot be overstated.

Sincerely,

Roger Nichols  
Santa Rosa

Subject: EA Comments, Koi Nation Shiloh Resort and Casino

**Roger Nichols <roger5cents@icloud.com>**

Wed, Sep 27, 2023,  
12:42 PM

to chad.broussard

From:

Roger Nichols  
4241 Chanate Rd  
Santa Rosa, CA 95404

To Whom it May Concern  
Re: EA Comments on Koi Nation Shiloh Resort and Casino

The proliferation of gambling-based resorts in California and around the country on small plots of land which end up being designated exempt from state and local restrictions regarding such business is a disease for our society. The worst-case example of the entire state of Nevada allowing such businesses make for places like Las Vegas which, while driving significant economic up-side, result in a thin shiny facade covering human behavior riddled with addiction, crime, and corruption.

From the environmental perspective, the direct impacts of the planned resort will include significant addition of automobile traffic with the natural increase of noise pollution, air pollution, and humanity's unfortunate tendency to litter. This will happen in an otherwise quiet section of the county and Windsor proximity.

An underlying problem will be the increase of automobile traffic piloted by intoxicated drivers which will exacerbate the issues described above. The counter-arguments are that such behavior exists without casinos, bars, and hotels. But it must be acknowledged that such establishments drive a concentration of such behavior to the communities and general proximity of the locale.

While it is not a direct environmental impact, it must also be considered that Fought Road and Shiloh Road are common cycling routes for those wishing for a quiet bypass of Old Redwood Highway, and shorter routes to places like Chaulk Hill Road. The

incremental traffic is dangerous enough for the cyclists without being augmented by inevitable intoxicated drivers exiting (and perhaps even entering) the casino and bar. So the impact will be to reduce cycling and increase automobile traffic in the vicinity which is the opposite of a positive impact on the environment. Also it is good to keep in mind that at least two alternate routes to this location from the Old Redwood Highway to the resort go past public schools.

While those planning the resort will claim that they cannot be held responsible for the behavior of their clientele, there is no doubt that the mere existence of such an establishment will concentrate this kind of behavior.

This general community and the entirety of Sonoma county has no need for incremental gambling establishments.

Sincerely,

Roger Nichols

**From:** C Plaxco <[cplaxco143@gmail.com](mailto:cplaxco143@gmail.com)>  
**Sent:** Monday, March 25, 2024 4:46 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Casino Environmental Impact

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### **I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

- I have lived on E. Shiloh for 42 years. A casino does not belong where me and my neighbors live.
- **Mitigations of traffic** is just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!! There is only a 2 lane road off the freeway towards my house on E. Shiloh, only 2 miles. The casino isn't going to widen that road and neither are the new 300+ apartments that are going in.
- **Urban Wildfire** . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- **Water** - I am on a well on E. Shiloh Rd. I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- **Noise 24/7**- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the **drunk drivers** that come and go to the casino. What about the **crime** it will bring? So scary to think that a bad person can just walk across the road into my house. We **don't have enough sheriffs and firemen** to respond to a casino and our town of Windsor.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

### **I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

Christine & Richard Plaxco

**From:** Robert Eberling <[roberte@sonic.net](mailto:roberte@sonic.net)>  
**Sent:** Monday, March 25, 2024 4:52 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Please, Let's stop this project, Now!

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Chad Broussard,

March 25, 2024

In my last letter of opposition (EIS) to the Koi Nation of Northern California Shiloh Resort and Casino Project; I listed the infamous discontinuous state wide California drought as reason for not approving the current and very controversial 'Shiloh Resort and Casio Project.

I noted that California's intermittent years of paralyzing drought, and Northern California's ( Sonoma County) commitment to the exceptionally large construction of mammoth apartment housing complexes are making water usage and conservation a very important consideration in this matter.

Among the other considerations such as the impact of more traffic in our area and the pollution that comes with this problem; we will also face a potential increase in crime along with higher costs of law enforcement, and most likely, more drinking and driving.

The other day as I looked out at the beautiful vineyards where this casino resort is being planned, I felt a very deep sadness. I can't imagine how the wild life in our area, and its survival will be effected; and also, how much our peace and quiet will be shattered when the construction begins to rip out the vineyard and pour concrete for the parking lots and the large sprawling campus of buildings; a casino, hotel, pools, restaurants and so forth....

Northern California already has it's fair share; a plethora, of Tribal Casinos along with their large consumption of water and destruction of wild life. Please, Let's stop this project. Now!

Sincerely,  
Robert Eberling

**From:** Laurie Leach <[laurieleach@comcast.net](mailto:laurieleach@comcast.net)>  
**Sent:** Monday, March 25, 2024 8:57 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI comments,Koi Nation Fee-to-Trust and Casino Project

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Hello Chad,

I am writing to protest this development in Windsor, CA. I live within a mile of the site and utilize the same freeway access.

My concerns are:

Safety-We have been evacuated twice recently from wild fires. If there had been hundreds/thousands of additional cars, there would have been a disaster.

In addition, the proposed site is at the base of the hills that burned and will burn again.

Traffic-there are currently more than 300 apartments under construction between the freeway and the casino site. There is a large additional development (senior housing and retail) approved on the same stretch of road. Please talk to Town of Windsor. Just these new projects will make this single lane road more than challenging.

Tribe- This tribe has no footprint in Sonoma County. Greg Sarris spoke eloquently about this. This plan would open the door to tribes staking claims anywhere.

Conflict with established neighborhood- There is a housing tract directly across the street. This casino will destroy their quality of life.

Existing casinos- There are two casinos with 15-20 minutes of the site. It is ridiculous to jam in another. They both vehemently oppose this project.

WATER - This area suffers regularly from drought. The amount of water required for this kind of project will put everyone's water supply at risk.

Alternative- Sam Salmon, town council member, proposed an alternative site on west side of the freeway with no near-by residences. While this is a terrible precedent in general, at least no homes would be destroyed.

Thank you.

Lauren Leach  
219 Deanna Place  
Windsor CA



rom: [myelomastompers@comcast.net](mailto:myelomastompers@comcast.net) <[myelomastompers@comcast.net](mailto:myelomastompers@comcast.net)>

Sent: Tuesday, March 26, 2024 11:55 AM

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

From: Robert Ensten  
153 Anna Drive  
Windsor, CA 95492  
Tel: 707-836-0913

Thank you for inviting additional comments on the proposed Koi Nation Shiloh Casino to be located in Sonoma County, California. My comments will serve to reinforce those previously made by myself and others. I feel that the Koi Nation should not be allowed to build the proposed casino for the following reasons.

1. The Koi Nation is not indigenous to Sonoma County. They originated in Lake County and still own and occupy land in Lake County. However, they have tried over the past 20 years tried to open a casino in Oakland (Alameda County), Vallejo (Solano County), and now Sonoma County. Why have they not tried to locate in Lake County?
2. The proposed site in Sonoma County would be located adjacent to Old Redwood Highway (ORH), a two lane road connecting Windsor and Santa Rosa, and just south of Shiloh Road, another two lane road used to access US Highway 101 freeway. ORH and Shiloh are both very busy during weekday “rush hour” periods and on weekends. In order to accommodate the additional traffic, both roadways would need to be widened, a very expensive project costing many millions of dollars. In some places, it would be impossible to widen the roadway. The flow of traffic would be slowed considerably and would be intolerable.
3. The Koi Nation proposal talks of using a local water supply, i.e., drilling their own wells on their property. The Koi argument is that they would not cause any additional load on existing water supplies. However, after many drought years, the level of the local water table has dropped dramatically and local agricultural businesses that use ground water for their crops and/or animals are having a difficult time getting enough water for their use. Drilling new wells would only exacerbate that problem.
4. The Koi proposal also speaks to their building a waste water treatment facility to partially restore the waste produced in the new facility to a “tolerable” level. However, the

output of their treated effluent would not be potable, and would be piped to a stream some distance away, contaminating the water. I feel that is not acceptable.

5. I have learned from a member of the Rohnert Park, CA police department that as soon as the casino opened in their area, crime increased dramatically. This included auto theft, auto burglary, armed robbery, and solicitation and prostitution, and more. We in Windsor do NOT want that in our area.

6. The proposed facility would be very close to existing residential areas. The increased noise level from vehicle traffic and other sources would reduce the quality of life and property values without any compensation for the residents.

Please do not allow the Koi Nation to proceed with their plan to build a casino and possible hotel in the proposed location in Sonoma County, CA.

Thank you.

**From:** Katie Stevens <[knonella@comcast.net](mailto:knonella@comcast.net)>  
**Sent:** Tuesday, March 26, 2024 4:02 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI COMMENTS, Koi Nation Fee-to-trust Casino Project

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<https://www.yuroktribe.org/post/save-the-redwoods-league-the-yurok-tribe-and-park-partners-sign-historic-agreement-to-return-triba>

Please read the above link to see how the Yurok Tribe is collaborating and partnering with Save the Redwoods League . A drastic contrast with the Koi Nation and their environmentally disastrous casino/ hotel project in Windsor Ca.

Katie

Sent from my iPhone

**From:** Bonnie Farrow <[bonnie-business@sonic.net](mailto:bonnie-business@sonic.net)>  
**Sent:** Tuesday, March 26, 2024 5:13 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs Pacific Region

*Bonnie Farrow*  
5820 Mathilde Drive  
Windsor, CA 95492

Dear Chad,

I wrote to you before stating that I was concerned about the noise, lights on 24-7, and the air quality if

a Casino was crammed into the space just across the street from my house. I am only 5 houses away from

the land that you want to develop. I am also very concerned about fire and getting out to Hwy 101 to evacuate.

I thought that a casino needed to be away from a residential neighborhood.

I am voting "NO" on this project that you are proposing.

Bonnie Farrow

**From:** Deborah Corlett <[dcorlett@obrienlaw.com](mailto:dcorlett@obrienlaw.com)>  
**Sent:** Wednesday, March 27, 2024 12:58 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** [whiteheade@aol.com](mailto:whiteheade@aol.com) <[whiteheade@aol.com](mailto:whiteheade@aol.com)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Please see attached letter with comments on the subject proposed project. Thank you.

*Deborah G. Corlett, Esq.  
Certified Specialist, Estate Planning and Trust & Probate Law  
California State Bar Board of Legal Specialization*

**O'Brien Watters & Davis, LLP**  
1550 Airport Blvd., Ste. 201  
Santa Rosa, CA 95403  
[dcorlett@obrienlaw.com](mailto:dcorlett@obrienlaw.com)  
707-545-7010 (ext. 427)  
Fax: 707-544-2861

...

[Message clipped] [View entire message](#)  
**One attachment** • Scanned by Gmail

Deborah Corlett  
680 Leafhaven Lane  
Windsor, CA 95492  
707-838-3663

[whiteheade@aol.com](mailto:whiteheade@aol.com) ; [dcorlett@obrienlaw.com](mailto:dcorlett@obrienlaw.com)

March 27, 2024

Via email: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Chad Broussard, Environmental Protection Specialist,  
Bureau of Indian Affairs

Amy Dutschke  
Regional Director, Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

RE: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Dear Ms. Dutschke:

This letter includes my comments on the subject project located on the southeast corner of Old Redwood Highway and Shiloh Road south of the Town of Windsor, Sonoma County, California.

My family and I have lived in Windsor in the same house for the past 31 years, which is located about 2 to 3 miles north of the proposed development. My husband was a middle school science teacher at the local public middle school for over 25 years, our two sons went through the Windsor Unified School District school system. I have been on past boards of the Windsor Boys & Girls Club and the Windsor Site Council and have been continuously active in local charities and events. My law firm's office is about 5 miles south of Windsor.

Windsor was incorporated soon after we moved to the area and the local community has been very active in planning the town, the open space areas between the development areas and in the local elections. The natural beauty of the area drew us to locate here.

I am very concerned about the proliferation of casinos in California and the crime and hit to local economies that appear to accompany them. This area of northern California has numerous casinos. Sonoma County has a large casino in Rohnert Park (about 10 miles south of Windsor) and in northern Sonoma County (about 10 miles north in the hills). Windsor's town center has periodically struggled to remain viable (after Walmart arrived, the economic downturn in 2008, and the pandemic of 2020.) Restaurants remain slow at times due to the slow pace of businesses to



March 27, 2024

Page Two

pick up after the pandemic. Windsor's business community is very active and supportive, which has enabled the small, locally-owned businesses to survive.

I am concerned about the impact that another large casino, with numerous restaurants, would have on the local economy. I am also concerned about the lack of infrastructure in the location proposed and the change to the prior open-space plan that provided that this area remain agricultural. This location is located across the street from a family park and surrounded by vineyards and residences. The addition of a large casino, restaurants and the associated traffic will drastically change the local social and natural environment.

Finally, there is the very real concern about evacuation capabilities during the fires that have ravaged the region and will no doubt continue into the future. Every few years, fires march across the foothills and this location is on the road up to the area that has burned frequently (during most years we have lived here, not only during the most destructive Tubbs Fire and Kincaid Fire). During the Kincaid Fire a few years ago, the entire Town of Windsor, all areas of the county west of Highway 101 to the ocean, and including this proposed site were evacuated and the residences given about 7 hours to leave. The roads were so impacted within 2 hours of the notice that it took cars 2 hours to travel 3 miles, not only on the side roads on which this site is located, but also on Highway 101, Highway 12 and other major highways. It is foolhardy and reckless to build more accommodations in such a high-risk area.

Thank you very much for considering my comments. If you would like further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Deborah G. Corlett". The signature is fluid and cursive, with the first name being the most prominent.

Deborah G. Corlett

**From:** Sharon Conley <[sjcon1951@yahoo.com](mailto:sjcon1951@yahoo.com)>  
**Sent:** Wednesday, March 27, 2024 9:41 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NO CASINO IN WINDSOR

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Good day,

My daughter lives just off Shiloh Road. She travels twice a day past where the casino would be to take and pick up her daughter to and from Sam Miguel School.

My son lives one mile from where casino would be, Shiloh Road west of 101. His two sons attend Maddy Washburn. His daughter is in childcare with my daughter.

The congestion is horrendous from 101 at Shiloh Road through Old Redwood Hwy in all directions  
a large part of the day, especially at peak hours.

As the new affordable housing along Shiloh east is occupied the traffic will be more congested and opens the door to more accidents.

On a another note, when speaking with friends, family and acquaintances I have yet to have one person who is for the casino, hotel, and other amenities planned there.

There are two other casinos in very close proximity. Rohnert park is closer for gamblers coming from the south and only a short jaunt from there to go to Geyserville. It makes no sense to add one in Windsor. There is a casino in Lake county for gamblers coming from the north.

Casinos also add a temptation for young adults to gamble away their hard earned money and become addicted to gambling. In turn they may turn to large credit card debt in order to pay for the neccessities of life.

A big concern for all is the fact that not all gamblers will be delivered by bus. Those who drive will likely be driving and leaving the casino at varying degrees of intoxication. Air pollution in the area will go up.

Casinos draw a lot of other bad influences to the area. Without touching on those, we know what they are.

This is a beautiful and rural area. Do not destroy it. Please, no casino on Windsor.

Thank you,

Sharon Conley  
233 Burgundy Road  
Healdsburg, CA 95448

**From:** Barbara Lyon <[barblyon@gmail.com](mailto:barblyon@gmail.com)>

**Sent:** Wednesday, March 27, 2024 1:04 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Chad,

I just want to take this opportunity to express my strong opposition to the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

While I support economic development for the Koi Nation, I DO NOT support a casino located right next to a residential neighborhood and community park. This is not a suitable location for this type of business.

Please follow Sonoma County zoning regulations, the green belt separators we have voted for, and the neighborhood norms by not putting a casino at the Shiloh Rd location.

Sincerely,  
Barbara Lyon  
114 Billington Lane,  
Windsor, CA 95492

**From:** Dinah Costello <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Sent:** Wednesday, March 27, 2024 4:15 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Fw: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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----- Forwarded Message -----

**From:** Dinah Costello <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**To:** DINAH COSTELLO <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Sent:** Wednesday, March 27, 2024 at 01:10:28 PM PDT  
**Subject:** NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Sacramento, CA 95825

Dear Mr. Broussard,

I write to you once again in the strongest, most vehement opposition to the Koi casino proposal, which would be built across the street from our home of 22 years.. To update you: two new construction projects have recently added to the housing density adjacent to the proposed casino site in Windsor. The massive 176 unit apartment complex directly across the street (at Shiloh Road and Old Redwood Highway) from the site, along with the even bigger commercial/residential structure a block away (on Shiloh Road), are a constant reminder of the folly of building a casino in our neighborhood. The proposed 68 acre casino site is now surrounded by the following: on the north, by residential neighborhoods (with the Esposti Childrens' Park directly across the street from the project site's planned entrance); on the west, by two churches and the two massive new housing projects mentioned above; on the south, by a residential and commercial corridor, including San Miguel Elementary School; finally, on the east, lies Sonoma County's popular Shiloh Regional Park. I would strongly encourage you to personally visit the project site; it will become abundantly clear why this location is the worst possible location for a casino complex. There is a reason every public official, at all levels, have opposed this project, as you will see for yourself upon visiting.

Also, I find it very telling that the Koi Nation of Lake County, who have no history or cultural ties in Sonoma County, are presently in a dispute with Lake County over their claimed ancestral land in, yes, Lake County. The Koi Nation's non-existent status in

Sonoma County should have precluded them from ever claiming land here. Of course, with the aide of out-of-state gaming interests using them as a cover to casino shop, we now have to deal with this uninvited intrusion into our community.

You have no doubt heard of the numerous other issues regarding lack of infrastructure, air quality, noise, and crime -- as well as increased demands on public services, including water use and utilities -- that this proposal raises. It should also be highlighted here that the fires of 2017 and 2019 decimated portions of our community, forcing us to evacuate on each occasion. My brother-in-law lost his home just down the road, as did many of my friends. To put a casino in the middle of a historically fire prone area, endangering the lives and property of surrounding residents, would be reckless in the extreme. This project must be stopped!

On a personal note: I teach science at Ridgway High School (Santa Rosa City Schools) and would like to see a state biologist survey the proposed casino site. As a watershed site, with its streams and ponds, the 68 acres is home to many species of flora and fauna. I'd be curious to know if any are on the endangered species list, and how that would affect the casino proposal. Does the Environmental Impact Statement require such a survey?

Lastly, Sonoma County presently has a casino 15 minutes to the south (Graton) and 15 minutes to the north (River Rock) of our home. Building another casino in our neighborhood, destroying a beautiful vineyard, and severely affecting the quality of life of our community is something we could never have imagined. Again, please visit this beautiful area of Sonoma County, and see for yourself the damage this project would do to our neighbors and surrounding small businesses, schools, and churches. This whole project has caused unnecessary stress and anxiety in the good people we call our friends. Please join us and stop this ill-conceived and dangerous proposal from becoming reality.

Respectfully yours,

Dinah Costello  
5840 Mathilde Drive  
Windsor, CA 95492



From: [rldabney@sonic.net](mailto:rldabney@sonic.net) <[rldabney@sonic.net](mailto:rldabney@sonic.net)>

Sent: Thursday, March 28, 2024 4:02 PM

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello

As an adjacent resident and a property owner for 31 years, I am against this project for the following reasons.

- A casino should not be immediately adjacent to a residential area.
- The roads leading to the proposed casino are woefully inadequate for the expected traffic.
- There will be a increase in traffic past an adjacent neighborhood park (Esposti Park), putting more kids at risk of inattentive or impaired drivers.
- The same goes for Shiloh park that is close by and on one of the potential access roads, a park that is often filled with hikers, equestrians and bikers, many of which use the roads to access the park (me included).
- If the expected main road access (Shiloh Road) is expanded to accommodate additional traffic, a number of privately owned residences would be forced to cede some land to make way for road widening.
- Alternate access roads include Faught Road, which winds through a residential area already impacted by traffic, and past an elementary school. Any increase of traffic will most definitely negatively impact children's safety.
- As seen in Rohnert Park at the Graton casino, enormous concrete parking structures are being built as the Casino expands, greatly impacting the surrounding landscape in a negative way. Well past the original expectations of those in the area. A similar issue as seen at the casino in Geyserville where a large undecorated concrete parking structure sits as a eye-sore on an otherwise beautiful landscape.
- Any promise of jobs will mostly be limited to unskilled service level positions. According to Indeed.Com, there are at least 6,300 unskilled or semi-skilled job openings in Sonoma County. For every job offered by the casino, there will be one less applicant available to local businesses that sorely need workers. This will hurt local businesses rather than help.
- Most jobs offered will not help employees gain skills to advance their careers and offer them at best lateral opportunities in an area where the cost of living is exceptionally high.
- With the local cost of living being so high, it is reasonable to expect the commute traffic to increase, with the associated environmental costs. The environmental costs associated with increased commute traffic can be significant. More cars on the road means higher levels of air pollution, increased greenhouse gas emissions, and greater traffic congestion, all of which can have negative impacts on public health and the environment.

- Casinos can attract a diverse crowd, including individuals who may engage in illegal activities or disruptive behavior. Placing a casino near residential areas could raise safety concerns for residents, particularly at night.
- There is evidence to suggest that the presence of a casino can negatively impact property values in the surrounding area. Homebuyers may be less inclined to invest in properties located near a casino due to concerns about noise, traffic, and other negative externalities.
- My Neighborhood of 11 homes depend on wells for our water supply. Casinos can be water-intensive facilities, requiring significant amounts of water for operations such as landscaping, cooling systems, and sanitation. Developing a casino on agricultural land could potentially disrupt groundwater recharge and impact local water resources if not managed properly.
- There is significant wildlife that visit or roam through the proposed property. Converting this land to a casino could disrupt ecosystems and impact local wildlife populations.
- Light pollution from parking lots is very disruptive for local residents (I can see the proposed site from my front porch).
- Noise pollution is a major concern, including additional vehicles, busses, concerts and entertainment. Excessive noise can diminish the overall quality of life for residents in affected areas, making it difficult to relax, concentrate, or enjoy outdoor activities.
- The observation that the chosen location for the project appears to be in an area primarily inhabited by working-class people who may not have the financial resources or influential voices of large corporations is a common concern in urban development projects. This situation can raise questions about equity, social justice, and the distribution of resources and opportunities within a community.
- Casinos often attract large numbers of visitors, especially during peak hours and special events. This influx of vehicles can exacerbate existing traffic congestion, making it more difficult for residents to evacuate quickly and safely during a wildfire emergency. I have experienced evacuation orders twice during the last two wildfires, one of which I could see the flames from my house. The evacuation was harrowing. It would be so much worse with the additional traffic.

I am but one voice speaking against those better funded, more organized and more articulate. I hope I am heard.

Sincerely,

Rick Dabney  
5911 Old Redwood Hwy.  
Santa Rosa, CA 95403  
707-477-1019

**From:** Joanne Dieckmann <[jldieckmann@msn.com](mailto:jldieckmann@msn.com)>  
**Sent:** Friday, March 29, 2024 3:03 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NCI Comments, Koi Nation Fee-to-trust and Casino Project

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Mr. Broussard,

I'm writing to again voice my concerns re the above project. I know you've heard all the reasons this shouldn't be allowed and I really don't have anything new to add. However, I do want to stress again what a terrible risk this project poses for all the residents of Windsor in the event of a wildfire and the resulting evacuation. While it can be argued its not likely that a fire takes that direct route again, evacuation for any fire in our area would be vastly impacted. It was quite the challenge for us to all evacuate the last times. Thanks to the incredible planning of Windsor, we were able to evacuate without major problems. However, you add the huge number of people/vehicles from the casino/resort, a safe, successful evacuation would not be at all that likely. Not only will you be putting the residents of Windsor at great risk but also the guests and employees of the casino.

Additionally, our town is not set up for the amount of increased daily traffic, regardless of what improvements you may make. And even though I understand their own water supply is part of the plan, it still takes from the water available for the residents of Windsor

And while I know the following "doesn't count", I would hope it would be taken into consideration. We have everyday families who have worked hard to buy a home in Windsor. The impact of added traffic, noise, light, unknown people in neighborhoods and general quality of life should not go without consideration. As to a good use of the land, I don't really know. Perhaps something on a much, much smaller scale that maintains the land and environment would be appropriate.

Thank you,  
Joanne Dieckmann  
123 Anna Drive  
Windsor, CA

Sent from [Mail](#) for Windows

**From:** Jim Wright <[jwright621@icloud.com](mailto:jwright621@icloud.com)>

**Sent:** Friday, March 29, 2024 6:04 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

> Hello Chad, I am strongly opposed to this project, and would only support Alternative D - No Action Alternative. Please see my below comments on areas I believe should be addressed in the Environmental Impact Statement primarily based on the impacts of Alternative A - Proposed Project.

>

> Disingenuous Stated Purpose

> The “stated purpose” of proposed action is to facilitate tribal self sufficiency, self determination, and economic development. Considering the size of the tribe is 89 members, 52% who live in Sonoma County, a \$600M casino with estimated \$575 annual revenue is way overkill for the stated purpose. This obviously leads one to believe the stated purpose is disingenuous, and the proposed action is really to create a money-making machine for the few casino senior executives and investment partners, with I suspect a small percentage trickling to the tribal members, although probably enough to make them all very wealthy. By comparison, the Graton Resort & Casino, of comparable size to the proposed, has 1,400 members of the Federated Indians of Graton Rancheria. The project should be more appropriately sized for the number of tribal members.

>

> Employee Challenges

> The proposed resort and casino is estimated to employ 1,571 full time employees. The average annual salary according to Salary.com of the Graton Resort & Casino is \$39,520 - \$52,000. It's reasonable to assume the proposed resort and casino would pay similar wages. According to the California Department of Housing and Community Development, the median income for a single person living in Sonoma County is \$89,650. <\$70,000 is low income. <\$44,050 is very low income. It's expensive to live in Sonoma County. A recent article in the Press Democrat, the local newspaper, stated according to GOBanking website, a family needs \$144,090 to live comfortably if paying a mortgage, and \$84,823 if paying rent in Sonoma County. The predominantly low and very low incomes to be paid by the proposed resort and casino would not provide a comfortable living for their employees, we don't need more of that in our community.

>

> The Sonoma County Economic Development Board indicated a 3.8% unemployment rate as of June 2023. This is expected to increase slightly in the next 5 years when the proposed resort and casino would be hiring employees. A Workforce Development Survey this year indicated 63% of respondents experienced hiring difficulties, with insufficient number of applications, lack of skills, and reluctance to accept offered wage as primary reasons. The need and lack of employees is evidenced by “Now Hiring” signs posted in many businesses in the local area. Employees will be hard to find for the proposed resort and casino, and 1,571 is a lot of employees.

>

> Groundwater Depletion

> The proposed resort and casino is estimated to use 170,000 gallons of fresh water per day, or 62,050,000 per year, or 191 acre feet per year, or enough to support 573 single family households. The testing performed so far has not determined conclusively this huge amount of water usage wouldn't significantly impact the groundwater and wells in the area. The EA proposes to begin a groundwater monitoring program at least 1 year prior to opening, meaning the project would already have been under construction for 1 year considering a 2 year construction timeline. Additional time would be needed to evaluate results from the monitoring. This is too late to make changes should the groundwater be negatively impacted and should be determined prior to project approval.

>

> Declining Property Values

> The EA also states the proposed resort and casino would not significantly impact nearby home property values based on a study of other completed casinos and the property values in a 5 mile radius. It is ludicrous to think homes directly adjacent to a \$600M resort and casino operating 24/7 would not be impacted with significantly reduced property values. Who would want to live next to or near such an operation? Housing several miles away would not be as impacted, but that would not be the case for those adjacent to the property who currently enjoy vineyard views.

> Environmental Setting

> The current project site includes 59.3 acres of landscaping, consisting primarily of vineyards and ornamental trees and plants. The site is located approximately 1/2 mile from Shiloh Ranch Regional Park, an 850 acre park with nearly 8 miles of hiking trails with beautiful views of the surrounding areas, including the project site. The park is enjoyed by numerous Sonoma County residents, including myself, as a way to escape the sounds and sights of the city. The proposed project, a 24/7 resort and casino operation in such close proximity, would completely shatter the ambience of the park, and make it an undesirable hiking and picnicking location. This is not fair to the park patrons and community.

>

> Sincerely, Jim Wright, 713 Willowood Way, Windsor, CA 95492 [jwright621@icloud.com](mailto:jwright621@icloud.com)

> Sent from my iPad

**From:** Patricia Biggi <[cpbg@sbcglobal.net](mailto:cpbg@sbcglobal.net)>  
**Sent:** Sunday, March 31, 2024 9:10 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "NOI Comments, Koi Nation Fee-to-Trust and Casion Project"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Chad,

I am writing in response to the invitation from the U.S. Bureau of Indian Affairs (BIA) to submit public comments on the Environmental Impact Statement for the Koi Nation of Northern California's proposed casino resort project southwest of Windsor.

I completely oppose the Koi Nation's proposed casino resort project. The Koi Nation is 49 miles outside of their territory and California Tribal law says a tribe can only build 15 miles outside of their territory. This is a violation of tribal law and sets a precedent that other tribes can now build casinos outside of their 15-mile territory. If the Koi Nation is allowed to move forward, other tribes will use the same precedent and build casinos in Marin County, San Francisco and Silicon Valley, and beyond.

The law of staying within the 15-mile territory needs to be followed by all tribes and this law cannot be manipulated for just the Koi Nation.

Native American Indian Law is complex, and the BIA and the California government need to understand these laws, specifically the law regarding territory, before making critical decisions that will change the landscape of Tribal Gaming in California and beyond.

Sincerely,

Patricia Biggi  
14839 Morrison Street  
Sherman Oaks, CA 91403



**From:** Elizabeth Acosta <[acostalcsw@gmail.com](mailto:acostalcsw@gmail.com)>

**Sent:** Friday, March 29, 2024 10:50 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Comments on Environmental Impact Statement – Koi Nation Shiloh Resort Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Broussard,

Please accept our attached letter and 6 supporting attachments as comment on the Environmental Impact Statement (EIS) for the Koi Nation Shiloh Resort and Casino Project. **If possible, please confirm our letter and six (6) attachments were received prior to the comment period deadline.**

***Note:** please redact our email address, anywhere it appears, prior to publishing this letter on the internet, if publication is required.*

Thank you,

Elizabeth Acosta & Stephen Rios  
Windsor Residents (Sonoma County)  
[acostalcsw@gmail.com](mailto:acostalcsw@gmail.com)

***Attachments***

Letter\_KoiEIS\_3.2024

att-A\_Town of Windsor Major Project List Updates January 2024

Att. email\_FINALcomments-KoiEA\_11.5.23

att-1\_PD Koi Lawsuit

att-2\_LakeCo News koi lawsuit

att-3\_Casinos-Crime-CommunityCosts\_20091117\_grinols\_mustard

att-4\_BOTL Casino-Bus-Training-Toolkit

...

[Message clipped] [View entire message](#)

**7 Attachments** • Scanned by Gmail

Sent via email to [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

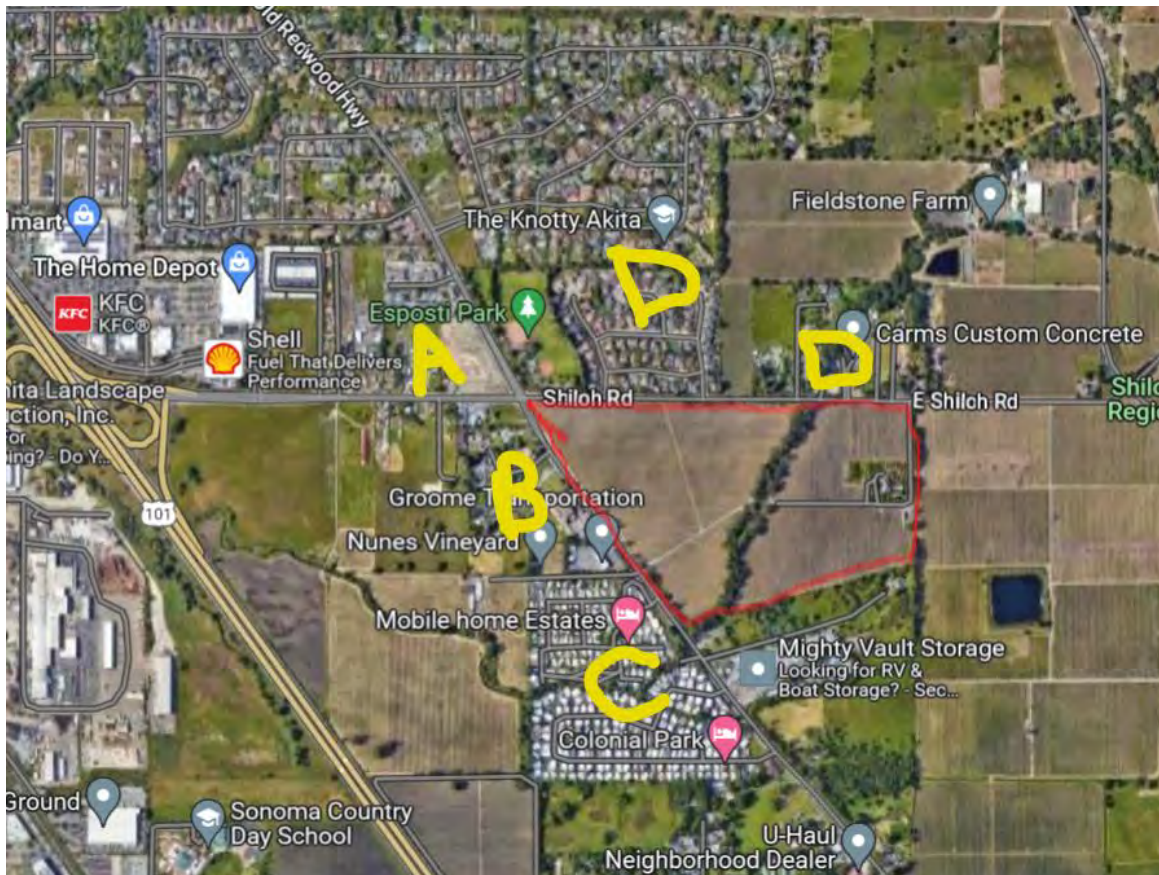
March 29, 2024

Mr. Broussard,

Thank you for the opportunity to comment on the potential issues, concerns, and alternatives to be considered in the EIS re: the Koi Nation of Northern California Shiloh Resort and Casino Project. As stated in our previous comments, we join the Town of Windsor, County of Sonoma, all five federally recognized Sonoma County tribes, U.S. Representatives Huffman and Thompson, and residents of Windsor to urge rejection of this Project given the **unmitigable and irreversible impacts of the Shiloh resort/casino project put forth by the Koi Nation.**

Our understanding of the purpose of NEPA is to “make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment” and that the EIS “shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.” **We are confident that your analysis will find that environmental impacts of the proposed Koi project will *negatively and irreversibly impact the environment* and will worsen the quality of the human environment.** At the risk of repeating ourselves, we have attached our comments submitted November, 2023 primarily to ensure the information and evidence we cite are considered in your EIS. In addition, we are submitting the following current, pertinent information.

[Map Nov 2023](#)



In our November, 2023 comments on the EA, we expressed concern that a map submitted in the EA (to the BIA) misrepresented the environmental impacts in that it provided an incomplete picture of the



surrounding community; aerial views were cropped to exclude viewing the presence of surrounding residential neighborhoods. Noted in the map above, the project site is surrounded by a high-density apartment building now under construction ("A"), a church ("B"), a mobile home park ("C"), and residential neighborhoods ("D"). This broader view shows the project site is immediately surrounded by neighborhoods that will be negatively impacted by a large scale project such as this.

The EIS analysis must consider the context and timing of the proposed casino. Since providing the map above in our November, 2023 comments on the EA, the Town of Windsor has approved several projects, others are now under construction and/or nearly move-in ready. The map below shows the location of the new/approved residential projects which were not indicated in the November, 2023 map (above). The new residential projects, highlighted in blue, are listed in Windsor's Major Project List. See attached "*Town of Windsor Major Project List Updated January 2024*" publication (See also: <https://www.townofwindsor.com/1450/Major-Development-Construction-Project-L>). We have marked the relevant pages with a red "star" but hope you will also glean the number of planned development projects already underway in the Town of Windsor, some due to State housing mandates; the Koi project will have a dramatic cumulative impact on environmental conditions due to its size and scope (e.g., traffic, water runoff and flooding, loss of wildlife habitat, vehicle emissions, emergency operations and evacuations). Please visit the actual site and look at the significant amount of development that includes high density affordable housing and senior living facilities which will attract low-income seniors and families, and BIPOC citizens. A major 24/7 resort and gaming project will have disproportionate impact on these socioeconomically vulnerable populations.

Map Jan 2024



Together, these additional housing projects alone will add over 500 residential units (primarily low income, high density) which will easily add 1-2,000 more people to the vicinity. Not shown on the map are additional commercial projects approved or currently under review which will bring added commercial traffic to nearby major intersections especially Hwy 101 @ Shiloh Rd (See: "*Town of*



*Windsor Major Project List Updated January 2024*”). Of note, the prospect of adding a development the size and scope of the Koi project has further alarmed nearby residents who dread a repeat of recent wildfire events. The cumulative environmental impacts of the Koi project on existing planned, residential development in the vicinity will be exacerbated. The proximity of the Koi project site to recent wildfires (to the east, Shiloh Park) can be seen below.

#### [Map w/Shiloh Park](#)



NEPA requires that, if a project would have significant adverse effects on the environment, mitigation for those impacts must be identified. Identification is no guarantee of implementation. Who will ensure enforcement of mitigations? Once lands are taken into trust, local, state, and federal agencies will lose regulatory oversight of the land use and any ability to enforce compliance with mitigations offered or required. Further, there is no guarantee the development would cease with the proposed project. There may be no recourse to inhibit future development or expansion of the project site, which would be after any NEPA-required environmental assessment. Local governments, regulatory agencies, and residents will lose any right to influence policy that protects the environment and its natural resources where they reside. Homeowners and others who reside adjacent to the project site may have no other way to mitigate impacts but to move. That, by definition, is an adverse impact.

Finally, we are in agreement and strongly urge you to thoroughly evaluate the items needing analysis suggested by the Town of Windsor in its draft letter dated April 4, 2024. Specifically:

**“The conclusions in the EA regarding less-than-significant impacts in many of these areas were inaccurate or not adequately supported by evidence.** The Town expects the EIS analysis to use up-to-date data, local policies/plans, reasonable assumptions, and technical best practices.” (emphasis added)

“The Town is also in agreement with the issues and concerns raised in the EA comment letter submitted by the Sonoma County Counsel on behalf of the County of Sonoma, dated November 13, 2023. **The Town strongly recommends that the issues and concerns outlined in the Sonoma County Counsel’s letter be considered and analyzed in the EIS.**” (emphasis added)

“One of the major concerns with the currently proposed location is its proximity to existing low-intensity residential neighborhoods in Windsor. The proposed casino resort

of this size and operational capacity would be incompatible with, and detrimental to, the quiet residential character of the surrounding neighborhoods at the current site.”

“With the information and analysis currently available, the Town finds that only the no project alternative guarantees that no significant adverse impacts will occur. Beyond the proposed project and alternative location, the EIS must include the no project alternative in its analysis. Additionally, the Town recommends the EIS evaluate any other potentially feasible alternatives that could reduce the intensity and scale of the project to minimize environmental impacts and impacts to community character.”

Of the possible alternatives under consideration, we argue that to-date testimony and comments expressing concern on the Koi project because of the actual, potential, and cumulative environmental impacts to water resources, land use, air quality, native populations’ sovereignty, traffic, crime, animal species and habitat, and human quality of life remain valid and must be seriously considered in the EIS. The EIS must thoroughly, accurately, and realistically assess all the impacts raised by this and our prior letter, current residents, and local and tribal government officials. We argue that **if the EIS adheres to NEPA’s mission and intent, the only viable options that “protect, restore, and enhance the environment” and “avoid or minimize adverse impacts or enhance the quality of the human environment” are (1) an alternate-use, reduced intensity (non-gaming) alternative, or (2) a no-action alternative.**

Thank you for the opportunity to comment.

Regards,

Stephen Rios and Elizabeth Acosta  
Windsor Residents (Sonoma County)  
[acostalcsw@gmail.com](mailto:acostalcsw@gmail.com)



Community Development Department  
Major Project List -- January 2024  
Updated Quarterly



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# **PROJECTS UNDER CONSTRUCTION**



### Portello (APM Homes)

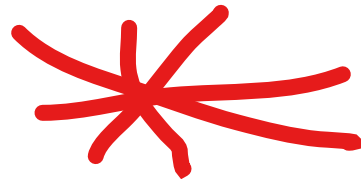
|                      |                                                                                                                                                                                   |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Under Construction                                                                                                                                                                |
| Project Type:        | Residential                                                                                                                                                                       |
| Affordable Units:    | No                                                                                                                                                                                |
| File Number:         | 05-28                                                                                                                                                                             |
| Location:            | Northwest corner Hembree Lane/Victoria Lane (north of Walmart)                                                                                                                    |
| Project Description: | <ul style="list-style-type: none"> <li>• Detached and attached single-family homes on 16.9 acres</li> <li>• Creekside parks with connections on Pool and Faight Creeks</li> </ul> |
| Applicant/Developer: | Aaron Matz, APM Homes 2880 Cleaveland Ave, Suite B, Santa Rosa, CA 707-544-7194; aaronmatz@yahoo.com                                                                              |
| Project Planner:     | Kimberly Jordan, Planner III, kjordan@townofwindsor.com, 707-838-5331                                                                                                             |
| Status Details:      | Building permits issued                                                                                                                                                           |
| Next Steps:          | Construction, inspections, and issuance of Certificates of Occupancy                                                                                                              |





### Shiloh Terrace Affordable Housing

|                      |                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Under Construction                                                                                                                                                               |
| Project Type:        | Residential                                                                                                                                                                      |
| Affordable Units:    | 134                                                                                                                                                                              |
| File Number:         | 21-10                                                                                                                                                                            |
| Location:            | 65 Shiloh Road (APN 163-171-043)                                                                                                                                                 |
| Project Description: | 134 affordable apartments, including one 3-story building with 21 units and one 4-story building with 128 units.                                                                 |
| Applicant/Developer: | Pablo Espinosa, CRP Affordable Housing, 4455 Morena Boulevard, San Diego, CA 92117, (619) 453-3169, <a href="mailto:pespinosa@crpaffordable.com">pespinosa@crpaffordable.com</a> |
| Project Planner:     | Kim Voge, Planner III, <a href="mailto:kvoge@townofwindsor.com">kvoge@townofwindsor.com</a> , 707-838-1106                                                                       |
| Status Details:      | Building permit approved                                                                                                                                                         |
| Next Steps:          | Construction underway                                                                                                                                                            |

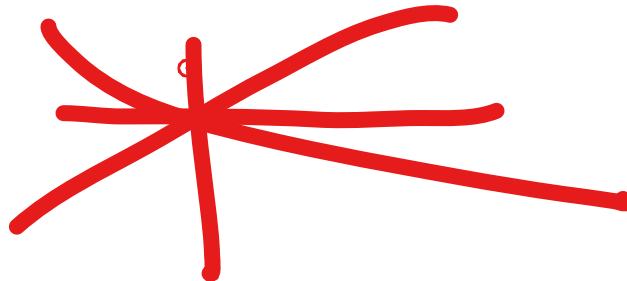






## Shiloh Crossing

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Under Construction                                                                                                                                                                                                                                                                                                                                                                                                     |
| Project Type:        | Residential                                                                                                                                                                                                                                                                                                                                                                                                            |
| Affordable Units:    | 173                                                                                                                                                                                                                                                                                                                                                                                                                    |
| File Number:         | 21-17                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Location:            | 295 Shiloh Road (APN 163-171-039)                                                                                                                                                                                                                                                                                                                                                                                      |
| Project Description: | 173-unit mixed use affordable housing apartment project with 8,000 SF commercial space and two residential buildings, including a four-story building facing Shiloh Road with commercial space on the ground floor and apartments above, and a five-story all-residential building in back. The unit mix includes 15 studio units (576 SF); 70 1BR units (626 SF); 44 2BR units (928 SF); and 44 3BR units (1,079 SF). |
| Applicant/Developer: | Integrated Community Development/Attn: Jake Lingo, 20750 Ventura Boulevard, Suite 155, Woodland Hills, CA 91364, jlingo@icdemail.com                                                                                                                                                                                                                                                                                   |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                                                                                                                                                                                           |
| Status Details:      | Building permits issued                                                                                                                                                                                                                                                                                                                                                                                                |
| Next Steps:          | Construction underway                                                                                                                                                                                                                                                                                                                                                                                                  |



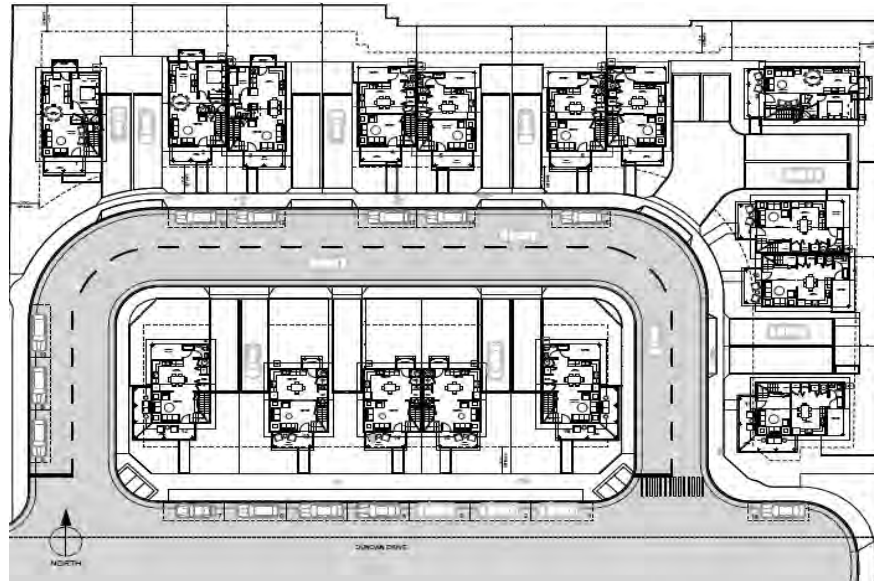


### Shiloh Road Mixed Use

|                      |                                                                                                                                                                                                                                             |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                    |
| Project Type:        | Mixed Use                                                                                                                                                                                                                                   |
| Affordable Units:    | None                                                                                                                                                                                                                                        |
| File Number:         | 18-22                                                                                                                                                                                                                                       |
| Location:            | 1200 Shiloh Road/5823 Skylane Boulevard                                                                                                                                                                                                     |
| Project Description: | Mixed use project with a 2,844-square foot community market and 29 apartments, including 15 one-bedroom units (680-730 SF); 12 two-bedroom units (860 SF); and two studio apartments (500 SF). The project includes four 3-story buildings. |
| Applicant/Developer: | Mangal Dhillon, 50 Santa Rosa Avenue, Suite 400, Santa Rosa, CA 95404                                                                                                                                                                       |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                |
| Status Details:      | Building permit issued.                                                                                                                                                                                                                     |
| Next Steps:          | Construction underway.                                                                                                                                                                                                                      |

# **APPROVED PROJECTS**

| <b>6500 and 6516 Old Redwood Highway Subdivision</b> |                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:                                      | Approved                                                                                                                                                                                                                                                                                                                                         |
| Project Type:                                        | Residential                                                                                                                                                                                                                                                                                                                                      |
| Affordable Units:                                    | No                                                                                                                                                                                                                                                                                                                                               |
| File Number:                                         | 15-31 MJS                                                                                                                                                                                                                                                                                                                                        |
| Location:                                            | 6500 and 6516 Old Redwood Highway (APNs 163-012-016 and 163-012-017)                                                                                                                                                                                                                                                                             |
| Project Description:                                 | <ul style="list-style-type: none"> <li>• 8-lot subdivision of 1.814 acres</li> <li>• 8 lots ranging in size from 6,140 to 6,844 square feet and one 9,919 square foot lot</li> <li>• Construction of new street to provide access to the parcels</li> <li>• Development of the individual lots is not included as part of the project</li> </ul> |
| Applicant/Developer:                                 | Joe Ripple, Schellinger Brothers, Santa Rosa, CA 95403 707-890-8074 / joe@schellingerbrothers.com                                                                                                                                                                                                                                                |
| Project Planner:                                     | Kimberly Jordan, Planner III, kjordan@townofwindsor.com, 707-838-5331                                                                                                                                                                                                                                                                            |
| Status Details:                                      | <ul style="list-style-type: none"> <li>• 3/28/2017: Planning Commission approved project</li> </ul> Final map and improvement plans under review                                                                                                                                                                                                 |
| Next Steps:                                          | Submittal of building permit plans for construction of homes                                                                                                                                                                                                                                                                                     |



### Duncan Village

|                      |                                                                                                                                                                                                                                                                                                                                          |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                                                                                                                 |
| Project Type:        | Residential                                                                                                                                                                                                                                                                                                                              |
| Affordable Units:    | 16                                                                                                                                                                                                                                                                                                                                       |
| File Number:         | 16-08                                                                                                                                                                                                                                                                                                                                    |
| Location:            | 484 Wall Street                                                                                                                                                                                                                                                                                                                          |
| Project Description: | <ul style="list-style-type: none"> <li>• 1.34-acre parcel</li> <li>• 16 single family homes, including 6 attached and 10 detached units.</li> <li>• Lot sizes range from 1,953 to 3,495 square feet.</li> <li>• Unit sizes range from 945 to 1,265 square feet.</li> <li>• Affordable to low- and very-low income households.</li> </ul> |
| Applicant/Developer: | Habitat for Humanity of Sonoma County, Wayne Kleefeld, w.kleefeld@habitatsoco.org                                                                                                                                                                                                                                                        |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                                                                                                             |
| Status Details:      | Planning entitlements are valid through 12/19/2024.                                                                                                                                                                                                                                                                                      |
| Next Steps:          | Applicant to submit improvement plans and building permit applications                                                                                                                                                                                                                                                                   |









### Mill Creek (formerly "Windsor Mill")

|                      |                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                                                                                                                                        |
| Project Type:        | Residential                                                                                                                                                                                                                                                                                                                                                     |
| Affordable Units:    | No                                                                                                                                                                                                                                                                                                                                                              |
| File Number:         | 14-09                                                                                                                                                                                                                                                                                                                                                           |
| Location:            | 8703, 8711, 8713, 8713, and 8777 Bell Road - South of the terminus of the northerly segment of Bell Road, east of the railroad to the south of Old Downtown and west of Windsor Creek Elementary School                                                                                                                                                         |
| Project Description: | <ul style="list-style-type: none"> <li>• 360 multi-family units in 16 three-story buildings on 20.3 acres</li> <li>• 2.5-acre creek-side open space with trail and passive recreation</li> <li>• Completion of Bell Road and addition of street bridge over Windsor Creek on south end</li> <li>• Pedestrian bridge for access to Windsor Elementary</li> </ul> |
| Applicant/Developer: | Peter Stanley, ArchiLOGIX 707-636-0646                                                                                                                                                                                                                                                                                                                          |
| Project Planner:     | Patrick Streeter, Community Development Director, pstreeter@townofwindsor.com, 707-838-5313                                                                                                                                                                                                                                                                     |
| Status Details:      | Planning entitlements valid through December 26, 2024.                                                                                                                                                                                                                                                                                                          |
| Next Steps:          | Applicant to submit final map, improvement plans, and building permit applications.                                                                                                                                                                                                                                                                             |







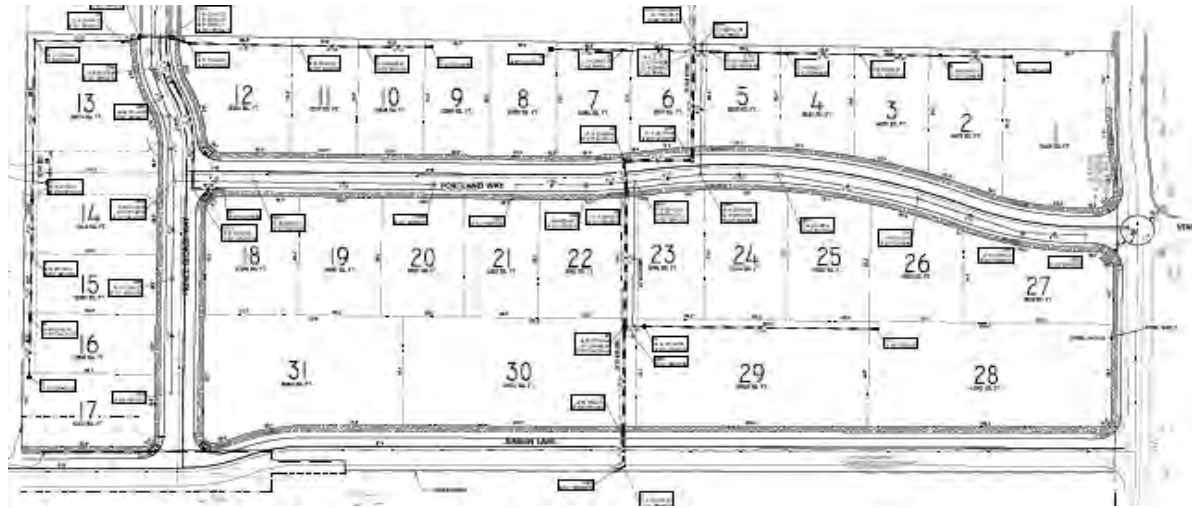
## Heritage Park Apartments

|                      |                                                                                                                                                                                                                  |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                         |
| Project Type:        | Residential                                                                                                                                                                                                      |
| Affordable Units:    | 33                                                                                                                                                                                                               |
| File Number:         | 17-19                                                                                                                                                                                                            |
| Location:            | 8685 Old Redwood Highway                                                                                                                                                                                         |
| Project Description: | <ul style="list-style-type: none"> <li>• 1.66-acre site</li> <li>• 33 apartments (4 one-bedroom, 16 two-bedroom, 13 three-bedroom units)</li> <li>• Affordable to low- and very low-income households</li> </ul> |
| Applicant/Developer: | Michael Weyrick 3911 N. Ventura Avenue, Ventura, CA 93001 michaelweyrick@mwdevelopment.org (805) 451-7268                                                                                                        |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                     |
| Status Details:      | 7/28/2020 Planning Commission approval                                                                                                                                                                           |
| Next Steps:          | Building permit application under review                                                                                                                                                                         |



## Redwood Glen

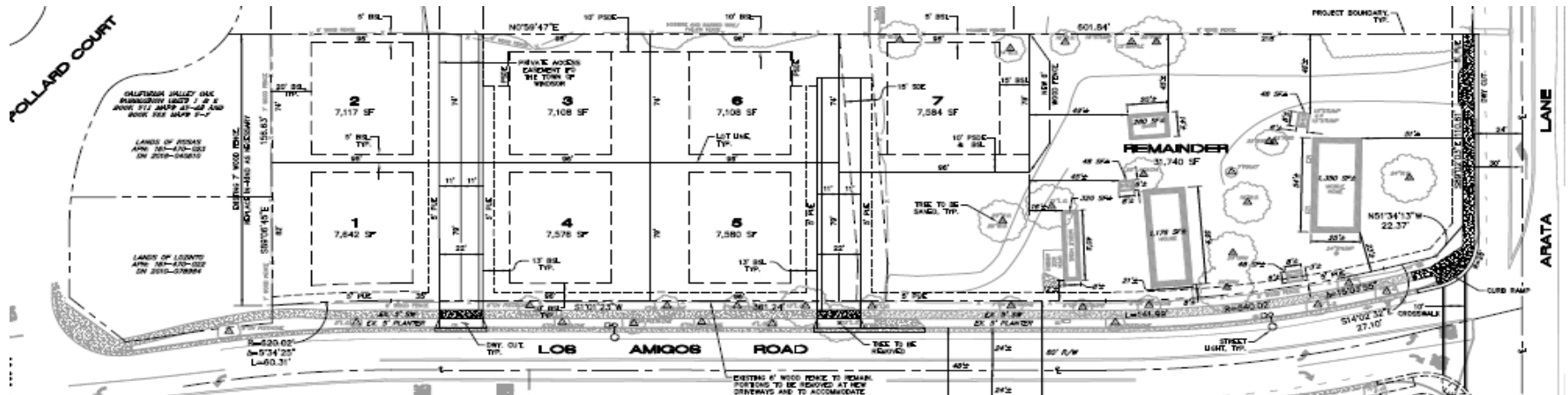
|                      |                                                                                                                                                                                                                    |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                           |
| Project Type:        | Residential                                                                                                                                                                                                        |
| Affordable Units:    | 43                                                                                                                                                                                                                 |
| File Number:         | 20-14                                                                                                                                                                                                              |
| Location:            | 8550, 8560 Old Redwood Highway (APNs 164-080-038, 164-080-002)                                                                                                                                                     |
| Project Description: | 43 unit affordable apartments, including 1 one-bedroom, 5 two-bedroom, and 37 three-bedroom units. The building is four stories along the Old Redwood Highway frontage, stepping down to three stories in the rear |
| Applicant/Developer: | Redwood Glen Apartments, L.P.<br>Contact: Mike Limb, Project Manager, mlimb@newportpartners.com, 949-923-7800                                                                                                      |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                       |
| Status Details:      | 4/26/2022 Planning Commission approval                                                                                                                                                                             |
| Next Steps:          | Funding applications in process. Applicant to submit building permits.                                                                                                                                             |



### The Estates at Ross Ranch

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Project Type:        | Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Affordable Units:    | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| File Number:         | 19-08                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Location:            | 1295 Jensen Lane (APN 162-020-004)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Project Description: | <ul style="list-style-type: none"> <li>• 17.17-acre site with one single-family home</li> <li>• 31 lot subdivision, with a minimum lot size of 12,199 square feet (0.25-acre), maximum lot size of 40,931square feet (0.93-acre), and average lot size of 18,862 square feet (0.43-acre)</li> <li>• Extension of Prince George Way to the east, extension of the Jensen Lane along the east property line, new street Portland Way would extend from Vinecrest Road to the new Prince George Way extension</li> <li>• Roundabout at Vinecrest Road and Portland Way</li> <li>• Request to reduce agricultural buffer along the south property line to 100-feet from 200-feet</li> </ul> |
| Project Website:     | <a href="https://www.townofwindsor.com/1318/Estates-at-Ross-Ranch">https://www.townofwindsor.com/1318/Estates-at-Ross-Ranch</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Applicant/Developer: | Brian Flahavan, btf@flavahanlaw.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Project Planner:     | Kimberly Jordan, Planner III, kjordan@townofwindsor.com, 707-838-5331                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Status Details:      | <ul style="list-style-type: none"> <li>• 4/5/2023: Town Council certified Supplemental Environmental Impact Report (SEIR) and adopted Statement of Overriding Consideration and approved the Tentative Subdivision Map to create 31 lots and to reduce the required agricultural buffer on the south side of the site to 100-feet</li> </ul>                                                                                                                                                                                                                                                                                                                                            |
| Next Steps:          | Applicant submittal of final map and improvement plans for staff review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |





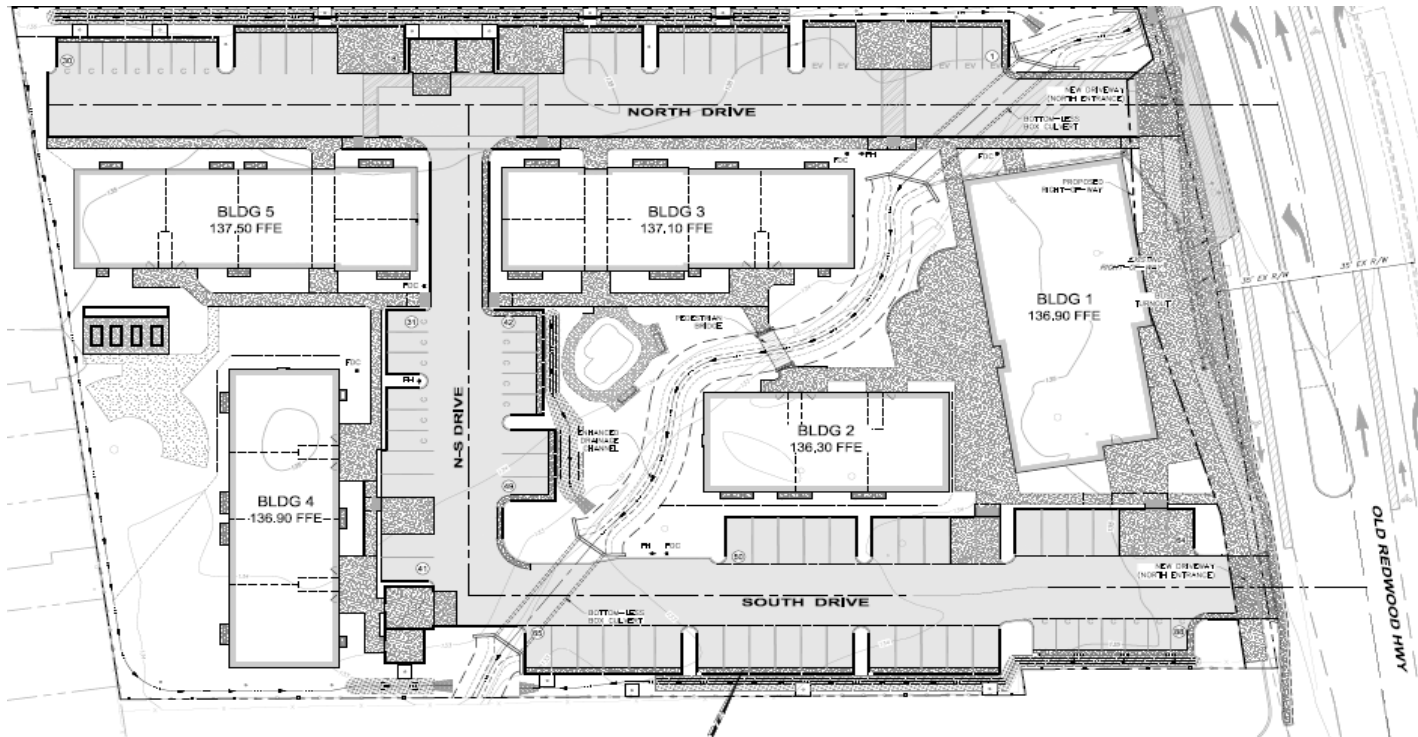
| Sherlock Homes       |                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                                                                                                                                              |
| Project Type:        | Residential                                                                                                                                                                                                                                                                                                                                                           |
| Affordable Units:    | None                                                                                                                                                                                                                                                                                                                                                                  |
| File Number:         | 18-27                                                                                                                                                                                                                                                                                                                                                                 |
| Location:            | 260 Arata Lane (APN 161-050-060)                                                                                                                                                                                                                                                                                                                                      |
| Project Description: | <ul style="list-style-type: none"> <li>• 2.08-acre parcel on the southwest corner of Arata Lane and Los Amigos Road</li> <li>• 7 new residential lots with single-family homes on approximately 1.38 acres</li> <li>• Existing development retained on a 0.70-acre remainder parcel</li> <li>• Frontage improvements along the Arata Lane project frontage</li> </ul> |
| Applicant/Developer: | Dennis Dalby, Civil Design Consultants, 2200 Range Avenue, Suite 204, Santa Rosa, CA 95403, (707) 542-4820                                                                                                                                                                                                                                                            |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                                                                                                                                          |
| Status Details:      | 6/13/2023 Planning Commission approval                                                                                                                                                                                                                                                                                                                                |
| Next Steps:          | Applicant submittal of improvement plans                                                                                                                                                                                                                                                                                                                              |





## Hembree Lane Oaks Subdivision

|                      |                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                                                                                                                                             |
| Project Type:        | Residential                                                                                                                                                                                                                                                                                                                                                          |
| Affordable Units:    | 2 moderate income units                                                                                                                                                                                                                                                                                                                                              |
| File Number:         | 21-18                                                                                                                                                                                                                                                                                                                                                                |
| Location:            | 7842 Hembree Lane (APN 163-080-047)                                                                                                                                                                                                                                                                                                                                  |
| Project Description: | 24-lot subdivision on a vacant 5.19-acre site with lots ranging in size from 2,000 to 11,000 square feet (smaller lots at the west end) with two-story, single-family units, including some zero lot line duets. Includes two deed-restricted affordable units for moderate income households and dedication of 2.0 acres of open space contiguous with Robbins Park |
| Applicant/Developer: | Doyle Heaton/Falcon Point Associated LLC 3496 Buskirk Avenue, Pleasant Hill, CA 94523, doyle@drgbuilders.com, (925) 872-9917                                                                                                                                                                                                                                         |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                                                                                                                                         |
| Status Details:      | 5/17/2023 Town Council approval. Review of improvement plans underway.                                                                                                                                                                                                                                                                                               |
| Next Steps:          | Applicant submittal of building permit applications.                                                                                                                                                                                                                                                                                                                 |



### Kashia/Burbank Affordable Housing/Mixed-Use Project

|                      |                                                                                                                                                                                                                                              |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                     |
| Project Type:        | Mixed Use                                                                                                                                                                                                                                    |
| Affordable Units:    | 54                                                                                                                                                                                                                                           |
| File Number:         | 20-18                                                                                                                                                                                                                                        |
| Location:            | 10221 Old Redwood Highway (APN 161-040-008)                                                                                                                                                                                                  |
| Project Description: | 54 affordable apartments for Kashia Tribe members and a mixed-use building for Tribal Headquarters offices, with community spaces and a lobby/gallery on the ground floor. Project includes five three-story buildings on a 2.5-acre parcel. |
| Applicant/Developer: | Jocelyn Lin, Burbank Housing, 1420 Guerneville Road, Unit 1, Santa Rosa, CA, 95403, jlin@burbankhousing.org                                                                                                                                  |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                 |
| Status Details:      | Planning entitlements valid through September 14, 2024.                                                                                                                                                                                      |
| Next Steps:          | Building permit application submittal anticipated early 2024                                                                                                                                                                                 |



| Shiloh Apartments    |                                                                                                                                                                                                                           |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                  |
| Project Type:        | Mixed Use                                                                                                                                                                                                                 |
| Affordable Units:    | No                                                                                                                                                                                                                        |
| File Number:         | 21-13                                                                                                                                                                                                                     |
| Location:            | (APN 164-350-001)                                                                                                                                                                                                         |
| Project Description: | <ul style="list-style-type: none"> <li>• Develop 3.83 acre vacant lot</li> <li>• 6 apartment buildings, 60 units total</li> <li>• 3,5711 square feet of commercial space</li> </ul>                                       |
| Applicant/Developer: | Contact: Natalie Balfour, Project Manager, nbalfour@airportbusinesscenter.com                                                                                                                                             |
| Project Planner:     | Kevin Locke, Planner I, klocke@townofwindsor.com, 707-838-5004                                                                                                                                                            |
| Status Details:      | <ul style="list-style-type: none"> <li>• 6/22/2021: Planning Commission approval</li> <li>7/06/2023: Administrative Hearing Office approves a Tentative Parcel Map to subdivide the 3.83 acre parcel into two.</li> </ul> |
| Next Steps:          | Permits approved for and work commenced on underground and grading                                                                                                                                                        |



## Old Redwood Highway Villages

|                      |                                                                                                                                                                                                             |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                    |
| Project Type:        | Mixed Use                                                                                                                                                                                                   |
| Affordable Units:    | 3 moderate income units                                                                                                                                                                                     |
| File Number:         | 21-21                                                                                                                                                                                                       |
| Location:            | 6114 and 6122 Old Redwood Highway (APNs 163-172-021, 163-172-019, and 163-172-020)                                                                                                                          |
| Project Description: | 29-unit small lot subdivision with two common open space parcels at the northwest and southwest corners. All units are two stories. Six units will have flex/office spaces oriented to Old Redwood Highway. |
| Applicant/Developer: | Doyle Heaton/Falcon Point Associated LLC 3496 Buskirk Avenue, Pleasant Hill, CA 94523, doyle@drgbuilders.com, (925) 872-9917                                                                                |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                |
| Status Details:      | 11/2/22 Town Council approval. Improvement plans and Final Map under review.                                                                                                                                |
| Next Steps:          | Applicant to submit building permit application for review                                                                                                                                                  |





### Windsor Place (AKA Richardson Street Mixed Use)

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Project Type:        | Mixed Use                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Affordable Units:    | None                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| File Number:         | 12-07                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Location:            | Old Redwood Highway at Richardson Street (north of McDonalds), Station Area/Downtown Specific Plan                                                                                                                                                                                                                                                                                                                                                              |
| Project Description: | <ul style="list-style-type: none"> <li>• Mixed-use project with 30 apartments and 4,200 SF retail space on 0.87-acre lot</li> <li>• Four-stories; retail/restaurant, residential lobby, service areas, covered arcade, and three residential units on ground floor; upper three floors all residential.</li> <li>• 40 shared parking spaces and 30 parking spaces dedicated to residential units.</li> <li>• Shared access driveway with McDonald's.</li> </ul> |
| Applicant/Developer: | Bob Dailey, 1148 Alpine Road, Walnut Creek, CA 94596 (925) 899-8549 dailyb@pegasusgroup.net                                                                                                                                                                                                                                                                                                                                                                     |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                                                                                                                                                                                                                                    |
| Status Details:      | • 7/29/20: Grading permit issued. Building permit under review                                                                                                                                                                                                                                                                                                                                                                                                  |
| Next Steps:          | Approval of building permit and initiation of construction                                                                                                                                                                                                                                                                                                                                                                                                      |



### The McClelland (AKA Town Green Hotel)

|                      |                                                                                                                                                                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Under Construction                                                                                                                                                     |
| Project Type:        | Commercial                                                                                                                                                             |
| File Number:         | 18-12                                                                                                                                                                  |
| Location:            | 550 McClelland Drive (APN 066-100-067)                                                                                                                                 |
| Project Description: | 135-room, 4-story hotel with bistro/bar, indoor/outdoor dining opposite the Town Green, including meeting space, and outdoor pool for guests, and surface parking lot. |
| Applicant/Developer: | Tom Birdsall, 255 Mountain Meadow Lane, Santa Rosa, CA 95404, 415-730-8174, thbirdsall@gmail.com                                                                       |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                           |
| Status Details:      | Building permit issued.                                                                                                                                                |
| Next Steps:          |                                                                                                                                                                        |





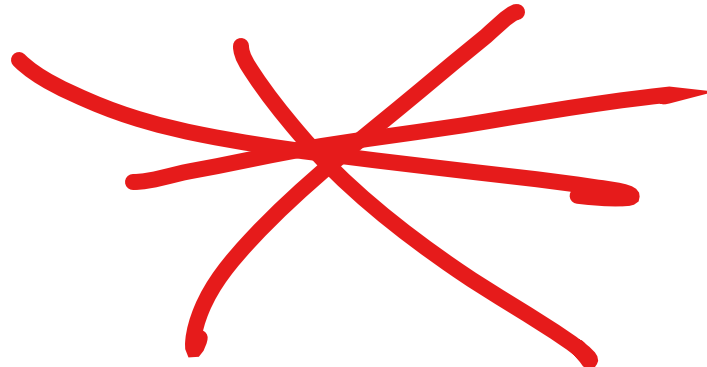
## Carol Shelton Winery Mixed-Use Project

|                      |                                                                                                                                                                                                                                                                                                                                                     |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                                                                                                                            |
| Project Type:        | Mixed Use                                                                                                                                                                                                                                                                                                                                           |
| Affordable Units:    | None                                                                                                                                                                                                                                                                                                                                                |
| File Number:         | 19-21                                                                                                                                                                                                                                                                                                                                               |
| Location:            | 900 Mitchell Lane (APN 164-140-039)                                                                                                                                                                                                                                                                                                                 |
| Project Description: | 58,500 sf three-story building including: <ul style="list-style-type: none"> <li>• winery, crush area, wine storage, wine tasting room</li> <li>• ground floor restaurant with outdoor eating areas</li> <li>• event space on the third floor and roof top</li> <li>• one caretaker unit and three multi-family units on the third floor</li> </ul> |
| Applicant/Developer: | Mitch MacKenzie, mitch@carolshelton.com                                                                                                                                                                                                                                                                                                             |
| Project Planner:     | Kim Jordan, Planner III, kjordan@townofwindsor.com, 707-838-5331                                                                                                                                                                                                                                                                                    |
| Status Details:      | <ul style="list-style-type: none"> <li>• 12/14/2020: Planning Commission approved Revision to File application allowing more private winery events and an increase in the number of guests per event, subject to conditions of approval</li> </ul>                                                                                                  |
| Next Steps:          | Staff review of building permit and improvement plans underway                                                                                                                                                                                                                                                                                      |

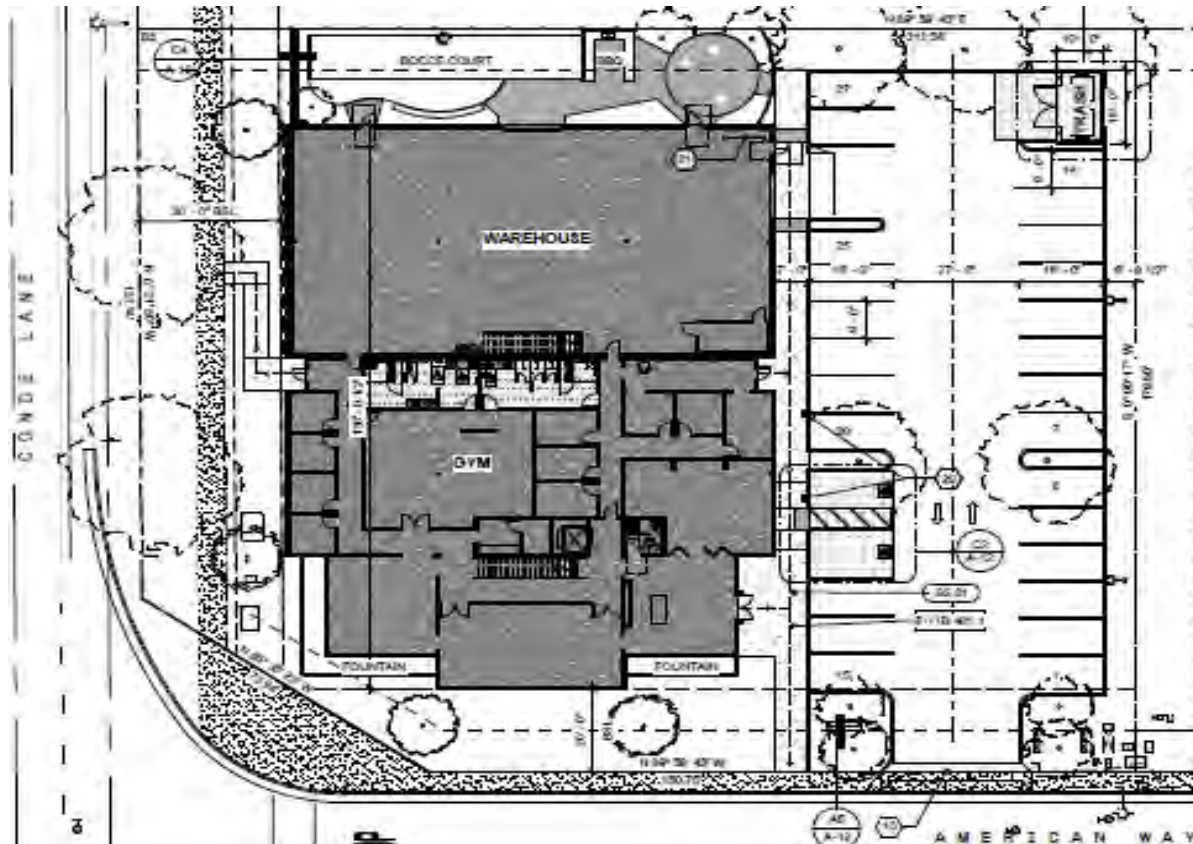


### Clearwater at Windsor

|                   |                                                      |
|-------------------|------------------------------------------------------|
| Project Status:   | Approved                                             |
| Project Type:     | Mixed Use                                            |
| Affordable Units: | 5 very low and 5 moderate income apartments          |
| File Number:      | GPA/REZ/11 M/DR 19-20                                |
| Location:         | 376 Shiloh Road (APN 059-271-059) "Vincini Property" |



|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Description: | <ul style="list-style-type: none"> <li>• 25-acre vacant property</li> <li>• 12 acres undevelopable due to the presence of wetlands, and rare plant habitat</li> <li>• Senior living facility with 34 memory care units, 71 assisted living, and 141 independent living units and amenities</li> <li>• 25,000 square feet of ground floor commercial space with 10 affordable residential units and office space on the second floor along Shiloh Road</li> <li>• Four lot subdivision</li> <li>• Reduction in the Agricultural Buffer along the east and south property lines to 100-feet from 200-feet</li> </ul> |
| Project Webpage:     | <a href="https://www.townofwindsor.com/1343/Clearwater-at-Windsor">https://www.townofwindsor.com/1343/Clearwater-at-Windsor</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Applicant/Developer: | Wil Ferrero, 5000 Birch Street, Suite 400, Newport Beach, CA 92660, (949) 333-8525, wil.ferrero@clearwaterliving.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Project Planner:     | Kim Jordan, Planner III, kjordan@townofwindsor.com, 707-838-5331                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Status Details:      | <ul style="list-style-type: none"> <li>• 2/1/2023: Town Council approval</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Next Steps:          | Applicant to submit building permit and improvement plans for review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



### DenBeste Warehouse Building

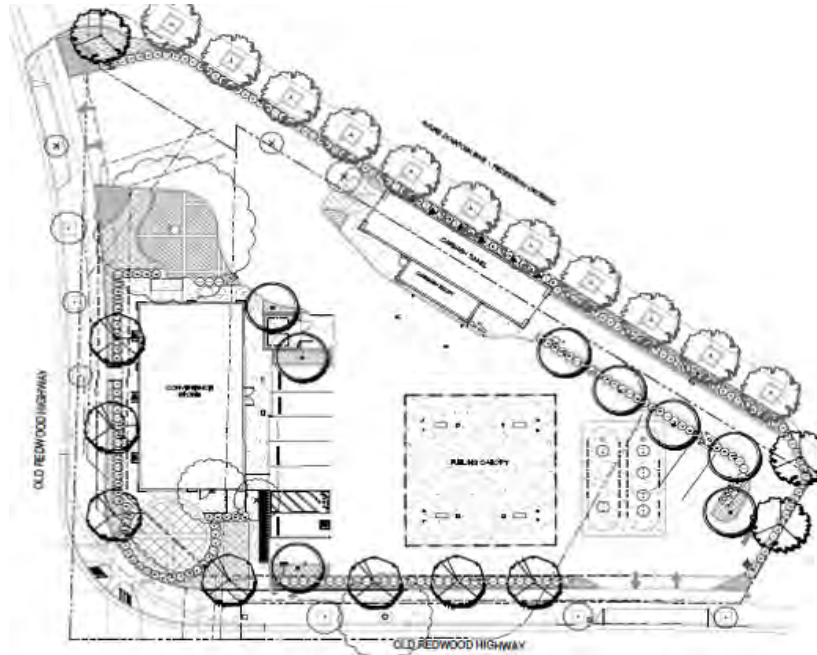
|                      |                                                                                                                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                               |
| Project Type:        | Commercial                                                                                                             |
| File Number:         | 19-17                                                                                                                  |
| Location:            | 700 American Way (APN 163-270-002)                                                                                     |
| Project Description: | 15,830-square foot warehouse building, including 2,586 square feet of office space.                                    |
| Applicant/Developer: | Ken LaFranchi/Bill DenBeste 100 E Street Ste. 204, Santa Rosa, CA 95403 (707) 528-2449<br>ken@lafranchidevelopment.com |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                           |
| Status Details:      | <ul style="list-style-type: none"> <li>Building permit ready to issue in February 2022</li> </ul>                      |
| Next Steps:          | Applicant to pull building permit and start construction                                                               |





## Chevron

|                      |                                                                                                                                                                                             |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                    |
| Project Type:        | Commercial                                                                                                                                                                                  |
| File Number:         | 17-21                                                                                                                                                                                       |
| Location:            | 9120 and 9200 Old Redwood Highway                                                                                                                                                           |
| Project Description: | New/remodeled gas station, car wash and market/restaurant, including two new fuel dispensers and expanded canopy. Project includes easements to accommodate future pedestrian improvements. |
| Applicant/Developer: | Peter Van Alyea/Redwood Market, 50 Professional Circle, Suite 100, Rohnert Park, CA 94928, 707-899-4959, pvan@redwoodoil.net                                                                |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                |
| Status Details:      | <ul style="list-style-type: none"> <li>9/14/2021: Planning Commission approval</li> </ul>                                                                                                   |
| Next Steps:          | Review and approval of building permit and improvement plans                                                                                                                                |



| Shell Station        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Approved                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Project Type:        | Commercial                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| File Number:         | 19-06                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Location:            | 9033 Old Redwood Highway (APN 066-100-062)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Project Description: | <ul style="list-style-type: none"> <li>• Demolish existing 6 fuel stations and 2,321-square foot mini mart.</li> <li>• Construct new 2,378-square foot convenience store, new self-service car wash tunnel, and 4 new fuel stations with 2,700-square foot canopy.</li> <li>• Project includes relocating underground storage tanks, new ADA path of travel to public right-of-way, new vehicle access and parking, masonry trash enclosure, new site lighting and landscaping, self-serve vacuum and air/water equipment.</li> </ul> |
| Applicant/Developer: | A U Energy LLC/Sunny Goyal, 41805 Albrae Street, 2nd floor, Fremont, CA 94539, (650) 799-2949, sunny@loopneighborhood.com                                                                                                                                                                                                                                                                                                                                                                                                             |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Status Details:      | <ul style="list-style-type: none"> <li>• 9/27/2022: Planning Commission approval</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Next Steps:          | <ul style="list-style-type: none"> <li>• Complete the sale of excess street right-of-way</li> <li>• Staff review of building and improvement plans underway</li> </ul>                                                                                                                                                                                                                                                                                                                                                                |



# **PROJECTS UNDER REVIEW**



## Quail Acres (formerly called North of Arata)

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Under Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Project Type:        | Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Affordable Units:    | 30 moderate for sale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| File Number:         | 20-08                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Location:            | 161-020-053 (325 Arata Lane), 161-020-058, and 161-020-060 (259 Arata Lane)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Project Description: | <ul style="list-style-type: none"> <li>• 3 parcels, totaling 58.9-acres</li> <li>• 301 homes with a mix of lot and home sizes, including affordable 30 affordable for sale homes</li> <li>• Alternative plan for 236 homes with a 12-acre school site</li> <li>• Reduction in agricultural buffer on north and east property boundaries from 200-feet to 100-feet</li> <li>• Community park, linear trail along east and north property lines, plaza</li> <li>• Extension of Los Amigos Road</li> <li>• Request for waivers from certain Zoning Ordinance development standards, such as lot size, lot width, lot coverage, and setbacks. Project is eligible for waivers since it includes affordable housing.</li> </ul> |
| Applicant/Developer: | Ben van Zutphen, Redwood Equities, LLC, P.O. Box 2357, Healdsburg, CA 95448 ben@vanzutphen.us                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Project Planner:     | Kim Jordan, Planner III, kjordan@townofwindsor.com, 707-838-5331                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Status Details:      | • 5/16/2023: Application complete                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Next Steps:          | Environmental Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |



## Los Amigos Cottages

|                      |                                                                                                                                                                                                                               |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Under Review                                                                                                                                                                                                                  |
| Project Type:        | Residential                                                                                                                                                                                                                   |
| Affordable Units:    | 8 for sale                                                                                                                                                                                                                    |
| File Number:         | 23-11                                                                                                                                                                                                                         |
| Location:            | 263 Arata Lane, APN 161-020-049 (east of New Song Church)                                                                                                                                                                     |
| Project Description: | 2.71 acre parcel subdivided into 32 lots. 24 for sale market rate homes on lots ranging in size from 1,863 to 5,814 square feet and 8 for sale affordable duet homes on lots ranging in size from 1,578 to 2,520 square feet. |
| Applicant/Developer: | Ben van Zutphen, Redwood Equities, LLC, P.O. Box 2357, Healdsburg, CA 95448 ben@vanzutphen.us                                                                                                                                 |
| Project Planner:     | Kim Jordan, Planner III, kjordan@townofwindsor.com, 707-838-5331                                                                                                                                                              |
| Status Details:      | 1/5/2024 Application is incomplete                                                                                                                                                                                            |
| Next Steps:          | Applicant to resubmit application                                                                                                                                                                                             |



| Arata North Subdivision |                                                                                                                                                                                                                                                                                                                        |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:         | Under Review                                                                                                                                                                                                                                                                                                           |
| Project Type:           | Residential                                                                                                                                                                                                                                                                                                            |
| Affordable Units:       | No                                                                                                                                                                                                                                                                                                                     |
| File Number:            | 23-33 TSM                                                                                                                                                                                                                                                                                                              |
| Location:               | 115 Arata Lane (APNs 161-020-064 and 161-020-065)                                                                                                                                                                                                                                                                      |
| Project Description:    | <ul style="list-style-type: none"> <li>• 55-lot subdivision of 10.47 acres</li> <li>• 55 lots ranging in size from 3,159 to 33,991 square feet</li> <li>• Construction of new streets to provide access to the parcels</li> <li>• Development of the individual lots is not included as part of the project</li> </ul> |
| Applicant/Developer:    | Richard Coombs & Larry Wasems, 9970 Troon Court, Windsor, 707 -838-3773, eturner@airportbusinesscenter.com                                                                                                                                                                                                             |
| Project Planner:        | Kimberly Jordan, Planner III, kjordan@townofwindsor.com, 707-838-5331                                                                                                                                                                                                                                                  |
| Status Details:         | 10/27/2023 Application is incomplete                                                                                                                                                                                                                                                                                   |
| Next Steps:             | Applicant to resubmit in response to incompleteness letter                                                                                                                                                                                                                                                             |



## The Artesian of Windsor

|                      |                                                                                                                                                                                                                                   |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Type:        | Commercial                                                                                                                                                                                                                        |
| Project Status:      | Under Review                                                                                                                                                                                                                      |
| File Number:         | 18-15                                                                                                                                                                                                                             |
| Location:            | 6675 Old Redwood Highway; APN 163-011-006                                                                                                                                                                                         |
| Project Description: | <ul style="list-style-type: none"> <li>• 64-unit assisted living and memory care facility on 2.71-acre site</li> <li>• 3 one-story buildings and 1 two-story building</li> <li>• Reduced parking proposed</li> </ul>              |
| Applicant/Developer: | Michael Weyrick 3911 N. Ventura Avenue, Ventura, CA 93001 michaelweyrick@mwdevelopment.org (805) 451-7268                                                                                                                         |
| Project Planner:     | Kevin Locke, Planner, kloche@townofwindsor.com, 707-838-5004                                                                                                                                                                      |
| Status Details:      | <ul style="list-style-type: none"> <li>• 3/15/2018: Pre-application submitted</li> <li>• 4/24/2018: Planning Commission Conceptual Design Review meeting</li> <li>• 9/7/2022: Formal development application submitted</li> </ul> |
| Next Steps:          | Referrals and application completeness review<br><ul style="list-style-type: none"> <li>• 10/11/2022: Incompleteness letter sent to applicant</li> </ul>                                                                          |





### BoDean Co. Asphalt Processing Plant

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Under Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Project Type:        | Commercial                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| File Number:         | 19-16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Location:            | 470, 510, 590, 600, 610 Caletti Avenue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Project Description: | New asphalt plant and construction materials processing facility on a portion of a 13.59-acre industrial site on Caletti Avenue. Project includes a (1) rezone to Planned Development (PD) to change development standards, including heights up to 100 feet, and specifying the range of uses allowed; (2) Tentative Parcel Map to divide the property into 4 lots, with the asphalt processing facility located on Lot 1 (6.89 acres) and Lots 2-4 ranging in size from 2.04 to 2.36 acres each; (3) Use Permit to allow an asphalt plant/construction materials processing facility with a maximum height of approximately 88 feet; (4) Site Plan and Design Review. |
| Applicant/Developer: | BoDean Company/Dean Soiland                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Status Details:      | <ul style="list-style-type: none"> <li>• 3/20/2022: Application deemed complete</li> <li>• 8/30/2022: EIR scoping meeting</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Next Steps:          | Environmental Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |





## Shiloh Business Park

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Status:      | Under Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Project Type:        | Industrial                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| File Number:         | 21-32                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Location:            | 5937 Pruitt Avenue (APN 059-271-095)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Project Description: | <ul style="list-style-type: none"> <li>• 4-lot subdivision of a 45-acre site (with potential remainder parcel)</li> <li>• 3 one-story industrial spec buildings with a total of 480,000 +/- square feet.</li> <li>• Buildings are designed with flex spaces to accommodate single or multiple tenants.</li> <li>• Land uses to include light industrial, manufacturing, and warehouse distribution.</li> <li>• Re-alignment of existing drainage channel that is tributary to Airport Creek.</li> <li>• Potential extension of Pruitt Avenue to Aviation Boulevard.</li> <li>• Illuminated wall signs facing Highway 101 are proposed.</li> <li>• Project is within the Shiloh Oaks Master Plan area.</li> </ul> |
| Applicant/Developer: | Tim Gudim, Brennan Acquisitions Group, LLC 9450 Bryn Mawr Avenue, Suite 750, Chicago, IL 60018 / tgudim@brennanllc.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Project Planner:     | Kim Voge, Planner III, kvoge@townofwindsor.com, 707-838-1106                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Status Details:      | <ul style="list-style-type: none"> <li>• 6/28/2022: Planning Commission concept review meeting</li> <li>• 10/6/2022: Formal development application submitted</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Next Steps:          | Environmental Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**Sent via email: Chad.Broussard@bia.gov**

November 5, 2023

Dear Mr. Broussard,

We join the Town of Windsor, County of Sonoma, all five federally recognized Sonoma County tribes, Sen. Feinstein, U.S. Representatives Huffman and Thompson, and residents of Windsor to oppose this Project given the **unmitigable and irreversible impacts of the Shiloh resort/casino project put forth by the Koi Nation**. We urge the BIA to select Environmental Assessment (EA) Alternative D due to the significant impacts Alternatives A, B, C would have on the environment and existing, adjacent communities.

It is mind-boggling that an EA for a project such as this could find that there is less than significant impact to the existing, surrounding community and natural environment. What is not surprising is that consultants used, such as Global Market Advisors, are providers of specialized consulting services to the gaming, entertainment, sports, and hospitality industries. Consultants who specialize in tribal services and fee-to-trust consultation have a financial interest in ensuring reports have findings favorable to a contractor tribe. The conclusions of the EA should not be accepted as factual without (at minimum) an objective peer review or (at best) an EA prepared by an independent consultant.

The Town of Windsor created a vision with its residents and developed plans based on the desire to be a family-centric community. **A project of this size, scale, and type would irreversibly change the Town of Windsor**, which borders the project site, given the volume and type of visitors targeted, type of commerce it creates, resources used by visitors, and quality of life of the existing surrounding neighborhoods.

As Windsor residents, we wish to comment on the EA; comments, by EA Section, are below. Studies and articles cited are attached.

## **i. PROPOSED PROJECT AND ALTERNATIVES**

COMMENT ia: EA provides an incomplete picture of the surrounding community; aerial views are cropped to exclude surrounding residential neighborhoods. As seen in the map below, the project site is surrounded by a high density apartment building now under construction ("A"), a church ("B"), a mobile home park ("C"), and residential neighborhoods ("D"). This broader view shows the project site is immediately surrounded by neighborhoods that will be negatively impacted by a large-scale project—operating 24/7—such as this, discussed below. Also present is Esposti Community Park which regularly hosts organized sports and other family activity. It is adjacent and north of the project site (between map "A" and "D").

COMMENT ib: as mentioned in Town of Windsor comments (to be submitted), the project relies on "best management practices" (BMPs) which are inappropriate given they are not measurable and therefore unable to be monitored. Reliance on voluntary, preferred guidance provides no confidence in the project's ability to protect natural resources. Without specific environmental protections and binding oversight, there is no incentive or regulation that can ensure natural habitat and resources will not be forever changed or lost.



## A. LAND RESOURCES

COMMENT A-1: as noted above, the EA provides an incomplete picture of the surrounding community; aerial views are cropped to exclude surrounding residential neighborhoods. Noted in the map above, the project site is surrounded by a high-density apartment building now under construction (“A”), a church (“B”), a mobile home park (“C”), and residential neighborhoods (“D”). This broader view shows the project site is immediately surrounded by neighborhoods that will be negatively impacted by a large scale project such as this, discussed below.

## B. WATER RESOURCES

COMMENT B-1: without repeating, I wish to reiterate the comments made by the Town of Windsor in their letter regarding the EA section on water resources. Most concerning is that, should this project be approved, the Town of Windsor would be bordered by another unregulated wastewater plant. Despite conclusions in the EA, the town has determined there has been, at minimum, insufficient study and analysis to make their conclusions and that **there will be significant impacts.**

COMMENT B-2: The reported peak-day pumping for the project is 402,000 gpd, which equals approximately 275 gpm (Table 2-2). If that pumping were to occur close to the Esposti Well, **drawdown at the Town’s Esposti drinking water well could be significant, which could significantly decrease the Esposti well output rate and possibly water quality.** Prior testing of the Esposti drinking water well was over short durations and should not be used to

extrapolate the level of impact from the proposed project wells without further testing. The potential impacts to the groundwater aquifer and groundwater wells have not been sufficiently evaluated. **Adverse impacts to groundwater aquifers represent a significant threat and impact.**

COMMENT B-3: The State Division of Drinking Water (DDW) does not, and has not approved all of the proposed recycled water uses in this configuration (recycled water is not allowed inside any food service buildings). **Mitigations offered are speculative, making them worthless when drawing conclusions of no significant impact.**

COMMENT B-4: page 3-20 references Mark West Creek for flow monitoring during discharge, which is significantly downstream of the point of discharge on Pruitt Creek. Pruitt Creek is also ephemeral, meaning it does not flow year-round, discharging wastewater into a creek that does not flow year-round **will significantly affect surfaces in the area.**

COMMENT B-5: The project proposes to repurpose or install up to 4 groundwater wells and estimates 100-300 gpm groundwater flow for daily use. The report does not indicate how much the existing wells on-site are currently being used. The proposed mitigation measure for groundwater is insufficient to address the risk to drinking water supplies. The proposed mitigation measure to reimburse the owners of nearby wells that become unusable within five years of the onset of project pumping is not sufficient to mitigate the level of impact. **These “insufficiencies” represent a significant risk and impact to surrounding residents who rely on wells and groundwater.**

COMMENT B-6: The EA cites the 2017 aquifer test at the Esposti well as evidence that pumping from aquifers deeper than 300 feet would not affect water levels in shallow wells (less than 200 ft deep). No drawdown was observed in shallow wells during the Esposti test. However, that test lasted only 28 hours. The EA does not consider the potential for sustained pumping at the Esposti well and the Project supply wells that may lower water levels in the shallow aquifers and could potentially jeopardize output of nearby domestic and municipal drinking water wells. **This depletion would be a significant impact.**

COMMENT B-7: The proposed design takes away from floodplain storage, an adequate amount of stormwater detention is not demonstrated by calculation to address the detracting of floodplain. Sub areas A,C, and E have footprints directly in the floodplain. **Flood risk to the area would have a significant impact to surrounding roads and residences.**

COMMENT B-8: The Town of Windsor completed a Storm Drainage Master Plan where the 100-year flood zones were mapped. The Project location shows potential flooding during the 100-year floods.

COMMENT B-9: wells are shallow; onsite wastewater storage could affect wells. **Contamination to wells/drinking water would be devastating; this poses a significant impact.**

COMMENT B-10: prior to the Winter of 2022, the Town of Windsor, the County of Sonoma, and the State of California were under water rationing rules. The availability of potable water is not endless; the analysis and anticipated use of the water does not consider drought and rationing on long-term availability of potable water. During drought, sustained pumping on the project site that is exempt from local and state regulation or restrictions would hasten depletion of water resources to surrounding residents.

COMMENT B-11: The proximity of Pruitt Creek to a large parking structure and paved parking will exacerbate flood risk. The project site is bordered by a mobile home park; during heavy rains (the area received 40” in 2022-23), flooding would disproportionately affect low income,



senior, and disabled residents who could be displaced. Flood risk a significant impact especially to the most vulnerable low-income residents who would be unable to replace their currently affordable housing.

### C. AIR QUALITY

COMMENT C-1: The air quality modeling as detailed in Appendix F-1 makes a number of inaccurate assumptions including that Windsor is located in Climate Zone 4, that the project is in a rural setting, and that the average trip length for non-work trips should be based on the distance from Santa Rosa. It is **unlikely that there are no potential significant impacts** for any air quality or greenhouse gas emissions other than for CO.

COMMENT C-2: the project has an inadequate understanding of environmental impact on air quality as evidenced by its recommended equipment: “to reduce potential air quality impacts, Tier IV construction equipment for equipment greater than 50 horsepower should be required, instead of Tier III as proposed.” This lack of understanding will contribute to an increased impact on air quality.

COMMENT C-3: “Clean fuel fleet vehicles” is not defined and there is no standard to determine when use of clean vehicles is impracticable; there is no alternative to address the potential air quality impacts. EA reasoning is speculative.

COMMENT C-4: the EA makes a lot of assumptions re: use of certain equipment (“...assume the implementation of construction BMPs...;” “...assumes the use of electric boilers and appliances to the greatest extent practicable.” EA reasoning is highly speculative.

COMMENT C-5: the EA boasts significant employment opportunity. The EA fails to comment on the impact on air quality due to increased emissions for commuting workers (See also Comment N-2).

### D. BIOLOGICAL RESOURCES

COMMENT D-1: the EA finds there could be significant impacts on wildlife that inhabits or migrates through the project site. Despite acknowledging the impact, there is no guarantee or mechanism to ensure implementation or enforcement of any mitigation measures. For example, the EA states “Increased lighting could increase bird collisions with structures and could also cause disorientation effects for avian species. Thus, nighttime lighting.....could have a potentially significant effect on both migrating and local bird populations.” The EA mitigation involves incorporation of “....lighting so as not to cast significant light or glare into natural areas....” This appears impossible on its face in that the primary purpose of the lighting will be to ensure safety and security of those using the facilities. It’s highly unlikely the project would install “low” enough lighting to not impact birds (perceived as “poor” lighting for human use at night). Regardless, any illumination of the area disrupts the current natural environment enjoyed by all habitants/animals especially species with nocturnal feeding behaviors. **Introducing any lighting into an unlighted space is inherently disruptive and a significant impact.**

### E. CULTURAL/PALEONTOLOGICAL RESOURCES

COMMENT E-1: the EA determined that there is a potential for significant subsurface cultural resources on the Project Site, however inadequate monitoring is prescribed only within 150 feet of Pruitt Creek. The determination is sufficient to conclude there would be a significant environmental impact. I will also note that because the Koi Nation is not indigenous to not only the project site but also Sonoma County, any disturbance or excavation within the project site would disturb cultural and potentially sacred sites of other tribes/nations.

COMMENT E-2: other tribes that are indigenous to the area lose any opportunity to preserve tribal lands, potential burial grounds, or other sacred spaces. This is a fundamental encroachment on another tribe's sovereignty and is disrespectful of Sonoma County indigenous tribes' efforts to reclaim and preserve their lands. No local, state, or federal agency or entity should facilitate false entitlement nor encourage overstepping another tribe's jurisdiction. See Attachments 1 and 2.

## F. SOCIOECONOMIC CONDITIONS/ENVIRONMENTAL JUSTICE

COMMENT F-1: The growth-inducing effects section indicates that the project would result in pressure for new commercial development in the area, such as additional (new) gas stations (which is banned by the Town of Windsor County of Sonoma). The EA somehow concludes that indirect and induced demand for commercial growth would be diffused across the State, thus no significant regional commercial growth inducing impacts. There is NO justification for this claim. At best, these conclusions are more speculative "wishful thinking" to fit the desired outcome.

COMMENT F-2: the housing section assumes there would be no significant impact but provides no data to support this assertion. It assumes most employees will come from the existing pool of casino and hospitality workers; however, due to housing costs, many of these workers commute from outside Sonoma County. Given the number of projected employees for this project, **the traffic would be a significant addition to existing traffic due to the number of employees that will need to travel from outside the area.**

COMMENT F-3: The Socioeconomic Study was prepared by Global Market Advisors for the Koi Nation of Northern California which is an international provider of consulting services to the gaming, entertainment, sports, and hospitality industries. Any EA conclusions of beneficial no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT F-4: the EA uses erroneous data; states that the Sonoma County Average Annual Household Income (AAHI) was \$121,522 in 2021, which is overstated. Information provided by the California Department of Housing and Community Development indicated that the Sonoma County Area Median Income (AMI) was \$103,300 for a family of four in 2021. Most analyses of housing affordability refer to median income, because the average income is likely skewed by a small number of high-income households. Any EA conclusions of beneficial no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT F-5: Page 6 of the study indicates that only 170 new homes were added to Sonoma County from 2010 to 2020. This is misleading; nearly 5,600 homes were destroyed in Sonoma County by the 2017 Tubbs Fire and construction to replace those homes continues.

- 2019 - Kincadee Fire - largest fire in Sonoma County history, burnt approximately 77,758 acres in Sonoma County, destroyed 374 structures
- 2017 - Tubbs Fire - burned approximately 36,807 acres in Sonoma and Napa counties, destroyed 5,636 structures and killed 22 people
- 2017 - Nuns Fire - burned approximately 54,000 acres (34,398 in Sonoma County and 20,025 in Napa County), destroyed 1,355 structures and killed 3 people
- 2017 - Pocket Fire - burned approximately 14,225 acres in Sonoma County, destroyed 6 structures

(Source Press Democrat, November 14, 2019)



Any EA conclusions of beneficial or no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT F-6: Page 40 of the study (Employment) indicates that construction and operation phases will have a positive effect on the local economy (reducing unemployment). The EA fails to describe the local labor shortage in the area, which this project could exacerbate.

**This will have no positive impact on local employment and more likely to negatively impact surrounding neighborhoods with increased traffic, air pollution, and other cumulative effects discussed below.**

COMMENT F-7: The section beginning on Page 40 of the study (Housing and Schools) does not recognize the local housing shortage and continuing recovery from wildfires. Also, as stated above, the assertion that Sonoma County has a sufficient labor force focused on the hospitality industry is unsubstantiated, thus likely false.

## **G.TRANSPORTATION AND CIRCULATION**

COMMENT G-1: **conclusions were based on insufficient data.** Based on reviews conducted for a casino in Rohnert Park, daily trips may be 15 to 25 percent higher than those indicated on this project analysis. Review of the Rohnert Park facility revealed the highest daily and afternoon peak trip generation occurs on Sundays, not Saturdays. This section conclusions are faulty. The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network on opening day of the proposed casino. **The EA does not offer appropriate mitigation.** Any EA conclusions of beneficial or no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT G-2: The Town of Windsor evaluated this portion of the EA and found many examples where the EA proposes inadequate or problematic mitigation, misrepresents the facts, or cites faulty assumptions to support conclusions of little or no impact. For example: re: Shiloh Road/US 101 North Off-Ramp, the proposed mitigation is to restripe the ramp to include triple right-turn lanes. This modification is likely to perform poorly since it would “trap” two of the three right-turn lanes in the left-turn pockets at the adjacent Shiloh Road/Hembree Lane intersection. **It would not function acceptably.** In another example, the project would be responsible for 39.4% of the traffic growth which seems to imply that the project would not need to contribute funds since it addresses its impact under 2028+Project. Further, a contribution of 39.4% if made would still be illogical since the intersection would undergo far more widening (with associated cost) than the Town would never have needed without the proposed project. **The project will cause the Town to incur costs it would have never needed.** Please note that the Town of Windsor is currently projecting a structural budget deficit. Any EA conclusions of beneficial or no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT G-3: the 2040 segment analysis capacities are shown to be 49,800 daily vehicles, which is highly unrealistic for an urban four-lane street. However, if we accept this figure, **the number of additional daily vehicles would be like having nearly twice the entire population of Windsor driving this stretch of roadway every day; that is a significant impact.**

Without repeating all comments here, we wish to reiterate and support all Transportation/Circulation comments by the Town of Windsor in its letter to the BIA re: the EA. **The Town wrote: The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network.**

## H. LAND USE

COMMENT H-1: as noted above, the EA provides an incomplete picture of the surrounding community; aerial views are cropped to exclude existing, surrounding residential neighborhoods. Noted in the map above (See pg. 1 “Proposed Project and Alternatives” comments), the project site is bordered by a high-density apartment building now under construction (“A”), a church (“B”), a mobile home park (“C”), and residential neighborhoods (“D”). This macro view shows the immediate proximity of the surrounding neighborhoods that will be negatively impacted by a large scale project such as this.

COMMENT H-2: **none of the current land trusts are adjacent to residential-zoned areas.** Allowing this project would go against precedent of disallowing this type of project adjacent to residential zoning. Further, it would violate precedent of taking land into trust for this type of project on land greater than 15 miles from a tribe’s aboriginal site.

COMMENT H-3: the location is currently zoned for agricultural purposes, which not only respects a voter-mandated urban growth boundary but is also now considered a necessary fire mitigation given the recent history of multiple massive wildfires in this area since 2017. **The fire risk cannot be mitigated.** Replacing agricultural land with structures increases the flammables and further increases fuels that may subsequently travel into surrounding structures (as happened in recent wildfires). No amount of firefighting personnel or equipment can provide protection during a firestorm. In prior fires, the speed and scale of the fires prohibited firefighting as personnel had to make life saving evacuation a priority. Lives and structures were lost. Any death cannot be mitigated. **Removing an agricultural barrier significantly impacts the ability to use all available resources to combat wildfires.**

COMMENT H-4: the project EA assumes the location is eligible for the owners’ proposed use. The location should not be eligible for this development because the land is not the homeland of the Koi Nation. In fact, on October 20, 2023, they received support from California Attorney General Bonta (in the form of an amicus brief) supporting the Koi Nation’s current lawsuit contending saying the City of Clearlake, in Lake County (over 50 miles from the project site) failed to adequately consult with the tribe to ensure preservation of ancestral cultural sites during development of a new four-story hotel. The lawsuit is evidence of what five federally recognized, indigenous Sonoma County tribes have stated: the Koi are southern Pomo which are not native to Sonoma County. Therefore, (as in the two prior attempts by the Koi nation to acquire land) **Sonoma County is not Koi Nation homeland and should be ineligible as a site for any process that considers a Koi Nation project.** See *Attachments 1 and 2.*

## I. PUBLIC SERVICES AND UTILITIES

COMMENT I-1: waste disposal plans are inconsistent with current County of Sonoma’s Zero Waste Resolution goals of zero waste by 2030.

COMMENT I-2: The EA notes that increases in crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically. Regardless of the cause, the project location currently generates virtually zero calls for service. The Windsor Police Department anticipates an increase in calls related to: traffic, noise, accidents, DUI’s, loud exhaust and speeding, disturbing the peace/public Intoxication, trespassing, property

crimes, prostitution, assaults, drug activity. Because of how mutual aid works in law enforcement any need for assistance by the Sheriff's Office (the responding agency), will directly impact the Town of Windsor Police Department by redirecting officers away from the Town, thus reducing law enforcement availability within the Town of Windsor (and residents who will suffer a decrease in services despite paying for it). **Any increase in crime or need for mutual aid will, therefore, have a significant impact.**

COMMENT I-3: In their published article "Casinos, Crime, and Community Costs" (*The Review of Economics and Statistics*, February 2006, 88(1): 28–45), Grinols and Mustard state "Our analysis of the relationship between casinos and crime is the most exhaustive ever undertaken in terms of the number of regions examined, the years covered, and the control variables used." They conclude "that casinos increased all crimes except murder, the crime with the least obvious connection to casinos. Most offenses showed that the impact of casinos on crime increased over time, a pattern very consistent with the theories of how casinos affect crime." They also conclude that any crime-ameliorating effects of casinos due to increased employment opportunities are short-term and only after opening. In addition, law enforcement agencies often use casino openings to leverage for staffing increases, but are unable to sustain this growth. The Sonoma County Sheriff's Office and the Town of Windsor are not unique in the Bay Area in that they are currently operating with vacancies, and are competing with many surrounding counties to recruit and fill those positions. The EA erroneously assumes full staffing for these agencies when concluding there is sufficient law enforcement. **The increased need for law enforcement and the associated long-term costs to the Town of Windsor (salary, pension, overtime, recruitment and retention costs, etc.) will have a significant impact. See Attachment 3.**

COMMENT I-4: survivors of human trafficking have reported their traffickers using casinos as a meeting place for buyers who were arranged online or as a venue to solicit prospective buyers, particularly when the casino is combined with a hotel. In their publication "Casinos Combatting Human Trafficking," the non-profit Busing on the Lookout provides tips and recommendations for casinos and bus companies to help stop human trafficking. It is reasonable to expect that this project site would not be immune to this trend. **Any increase in human trafficking crimes within this project site would be a significant impact. See Attachment 4.**

COMMENT I-5: the EA lists Sonoma County Fire District (SCFD) and Cal Fire resources that have jurisdiction of fire services for Sonoma County. The inventory listed (See EA: "Fire Protection and Emergency Medical Services," page 3-84) may appear impressive but was inadequate in real-world practice. During the 2017, 2019 wildfires, the resources were unable to respond to all fire areas, and mutual aid was not available due to the scale and number of events occurring simultaneously statewide. In some areas, the destruction and path of the wildfire were at the mercy of the weather and fire behavior because resources were stretched so thin. **The plan to enter into an agreement with SCFD for fire services is no guarantee those services will be provided or prioritized during an actual wild fire event. This is a significant risk and impact that portends very poor outcomes for unfamiliar customers and local residents.**

## **J. HAZARDOUS MATERIALS/HAZARDS**

COMMENT J-1: The project site is currently a vineyard. In recent wildfires, vineyards have served as buffers to developed urban areas and have been used as staging areas for firefighting activities. The Proposed Project would replace a wildfire mitigating resource with a development of combustible materials (vehicles, structures, landscaping) which could further increase fire risk to surrounding developed areas and residents given the ability of embers to fly more than a mile and start new fires. The EA states that construction materials will mitigate the

fire risk posed by the project. However, recent wildfires and the circumstances of those events easily and quickly overwhelmed all structures. And, regardless of the mitigating construction materials the risk of burning and flying embers from nearby Shiloh Park continue to pose a risk to all structures. **The loss of a fire break and associated fire risk cannot be mitigated and represents a significant impact to potential loss of property and loss of life.** Recent wildfire events and their impacts are below:

- 2019 - Kincade Fire - largest fire in Sonoma County history, burnt approximately 77,758 acres in Sonoma County, destroyed 374 structures
- 2017 - Tubbs Fire - burned approximately 36,807 acres in Sonoma and Napa counties, destroyed 5,636 structures and killed 22 people
- 2017 - Nuns Fire - burned approximately 54,000 acres (34,398 in Sonoma County and 20,025 in Napa County), destroyed 1,355 structures and killed 3 people
- 2017 - Pocket Fire - burned approximately 14,225 acres in Sonoma County, destroyed 6 structures  
(Source Press Democrat, November 14, 2019)

COMMENT J-2: the EA estimates that the project would add approximately 2 hours to evacuate of the Town of Windsor during a wildfire. The plan to utilize casino or resort staff as traffic control attendants is naïve at best. During the 2017 Tubbs wildfire, as wind and flames were bearing down on Santa Rosa homes and assisted living care homes, facility staff—likely fearing for their own safety—abandoned approximately 100 elderly residents (the Oakmont and Varenna facilities were later sued by the county district attorney). There is no way to mitigate for human behavior in these circumstances. **Any project that delays an evacuation (which historically took hours) will increase the likelihood of human injury or death, thus causing a significant impact to the surrounding community.**

## K. VISUAL RESOURCES

COMMENT K-1: The EA mitigation involves incorporation of “...lighting so as not to cast significant light or glare into natural areas....” This appears impossible on its face in that the primary purpose of the lighting will be to ensure safety and security of those using the facilities. It’s highly unlikely the project would install “low” enough lighting to not impact birds (perceived as “poor” lighting for human use at night) or surrounding neighborhoods directly adjacent the project site. **Regardless, any illumination in the area which currently has no artificial light disrupts the current natural environment enjoyed by all habitants/animals especially species with nocturnal feeding behaviors; any lighting will have a significant impact.**

## L. CUMULATIVE EFFECTS

COMMENT L-1: it is important to recognize that each of the sections (factors) in the EA are not mutually exclusive in their impacts and can have cumulative effects. For example, drought and excessive water usage have a direct relationship not only to humans that rely on nearby wells, but also to fire risk and demand for limited fire-fighting services. Further, as seen recently, wildfire destruction to humans and structures has a direct relationship to the density of traffic and humans attempt to flee the area. The unpredictable drought cycles which are increasing due to climate change cannot be mitigated, thus **any planned development of this size and scale that provides only entertainment value should not be placed in a high fire risk location that exacerbates individual and cumulative risk.**

COMMENT L-2: **The EA acknowledges “wildfire risk exists and would be exacerbated by climate change.”** The EA then postulates that proposed mitigation measures reduce susceptibility to these risks with no data or evidence to make that assertion. Further, the

mitigation measures are inadequate as discussed above, and do not necessarily account for the rate of future global warming which depends on many factors such as future emissions, processes that dampen or reinforce disturbances to the climate system, and unpredictable natural influences on climate. While scientists use modeling to predict future climate impacts, it is inherently difficult to predict due to many unpredictable variables. Simply put, the mitigation measures in the EA are inadequate and incapable of ensuring a decreased risk. Any EA conclusions of beneficial no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

COMMENT L-3: the EA states “Although the project alternatives are not consistent with existing zoning, potential impacts from land use conflicts would be reduced to less than significant levels through the implementation of mitigation measures.” It defies logic to conclude that a project of this size will have little or no significant impacts on the surrounding environment and community when it replaces agricultural lands that act as a barrier to wildfire in a high-risk fire area, consists of a 24/7 resort casino that uses 170,000 gallons of potable water per day, sits on a 65 acre parcel adjacent to single-family and apartment homes, is surrounded by two-lane roads, provides 5,000 parking spaces for the 11,000-15,000 trips generated each day, among other environmental disruption.

## M. INDIRECT AND GROWTH-INDUCING EFFECTS

COMMENT M-1: The EA indicates that the project would result in pressure for new commercial development in the area, such as additional (new) gas stations (which is banned by the Town of Windsor County of Sonoma). The EA somehow concludes that indirect and induced demand for commercial growth would be diffused across the State, thus no significant regional commercial growth inducing impacts. There is NO justification for this claim. At best, these conclusions are more “wishful thinking” to fit the desired outcome. Any EA conclusions of beneficial no significant impact—and the numerous assumptions, data errors and omissions used to support them—should be considered biased and suspect without peer review or a completion of a second EA by a qualified, independent consultant.

## N. MITIGATION

COMMENT N-1: the sheer number of mitigations detailed in the EA demonstrates that there will be significant environmental impact.

COMMENT N-2: NEPA requires that, if a project would have significant adverse effects on the environment, mitigation for those impacts must be identified. Identification is no guarantee of implementation. Who will ensure enforcement of mitigation? **Once lands are taken into trust, local, state, and federal agencies will lose regulatory oversight of the land use and any ability to enforce compliance with mitigations described in the EA.** Further, there is no guarantee the development would cease with the proposed project. There may be no recourse to inhibit future development or expansion of the project site. Unfortunately, the current incentive is to provide a favorable EA to gain BIA support/approval to have land taken into trust for this project; if successful, there will be no further incentive for the Koi Nation to consider concerns or local residents and actual Sonoma County tribes. Locally impacted residents will lose any right to influence the environment in which they reside. **Homeowners and others who reside adjacent to the project site may have no other way to mitigate impacts but to move. That, by definition, is a significant impact.**

We appreciate the opportunity to comment. Thank you for careful consideration of our comments.

Regards,

Elizabeth Acosta & Stephen Rios  
Windsor Residents (Sonoma County)  
acostalcs@gmail.com

Attachments:

Attachment 1: Press Democrat: "State Attorney General Files Legal Brief Supporting Koi Nation in Suit Against Clearlake" (October 20, 2023).


Attachment 2: Lake County News: "Clearlake sets aside half a million dollars to defend against tribal lawsuits over city projects," (October 20, 2023).

Attachment 3: "Casinos, Crime, and Community Costs" by Grinols and Mustard

Attachment 4: Casinos Combatting Human Trafficking Toolkit



# State attorney general files legal brief supporting Koi Nation in suit against Clearlake

Department of Justice says city officials violated environmental laws through alleged failure to satisfy tribal consultation requirements to ensure preservation of cultural sites. | 



California Attorney General Rob Bonta, shown in July, announced an investigation Wednesday, Oct. 12, 2022, into Los Angeles' 2021 redistricting process. (Genaro Molina/Los Angeles Times/TNS)

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**MARY CALLAHAN**

THE PRESS DEMOCRAT

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The California Attorney General's Office has weighed in on the side of the Koi Nation of Northern California in a lawsuit against the city of Clearlake, saying officials failed to adequately consult with the tribe to ensure preservation of ancestral cultural sites during development of a new four-story hotel.

The project in the south part of the Lake County town is to include a 0.2-mile extension of

18th Avenue west of Highway 53 to serve the hotel and an accompanying one-story meeting hall, along with utilities, sidewalks and 109 parking spaces on land the tribe says contains cultural sites.

The city council approved a declaration last year stating that anticipated environmental impacts were not substantial enough to require full environmental analysis.

It states, in part, that review of historical records and archaeological surveys on the vacant, city-owned land — some of it already extensively disturbed by heavy equipment and other activity — did not turn up protected cultural sites.

In acknowledging “the remote possibility” for artifacts, including human remains, to surface during construction, it said developers could stop activity within 100 feet, further investigate, consult appropriate agencies and determine what mitigation measures are needed.

[MNDAirportHotel.pdf](#)

But the Koi Nation says that’s not enough, given amended provisions of the California Environmental Quality Act under Assembly Bill 52 in 2014 that require “meaningful consultation” with tribes to ascertain what cultural resources might be at risk.

Attorney General Rob Bonta agreed.

In an 18-page amicus brief filed Tuesday in Lake County Superior Court, the state argues the city’s inattention to tribal concerns and guidance violates the California Environmental Quality Act, failing to satisfy the requirement to analyze tribal cultural resources “as a distinct, separate category ... subject to the same rigors and burdens of proof as analyses of other resource categories.”

[AG Amicus Order - combined.pdf](#)

The intent of the change, the brief says, was to factor in “the spiritual, cultural, and intrinsic value of tribal cultural resources to the tribes who maintain connections with those resources” — values that “are not captured through western archaeological and historical surveys,” and thus require consultation.

State code defines tribal cultural resources as sites, features, places, cultural landscapes,

sacred places and objects.

The city did hold an initial March 2022 meeting at which Koi leaders offered evidence of important sites at risk of disturbance, as well as confidential maps of cultural resources and proposed mitigation measures, according to legal documents. (Tribes generally keep information about important ancestral sites confidential to avoid vandalism and theft.)

But then, communications stopped, and the tribe never heard back, despite repeated efforts to contact the city and continue discussions, the brief states.

"The record reflects that the City did only cursory consultation, did not meaningfully consider the Tribe's input, and did not invest 'reasonable effort' to seek mutual resolution," the state's brief says.

"The Clearlake area is home to Native American tribes who have lived there since time immemorial," Bonta said in a news release Friday. "The preservation of tribal cultural resources is of great importance."

"We stand with the Koi Nation in seeking justice and accountability. The California Legislature passed AB 52 to ensure that government agencies' consultation with tribes regarding their tribal cultural resources would be meaningful — that simply didn't happen here."

Clearlake City Hall is closed on Fridays, and city officials could not be reached for comment.

Koi Nation Vice Chairman Dino Beltran said in the news release the tribe is "grateful for the action and leadership of Attorney General Rob Bonta and his hardworking team."

"We hope this will be helpful for all California Native American Tribes in their protection of Tribal Cultural Resources moving forward," he continued. "It is important to recognize traditional cultural knowledge as evidence."

The tribe's March 2023 suit over what's called the Airport Hotel and 18th Avenue Extension Project is similar to [one filed by the Koi Nation](#) in July over proposed development of a 26-acre recreational and public works complex the city said is much needed for its citizens.

Rep. Mike Thompson, D-St. Helena, last year secured \$2 million for the Burns Valley project.

The Koi Nation is a federally recognized tribe of the Southeastern Pomo people that claims

historic roots around Sonoma and Lake counties going back 17,000 years.

It is currently involved in a dispute with public officials and residents over its proposed development of a large casino and resort project on more than 68 acres on Shiloh Road in unincorporated Windsor.

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# Clearlake sets aside half a million dollars to defend against tribal lawsuits over city projects

ELIZABETH LARSON POSTED ON FRIDAY, 20 OCTOBER 2023 01:34



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LAKE COUNTY, Calif. — The Clearlake City Council has approved increasing the funding the city will devote to defending itself against legal challenges involving major park and road projects filed by the Koi Nation tribe, with one of those cases set to go to trial on Friday.

At its Oct. 5 meeting, the council was unanimous in approving the request from City Manager Alan Flora to double the city's expenditures with the Downey Brand law firm from \$250,000 to \$500,000.

In his written report for that council meeting, Flora said the legal contract was primarily for the purpose of defending the city against "the recent onslaught by the Koi Nation to challenge all economic development projects in the City of Clearlake."

The tribe, whose traditional territory includes the city of Clearlake and Lower Lake, sued in March to halt the city's projects for the 18th Avenue extension, which is related to a new hotel development.

It filed another suit in July regarding the Burns Valley sports complex and recreation center project, alleging the city has not conducted state-required consultation with its tribal government.

Koi Vice Chair Dino Beltrans did not respond to a message requesting comment for this story.

In December, Congressman Mike Thompson secured \$2 million for the Burns Valley project, which will include construction of a large sports and recreation center complete with baseball fields, soccer fields, a 20,000 square foot rec center, a small amount of retail space and a public works corporation yard.

The 18th Avenue project suit is set to go to trial in Lake County Superior Court on Friday, Oct. 20. No date has been set for the Burns Valley lawsuit.

Council members on Oct. 5 were united in calling the tribal lawsuits "frivolous" and damaging to the city's efforts to complete beneficial projects, including those focused on the community's children.

The council had initially approved the \$250,000 figure for legal defense in March after the tribe sued to stop the city's extension of 18th Avenue as part of a new hotel development at the former Peace Field airport site.

The tribe has alleged that the city violated the California Environmental Quality Act, or CEQA, and abused its discretion in adopting a mitigated negative declaration rather than completing an environmental impact report for the project.

Specifically, the tribe has pointed to AB 52, the Tribal Cultural Resources Bill of 2014, which requires that, as part of CEQA, public agencies must consult with a local Native American tribe when a project will have significant impact on tribal sites.

"The City ignored substantial evidence of direct and cumulative impacts to tribal cultural resources within the aboriginal territories of Petitioner Koi Nation, and the City failed to engage in meaningful and legally adequate government-

to-government consultation with Petitioner Koi



Nation as required by CEQA through AB 52," according to case documents.

In its defense, the city has said it conducted that consultation and followed CEQA's requirements fully, and that the tribe is reading things into the law that aren't there.

The city had been set to start road and utility work on the 18th Avenue Project in July, the week after a temporary restraining order hearing that took place on July 13 before Judge Michael Lunas.

At that time, it had been anticipated that Lunas would issue a ruling within a month, but that decision finally came down within recent weeks.

Lunas denied the tribe's request for a preliminary injunction but issued a stay on ground disturbing work until the outcome of the Oct. 20 trial.

With Lunas expected to issue a ruling within 30 days of the trial's conclusion, and no date yet set on the sports complex, Flora said there is "little likelihood" the city will be able to do any work on the projects this year. However, he said he remains "ever hopeful" some work could be done on the 18th Avenue project, depending on weather.

The Koi tribal leadership has appeared to heighten its willingness to fight the city at the same time as they are working to establish a new casino in Windsor in neighboring Sonoma County.

The tribe had been known as the Lower Lake Rancheria Koi Nation until 2011, when it changed its name to the Koi Nation of Northern California.

In the fall of 2021, the tribe went public with its plans for the Windsor casino. By that year's end, the tribe's koination.com website was gone and now redirects to Koinationsonoma.com.

On that website's "Mission" page, it does not mention Lake County. Rather, it says the tribe is "committed to protecting and exercising our inherent sovereign rights as a federally recognized tribe to their fullest extent, including obtaining land to re-establish a permanent land base for our people who have lived in this region for thousands of years, and creating self-sustaining economic activity to support the tribal government and its people, and the entire community of Sonoma County."

So far, the Koi — who will partner with the Chickasaw Nation of Oklahoma to operate the casino — have not gotten a welcome reception either from tribes or government agencies in Sonoma County, which have joined to push back on the plan.

The Sonoma County Board of Supervisors passed a resolution against the casino, the Graton Rancheria accused the Koi of “reservation shopping” and in a federal hearing last month, the tribe’s plans even received opposition from elected leaders at the federal and state levels.

The tribe has, however, gotten support from a group of union workers with whom it has signed an agreement to ensure union labor is employed in building the casino, as well as retired Lake County Sheriff Brian Martin, featured in a support video released in July, and actor Peter Coyote, who has narrated a documentary involving the tribe.

### **Heightened disagreements**

The Koi’s working relationship with the city has most noticeably deteriorated over the last three years, as the tribal leadership and its attorneys have aimed increasingly sharpened criticism at city leadership over the handling of projects.

Much of the tribe’s tension with the city has appeared to involve tribal monitoring. Specifically, the tribe wants trained tribal members to be paid by the city to monitor all operations when there is ground disturbance in order to look for artifacts and human remains, which trigger work stoppage.

The tribe has maintained this is important because of past instances in which lack of monitoring resulted in removal of human remains and historical soils, and destruction of artifacts.

Flora said during a Clearlake Planning Commission meeting in June that the city doesn’t believe that every project it does that involves ground disturbance requires tribal monitoring.

The Koi haven’t just taken aim at city projects.

In the fall of 2020, the Lake County Tribal Health Consortium began work on its new Southshore Clinic at 14440 Olympic Drive. The consortium consists of six Lake County tribes, but the Koi does not participate.

Flora said the Koi tribe was aware of the project, but when construction started, “They came out and kinda caused a ruckus and asked for Dr. Parker to come out.”

Flora said Dr. John Parker, the Koi’s preferred archaeologist, went to the project and concluded there were no issues. In all, Flora estimated that construction on the project was stopped for as much as a day and a half while those matters were resolved.

When it held its official grand opening in May, Tribal Health presented the city with a \$150,000 check in support of the Burns Valley sports complex project, pointing to the health benefits to the community.

Flora said that in 2022, the Koi had threatened to sue to stop completion of the city’s new splash pad at Austin Park. Because the council had wanted to move forward with the contract and completing the project, he said they agreed to the monitoring the Koi wanted.

However, while the splash pad was completed, Flora said there was other work planned at Austin Park that won’t be completed because underground work would have been required and it was expected to result in further issues with the tribe.

That included shade structures in front of the bandstand that were to be paid for with grant funds. Flora said the city is now reallocating those funds elsewhere.

“We know with their pattern of working with us that it’s just not worth the fight at this point,” he said.

In January, during an initial discussion with the Board of Supervisors about designing a regional skate park at Austin Park — and upgrading the existing park with an above-ground concrete structure — Koi representatives again raised issues.

Robert Geary, the tribal historic preservation officer for Habematolel Pomo of Upper Lake who has been working with the Koi in response to city projects, said the site of the existing park is a village site and that they wanted protocols in place before any action was taken.

“This is only for the design,” said Supervisor Bruno Sabatier, whose district includes Clearlake.

“We have discussed the sensitivity of the area as well,” said Sabatier, which is why they are looking to build up, not to dig into the earth in order to

do the least disturbance possible.

Holly Roberson, the tribal cultural resources counsel for the Koi Nation, told the board the tribe isn't against development in Lake County.

She followed up by saying, "It's great that you're interested in development above ground. That doesn't necessarily mean there won't be tribal cultural resources impacts."

Roberson said they would have "significant legal risk" if the tribal resources aren't fully addressed.

Sabatier said he planned to work to make sure the project happened correctly, but didn't support adding any requirements to the memorandum of understanding for the project's design cost.

During a June discussion the Clearlake City Council had on that project, Roberson and Geary appeared and reiterated comments they had made at the supervisorial meeting about the skate park project's potential impact on tribal resources. The council went forward with approving the MOU at that time.

There are other projects the city also is holding off on because they're concerned about more threats of litigation by the tribe, including installing electrical vehicle charging stations at City Hall. He said the city isn't planning any such installations there because they believe the tribe would try to stop it.

In addition, a water line replacement down Dam Road needed to serve the Cache fire area, including one of the mobile home parks where there are 50 mobile homes needing water supply and another park where rebuilding needs to take place, has been held up for the Konocti County Water District, according to Flora.

Flora said the tribe is insisting that any sensitive materials that have been dug up due to the water line work be reburied in the same location. In some instances, that's not possible. The city is offering another reburial location and the tribe is refusing. The result is the district is going to have to come up with more money to pay the tribe for monitoring and reburial.

### **Situation comes to a head**

For the Burns Valley project, the situation comes down to monitoring.

The city purchased the 31-acre parcel at the end of 2020. In May of 2022, the city completed the sale of a five-acre parcel at 14795 Burns Valley Road to Arcata-based Danco Communities, which is building an 84-unit apartment complex with mixed-income family units there. That project had no opposition from the tribe.

"They did not raise issues with Danco because Danco agreed to full tribal monitoring, even though there was no requirement to do so," said Flora.

"Danco was more concerned about the timing of the project being held up and how that would impact their financing stack."

The tribe wants the entirety of the 26 acres where the sports complex and city corporation yard will be located to be monitored, rather than just the location of two habitation sites, which they have argued is actually one large village.

"They say it's always about the monitoring but they feel like they should make all decisions when it comes to tribal resources," said Flora.

There are no state or federal laws requiring tribal monitors, although projects have increasingly included them out of respect for tribes.

Flora said if an item is found, the tribe believes it gets to tell the city what to do about it. "They get to decide and we get to pay for it," he said, adding that's not the state law.

The Clearlake Planning Commission's approval of the Burns Valley project's environmental analysis over the Koi's objections on April 25 brought the disagreements between the city and the tribe to a head over the summer.

The Koi appealed the commission's action. Over the course of several meetings — regularly scheduled meetings on June 1 and 15, and a special meeting in June 6 — the Clearlake City Council discussed the Koi's appeal.

At the June 6 meeting, Tribal Chair Darin Beltran — brother of Vice Chair Dino Beltran — spoke to the council about the project.

Beltran's comments led city officials to understand that he was offering to have the tribe — not the city — pay for the monitoring it wants of the site.

The city created a separate video clip of that discussion from the meeting and posted it on its Youtube page in order to explain the matter.

However, the following week, when Mayor Russ Perdock and Councilman David Claffey met with the Koi tribal council, Perdock said that offer was rescinded.

At the June 15 council meeting, Darin Beltran did not speak to the matter. Instead, Roberson told the council that it was a "misunderstanding," and that the tribe was not extending Darin Beltran's offer, which would have required a vote of the tribal council.

She said it was "confusing," although council members were firm in saying Beltran's offer had been clear.

While his brother didn't speak, Dino Beltran did. "We have not told you no. We want this to happen," he said of the project.

He said it was a social justice, cultural and religious issue, not one of CEQA.

Beltran said they were going to start reaching out to the community. "We are not getting through here," he said about interactions with the council. He said they would not pay for tribal monitoring.

"This isn't a legal issue so much as it is a moral issue," he said.

During the discussion, another tribal member requested that the sports complex be named for the tribe, which Flora later said wasn't something that had ever been discussed before then.

Roberson, who returned to the microphone, said there are numerous cultural sites around the city, and not all cultural resources have been identified or mitigated.

She said sites have historically been desecrated. "Are you going to keep going? Are you going to double down on what happened in the past?"

Tom Nixon, a retired park ranger for Anderson Marsh, said during public comment that he respected both the city and the Koi, which he said wanted to be part of the process.

Part of that is legitimizing compensation, Nixon said. "I think you should pony up."

Flora later noted that, from listening to comments from the public, there was not a clear understanding of the mitigations, which includes tribal monitoring of specific sites and cap and fill.

He said the city purchased the property two and a half years before and immediately started consultation with the tribe. Dino Beltran raised issues

of burials, and that information was passed on to archaeologist Dr. Greg White, who found no evidence of burials on the property.

Councilman Dirk Slooten said it was interesting that, only that day, the tribe raised environmental and social justice issues about the project.

Councilman Russ Cremer said he had been specific in asking the tribe about paying for monitoring during the special meeting in which Darin Beltran had made the offer.

Cremer said that cultivation has happened on the property — which had been part of a working farm and orchard — for over the past 100 years.

Recently, the city had the property disked to knock down vegetation for fire safety, and the tribe criticized the city for taking that measure, which Cremer said was ridiculous.

He said they've tried to get to a happy medium and that the tribe hasn't heard them.

"Quite honestly, I'm somewhat, I shouldn't say I'm shocked," he said. "There was no misunderstanding on what I asked and what Mr. Beltran agreed to."

Cremer said something happened over the weekend or the ensuing three or four days after the meeting in which Darin Beltran had offered to pay for monitoring.

He said he didn't see a requirement for city to pay for monitoring outside of areas we agreed to pay for. "We're stretching to make this thing work."

Cremer added, "You say you want this to happen, but your actions are not showing me that."

Councilwoman Joyce Overton was less diplomatic. "I'm not quite sure why we're even here on the issue."

She faulted Parker for having gone onto city property without permission to conduct surveys — which Flora also had stated during council meetings on the matter — adding she has personally seen Parker make copies of artifacts.

Overton said there is always going to be monitoring, and that she felt the city had gone above and beyond in its responsibilities. "I don't think there's any give anymore."

Flora said during the discussion that the city if human remains are found, work within 100 feet needs to stop.

"This is a unique opportunity for the city of Clearlake," said Slooten, with a amazing sports complex with amazing health benefits to the community.

He pointed out that Lake County has some of the worst health outcomes in the state because it doesn't have these types of facilities.

Perdock added that the city has changed the site designs and made other adaptations. At the tribal meeting, he said he had told them they hoped to extend an olive branch.

However, he said the city's budget is stretched pretty thin to get the project done and across the finish line.

The council voted unanimously to continue forward and deny the Koi's appeal.

### **Arguing in the court of public opinion**

On July 14, the tribe sued, and the tribe and city began exchanging news releases.

The Koi, who said their ancestors have lived in the region for more than 17,000 years, accused the city of "blatant disregard of state laws that mandate the protection of tribal cultural resources," and said it is insisting the Burns Valley project meet state laws on oversight.

The tribe maintained that city officials "have approved a wholly inadequate and rushed approval of the project that excludes the required protection of tribal cultural resources and meaningful tribal consultation."

The Koi's news release did not quote Tribal Chair Darin Beltran, but instead much of it was attributed to his brother, Dino Beltran.

"The City of Clearlake and the City's leaders must respect the law, our cultural heritage and our tribal sovereignty before and during the



development of the Burns Valley Sports Complex,” said Beltran. “Protecting burial sites and artifacts of our people is a legal and moral obligation, and we hope that this action will persuade Clearlake officials to recognize their obligations and meaningfully consult with us.”

The statement by Beltran continued, “The Koi Nation provided lots of evidence of impacts to tribal cultural resources on the project site and many ideas to reduce harm or avoid impacts, but the City just wouldn’t listen. We asked them to keep consulting, and to work it out with us so the project could move forward, but they walked away from the table.”

Beltran accused the city of claiming the tribe opposes the development, which he said is “categorically untrue.”

“The Koi Nation does not object to development in the region, so long as it is done respectfully and legally. The Koi Nation supports the creation of this facility for our friends and neighbors who live in the City, which has a shortage of outdoor recreation options, and is taking this action to ensure that the Burns Valley project moves forward in a way that conforms to the law and does not cause more harm to tribal sites,” Beltran said in the statement.

The statement continued, “The City wants to pit us against our neighbors by these false statements, when we have said publicly that we support the development. It is disappointing and upsetting that the City’s leaders would make such statements in an attempt to create animosity toward us. We are not seeking to stop the project, but rather to ensure that Clearlake officials follow the law.”

Beltran added, “We can and must find a way to co-exist. This place is the land of the original inhabitants of the Clearlake basin, the Koi people. When the City builds projects, it needs to be respectful and take into account all of the tribal cultural resources it could impact and find a way to avoid harming them. The City must do everything it can to build projects in a responsible way, which could save the City money and actually help projects get done faster with less opposition.”

In its response, the city said its on a path to revitalization and that it has “pressing community needs, such as infrastructure, education, medical care and public services. The sports complex is intended to serve as a gathering place for families, friends, and neighbors, strengthening community bonds and fostering a sense of belonging and camaraderie among residents.”

The city added, “Not only is the sports complex needed for the youth in the community, but it will also help convey the necessity of a healthy lifestyle for the whole family. Lake County has some of highest negative health statistics in the State so the City is doing everything it can to help improve the quality of life for their residents.”

The city’s statement also noted that while it continues to hear Koi Nation is “not opposed,” “yet the approach they take and the litigation they filed seems to suggest otherwise. The Sports Complex litigation follows on the heels of the recent Koi lawsuit which has temporarily halted the hotel development and new road project on 18th Avenue in Clearlake.”

“Litigation seems to be routine with the Koi on our projects which is incredibly frustrating and disappointing. During the CEQA process, we worked with the Koi for over two years, and we thought we had made good progress,” Flora said in the statement.

The city said it redesigned the sports complex project to avoid any impacts to tribal cultural resources — primarily by utilizing a cap and fill method of building above any sensitive areas without excavation — and that it made many concessions beyond what was legally required in order to respond to the Koi’s concerns.

Among its offerings to the tribe were a discussion about naming the sports complex, tribal interpretive panels and displays, native plantings and agreeing to allow the tribe free use of the complex up to four times a year for their own events.

In the statement, Perdock said that after their meetings with the Koi, the city believed a feasible agreement was possible, referring to Darin Beltran’s offer to cover tribal monitoring costs. “We were thrilled to feel like we could move forward in unison. However, a week later at the June 15 City Council meeting, the tribe rescinded their offer. I can’t tell you how disheartened our community is at the thought of the Koi holding up yet another project.”

City officials said the tribe’s “continued frivolous lawsuits” are wasting scarce city resources in terms of time and money, and it could destroy the city’s future plans.

Perdock encouraged anyone interested to review the documents about the project themselves. “We hope the Koi Nation won’t take this community asset away from us.”

#### **Council discusses legal expenses**

Flora's written report for the Oct. 5 council meeting explained. "While the City continues to believe these lawsuits and the tribe's actions to be an overreach and frivolous, significant taxpayer funds will nonetheless be required to defend these projects."

"I know, it's frustrating," Flora told the council during the meeting, "These are project funds that were identified to be used for sidewalks, playground equipment, batting cages, etc."

He said a number of those items will have to be pulled out of the projects when the city is authorized to move forward or else additional funding is identified.

"I think it's essential that we defend ourselves against these frivolous efforts and the future of Clearlake depends on it," Flora said.

He said the city has spent about \$3.5 million on the sports complex so far, with another \$9 million in the budget for work on the project this fiscal year.

Some of that money comes from grant funds and is not being used for legal expenses, Flora said.

Claffey said that some of the biggest problems the city has faced have involved roads and parks, and set out to address those very issues. "'We as a small city cobbled together enough money to start making some significant improvements."

He added, "This is a lot of money going to a purpose that really isn't needed."

That's just on the city's side. Claffey said money is being spent on the other end — a reference to the tribe — that could be invested in this community that is not right now. All of it is being done on the backs of taxpayers, he added.

"We have to defend it now or it's going to continue to haunt us into the years to come as we try to continue to do projects within the city to improve it for our citizens and our community. So we have no choice but to continue," said Cremer.

Slooten concurred with Claffey and Cremer. "We need to do this."

He added, "Otherwise they'll continue with these frivolous lawsuits."

Overton agreed. She said she didn't see any choice. "I'm just saddened that we're going to be taking away from our children."

"I echo the comments of my peers," said Perdock.

He said he was very disappointed in the city's public hearings on the projects, hearings that had been dominated by the disagreements between the tribe and the city.

Agreeing that the legal action by the tribe is frivolous, Perdock maintained Clearlake has complied with all of the CEQA laws and requirements and had tribal monitors in place as required by law.

It was when the tribe wanted extras — an apparent reference to the larger scope of tribal monitoring the Koi wanted — that the city said no and that work needed to get started. Perdock said the city didn't want to pay for unnecessary services "as I see them."

"The tribal chairman agreed for a solution and then they backtracked. Remember that," said Slooten.

Because the city is in litigation on the matter, Perdock said they were limited in what more they could say.

Claffey moved to increase the legal contract amount from \$250,000 to \$500,000, with Slooten seconding and the council voting 5-0.

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UPCOMING CALENDAR

- Oct 21

10.21.2023 1:00 pm – 4:00 pm

21

Meyo Marrufo to Discuss Pomo Basket Patterns in Water Basket Workshop (/newcal/7185)
- Oct 21

10.21.2023 1:00 pm – 4:00 pm

21

Pomo basket patterns workshop with Meyo Marrufo (/newcal/7197)
- Oct 22

10.22.2023 5:00 pm – 8:00 pm

22

Garden Harvest Gala (/newcal/7172)
- Oct 28

10.28.2023 10:00 am – 1:00 pm

28

Farmers' Market at the Mercantile (/newcal/6898)
- Oct 28

10.28.2023 5:00 pm – 9:00 pm

28

Lake County Land Trust 30th anniversary dinner (/newcal/7152)
- Oct 31

10.31.2023

31

Halloween (/newcal/g-4-20231031\_36klpu9coljcnm9nfgjth27al4\_20231031)
- Nov 1

11.01.2023

1

First Day of American Indian Heritage Month (/newcal/g-4-20231101\_tvl7hiji8jipl7hrutr4h62v5o\_20231101)
- Nov 2

11.02.2023 5:00 pm – 9:00 pm

2

Every Beat Counts benefit (/newcal/7163)
- Nov 4

11.04.2023 10:00 am – 1:00 pm

4

Farmers' Market at the Mercantile (/newcal/6899)
- Nov 4

11.04.2023 2:00 pm – 3:00 pm

4

Lakeport Library hosts Hank Smith (/newcal/7199)

MINI CALENDAR

|                                           |     |              |     |     |     |     |
|-------------------------------------------|-----|--------------|-----|-----|-----|-----|
| <div><div>&lt;</div><div>&gt;</div></div> |     | October 2023 |     |     |     |     |
| Sun                                       | Mon | Tue          | Wed | Thu | Fri | Sat |

| Sun                                                                        | Mon                                                                                                                                                           | Tue                                                                                                          | Wed                                               | Thu                                                                                        | Fri                                                                   | Sat                                                                             |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 1<br><a href="#">(/newcal/7165)</a>                                        | 2                                                                                                                                                             | 3<br><a href="#">(/newcal/7167)</a><br>+2 more                                                               | 4                                                 | 5<br><a href="#">(/newcal/7173)</a>                                                        | 6<br><a href="#">(/newcal/7174)</a><br><a href="#">(/newcal/7151)</a> | 7<br><a href="#">(/newcal/7132)</a><br>+3 more                                  |
| 8<br><a href="#">(/newcal/7170)</a><br>+2 more                             | 9<br><a href="#">(/newcal/g-4-20231009_e8vvu38c3icj97ls28mtfidkp4_20231009)</a><br><a href="#">(/newcal/g-4-20231009_t9slrpkceqp8vjg2g2606tq8bc_20231009)</a> | 10<br><a href="#">(/newcal/7180)</a><br>+2 more                                                              | 11                                                | 12                                                                                         | 13                                                                    | 14<br><a href="#">(/newcal/7179)</a><br>+4 more                                 |
| 15                                                                         | 16                                                                                                                                                            | 17<br><a href="#">(/newcal/7190)</a><br><a href="#">(/newcal/7191)</a>                                       | 18                                                | 19<br><a href="#">(/newcal/7196)</a><br><a href="#">(/newcal/7193)</a>                     | 20<br><a href="#">(/newcal/7194)</a>                                  | 21<br><a href="#">(/newcal/7195)</a><br>+4 more                                 |
| 22<br><a href="#">(/newcal/7172)</a>                                       | 23                                                                                                                                                            | 24                                                                                                           | 25                                                | 26                                                                                         | 27                                                                    | 28<br><a href="#">(/newcal/6898)</a><br><a href="#">(/newcal/7152)</a>          |
| 29                                                                         | 30                                                                                                                                                            | 31<br><a href="#">(/newcal/g-4-20231031_36klpu9c9jca-2023101214hijj31761)</a>                                | <a href="#">(/newcal/g-4-2023101214hijj31761)</a> | <a href="#">(/newcal/7163)</a><br><a href="#">(/newcal/g-4-20231101tr4h62v5o_20231101)</a> |                                                                       | <a href="#">(/newcal/6899)</a><br><a href="#">(/newcal/7199)</a>                |
| <a href="#">(/newcal/g-4-20231105_drikm9ramroskv6c07ug7t5l8o_20231105)</a> |                                                                                                                                                               | <a href="#">(/newcal/g-4-20231107_fc8fl530s4lqftcnc9c75jccok_20231107)</a><br><a href="#">(/newcal/7192)</a> |                                                   |                                                                                            | <a href="#">(/newcal/g-4-20231110_rhv0a9kcdg-m-20231105outd4ks)</a>   | <a href="#">(/newcal/g-4-20231105outd4ks)</a><br><a href="#">(/newcal/6900)</a> |



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# CASINOS, CRIME, AND COMMUNITY COSTS

Earl L. Grinols and David B. Mustard\*

**Abstract**—We examine the relationship between casinos and crime using county-level data for the United States between 1977 and 1996. Casinos were nonexistent outside Nevada before 1978, and expanded to many other states during our sample period. Most factors that reduce crime occur before or shortly after a casino opens, whereas those that increase crime, including problem and pathological gambling, occur over time. The results suggest that the effect on crime is low shortly after a casino opens, and grows over time. Roughly 8% of crime in casino counties in 1996 was attributable to casinos, costing the average adult \$75 per year.

## I. Introduction

PRIOR to 1978, there were no casinos in the United States outside Nevada. Since 1990, casinos have expanded to the point where the vast majority of Americans now have relatively easy access to one. This paper utilizes the natural experiment created by casino openings to examine how casinos affect crime. There are many reasons why understanding this link is particularly valuable. First, the casino industry has grown rapidly in the last decade and has become one of the most controversial and influential industries. Commercial casino revenues increased 203% from \$8.7 billion to \$26.3 billion between 1990 and 2000. Including Class III American Indian casinos, revenues were \$38.8 billion, or \$200 per adult, in 2001. Casino industry revenues are comparable to those of the cigarette market, and all forms of gambling total more than seven times the amount spent on theater tickets.<sup>1</sup> From 1982 to 2000, GDP increased 201% while casino revenues increased more than 660%. This rapid expansion generated extensive debate about the impact of casinos on many social, economic, and political issues.<sup>2</sup>

Second, the casino industry has become a major lobbying presence. Between 1992 and 1997, \$100 million was paid in lobbying fees and donations to state legislators (Harvard Medical School, 1997). Concerns were sufficiently pronounced that the U.S. Congress established the National Gambling Impact Study Commission (NGISC) in 1996 to study casinos exhaustively. Its final report called for additional research about the effects of casinos and a moratorium on further expansion.

Third, research suggests that on a national basis casino gambling generates externality costs in the range of \$40

billion annually,<sup>3</sup> and crime is one of the biggest components of these social costs.

Last and most important, in spite of the substantial attention devoted to the casino-crime link, there is a paucity of convincing research about it. Economists have been virtually silent, and studies from other disciplines typically exhibit many fundamental weaknesses. First, no study has examined the intertemporal effect of casinos, which we contend is essential to understanding the relationship. Second, nearly every study used small samples, most frequently Las Vegas, Atlantic City, Reno, and Deadwood (Albanese, 1985; Lee & Chelius, 1989; Friedman, Hakim, & Weinblatt, 1989; Buck, Hakim, & Spiegel, 1991; Chiricos, 1994; Margolis, 1997) or Wisconsin (Thompson, Gazel, & Rickman, 1996a; Gazel, Rickman, & Thompson, 2001), or a selection of a handful of casino markets (Albanese, 1999). Four of these studies conclude that casinos increase crime, two argue that there is no effect, and one maintains that Florida regions with casinos have lower crime rates than selected Florida tourist cities if visitors are included in the population base denominator.

Another problem with the existing research is that some studies (Albanese, 1999; Hsing, 1996) reached conclusions about crime rates without actually examining crime rates. Instead of analyzing offenses, they used arrests, but did not discuss the problems inherent in using arrest rates to infer anything definitive about crime rates.

A fourth criticism is that most studies are subject to substantial omitted variable bias because they rarely controlled for variables that affect crime. Margolis (1997), Florida Department of Law Enforcement (1994), and Florida Sheriffs Association (1994) included no control variables. Nearly all of the other studies control for very few factors.

Fifth, the literature has generally neglected discussing the theoretical links between casinos and crime, as Miller and Schwartz (1998) document in detail.

Last, many studies were agenda-driven, conducted or funded by either progambling or law enforcement organizations. Nelson, Erickson, and Langan (1996), Margolis (1997) and Albanese (1999) were funded by explicitly progambling groups. As expected, they concluded that gambling had no impact on crime. The Florida Department of Law Enforcement (1994) and Florida Sheriffs Association (1994), which both opposed casinos, concluded that crime and drunk driving increased in Atlantic City and Gulfport, MS, as a result of casinos.

The General Accounting Office (GAO) and NGISC concluded that definitive conclusions cannot yet be reached

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\* Baylor University, and Terry College of Business, University of Georgia and the Institute for the Study of Labor, respectively.

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<sup>1</sup> 1997 cigarette sales were \$45 billion. 2002 theater ticket and gambling revenues were \$9.3 and \$68.7 billion.

<sup>2</sup> Kindt (1994), Grinols (1996), Henriksson (1996), and Grinols and Omorov (1996) discussed a number of these.

<sup>3</sup> See, for example, Grinols and Mustard (2001, p. 155) and Grinols (2004, p. 170).

about the casino-crime link. According to the GAO (2000, p. 35), "In general, existing data were not sufficient to quantify or define the relationship between gambling and crime. . . . Although numerous studies have explored the relationship between gambling and crime, the reliability of many of these studies is questionable." This paper contributes to the literature on this important issue by addressing each of the above limitations.

The paper is organized as follows. Section II explains the data we use. Section III analyzes the theoretical links between casinos and crime, and section IV outlines our estimation strategy. Section V discusses our basic empirical results, and section VI extends the results to border counties. Section VII concludes. We find that crime increases over time in casino counties, and that casinos do not just shift crime from neighboring regions, but create crime. We estimate the crime-related social costs in casino counties at approximately \$75 dollars per adult per year.

## II. Data

Our sample covers all 3,165 U.S. counties from 1977 to 1996. The Federal Bureau of Investigation's (FBI) Uniform Crime Report<sup>4</sup> provided the number of arrests and offenses for the seven FBI Index I offenses: aggravated assault, rape, robbery, murder, larceny, burglary, and auto theft.<sup>5</sup> With the exception of Alaska, the county jurisdictions remained unchanged over our sample period.

We used U.S. Census Bureau data for demographic control variables, including population density per square mile, total county population, and population distributions by race, age, and sex.<sup>6</sup> The Regional Economic Information System, of the Bureau of Commerce, provided data on income, unemployment, income maintenance transfers, and retirement.<sup>7</sup>

<sup>4</sup> U.S. Department of Justice, FBI, *Uniform Crime Reports: County-Level Detailed Arrest and Offenses Data, 1977–1996*, Washington, DC: U.S. Department of Justice, FBI; Ann Arbor, MI: Inter-university Consortium for Political and Social Research (ICPSR, distributor).

<sup>5</sup> The definitions are listed in *Crime in the United States: 1993* (U.S. Department of Justice, Federal Bureau of Investigation), Appendix H, pp. 380–381.

<sup>6</sup> ICPSR (8384): "Intercensal Estimates of the Population of Counties by Age, Sex and Race (U.S.): 1970–80," U.S. Department of Commerce, Bureau of the Census, Winter 1985, ICPSR, Ann Arbor, MI 48106. "Intercensal Estimates of the Population of Counties by Age, Sex and Race: 1970–1980 Tape Technical Documentation," U.S. Bureau of the Census, Current Pop. Reports, Series P-23, 103, "Methodology for Experimental Estimates of the Population of Counties by Age and Sex: July 1, 1975." U.S. Bureau of the Census, Census of Population, 1980: "County Population by Age, Sex, Race and Spanish Origin" (preliminary OMB-consistent modified race).

<sup>7</sup> Income maintenance includes Supplemental Security Insurance (SSI), Aid to Families with Dependent Children (AFDC), food stamps, and other income maintenance (which includes general assistance, emergency assistance, refugee assistance, foster home care payments, earned income tax credits, and energy assistance). Unemployment insurance benefits include state unemployment insurance compensation, Unemployment Compensation for Federal Civilian Employees (UCFE), Unemployment for Railroad Employees, Unemployment for Veterans (UCX), and other unemployment compensation (which consists of trade readjustment al-

The natural operating measure for casinos is gross revenue or profits. Unfortunately, such panel data do not exist—American Indian casinos are not required to report revenues. We therefore used the year a county first had an operating Class III<sup>8</sup> gambling establishment, including riverboat casinos, American Indian casinos, land-based casinos, and, in the case of Florida and Georgia, "boats to nowhere"—cruises that travel outside U.S. boundary waters so passengers can gamble. Not all forms of gambling qualify as casinos. For example, Montana has hundreds of small gambling outlets that offer keno or video poker, many in gas stations along the highway. Also, California has many card houses, some of which were illegal. These establishments are distinct from casinos in size and type of play.

To obtain casino opening dates we first contacted state gaming authorities. In cases like Washington, this was an expeditious way to ascertain the first year a casino opened. However, even the central gaming authorities and Indian affairs committees often lacked information on Indian casinos. Therefore, in most states we called each casino to obtain its opening date or first date of Class III gambling if it had previously operated other forms of gambling.<sup>9</sup> We also used lists from the Casino City Web site, [www.casinocity.com](http://www.casinocity.com), which lists casinos in every state, and verified it against the annually produced *Casinos: The International Casino Guide* (B.D.I.T., 1997).

Table 1 presents summary statistics for casino and noncasino counties. Noncasino counties had no casino in any year of the sample. Casino counties had a casino in operation during one or more years of the period. Casino counties had higher population, land area, income, and crime rates. The regressions later in the paper show no statistically significant differences between casino and noncasino pre-opening crime rates when control variables are included.

lowance payments, Redwood Park benefit payments, public service employment benefit payments, and transitional benefit payments). Retirement payments included old age survivor and disability payments, railroad retirement and disability payments, federal civilian employee retirement payments, military retirement payments, state and local government employee retirement payments, federal and state workers' compensation payments, and other forms of government disability insurance and retirement pay.

<sup>8</sup> According to the Indian Gaming Regulatory Act of 1988, Class I gambling consists of "social games solely for prizes of minimal value." Included in Class I gambling are traditional Indian games identified with tribal ceremonies and celebrations. Class II gambling includes bingo and "games similar to bingo." Class III gambling includes "all forms of gaming that are not Class I gaming or Class II gaming," such as blackjack, slot machines, roulette, and other casino-style games.

<sup>9</sup> We distinguish the operation date of Class III casinos from other dates such as the legislation date to authorize casinos and the operation date of Class I or II establishments. Within a state, different counties acquired casinos at different times. Also, bingo halls operated by American Indians converted to Class III gambling during our sample. Nevada legalized commercial casino gambling (in 1931) prior to the start of our sample. Excluding Nevada from our sample slightly increased the magnitude of the estimated casino-crime effect. For example, when Nevada was excluded from the table 4 regressions, 39 of the 42 post-opening coefficient estimates became more positive or less negative. Excluding New Jersey, whose Atlantic City casinos opened in 1978, produced similar results.

TABLE 1.—DEMOGRAPHIC AND CRIME DATA: CASINO VERSUS NONCASINO COUNTIES

| Variable                          | Casino Counties |           |             | Noncasino Counties |           |             |
|-----------------------------------|-----------------|-----------|-------------|--------------------|-----------|-------------|
|                                   | Mean            | Std. Dev. | Sample Size | Mean               | Std. Dev. | Sample Size |
| Population                        | 145,330         | 288,149   | 3,533       | 73,209             | 252,381   | 59,053      |
| Population density (pop./sq. mi.) | 204             | 491       | 3,533       | 217                | 1,462     | 59,045      |
| Area (square miles)               | 2,021           | 3,056     | 3,533       | 1,008              | 2,883     | 59,060      |
| Per capita personal income        | \$11,306        | \$2,689   | 3,533       | \$10,808           | \$2,618   | 59,040      |
| Per capita unemployment ins.      | \$78            | \$54      | 3,533       | \$65               | \$51      | 59,024      |
| Per capita retirement comp.       | \$10,771        | \$6,544   | 3,538       | \$9,831            | \$6,243   | 59,028      |
| Aggravated assault rate           | 259             | 276       | 3,245       | 188                | 245       | 54,551      |
| Rape rate                         | 29              | 28        | 3,182       | 20                 | 32        | 53,882      |
| Robbery rate                      | 82              | 136       | 3,254       | 44                 | 143       | 54,623      |
| Murder rate                       | 5.9             | 9.3       | 3,254       | 5.5                | 10.5      | 54,628      |
| Larceny rate                      | 2,548           | 1,423     | 3,254       | 1,738              | 1,940     | 54,622      |
| Burglary rate                     | 1,056           | 666       | 3,254       | 770                | 1,110     | 54,619      |
| Auto theft rate                   | 267             | 264       | 3,254       | 167                | 276       | 54,627      |

Notes: Crime rates are annual incidents per 100,000 population. Monetary amounts are in 1982–1984 dollars.

The differences in the crime rates are due to the postopening differences between casino and noncasino counties.

Between 1977 and 1996 the number of states with some form of casino gambling rose from 1 to 29. Counties with casinos grew from 14 (all in Nevada) to nearly 180. The Indian Gaming Regulatory Act of 1988 increased the number of Indian casinos by mandating that states allow American Indian gambling on trust lands if the state sanctioned the same gambling elsewhere. The semisovereign status of Indian tribes and their management by the Federal Bureau of Indian Affairs gave them greater leverage with the states. By 1996, 21 states permitted casinos on Indian reservations.

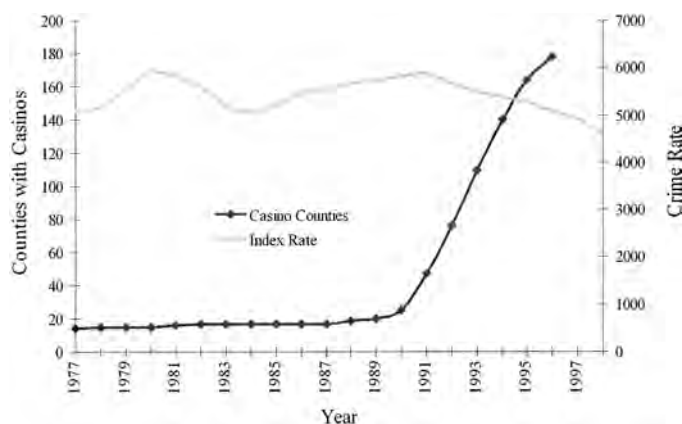
Figure 1 shows the relationship between the number of counties with casinos (left scale) and the crime rate (right scale). The crime rate fluctuated between 1977 and 1990 when the number of casinos was relatively constant. However, between 1990 and 1996, when the number of counties with casinos increased rapidly, the crime rate dropped substantially. This contemporaneous casino growth and crime reduction is important. Some have used these data to suggest that casinos reduced crime. For example, Margolis (1997) stated, "Crime rates in Baton Rouge, LA have decreased every year since casino gaming was introduced." However, most regions experienced falling crime rates after

1991. Therefore, it is more appropriate to compare the magnitude of the decreases between casino and noncasino counties. We provide two comparisons of this type. Each suggests that crime rates in counties that opened casinos during our sample increased relative to crime rates in noncasino counties.

The first example, shown in figure 2, contrasts the crime rate for casino and noncasino counties between 1991 and 1996. FBI Index I offenses were summed by year for casino counties. Average crime rates for 1991–1996 were calculated by dividing these totals by the populations of the counties in the corresponding years. The series was then scaled to take the value 100 in the year 1991. The same procedure was applied to noncasino counties.<sup>10</sup> Though crime dropped in both sets of counties, crime dropped 12.0 percentage points more in counties without casinos than in casino counties. The absolute reduction in crime in noncasino counties (90.3 offenses per 100,000) was approximately 3 times as large as the reduction (30.6 offenses per 100,000) in counties that opened a casino.

The second example, shown in figure 3, presents casino-county crime data centered on the year of opening, where the average crime rate for the two years prior to casino opening and the year of opening is set to 100. Crime rates were stable prior to opening, were slightly lower in the year of casino introduction, returned to approximately average levels for the next two or three years, and increased thereafter. By the fifth year after introduction, robbery, aggravated assaults, auto theft, burglary, larceny, rape, and murder were 136%, 91%, 78%, 50%, 38%, 21%, and 12% higher, respectively. These effects by year after introduction

FIGURE 1.—INDEX CRIME RATE AND NUMBER OF COUNTIES WITH CASINOS: UNITED STATES, 1977–1998



<sup>10</sup> Data on Florida are excluded from figure 2 because it changed its crime reporting from summary-based to incident-based on January 1, 1988, and switched back to summary-based in 1995. Crime data are missing in the transition years. However, a Florida-only analysis is consistent with figure 2. Between 1977 and 1995 Florida counties that opened casinos experienced greater growth than noncasino counties in murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft (19.9, 29.3, 27.3, 33.6, 7.7, 16.9, and 81 percentage points higher, respectively).



suggest the need to estimate lead and lag structures to identify the relevant time dependencies.

### III. Theory

Previous studies focused on the empirical relationship between casinos and crime, but neglected theoretical explanations of how casinos affect crime. We present two reasons why crime could decrease and five reasons why crime could increase. We then discuss their different effects over time, an essential, but previously ignored issue. These factors are not mutually exclusive, and our empirical results estimate the total effect of these factors.

#### A. Theoretical Connections between Casinos and Crime

Casinos might reduce crime directly by improving legal earning opportunities, or indirectly through development effects.

*Wage Effects:* Grogger (1997) argued that increases in wages reduce crime, and Gould, Weinberg, and Mustard (2002) showed that increased employment and wages of low-skilled individuals reduce crime. Therefore, if casinos provide greater labor market opportunities to low-skilled workers, they should lower crime. Evans and Topoleski (2002) contend that when casinos are opened by American Indians, the fraction of adults who are poor, who are more likely to commit crime, declines by 14% and that employment increases significantly.

*Development:* Casinos may reduce crime indirectly through development effects. In the Midwest, for example, legislation decriminalizing casino gambling cited economic development as its rationale. Decaying waterfronts and derelict sections of town that once harbored crime may be less amenable to it when renovation occurs, streetlights appear, and resident presence increases. The streets near Las Vegas casinos, even at night, are often cited as some of the safest.

FIGURE 2.—CASINO-COUNTY VERSUS NONCASINO-COUNTY CRIME RATES

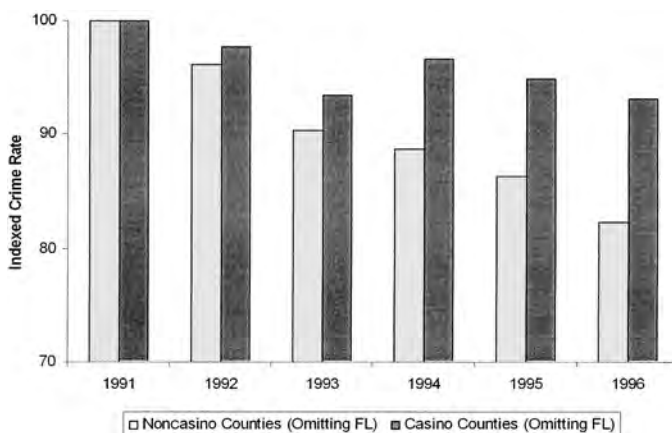
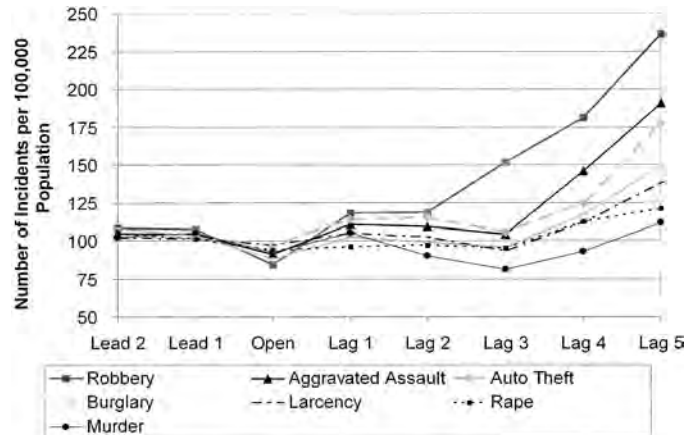


FIGURE 3.—CRIME BEFORE AND AFTER CASINO OPENING: CASINO COUNTIES, OMITTING FLORIDA IN 1988, 1996



Likewise, casinos may increase crime through direct and indirect channels.

*Development:* Casinos may raise crime by harming economic development, the opposite of the indirect effect discussed above. While some commend casinos for bringing growth, others criticize them for draining the local economy, for attracting unsavory clients, and for leading to prostitution and illegal gambling-related activities.

*Increased Payoff to Crime:* Casinos may increase crime by lowering the information costs and increasing the potential benefits of illegal activity. Travelers are often more vulnerable to crime victimization, and because casinos attract gamblers and money, there is an increased payoff to crime from a higher concentration of cash and potential victims. A 1996 Kansas City case is illustrative: a local restaurant owner was followed home, robbed, and murdered in his garage after winning \$3,000 at a casino (Reno, 1997). Similar stories exist in other locations with casinos.

*Problem and Pathological Gambling:* Crime may increase through problem and pathological gamblers. Pathological gambling is a recognized impulse control disorder of the Diagnostic and Statistical Manual (DSM-IV) of the American Psychiatric Association. Pathological gamblers (often referred to as “addicted” or “compulsive” gamblers) are identified by repeatedly failing to resist the urge to gamble, relying on others to relieve the desperate financial situations caused by gambling, committing illegal acts to finance gambling, and losing control over their personal lives and employment. Problem gamblers have similar problems, but to a lesser degree. Compared to those arrested for crime, problem and pathological gamblers are more likely to be female, are older, and have higher incomes.<sup>11</sup>

<sup>11</sup> See NGISC (1999, Tables 4-2, 4-5) and Bureau of Justice Statistics (2002, Tables 4.7-4.10, 6.13, 6.16, 6.17).



The geographical spread of casinos lowers the cost of buying the addictive good, which increases the quantity consumed by problem gamblers, as evidenced by the rapid increase in Gamblers Anonymous programs after casinos open. For example, the number of Wisconsin communities holding Gamblers Anonymous meetings grew from 6 to 29 in the seven years after Indian tribes initiated agreements with the state to open casinos in 1992. Eleven people who contacted the Wisconsin group in 1997 committed suicide because of gambling (*Chicago Tribune*, August 2, 1999). The NGISC also reported a large increase in Gamblers Anonymous from 650 chapters in 1990 to 1,328 in 1998, "a period of rapid legalized gambling expansion" (NGISC, 1999, p. 4–17).

Conversely, when gambling is restricted, the cost of consuming the addictive good increases. Beginning July 1, 2000, South Carolina banned slot machines by court order. Six months later, the number of Gamblers Anonymous groups had dropped from 32 to 11, and the attendance fell from a typical size of approximately 40 to as few as 1 or 2 (Bridwell & Quinn, 2002, p. 718). During the same time, the number of help-line calls in Horry County (Myrtle Beach) dropped from 200 per month to 0 (*ibid.*)

An often-cited Maryland study found that 62% of the Gamblers Anonymous group studied committed illegal acts because of their gambling (Maryland Department of Health and Mental Hygiene, 1990); 80% had committed civil offenses, and 23% were charged with criminal offenses. A similar survey of nearly 184 members of Gamblers Anonymous showed that 56% admitted stealing to finance their gambling. The average amount stolen was \$60,700 (median \$500), for a total of \$11.2 million (Lesieur, 1998).

*Visitor Criminality:* Crime may also rise because casinos attract visitors who are more prone to commit and be victims of crime. Chesney-Lind and Lind (1986) suggested that one reason tourist areas often have more crime is that tourists are crime targets. However, in the following section we show that visitors to national parks do not increase crime. Therefore, if casino visitors induce crime, it is because they are systematically different from national park visitors or visitors to other attractions. The three largest single tourist attractions in the United States in 1994 were the Mall of America (Bloomington, MN), Disney World (Orlando, FL), and Branson, MO (country and western music) receiving 38, 34, and 5.6 million visitors, respectively. For comparison, Hawaii received approximately 6 million and Las Vegas received 30.3 million visitors in 1994. Visitors per resident were 1,345 for Branson, 436 for Bloomington, 188 for Orlando, and 40 for Las Vegas. If visitors of any type are the predominant mechanism for crime, Branson and Bloomington should be among the most crime-ridden places in North America. Even adding visitors to residents in the denominator to calculate diluted crime rates, the crime rate per 100,000 visitors-plus-residents was

187.3 for Las Vegas, 64 for Orlando, 16.4 for Branson, and 11.9 for Bloomington. Bloomington received 7.7 million more visitors than Las Vegas, but had a diluted crime rate less than  $\frac{1}{15}$  of Las Vegas's. One indication of the different clientele casinos attract is the large increases in pawnshops that occur when casinos open. Other tourist areas do not experience similar increases.

A few of the numerous press examples that explicitly link casino gambling to crime are as follows:

Authorities linked a woman arrested in Bradenton, FL to one of the largest and most profitable burglary rings in the country. Baton Rouge, La., police Detective Jonny Dunham said that Barbara Dolinska and her cohorts like to gamble, and they committed many crimes in areas that either had riverboat gambling operations or other kinds of gaming. (*Sarasota [FL] Herald-Tribune*, December 23, 1999)

A man arrested in the armed robbery of a [New Orleans] bar told deputies of his motive for the hold up: he wanted to recover the several hundred dollars he lost playing the lounge's video poker machines. (*Las Vegas Sun*, June 14, 1999)

Former San Jose police officer, Johnny Venzon Jr., was imprisoned for stealing from people on his own beat while in uniform. Venzon, who blamed his actions on a gambling addiction, often burglarized homes and then investigated the crimes. (*San Francisco Chronicle*, February 25, 1999)

Daniel Blank confessed to stealing over \$100,000 and killing six Louisiana residents from October 1996 to July 1997. Blank's motivation for his brutality was to obtain cash to support almost daily trips to video poker halls and casinos. Sometimes Blank headed for casinos right after committing the crimes. ([New Orleans] *Times-Picayune*, January 28, 1999)

*Casino-Induced Changes in Population Composition:* Gambling, along with gambling-related industries such as hotels and restaurants, is one of the few growth sectors with a high demand for unskilled labor. An increase in demand for unskilled and lower-income employees may alter the composition of the underlying labor force and residents toward those who are more apt to engage in criminal activity.

#### B. Effects across Types of Crime

Different crime mechanisms need not have the same effects across crimes. For example, improvements in the legal sector reduce property crime more than violent crime (Gould et al. 2002). Although murder has been tied to casino activities as described above, the statistical connection is harder to detect, because murder is rare in comparison with other crimes and because other causes predominate. For this reason we expect casinos to contribute less to the overall explanation of murder rates.

Pathological gamblers generally commit crimes to generate money either to deal with their debts or to gamble. Peoria and Tazewell counties, surrounding one of Illinois's oldest riverboats, have documented a significant increase in casino-related embezzlement, theft, and burglary, much of it committed by professionals like teachers and lawyers (Copley News Service, June 28, 1999). Burglary, larceny, and auto theft, and the violent crime of robbery, have pecuniary payoffs. Casinos may affect aggravated assault because assault often occurs in the context of a crime with an economic payoff. Because the FBI classifies each incident involving multiple offenses under the most serious offense, property crimes and robberies that become assaults are categorized as assaults.

Identifying the link between casinos and rape is less obvious. Casinos may attract visitors more likely to commit rape or to be its victims, and have an indirect effect through the population composition effect and social climate. Changed population might be related to casino-generated growth in adult entertainment, escort services, and related industries, which show significant increases as measured by advertising or the number of listings in the yellow pages. Many law enforcement officials have testified that prostitution increased dramatically after casinos opened (FBI Conference on Casino Gaming, 1999). Pinnacle Entertainment was fined \$2.26 million by the Indiana Gaming Commission for supplying prostitutes and gambling money to attendees at a golf outing sponsored by its Belterra Casino Resort (Piskora, 2002).

### C. *Intertemporal Effects on Crime*

The theory importantly predicts that the effects of casinos will vary over time. Reduction of crime through improvements in labor market opportunities is observed prior to and shortly after the casino opening as low-skilled people may be hired by the casino or casino-related industries. The economic development theories (whether positive or negative) imply that a casino's effect after opening will grow until the casino market reaches equilibrium. Likewise, the visitor effect and the effect of changing composition of the population appear with the casino's opening and grow as people are attracted to the area.

Effects operating through problem and pathological (P&P) gamblers will not be felt until a gambling problem has developed. Breen and Zimmerman (2002) studied the time to pathology. "We found that the men and women who 'got hooked' on video gambling became compulsive gamblers in about one year. Those who got hooked on other kinds of gambling (such as horses, sports betting, blackjack, etc.) became compulsive gamblers after about three and a half years" (RI Gambling Treatment Program, 2002). According to gambling treatment specialists, "Many addicted gamblers follow essentially the same course. . . . [T]hey enter a desperation stage, [the treatment specialist] said, and when they've used up their own money and lines of credit

they often turn to stealing" (Schneider, 2003). In the same article, police and prosecutors "told the newspaper that in recent years, with the arrival of casino gambling in the area, they have seen an increase in exactly the kinds of crimes [the convicted subject of the story] has acknowledged committing" (ibid.). The successful Evansville attorney Allan Lossemore's case (Rohrig, 2002) is symptomatic of the role of time lags. He began going to the Casino Aztar in July 1997 and for the first three or four months won enough money to subsidize his fledgling law practice. But by early 1998 he began to lose. "I started to draw from charge cards and from a line of credit in an attempt to get even," he reported. He tried to get back on track by barring himself from the casino and staying away from gambling, but late in 1999 he gambled again and lost. After a series of personal and professional financial circumstances, in mid-2000 he misappropriated clients' funds. "From there, I was just robbing Peter to pay Paul. I was gambling at that point pretty heavily—I was really trying to make up the difference." He was arrested in November 2000 and later jailed.

Research conducted for the NGISC reported that the population percentage of problem gamblers rose from 0.3% to 1.1% when the distance to the nearest casino fell from more than 250 miles to less than 50 miles, and rose from 0.4% to 1.3% for pathological gamblers (National Opinion Research Center, 1999, pp. 28–29). Distances less than 50 miles were not studied; thus a difference of 1.7% in P&P gambling probably understates the actual fraction. Research on the degree of P&P gambling in Las Vegas found the rate was 6.6% (Strow, 1999), suggesting that a difference of 5.9% is closer to an upper bound. If problem and pathological gamblers are an important explanation of crime, we expect to observe crime increase over time as more people start to gamble, develop gambling problems, and eventually commit crimes to fund their losses. Because different causes are at work, and may operate differently for different crimes, there is no presumption that intertemporal effects must be identical.

## IV. Estimation Strategy

Our empirical strategy addresses many limitations of the current research. First, by conducting the most exhaustive investigation and utilizing a comprehensive county-level data set that includes every U.S. county, we eliminate sample selection concerns. Second, by analyzing crime effects over time we exploit the time series nature of our data. Third, we are the first to articulate a comprehensive theory about how casinos could increase or decrease crime. Last, we use the most exhaustive set of control variables, most of which are commonly excluded from other studies.

### A. *Direct and Indirect Effects*

As noted, casinos may affect crime rates directly through their effects on the resident local population and indirectly

by increasing the number of casino visitors. The total includes both direct and indirect effects, as expressed in the following equations, where crime ( $C_{it}$ ) in county  $i$  in year  $t$  is a function of the presence of a casino, the number of casino visitors ( $V_{it}$ ) to the county, and other variables that affect crime (summarized in the term *Other*), and where  $a$ ,  $b$ ,  $c$ , and  $d$  are unknown coefficients:

$$C_{it} = a \text{ Casino}_{it} + bV_{it} + \text{Other}_{it}, \quad (1)$$

$$V_{it} = c \text{ Attractions}_i + d \text{ Casino}_{it}. \quad (2)$$

Casino visitors in (2) depend on both the visitor attractiveness of the county ( $\text{Attractions}_i$ ) and the presence of the casino. The coefficient  $a$  measures the direct effect of the casino on crime. The coefficients  $b$  and  $d$  measure the indirect effect via casino visitors. Substituting from (2) into (1) gives

$$C_{it} = \beta_i + \delta \text{ Casino}_{it} + \text{Other}_{it} \quad (3)$$

where  $\delta = a + bd$ , and  $\beta_i = bc \text{ Attractions}_i$ . The total effect of the casino on crime,  $\delta$ , in (3) includes the effects on both the local population and casino visitors. Estimating  $a$  in (1) would give only a partial effect, because it would not take into account the visitor effect.<sup>12</sup> The key to our being able to estimate the full effect is having panel data. Because many studies of the casino-crime relationship used cross-sectional data, they were limited to estimating only a partial effect.

#### B. Visitors

Although distinguishing direct and indirect effects is important, it is also important to avoid the assumption that anything that attracts the same number of visitors will have the same crime effects. Different types of visitors may have systematically different effects on crime even if the effect for all types of visitors is positive. The presence of a casino in (3) proxies for direct effects on crime and for an increased number of casino visitors. It does not necessarily follow that the same number of visitors for another purpose would generate the same crime outcomes. Visitors for other purposes appear in the variable *Other<sub>it</sub>*, which we now address.

Time series visitor data do not exist at the county level and certainly do not distinguish visitors for different purposes. Running the regression (3) without such information, therefore, risks omitted variable bias. In partial defense, no other crime studies have been run with these data either. However, more importantly, in the case of casinos the omitted variables are likely uncorrelated with a new casino. Fortunately, for at least one type of tourist, data are available that we can use to test the hypotheses of being uncor-

related with openings and having an effect on crime different from the effect of casinos. We obtained National Park Service time series data from 1978 to 1998 on all visitors to national parks, monuments, historic sites, recreation areas, and so on. These parks and attractions, scattered across the country, receive millions of visitors annually—some as many as 14 million. Some, such as Yellowstone National Park, are in counties with sparse population; others are in highly populated areas. In most cases the correlation between park visitors and the casino variables used in the study was well below 1%, and in no case was a correlation above 1.7%. This is consistent with the view that this type of omitted variable bias is likely to be small or zero. Although it is always preferable to include such variables when possible, we are confident that in the case of casinos the procedure employed in (3) of treating data on other visitors as part of the constant term and the error term is not a problem for the coefficients of interest.<sup>13</sup>

A second analytical issue is whether to use *diluted* or *undiluted* crime rates. Should the number of crimes be divided by population—the conventional way to generate the crime rate (undiluted)—or by population *plus* visitors (diluted)? Four possibilities exist, depending on whether one considers total or partial effects, and studies diluted or undiluted crime rates. Some have argued for one combination or another without realizing that the choice is not methodological, but depends on what questions the researcher wants to answer. A common but invalid claim is that the diluted crime rate should be used to determine the change in probability that a resident would be the victim of a crime. However, knowing what happens to the diluted crime rate does not give the needed information and could even move the answer in the wrong direction. To illustrate, let  $s_1$  be the share of the resident population  $P$  victimized by residents, and let  $s_2$  be the share of the resident population victimized by  $V$  visitors. Similarly, let  $\sigma_1$  be the share of visitors victimized by residents, and  $\sigma_2$  the share of visitors victimized by visitors. Then the crime rate is  $s_1 + s_2 + (\sigma_1 + \sigma_2)\frac{V}{P}$ ; the diluted crime rate is  $(s_1 + s_2)w_P + (\sigma_1 + \sigma_2)w_V$  where  $w_P$  and  $w_V$  are the shares of visitors plus residents made up by residents and visitors, respectively; and the probability of a resident's being a crime victim is  $s_1 + s_2$ . If residents do not victimize visitors ( $\sigma_1 = 0$ ), then  $P = V$ , and  $s_2 + \sigma_2$  is smaller than  $s_1$ . The

<sup>12</sup> Ideally we would like to know both  $a$  and  $b$ . Because of data constraints, we must estimate only the total effect  $\delta$ . Casino visitor data do not exist at the county level. Both  $a$  and  $b$  might be estimated using other variables to proxy for the number of casino visitors, but no annual time-series data exist at the county level.

<sup>13</sup> When visitors to National Park Service sites were included, the regressions (3) showed that an additional one million park visitors annually were associated with statistically significantly *fewer* crime incidents for rape, murder, robbery, and burglary, and had a statistically insignificant effect on auto thefts. The effects of park visitors on larceny and assaults were statistically significant but socially insignificant compared to the crime effects found for casinos (coefficient  $\delta$ ) and reported in section V. For example, we estimated the long-run effect of a casino on larcenies to be 615, which was roughly 60 times larger than the effect of one million national park visitors. This means that if the crime consequences of casino visitors and national park visitors were identical, a casino would have to attract over 59 million visitors annually to account for 615 additional larcenies. Las Vegas, the single largest casino gambling destination in the United States, attracted 30.3 million visitors in 1994.



probability of a resident being victimized is  $s_1$  without visitors, and it rises to  $s_1 + s_2$  with visitors. The diluted crime rate is  $s_1$  without visitors and falls to  $(s_1 + s_2 + \sigma_2)/2$  with visitors. Thus in this case the diluted crime rate falls while the probability of a resident being victimized rises.

In this study we are interested in the costs to the host county associated with a change in crime from whatever source. We are therefore interested in the total effect of casinos on crime, and thus use the undiluted crime rate based on equation (3).

### C. Timing: Separating Casino Effects from Other Effects

The version of equation (3) that we estimated is

$$C_{it} = \alpha + \beta_i X_i + \gamma_t T_t + \delta L_{it} + \theta A_{it} + \varepsilon_{it}, \quad (4)$$

where  $C_{it}$  is the crime rate (offenses per 100,000 people) of county  $i$  in year  $t$ ,  $\alpha$  is a constant, and  $\beta_i$  is the vector of estimated coefficients on the county-level fixed effects that control for unobserved characteristics across counties. The time fixed effect,  $T_t$ , controls for national crime rate trends. Our base specification of  $L_{it}$  is a vector of the casino-opening dummy variables that includes two leads and five lags of the opening variable and captures the important intertemporal effects outlined earlier. The opening dummy variable takes the value 1 in the year the casino began operation and 0 in other years. In the reported regressions we used two years of leads, because it is unlikely that a casino would affect the crime rate more than two years prior to its opening. We stopped at five years of lags because the numbers of counties with casinos open three to five years, not counting Nevada counties, were 91, 59, and 35, respectively. Twelve counties (26 including Nevada counties) had casinos open for 6 or more years, and seven (21 including Nevada counties) had casinos open 7 or more years. For each group, however, observations are scattered widely across the decades and geography of our sample.

$A_{it}$  is a vector of 22 control variables. It includes population density, the percentage of the population that was male, the percentage that was black, the percentage that was white, and the percentages in the age ranges 10–19, 20–29, 30–39, 40–49, 50–64, and over 65.<sup>14</sup> Economic variables in  $A_{it}$  are real per capita personal income, real per capita unemployment insurance payments, real per capita retirement compensation per old person, and real per capita income maintenance payments. All income figures were adjusted to a 1982–1984-dollar basis.  $A_{it}$  also includes a dummy variable indicating whether the county honored a shall-issue right allowing citizens to carry a concealed firearm upon request, and two years of leads and five years of lags on the shall-issue dummy.  $\varepsilon_{it}$  is the regression error. Including leads and lags, the regression had 50 explanatory

variables plus one constant for each county (3,165) for a total of 3,215 explanatory variables. This set was expanded to 58 variables plus county constants when we analyzed the effects of casinos on adjacent counties. Excluding observations with missing data reduced the sample size in most regressions to approximately 58,000, leaving more than adequate degrees of freedom for estimation.

We independently estimated each lead and lag of the casino opening year (describing the timing of crime effects) without cross restrictions. We weighted regression observations by county population.

## V. Results

Before reporting the more sophisticated lag structure discussed above, we begin with a simple dummy variable for whether a county has a casino. Table 2 reports two such regressions for each crime. The left column for each crime reports the estimated coefficient for the casino dummy variable. The variable *Casino* takes the value of 1 if a casino is operating in the county for the year in question and 0 otherwise. No other explanatory variables are present in the leftmost regression. The regressions all show large, statistically significant elevated crime rates for counties with operating casinos. For example, according to table 2 such counties experience 157 more aggravated assaults annually per 100,000 population. This compares to average aggravated assault crime rates of 188 per 100,000 population for counties without casinos in any year of the sample reported in table 1. The right column for each crime reports the estimate of the casino dummy when year and county fixed effects are the only other explanatory variables included in the regression. In each case the effect attributed to an operating casino declines. Aggravated assault, for example, falls from 157 to less than 18. The coefficient estimates are positive and statistically significant for five crimes. The estimated effect is positive for murder and negative for burglary; neither is statistically significant. To summarize the two regressions, when a simple dummy variable specification is used for a casino being open, the estimated casino effect is positive and statistically significant in twelve of the fourteen regressions. The other two results are not statistically different from 0. These before-after results obscure the intertemporal effects, so we now turn our attention to the model that includes leads and lags.

Tables 3 and 4 report coefficient estimates and  $t$ -statistics for specifications of (4) that allow for the timing of the effects of casino opening. Table 3 includes year fixed effects and county fixed effects but excludes the control variables  $A_{it}$ , whereas table 4 includes these regressors.<sup>15</sup> For example, the estimated coefficient of lag 4 in the table 3 column labeled “Aggravated Assault” indicates that the aggravated

<sup>14</sup> The remaining groups were Hispanics and those between 0 and 9 years.

<sup>15</sup> We report casino variables. Results for the 588 other coefficient estimates for the seven crime regressions are omitted for lack of space, because they are used as controls, and because we are primarily interested in the casino variables.

TABLE 2.—CASINO CRIME RATE REGRESSIONS EMPLOYING CASINO DUMMY VARIABLE ONLY

|                      | Violent Crime       |                   |                   |                   |                    |                    |                 |                 |
|----------------------|---------------------|-------------------|-------------------|-------------------|--------------------|--------------------|-----------------|-----------------|
|                      | Aggravated Assault  |                   | Rape              |                   | Robbery            |                    | Murder          |                 |
| <i>Casino</i>        | 157.254<br>(23.04)  | 17.825<br>(4.29)  | 11.521<br>(17.91) | 0.973<br>(2.04)   | 86.905<br>(12.09)  | 34.175<br>(10.07)  | 1.522<br>(6.88) | 0.117<br>(0.75) |
| Year fixed effects   | No                  | Yes               | No                | Yes               | No                 | Yes                | No              | Yes             |
| County fixed effects | No                  | Yes               | No                | Yes               | No                 | Yes                | No              | Yes             |
| <i>N</i>             | 57,796              | 57,796            | 57,064            | 57,064            | 57,877             | 57,877             | 57,882          | 57,882          |
| <i>F</i>             | 530.68              | 754.52            | 320.88            | 126.60            | 146.06             | 212.39             | 47.30           | 81.94           |
| Prob. <i>F</i>       | 0.0000              | 0.0000            | 0.0000            | 0.0000            | 0.0000             | 0.0000             | 0.0000          | 0.0000          |
| <i>R</i> -squared    | 0.0091              | 0.8147            | 0.0056            | 0.7234            | 0.0025             | 0.8861             | 0.0008          | 0.7506          |
|                      | Property Crime      |                   |                   |                   |                    |                    |                 |                 |
|                      | Larceny             |                   | Burglary          |                   | Auto Theft         |                    |                 |                 |
| <i>Casino</i>        | 1128.547<br>(31.88) | 218.850<br>(9.44) | 144.373<br>(7.58) | 23.927<br>( 1.58) | 266.582<br>(21.72) | 217.416<br>(30.87) |                 |                 |
| Constant             | Yes                 | No                | Yes               | No                | Yes                | No                 |                 |                 |
| Year fixed effects   | No                  | Yes               | No                | Yes               | No                 | Yes                |                 |                 |
| County fixed effects | No                  | Yes               | No                | Yes               | No                 | Yes                |                 |                 |
| <i>N</i>             | 57,876              | 57,876            | 57,873            | 57,873            | 57,881             | 57,881             |                 |                 |
| <i>F</i>             | 1016.63             | 138.15            | 57.45             | 635.32            | 471.71             | 472.89             |                 |                 |
| Prob. <i>F</i>       | 0.0000              | 0.0000            | 0.0000            | 0.0000            | 0.0000             | 0.0000             |                 |                 |
| <i>R</i> -squared    | 0.0173              | 0.7839            | 0.0010            | 0.6699            | 0.0081             | 0.8328             |                 |                 |

Notes: Coefficient estimates are additional annual crime incidents per 100,000 population. *t*-statistics are in parentheses.

assault rate was higher by 62.153 offenses per 100,000 population four years after a casino opened in the county. The number of observations for each regression varied from 57,023 to 57,841. The  $R^2$  was between 0.67 and 0.89.

The patterns in both tables show that casino effects tend to increase over time after a lag of 2–3 years. In table 3, which does not include control variables, the estimates on the casino leads are often positive and statistically signifi-

cant, consistent with the common belief that casinos are more likely to be placed in high-crime areas. However, when control variables are included, all of the leads are statistically indistinguishable from 0 except for those on auto theft.

Another key difference is that table 3 shows much larger increases in crime in the lagged years. When the control variables are included in table 4, these larger positive

TABLE 3.—CASINO CRIME RATE REGRESSIONS EXCLUDING CONTROL VARIABLES.

|                         | Aggravated Assault | Rape            | Robbery           | Murder           | Larceny           | Burglary          | Auto Theft         |
|-------------------------|--------------------|-----------------|-------------------|------------------|-------------------|-------------------|--------------------|
| Lead 2                  | 4.325<br>(0.61)    | 1.189<br>(1.42) | 13.178<br>(2.26)  | .725<br>(2.73)   | 113.498<br>(1.64) | 33.865<br>(0.79)  | 114.440<br>(9.46)  |
| Lead 1                  | 4.455<br>(0.64)    | 0.708<br>(0.86) | 19.067<br>(3.32)  | 1.270<br>(4.85)  | 160.828<br>(1.82) | 28.071<br>(0.57)  | 142.864<br>(11.98) |
| Open                    | 8.799<br>(1.19)    | .250<br>(0.29)  | 19.142<br>(3.15)  | 1.251<br>(4.53)  | 229.687<br>(2.61) | 19.609<br>( 0.55) | 182.095<br>(14.47) |
| Lag 1                   | 16.656<br>(2.24)   | 1.765<br>(2.06) | 47.031<br>(7.72)  | 1.360<br>(4.91)  | 315.990<br>(2.99) | 54.171<br>(0.76)  | 236.103<br>(18.69) |
| Lag 2                   | 3.647<br>(0.46)    | 0.684<br>(0.76) | 56.089<br>(8.63)  | 1.305<br>(4.41)  | 193.729<br>(0.89) | 3.025<br>(0.03)   | 225.876<br>(16.75) |
| Lag 3                   | 29.953<br>(3.22)   | 3.436<br>(3.23) | 81.467<br>(10.67) | 0.801<br>(2.30)  | 201.816<br>(1.51) | 13.797<br>(0.25)  | 253.046<br>(15.98) |
| Lag 4                   | 62.153<br>(4.76)   | 7.021<br>(4.72) | 75.755<br>(7.08)  | 0.429<br>(0.88)  | 460.681<br>(2.74) | 153.209<br>(2.74) | 246.417<br>(11.11) |
| Lag 5                   | 124.683<br>(7.80)  | 7.076<br>(3.87) | 76.725<br>(5.84)  | 1.496<br>( 2.50) | 715.031<br>(2.65) | 236.992<br>(2.97) | 376.278<br>(13.80) |
| Control variables $A_i$ | No                 | No              | No                | No               | No                | No                | No                 |
| Year fixed effects      | Yes                | Yes             | Yes               | Yes              | Yes               | Yes               | Yes                |
| County fixed effects    | Yes                | Yes             | Yes               | Yes              | Yes               | Yes               | Yes                |
| <i>N</i>                | 57,755             | 57,023          | 57,836            | 57,841           | 57,835            | 57,832            | 57,840             |
| <i>F</i>                | 562.01             | 95.50           | 163.79            | 63.83            | 19.25             | 79.81             | 358.19             |
| Prob. <i>F</i>          | 0.0000             | 0.0000          | 0.0000            | 0.0000           | 0.0000            | 0.0000            | 0.0000             |
| <i>R</i> -squared       | 0.8149             | 0.7236          | 0.8865            | 0.7511           | 0.7843            | 0.6730            | 0.8334             |

Notes: Coefficient estimates are additional annual crime incidents per 100,000 population. *t*-statistics are in parentheses. We used robust standard errors for larceny and burglary, which the Breusch-Pagan test indicated had heteroskedasticity.

TABLE 4.—CASINO CRIME RATE REGRESSIONS INCLUDING CONTROL VARIABLES

|                         | Aggravated<br>Assault | Rape             | Robbery          | Murder           | Larceny           | Burglary          | Auto<br>Theft      |
|-------------------------|-----------------------|------------------|------------------|------------------|-------------------|-------------------|--------------------|
| Lead 2                  | 3.843<br>( 0.55)      | 0.157<br>(0.19)  | 6.924<br>(1.21)  | 0.438<br>(1.00)  | 37.710<br>(0.63)  | 16.481<br>(0.43)  | 97.006<br>(8.43)   |
| Lead 1                  | 8.498<br>( 1.24)      | 0.815<br>( 1.01) | 8.164<br>(1.44)  | 0.969<br>(1.34)  | 47.645<br>(0.61)  | 6.164<br>( 0.14)  | 113.656<br>(10.00) |
| Open                    | 0.376<br>(0.05)       | 0.644<br>( 0.77) | 11.218<br>(1.88) | 1.103<br>(1.37)  | 148.279<br>(1.74) | 23.625<br>( 0.72) | 152.659<br>(12.72) |
| Lag 1                   | 2.613<br>(0.36)       | 0.955<br>(1.14)  | 32.588<br>(5.43) | 1.188<br>(1.68)  | 173.836<br>(1.83) | 30.661<br>(0.55)  | 183.735<br>(15.24) |
| Lag 2                   | 9.739<br>( 1.25)      | 0.267<br>( 0.30) | 39.137<br>(6.08) | 1.181<br>(1.46)  | 0.447<br>( 0.00)  | 51.987<br>( 0.68) | 161.791<br>(12.53) |
| Lag 3                   | 20.306<br>(2.22)      | 3.339<br>(3.20)  | 70.427<br>(9.30) | 1.099<br>(1.32)  | 4.132<br>(0.03)   | 48.495<br>( 0.89) | 206.769<br>(13.60) |
| Lag 4                   | 42.844<br>(3.34)      | 6.503<br>(4.47)  | 52.188<br>(4.93) | 0.572<br>(0.54)  | 184.855<br>(1.41) | 64.367<br>(0.92)  | 161.641<br>(7.60)  |
| Lag 5                   | 99.982<br>(6.38)      | 9.979<br>(5.59)  | 65.240<br>(5.02) | 0.458<br>( 0.55) | 614.695<br>(1.98) | 325.147<br>(2.30) | 271.848<br>(10.43) |
| Control variables $A_i$ | Yes                   | Yes              | Yes              | Yes              | Yes               | Yes               | Yes                |
| Year fixed effects      | Yes                   | Yes              | Yes              | Yes              | Yes               | Yes               | Yes                |
| County fixed effects    | Yes                   | Yes              | Yes              | Yes              | Yes               | Yes               | Yes                |
| $N$                     | 57,724                | 56,992           | 57,805           | 57,810           | 57,804            | 57,801            | 57,809             |
| $F$                     | 393.15                | 129.78           | 143.37           | 13.34            | 42.97             | 121.18            | 346.19             |
| Prob. $F$               | 0.0000                | 0.00000          | 0.0000           | 0.0000           | 0.00000           | 0.00000           | 0.0000             |
| $R$ -squared            | 0.8252                | 0.7410           | 0.8913           | 0.7623           | 0.7992            | 0.6997            | 0.8504             |

Notes: Coefficient estimates are additional annual crime incidents per 100,000 population.  $t$ -statistics are in parentheses. We used robust standard errors for larceny and burglary, which the Breusch-Pagan test indicated had heteroskedasticity.

estimates are reduced. Because the table 4 estimates have better fit in the lead variables and the added control variables reduce omitted variable bias, we emphasize these results, that show smaller casino effects on crime.

#### A. Violent Crime

Figure 4 displays the information on violent crime from table 4. The horizontal axis plots the casino opening leads and lags, and the vertical axis plots the coefficient estimates. The vertical lines show the 95% confidence intervals, the range within which the regression indicates the true coefficient should lie with 95% probability.

For aggravated assault, only estimates for the third and subsequent year after opening are significantly above 0, and the trend rises. The estimated high occurs in the fifth year after opening, when the aggravated assault rate is 100 assaults higher per year. This pattern of crime increase is unlike the typical pattern of visitor increases after casino opening. Grinols and Omorov (1996) showed that the number of visitors to Illinois casinos typically rose immediately after opening and reached equilibrium after 6 months or less.<sup>16</sup>

Figure 4 for rape shows coefficient estimates that are not significantly different from 0 prior to the opening. However,

they are positive and significant in the third and subsequent years after the casino opened, rising from the third year on. A county that introduces a casino might expect a negligible effect in the first two years after opening, but a higher rape rate by 6.5 to 10 incidents per 100,000 population in the fourth and fifth years after opening.

The pattern for robbery in figure 4 is similar to the patterns for aggravated assault and rape, with one important exception—the increase in robbery begins immediately. In the first year there were approximately 35 more robberies per 100,000 people, which increases to over 60 three years after opening.

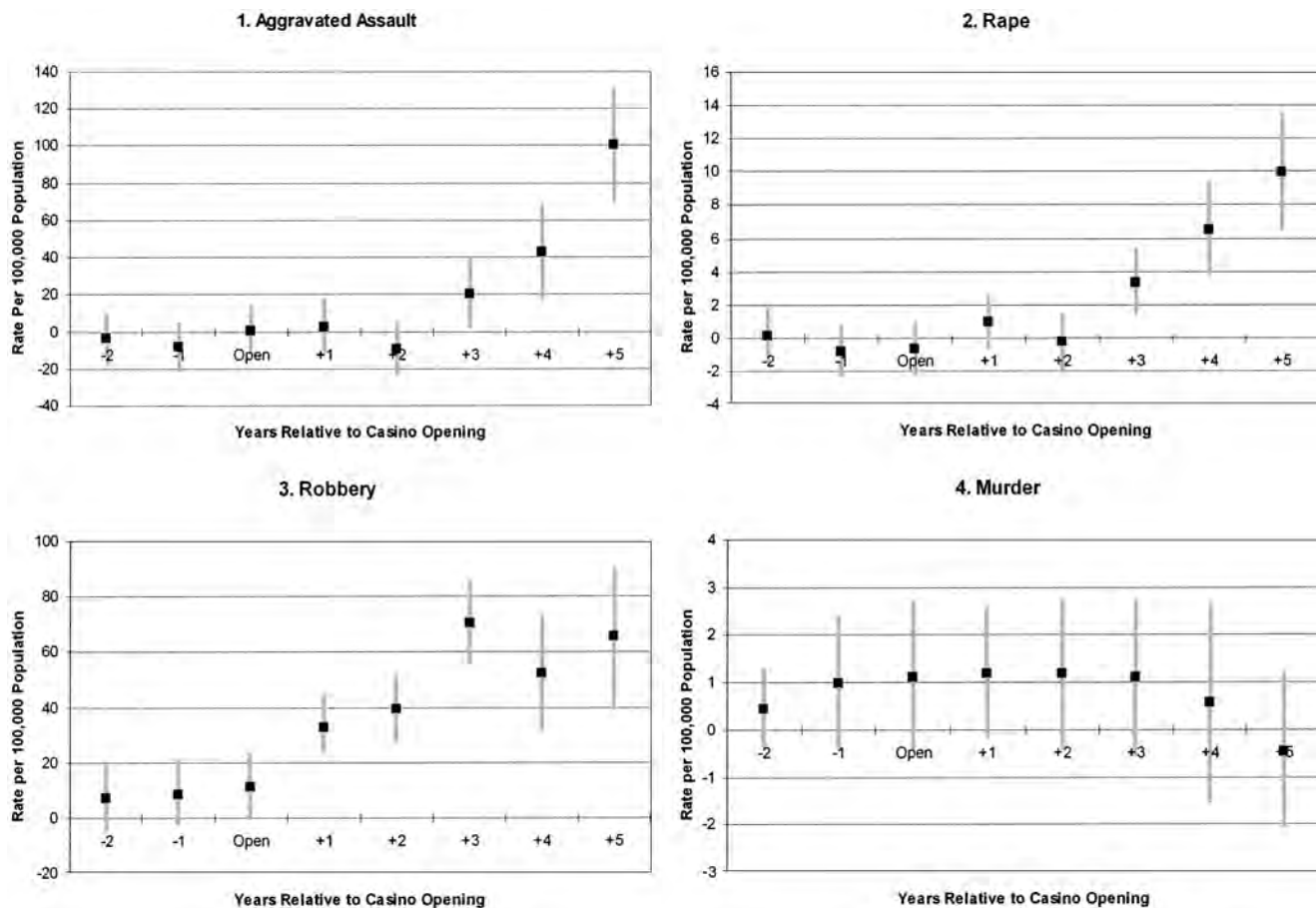
As expected, the impact of casinos on murder is the smallest among all offenses. Figure 4 shows that casino counties have slightly higher murder rates than noncasino counties both before and after opening. However, murder shows no statistically significant coefficient estimates for any of the casino leads or lags, and the change from before to after is not statistically significant. Gambling-related murders include incidents such as the disgruntled gambler who killed a casino teller when he tried to retrieve his gambling losses, a spouse who fought over the other's gambling losses and was murdered, a parent's gambling leading to the death of her child, murder for insurance, and similar tales.<sup>17</sup> However, because murder is the least fre-

<sup>16</sup> In addition to the regressions reported, we ran regressions that included as many as 4 leads and 7 years of lags of the casino opening variable. With few exceptions, leads continued the pattern of being statistically indistinguishable from 0, and later lags showed comparable or greater estimated effects to the fifth year lag. In the case of murder, the sixth and seventh lags continued the pattern of being statistically indistinguishable from 0.

<sup>17</sup> See Jeffry Bloomberg, Prepared Statement, Hearing Before the Committee on Small Business, House of Representatives, 103rd Congress, Second Session, 21 September 1994, Serial No. 103–104, Washington, DC: USGPO, p. 47. Accounts of the more spectacular gambling-related murders and deaths (most often suicides) frequently appear in the press. *USA Weekend*, February 10–12, 1995, p. 20, for example, describes a man



FIGURE 4.—CASINO EFFECTS—VIOLENT CRIME



quently committed crime and most counties have zero murders, murder rates typically have high variance, which makes it difficult to identify effects.

### B. Property Crime

Figure 5 displays the coefficient estimates in table 4 for property crimes. The larceny estimates increase from 0 in the second year after opening, to 4.1 in the third, 185 in the fourth, and over 615 in the fifth year after opening. Burglary increases from negative estimates in the second and third years after opening, to 64 in the fourth, to 325 in the fifth. Only the fifth-year estimates are individually statistically significant, so we investigated further the significance of the rising third-, fourth-, and fifth-year coefficient estimates. We checked whether the rising patterns of coefficient estimates in the last three years with the lag 5 estimated coefficients positive and significant persisted or disappeared after the fifth year. Estimates of the sixth- and seventh-year lags were

745 and 1,069 for larceny and 201 and 229 for burglary, respectively. Moreover, lags 5 through 7 pass a 5% *F*-test for significance for both offenses.

Figure 5 for auto theft presents a different picture. It is the only crime that showed statistically significant leads, which were positive. After opening, the rates increase slightly for a few years and increase substantially after five years. The data indicate that casino counties did not experience the same decreases in auto thefts that noncasino counties did after 1991, when the number of casinos increased rapidly.<sup>18</sup>

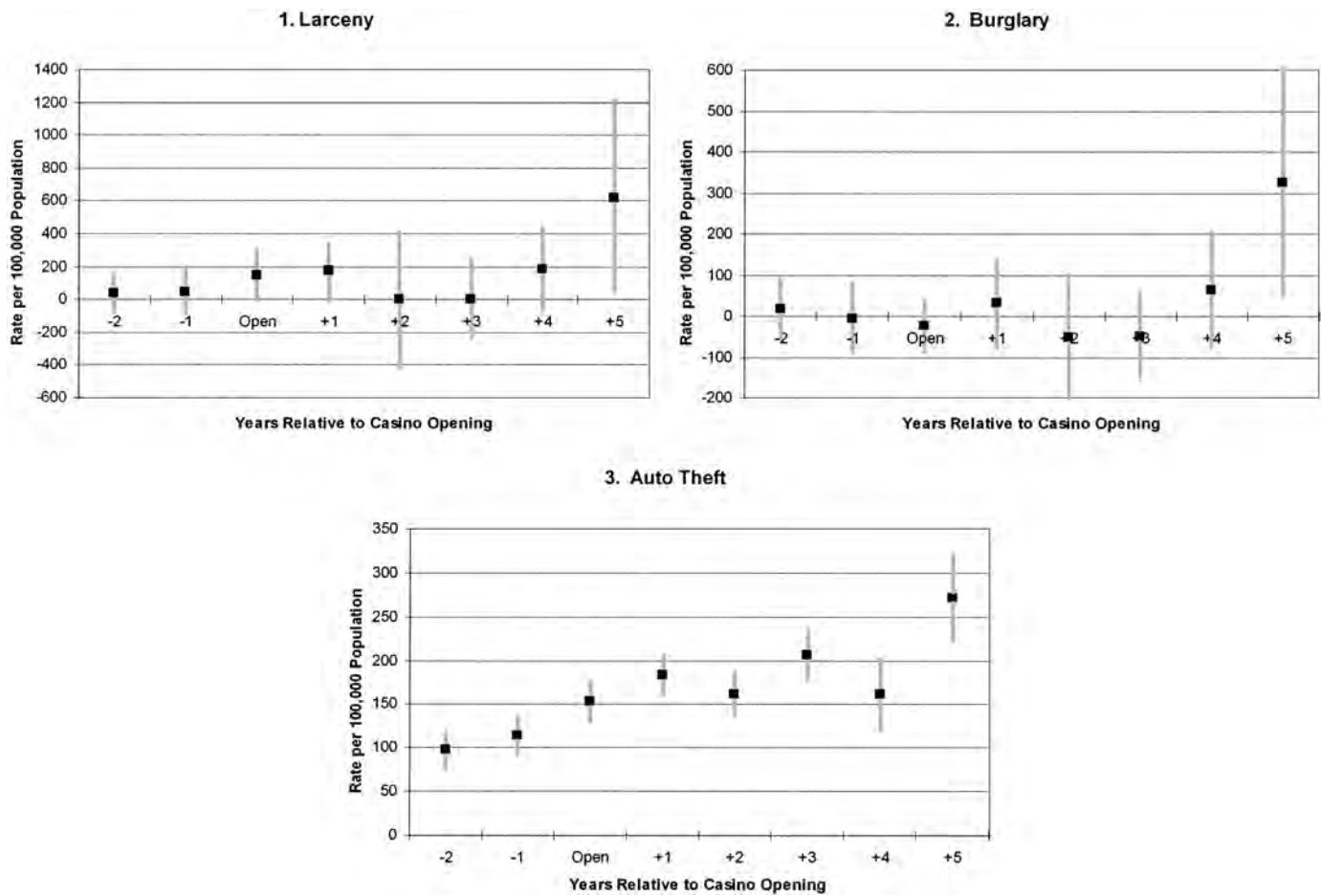
A second factor may be that we were unable to control for Lojack, an electronic tracking system that allows police to quickly locate and recover stolen autos. Ayres and Levitt (1998) found that Lojack accounted for a significant reduction in auto thefts in the 1990s. Because cities that implemented Lojack generally do not have casinos, we may overstate the effect of casinos on auto theft.<sup>19</sup> It is also

killing his wife and beating up his daughter in a fight over his gambling away thousands of dollars. The Associated Press, September 3, 1997, reported on a 10-day-old infant in South Carolina who died of dehydration after being left in a warm car for approximately 7 hours while her mother played video poker. A mother in Illinois was convicted of killing her infant children for insurance money because of her gambling.

<sup>18</sup> A similar divergence in Florida started in 1984 and grew after that, consistent with Florida casino openings. The first Florida casinos opened in two counties in 1982, two more opened in 1988, and the rest opened between 1990 and 1995.

<sup>19</sup> Ayres and Levitt (1998) showed that Lojack had little effect on other offenses, so our results for the other crimes will not be affected.

FIGURE 5.—CASINO EFFECTS—PROPERTY CRIME



possible that Lojack's use is not yet sufficiently widespread to greatly affect our estimates.

### C. Additional Robustness Checks

The precisely correct model of crime is not known. Thus, in addition to the comparison of tables 3 and 4, we considered several additional formulations to test the robustness of the results.

**Law Enforcement Variables:** All the regressions reported to this point omit law enforcement variables. Although including them reduces omitted variable bias, it also introduces sample bias by significantly limiting the number of counties with available data.<sup>20</sup> To examine this tradeoff we included two additional sets of law enforcement control variables. When we included the arrest rate as an explanatory variable, the estimated casino effects for almost every

year after opening and for almost all crimes were higher than those reported in table 4. Therefore, the table 4 results that we emphasize are biased against the finding that casinos increase crime.

Although arrest rates are often undefined, the problem is even bigger for other law enforcement variables. County-level conviction rates and sentence lengths are available for only four states (Mustard, 2003), and annual police employment is unavailable at the county level.

We also included explanatory variables that estimated the probability of capital punishment, which we estimated in four different ways.<sup>21</sup> When these variables are included, the results are qualitatively the same as for the base regression. There are slight differences of the estimated effects for

<sup>20</sup> For example, the arrest rate is undefined when there are 0 offenses for a given crime type. Many small counties record no offenses even for property crimes for a given year, and even large counties frequently record no offenses for murder and rape, which consequently produce a large number of missing observations for the arrest rate. For some offenses including the arrest rate eliminated over 30,000 observations. See Lott and Mustard (1997) and Levitt (1998) for more detailed discussions.

<sup>21</sup> The first was a prorated number of executions in the previous and current year divided by the number of people sentenced to death six years ago. The second was the number of executions in the first three quarters of the current year and last quarter of the previous year divided by the number of people sentenced to death six years ago. The third is a prorated count of executions in the previous and current year divided by the number of persons on death row at that time. The last was the number of executions in the first three quarters of the current year and the last quarter of the previous year, divided by the number of persons on death row at that time. Gittings and Mocan (2003) provided the first two variables, and Gittings and Mocan (2001) explain the last two in more detail.

different crimes in different postopening years, but the general qualitative trends are similar.

That the inclusion of law enforcement variables generally increases the estimated casino effects is consistent with reports from law enforcement officials that enforcement expenditures increased substantially when casinos opened. Stephen Silvern (FBI in Atlantic City) documented that expenditures for the Atlantic City Police Department and Prosecutor's Office grew much more rapidly in the late 1970s and early 1980s than similar expenditures in the rest of the state and nation (Federal Bureau of Investigation Conference on Casino Gaming, 1999). The director of the Indiana Gambling Commission reported that Indiana hired an additional 120 state troopers when the casinos opened in 1995.<sup>22</sup> Allocations for police services also rose substantially in New Orleans upon introduction of casinos.<sup>23</sup> Law enforcement officials emphasize that to maintain public safety, spending on enforcement resources must increase when casinos open. Because we cannot measure all these additional resources that reduce crime, our estimates without enforcement variables tend to understate the effect of casinos on crime.

*Casino–Population–Density Interactions:* A natural question is whether the effect of casinos on crime varies with the type of county, such as a rural-urban difference related to population density. To test for a population-density interaction, we multiplied each of the eight casino-opening lead and lag variables by the county population density and reran the original regressions including these eight new variables. The density interaction coefficient estimates were statistically significant as a group at the 1% or better level for all regressions except aggravated assault and larceny, which were significant at the 11% and 46% levels, respectively. With the exception of murder and auto theft, the same rising pattern of crime after casino introduction was observed as found in the original regressions. Crime is not statistically different from zero in the years before casino introduction and immediately thereafter, but begins to rise three or four years after introduction. By the fifth year after casino introduction, a statistically significantly elevated crime rate for both low- and high-density counties appears. Introducing a density effect does not change the prediction of the model. These results give us confidence that the effect of casinos on crime is similar in large and small counties. For auto theft the casino effect is largest for less densely populated counties.

<sup>22</sup> John Thar, director of the Indiana Gambling Commission, report at Federal Bureau of Investigation Conference on Casino Gaming (1999).

<sup>23</sup> Lt. Joseph P. Lopinto, Jr., commander of the Gambling Section of the New Orleans Police Department, reported that his department has been significantly resource-constrained since the opening of New Orleans's casinos and the resulting increase in demand for police services (Federal Bureau of Investigation Conference on Casino Gaming, 1999).

#### D. Summary

We summarize the results in table 4 and figures 4 and 5. First, the casino-opening lead variables suggest that after controlling for other variables casinos were not more likely to be placed in areas that had systematically different crime environments than other regions.

Second, after casinos opened, casino-county crime rates increased relative to the noncasino-county rates. Of the 42 estimated casino effects (one opening and five lags for each of seven offenses), 34 are positive, of which 19 are statistically significant at the 0.05 level, and others are significant at the 0.10 level. In contrast, none of the 8 negative estimates are statistically significant. As expected, murder exhibits no relation to casino gambling.

Third, the time pattern of estimated coefficients implies that the casino effects may change over time. With the exception of murder, all crimes show higher estimates for the last two coefficients (lags 4 and 5) than for the first two (leads 2 and 1). For most offenses, the statistically significant differences tend to appear two or three years after casino opening. Only one estimated coefficient for the year of opening is statistically significant. Estimates of the sixth and seventh lags (run but not reported) are typically positive and statistically significant.

Fourth, the increase over time in casino effect is consistent with the effects outlined in the theory. For example, the crime-mitigating influences through increased wages and employment should occur before and shortly after opening. In contrast, the crime-increasing factors are more long-term. Casino-induced changes in population and the effects of negative development grow over time. Also, clinical research shows that problem and pathological gamblers typically take approximately 2 to 4 years to start gambling, become addicted, exhaust alternative resources, and eventually commit crimes. Studies that did not have large data sets or a sufficient number of years of observations after casino opening, and that did not allow for the effects of casinos to change over time, missed these effects. An additional potential explanation of the time pattern is that casinos have an immediate impact on crime, but that impact is ameliorated by a large increase in police resources, which are typically significantly increased when casinos open, but do not maintain the same rate of growth over time. The slightly more immediate impact of casinos on violent crime may be explained in terms of *imported* criminals. It may take less time to habituate to a new casino's location than for people to exhaust their resources.

#### E. Evaluation

The regressions in table 4, of course, cannot decompose the net number of offenses to assign them to each alternative explanation. Nevertheless, it is instructive to ask how many crimes table 4 would imply per additional P&P gambler if all estimated additional crime incidents were arbitrarily



assigned to this one source. The coefficient estimates report additional crime incidents per 100,000 population. If  $x$  is the coefficient, and  $y$  is the change in P&P share of the population, then

$$\frac{x}{10^5} \frac{\text{Offenses}}{\text{Capita}} \times \frac{10^{-5}}{10^{-5}} \times \frac{1}{y} \frac{\text{Capita}}{\text{Problem and Pathological}} = \frac{x}{y} \times 10^{-5} \frac{\text{Offenses}}{\text{Problem and Pathological}} \quad (5)$$

The total number of crime incidents estimated in table 4 in the fifth year after casino opening is  $x = 1,386.4$ . If  $y = 0.059$  (as in the numbers reported for Las Vegas, for example), then the average additional P&P gambler would have to commit 0.23 crime incidents per year to account for all additional crime, so that roughly one in four P&P gamblers would have to commit a crime annually. This figure rises to 0.82 if  $y = 0.017$  at the other extreme. Thus 20%–80% are reasonable proportions relative to the information reported above that 80% of problem gamblers studied committed civil offenses, 56% had stolen, and 23% were charged with criminal offenses. In contrast, if the calculation suggested that each P&P gambler would be required to commit a dozen crime incidents per year, the numbers would be of a different magnitude.

The estimated coefficients in table 4 also allow us to gauge the fraction of observed crime due to casinos. Summing the estimated number of crimes attributable to casinos for each county, taking into account how many years the casino was in operation, and dividing by the casino counties' total population measures the contribution of casinos to observed crime. Estimates of the share of crime attributable to casinos in 1996 for individual crimes ranged between 5.5% and 30%. Auto theft was the highest, followed by robbery at 23%. The values for the rest of the offenses were between 5.5% and 10%.

We provide three estimates of the implied cost of additional crime. First, we use the cost per victimization figures adjusted to 2003 dollars using the CPI-U to calculate the total social cost of crimes committed in casino counties that are attributable to the casino presence according to the estimated coefficients in table 4 (Miller, Cohen, & Wiersema, 1996, column 4 of Table 9, p. 24). We also report the total social cost for casino counties on a per adult basis. Finally, although the social cost of property crime is not synonymous with the value of the lost property, the latter is nevertheless useful in describing the effect of casinos. The *Sourcebook of Criminal Justice Statistics* (Bureau of Justice Statistics, 2002, table 3.112, p. 298) contains data about the average property loss for four of the offenses in this paper—robbery, larceny, burglary, and auto theft. For those offenses we took the fifth-year lag coefficient estimates for each crime and multiplied them by the average loss per crime adjusted to 2003 dollars using the CPI-U. This produced

property loss numbers per 100,000 population, which can be aggregated to the entire adult population.

In 1996 the total costs for the 178 casino counties exceeded \$1.24 billion per year. If the estimated coefficients from table 4 are applied to a representative county of 100,000 population, 71.3% of which are adults (as is representative of the United States as a whole), then the social costs per adult are \$75 in 2003 dollars. These costs reflect the profile of the lagged effect on crimes experienced by the particular sample of casino counties making up our data set. The value of lost property from the four property crimes is \$2.905 million for a population of 100,000 (\$29.05 per adult), which becomes \$5.91 billion when aggregated to the national level for 2003.

We can compare these costs with other estimates that relied on a different methodology. Social costs of casinos have commonly been estimated in terms of the average cost imposed on society by a P&P gambler<sup>24</sup> multiplied by their number. In the most recent comprehensive study of this type of which we are aware, Thompson, Gazel, and Rickman (1996b) found that total social costs were \$135 per adult in 1996 dollars, of which \$57 (40%) were due to police and judicial-related costs and to thefts.<sup>25</sup> Thompson et al. reported that they intentionally “projected numbers believed to be very conservative,” and that the crime costs in their sample (Wisconsin) were probably lower than similar costs in other locations. Adjusting crime costs to 2003 dollars, their estimate is \$67. Taking into account the different samples and methodologies, their estimate is remarkably close to the direct costs estimated here for 1996 (\$75).

Corrective taxes reflect the costs that an industry imposes on society. Assuming crime costs no lower than \$75 (there are crimes other than FBI Index I, such as embezzlement, not considered here), crime costs equal to 40% of total social costs, and revenues for a representative casino of \$400 per adult<sup>26</sup> each year implies tax rates above 47% of revenues. In a few cases tax schedules for high-end casinos include portions where average tax rates reach these levels.<sup>27</sup> Having applied proper taxes, continued operation would be efficient in a Kaldor-Hicks sense.<sup>28</sup> If it is feasible to offer gambling in an altered manner that causes fewer P&P

<sup>24</sup> Some studies group problem gamblers with pathological gamblers; some treat the two groups separately. Costs are computed by learning the behavior of P&Ps through direct questionnaires and surveys.

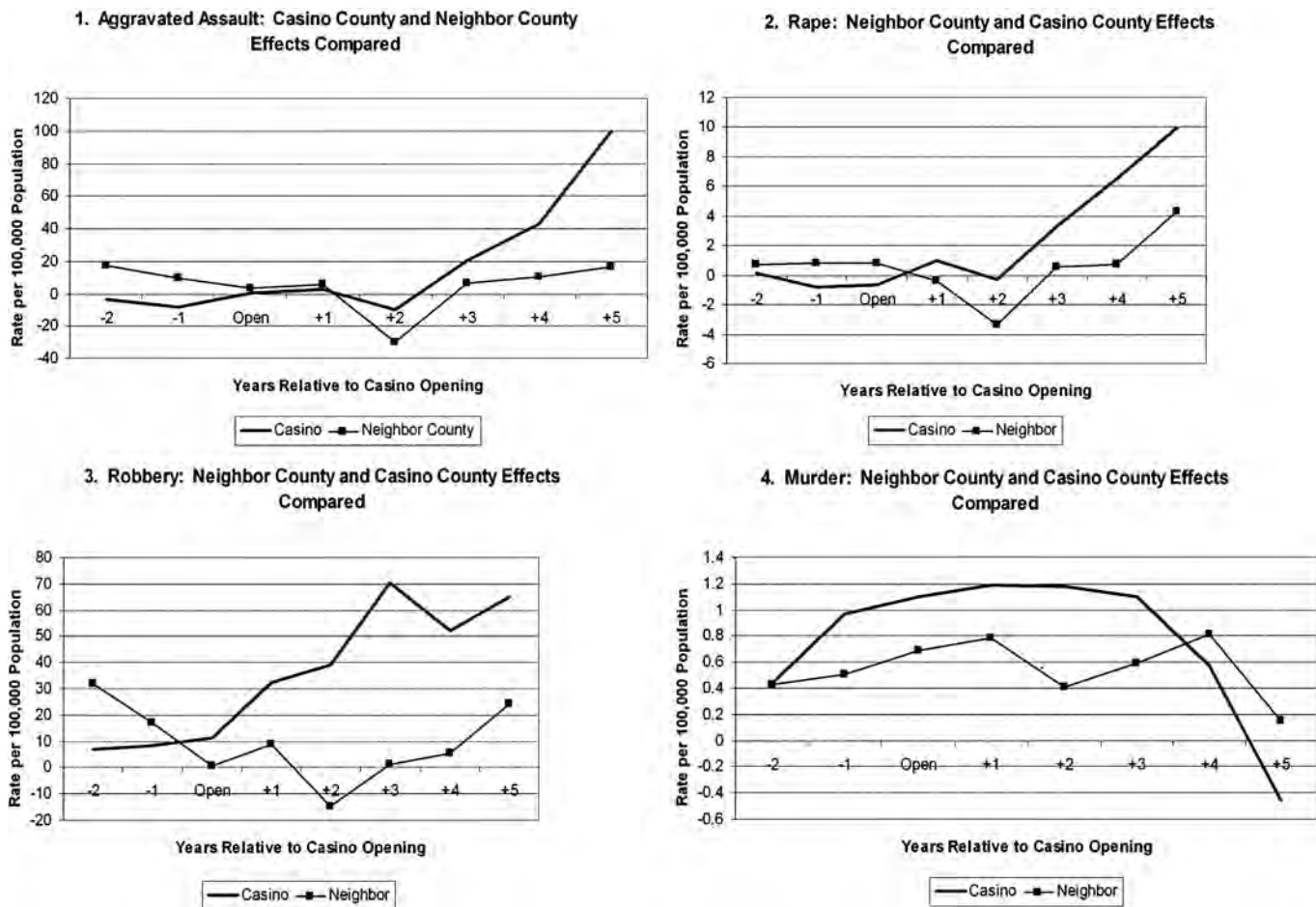
<sup>25</sup> The social-cost effect of casino-related serious problem gamblers was \$138,453,113. Dividing this by the number of adults over 20 in the counties with casinos gives the per adult figure in the text. The proportion of costs due to police, theft, and judicial-related costs is determined from their tables A-2 and A-5.

<sup>26</sup> Research for the NGISC estimated that average losses by adults living near a casino might be in the \$400–\$600 range per year. Other estimates, including some by the gambling industry for losses by residents in Las Vegas and Atlantic City to casinos, are lower than \$400, even after adjusting upward for price level changes.

<sup>27</sup> In Illinois the average tax rate rises from 43% to 50% as casino annual gross revenues rise from \$250 to \$340 million. Revenues this large imply a very successful casino.

<sup>28</sup> This observation is due to the anonymous referee. Whether casinos expand, shrink, or disappear will be immaterial, because whatever out-

FIGURE 6.—HOME AND NEIGHBOR CASINO-CRIME EFFECTS: VIOLENT CRIME RATES



gamblers and less crime, then this may be better for society than a response based on taxes.

## VI. Do Casinos Simply Attract Crime from Elsewhere?

The estimates suggest that after five years, 8.6% of the observed property crime and 12.6% of the violent crime in casino counties are due to casinos.<sup>29</sup> However, do casinos create crime, or merely move it from elsewhere? If the casino-induced increases in crime come only from neighboring regions, casinos produce no new crime. This untested hypothesis is first tested here. To address this question we examine the crime rates of counties that border casino counties. When casinos open, neighboring county crime rates could either decrease, remain the same, or increase. The first possibility supports the idea that casinos move crime from adjacent counties but do not create crime. In the second and third cases, adjacent counties experience no change or an increase in crime, both of which indicate that total crime rises and that casinos create crime.

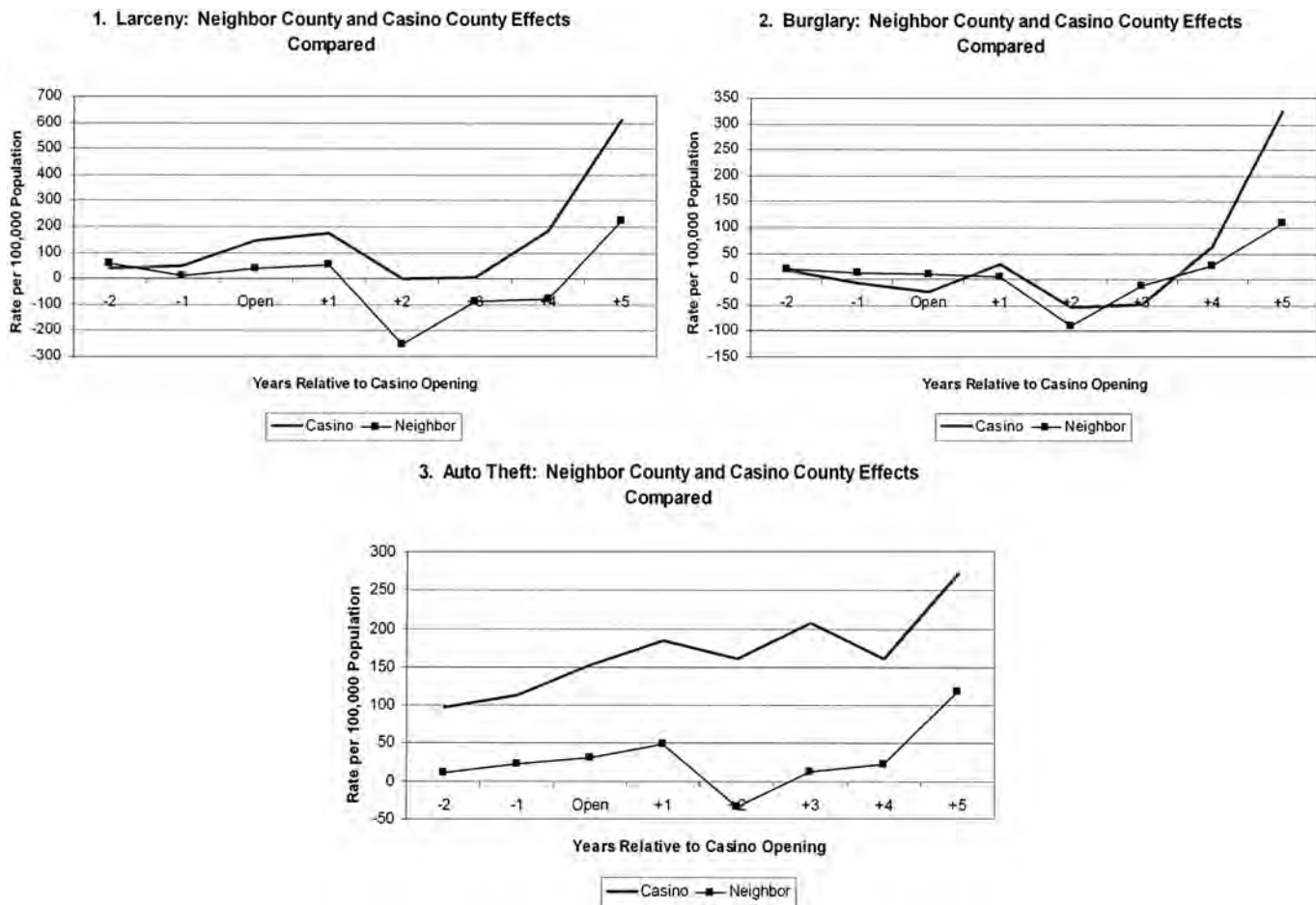
To implement a test strategy we reestimate the table 4 regressions with neighbor leads and lags as additional control variables. We define neighbor lead, opening, and lag variables, similar to those in tables 3 and 4 for the host county. The neighbor opening variable took a value of 1 if a casino opened in an adjacent county in the given year. Adjacent counties are the relevant unit of measurement, because the vast majority of casino patrons come from the local region surrounding the casino. For example, in Illinois over 92% of casino customers come from within 75 miles (Gazel & Thompson, 1996). A few casinos, mainly in Nevada, draw their customers from outside their immediate area. However, our estimates do not rely on these casinos to identify the effects, because these casinos opened prior to the beginning of our sample.

Figures 6 and 7 summarize the estimated casino effect for neighboring and home counties for violent and property crimes, respectively. When the neighbor variables were included, the host-county crime coefficient estimates were virtually unchanged, in terms of both point estimates and statistical significance. For the years before casinos open, there is virtually no effect of the casino on crime rates in neighboring counties. Of the 42 opening and postopening

come occurs will be the result of socially optimal decisions by the firms themselves.

<sup>29</sup> Section V C explains the computation of these numbers.

FIGURE 7.—HOME AND NEIGHBOR CASINO-CRIME EFFECTS: PROPERTY CRIME RATES



coefficient estimates on the neighbor variables, 32 are positive, of which 15 are statistically significant at the 0.05 level. Of 21 estimated coefficients for lags 3–5, 18 are positive, of which 8 are individually statistically significant. None of the three negative coefficients for lags 3–5 are statistically significant. All crimes but murder display elevated and rising lags 3, 4, and 5.

For all offense types the data reject the contention that the increase in crime in the casino counties can be attributed to decreases in neighboring counties, and thus support the contention that casinos create crime. *F*-tests reject at the 5% level for all crimes the hypothesis that host-county opening- and lag-coefficient estimates are matched with negative estimates of equal size in neighboring counties. On the contrary, a simple correlation of host- and neighbor-county coefficient estimates for opening and lags ranges from 0.61 to 0.82, with the exception of robbery (0.14). However, there is ambiguity about the extent to which casinos increase crime in neighbor counties. Murder clearly exhibits no spillover effects. For the other offense types the neighbor time pattern is similar to the home-county time pattern. Crime typically increases in later lags, but at half or less the magnitude of the home-county effect, and many of these

neighbor-county effects are not statistically significant until the very last lags. *F*-tests of the proposition that neighbor county coefficient estimates equal their host-county counterparts are rejected at the 5% level for aggravated assault, rape, robbery, and auto theft, but not for the other three crimes.

In our discussion of host-county auto theft rates we speculated as to why the host-county estimated coefficients displayed a different pattern of continually growing crime. This pattern of host-county coefficient estimates did not appear closely related to the introduction of casinos. However, auto theft for neighbor counties displays the pattern of crime increases observed for other crimes. There is a statistically significant, discernibly different crime rate three or more years after the opening of the neighboring casino, but not in the years before. The neighbor-county effect suggests possible spillover of auto theft crimes due to the casino.

## VII. Conclusions

Our analysis of the relationship between casinos and crime is the most exhaustive ever undertaken in terms of the number of regions examined, the years covered, and the



control variables used. Using data from every U.S. county from 1977 to 1996 and controlling for over 50 variables to examine the impact of casinos on the seven FBI Index I crimes (murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft), we concluded that casinos increased all crimes except murder, the crime with the least obvious connection to casinos. Most offenses showed that the impact of casinos on crime increased over time, a pattern very consistent with the theories of how casinos affect crime. The crime-ameliorating effects of casinos through increased employment opportunities and wages for low-skilled people will be concentrated shortly after opening. Also, law enforcement agencies can frequently use casino openings to leverage greater immediate staffing increases, but are unable to sustain this growth. This effect further reduces the immediate impact of casinos on crime. However, over time these effects are dominated by casino-related factors that increase crime. Specifically, problem and pathological gamblers commit crimes as they deplete their resources, non-residents who visit casinos may both commit and be victims of crime, and casino-induced changes in the population start small but grow. The data show that these crime-inducing and crime-mitigating effects offset each other shortly after opening, but over time the crime-raising effects dominate, and crime increases in subsequent years. Furthermore, we believe these estimates to be lower bounds on the true effect because they omit measures of law enforcement, which is typically increased substantially when casinos open. When we include law enforcement measures, the estimated effects are larger.

According to the estimates, between 5.5% and 30% of the different crimes in casino counties can be attributed to casinos. This translates into a social crime cost associated with casinos of \$75 per adult in 1996. This figure does not include other social costs related to casinos, such as crime in neighboring counties, direct regulatory costs, costs related to employment and lost productivity, and social service and welfare costs. Overall, 8.6% of property crime and 12.6% of violent crime in counties with casinos was due to the presence of the casino. Although robbery, the offense that exhibited the largest increase, is classified as a violent crime, it is similar to property crime in that its motivation is financial.

We also investigated whether the crime in casino counties is attracted (moved) from other regions or is created. Counties that neighbor casino counties did not experience compensating crime reductions, indicating that crime was created in casino counties, rather than simply being shifted from one area to another. There is mixed evidence about whether casino openings increase neighbor-county crime rates. Murder rates in neighbor counties are unaffected. The other offenses exhibit increasing neighbor rates, but are generally not statistically significant until the fourth and fifth year after opening.

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# CASINOS COMBATING HUMAN TRAFFICKING

**A TOOLKIT FOR  
CASINOS AND BUS  
COMPANIES**



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*When I was being trafficked, people assumed I was a prostitute. My trafficking was hidden in plain sight, in the middle of casinos on the Las Vegas strip around thousands of people a day. I remember thinking that there were three groups of people: the men who looked at me as if I were a product to buy, the people who looked at me like I was the trash of the earth, and the people who tried to pretend I was invisible. I had to go find the men who would want to buy me in the casinos. My life was in danger if I didn't make money for my trafficker. Everyone thought they knew what I was, so no one asked; but if someone stopped to talk to me maybe they would have found out what was happening to me. During my trafficking I internalized what everyone around me told me ... that I did this by choice, and that I was less than everyone else. The more I internalized, the more I didn't reach out for help.*

*-Annika Huff*

**TOOLKIT CREATED BY SURVIVOR-LEADER ANNIKA HUFF  
AND BUSING ON THE LOOKOUT (BOTL).**

BOTL IS A PROGRAM OF TRUCKERS AGAINST TRAFFICKING, A NON-PROFIT ORGANIZATION THAT EXISTS TO EDUCATE, EQUIP, EMPOWER AND MOBILIZE MEMBERS OF THE TRUCKING, BUS AND ENERGY INDUSTRIES TO COMBAT HUMAN TRAFFICKING.

**WWW.BUSINGONTHELOOKOUT.ORG**




## INTRODUCTION


# WHAT IS HUMAN TRAFFICKING?

Human trafficking is the exploitation of human beings through force, fraud, or coercion for the purposes of forced labor or commercial sex, wherein a third party is making a profit. Victims find themselves in situations they literally cannot get out of, while traffickers use whatever means necessary to keep making money at their expense. Human trafficking is modern-day slavery.

There are an estimated 40 million victims of human trafficking globally, including thousands of children and adults in the United States and Canada. Human trafficking has been reported in all 50 states and 10 Canadian provinces, including in and connected to casinos. Victims of trafficking may be found in various legitimate businesses, as traffickers exploit those businesses for their personal gain.



**This toolkit, created by survivor leader, Annika Huff, is designed to educate and equip casino and bus industry employees, so that working together they are able to recognize and report human trafficking situations happening within their community. Moreover, as legal action can be taken against businesses if trafficking is occurring on their premises, instituting this training makes sense from a risk management perspective.**



## BACKGROUND

# SEX TRAFFICKING IN CASINOS: BACKGROUND

Survivors have reported their traffickers using casinos as a meeting place for buyers who were arranged online or as a venue to solicit prospective buyers, particularly when the casino is combined with a hotel. Casinos can also be a refuge for victims, offering a secure place where they can seek help or attempt to exit their situation. Similarly for the charter buses and scheduled service bus lines that carry patrons to and from casinos, they may come into contact with trafficking victims who are being transported on those buses or see the bus as a lifeline for escape.

When operating at a casino or hotel-casino, the traffickers may be with their victims – or on the premises – or may send their victims to the casinos to find buyers on their own. If on the premises, while their victims are working, traffickers may go to a hang-out area, where multiple traffickers entertain themselves with drinks and play games. When victims are on the premises without their trafficker, there may be a strong trauma-bond (powerful emotional attachments that occur as a result of cycles of abuse), which makes it more likely that victims will stick to a scripted story, refuse to cooperate or claim they are there by “choice.”

**IT IS CRITICAL THAT CASINO AND BUS EMPLOYEES DO NOT TURN A BLIND EYE OR WRITE OFF A PERSON BEING SOLD AS “JUST A PROSTITUTE.”**

Traffickers are cheap, always looking to cut costs, so hotel-casinos can be appealing to them, because the buyers already have a room, and they don’t have to assume that expense. On the other hand, traffickers want to evade getting caught and will avoid bringing their illicit activities to businesses that have the reputation of having staff trained on how to recognize human trafficking and who are willing to report it to law enforcement.



## BACKGROUND

Sex trafficking in casinos tends to have its own set of rules that the traffickers and victims will follow based, in part, on the operations and culture of the casino itself. Given that, there tend to be two categories of victims.

- Victims who are new to being trafficked in casinos and generally don't know the particular rules and culture of the venue. They may have a harder time approaching buyers and may be easier to spot, because they will act more fearfully, have anxiety and be more on edge.
- Victims who have experience in casinos are more likely to know the casino floor plan, hours of staff members and what is typical for the particular casinos where they are trafficked. They will likely not be the "sympathetic victim," but instead act more aggressive, often dressing and talking like they are there by "choice." Victims in this category are more likely to run away if they believe an employee or others are suspicious of them.

Likewise, buyers of commercial sex tend to fall into two different categories. There are the repeat buyers who have been to casinos to purchase prostituted people before and have returned with the intention of purchasing sex again, whether with a specific girl or someone else. The other category is the new or "opportunistic" buyers. These are buyers who have either not purchased sex before or who did not come to the casino with a plan or the intention of purchasing sex. Warning signs can be an effective deterrent for opportunistic buyers.

**OPPORTUNISTIC BUYERS ARE LESS LIKELY TO BUY SEX WHEN THERE ARE WARNING SIGNS INDICATING IT IS NOT LEGAL IN THE COUNTY OR NOT TOLERATED ON THE PROPERTY.**

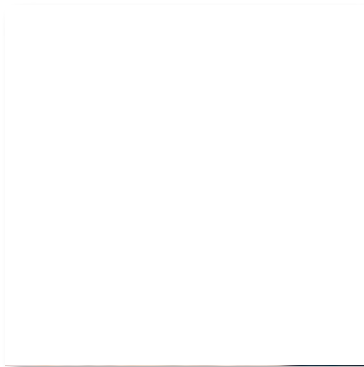


Hotel-casino owners and managers must be vigilant in their employment policies to make sure they do not have bad apples on staff who are complicit in facilitating the crime of trafficking. In some cases, hotel-casino employees (valet, front desk, bell hops, dealers, cocktail waitress and waiters, hotel maids, etc.) have been reported to act as middle men in setting up prostituted people with buyers. In these scenarios, the trafficker may pay the casino employee a cut. This may be done while at work or when off the clock.

Seasonal differences in particular locations may impact the patterns of traffickers and their victims. Busier seasons, for example, can both increase patronage to the casinos as well as increase demand for purchasing sex. During slower seasons, however, victims have more difficulty making the money that their traffickers demand. They will have to take lower amounts from buyers and be at the casino longer or during daytime hours, which increases their risk of arrest. As a result, during these times, victims are more likely to come into the casinos bruised or beaten up.



## BACKGROUND



Studies have found a correlation between major events and increases in sex trafficking, because of increases in demand for commercial sex during those events, especially for events in which there are large numbers of men visiting from out of town. These spikes occur during sports events, concerts or music festivals, trade shows and conferences. During certain sporting events, such as March Madness, there may be a spike in both casino patronage and a demand for purchasing sex, regardless of whether the sporting event is in that location or not, because more men are on site to watch and place bets on the games.

There is not a standard outfit or fashion choice for prostituted people in casinos. They will be dressed based on what they think will appeal to buyers in that location and will try not to dress in a way that stands out as inappropriate for the season or their age. Buyers' preferences may vary depending on their age, socio-economic status and reason for visiting. For example, men who are coming for a bachelor party may like to see girls in more provocative clothing looking like they're going to the club. Whereas men who are on business trips may prefer more high-end wear, because it's more discreet, and they will not be embarrassed if a coworker sees them walking to the hotel room.



**“DURING THE DAY WHEN I WAS BEING TRAFFICKED, IT WOULD BE ODD OR INAPPROPRIATE IF I WAS TO WEAR AN OUTFIT THAT I WOULD WEAR TO A CLUB, SO I WORE A SWIMSUIT AND SAID I WAS GOING TO THE POOL PARTIES. KIDS WON'T WALK AROUND THE CASINO FLOOR IN LINGERIE, BECAUSE THEY WANT THEM TO BLEND IN.”**

**–ANNIKA HUFF**



If selling a child or adolescent who is unlikely to pass as age 21 or over, traffickers may opt to sell that victim at a “family-friendly casino,” where they are more likely to blend in. It is important to always remember that according to the U.S. definition of sex trafficking, any minor involved in commercial sex is a victim of trafficking automatically. For victims under 18, the elements of force, fraud, or coercion do not need to be established.

# EVALUATING RISK AND LOOKING FOR BUYERS IN CASINOS

Victims of sex trafficking are under enormous pressure to earn money for their traffickers and not be arrested. Traffickers will learn the hours and operations of the casinos, as well as the schedules of the head of security and pit bosses. When arriving at a casino, prostituted people working the casino floor will often walk the perimeter to evaluate risk and the likelihood of finding a buyer.

- Victims will learn the casino floor map — they will learn the locations of the hotel room elevators, the security cameras and the exits.
- Victims will continuously watch for the level of security and which employees are working.
- Victims will continuously watch the men. They will notice which men are big winners that night, which men are drunk and how many men are in the casino.
- Victims have a heightened awareness of other victims — they will continuously watch for other prostituted people on the floor. If there are too many, there is more likelihood of a raid, in which case, all of them risk getting arrested. On the other hand, having too few prostituted people in the casino makes it look like security has been tight, and it will scare off traffickers.
- Victims will continuously watch the number of families. They will be particularly aware of mothers or other women who don't like prostitution happening in the casino, out of concern that they will complain and the victim will be run out of the building or arrested.
- Victims are very aware of traffickers. They will continuously watch how many traffickers are in the casino, in part because the presence of too many traffickers may make it harder to find a buyer.

# RED-FLAG INDICATORS IN A CASINO

Identifying a person who is being exploited is not a simple matter. Use your instincts, power of observation, and (when possible) a few well-placed questions to help determine if you're looking at a potential human trafficking situation. Keep in mind that *multiple* indicators will most likely present themselves when this crime is occurring.

- Visible bruising
- Under 21 (A child or children who can't pass as 21 will be sold in "family-friendly" casinos where they're more likely to blend in.)
- Prostituted people will be dressed for the types of buyers they are hoping to attract (age, social class, reason for visit to the casino, etc.).
- Individuals who walk around the perimeter of the casino when they first arrive may be scoping out security or looking for buyers. They will commonly stop in the bar area, near the hotel elevators, or on corners where there is a lot of foot traffic.
- Women or girls (could be a boy or man) may be looking for men who are winning big at the gaming tables, drunk, groups that look like they're partying or alone. They may have been seen approaching men at the bar or on the casino floor who they do not seem to know. Common lines for them to use may be "Lucky night?" "Do you have a cigarette?" or "Looking to party?"
- Prostituted people in casinos may openly talk about lap dances or strip teases but are unlikely to talk about money or any form of sexual exchange.
- People making recurring and frequent (less than an hour) trips between the casino floor and a hotel room
- Women carrying expensive items, including jewelry, male watches, electronics, etc.
- Trafficking victims in casinos will usually have their phone in hand — they will answer every call but will be discreet when talking to their trafficker around men (prospective buyers).
- The season may impact patterns. During busier seasons, prostituted people may come in more often, while during slow seasons, victims are more likely to come in bruised, for longer hours and/or during the day.
- Room booked for large number of people, usually a group of girls ... the booking will be under pimp's name or "the bottom" (prostituted person who is given authority over other victims).
- Individuals who come into town without booking a room or who come in often and seem to be on "a route"



# RED-FLAG INDICATORS FOR BUSES GOING TO CASINOS

Bus drivers can gain basic knowledge of human trafficking and its intersection with buses through watching BOTL's free 30 minute training video. Bus drivers on casino routes may notice red flags among the passengers they are transporting or may observe things going on around them that may not involve their passengers, such as while they are parked at the casino or waiting somewhere else on the premises.

- People who ride the bus regularly to the casino or gaming town but don't seem to gamble or have a job in town
- Women or girls (could be a boy or man) who have visible signs of physical abuse (bruising, malnutrition, branding, etc.)
- People who are dressed oddly or out of context for their age or the weather
- Children traveling with an adult that they seem uneasy to be around
- Victims and traffickers may or may not sit together on the bus. If they sit together and don't think anyone is listening, they may talk about plans openly. If they are not sitting together but the trafficker is on the bus, he may give physical cues to the victim.
- Traffickers will travel home with victims if they traveled with them to the casino. As traffickers have been known to recruit out of casinos, they may come back with a new or prospective victim they seem to be getting to know.
- Victims will not make eye contact or might not be allowed to look out the windows.
- Prostituted people may set up dates on the bus but will only talk about lap dances or strip teases and will not likely set a dollar amount at that time.
- Victims will travel at night (6 pm–2 am) or early morning (5–9 am), but may not have booked a room in town.
- Individuals who come up more frequently when busy season starts
- Young people who are under 21 but aren't traveling to the town for any age-appropriate activities
- Women or girls (could be a boy or man) who are coming back from town with items they didn't have before, including large amounts of cash, chips, jewelry, male watches, electronics, or other items of value
- Victims and their trafficker may get off the bus in different spots, but texts or physical cues will indicate they are together.

## WHAT TO DO

# WHAT TO DO

IF A POTENTIAL SITUATION OF HUMAN TRAFFICKING IS UNCOVERED, CONSIDER THE FOLLOWING ACTION STEPS:

### 1. IN CASE OF IMMEDIATE DANGER, CALL 911.

If you believe someone in your establishment or on your bus is in danger (especially a child under 18), please call 911 for immediate response from local law enforcement.

### 2. IF YOU IDENTIFY A MISSING CHILD IN THE UNITED STATES, CALL THE NCMEC HOTLINE.

If you believe you have identified a missing child in the United States, call the National Center for Missing and Exploited Children toll-free Hotline at **1-800-843-5678**.

### 3. IF YOU SUSPECT HUMAN TRAFFICKING, CALL THE NATIONAL HUMAN TRAFFICKING HOTLINE.

If you suspect human trafficking or exploitation may be happening in your establishment but do not think anyone is in immediate danger, call the human trafficking hotline. Both the United States and Canada have human trafficking hotlines that are multilingual, accessible nationwide and are staffed to answer calls 24 hours a day, 7 days a week, every day of the year.

- **National Human Trafficking Hotline in the United States: 1-888-373-7888**
- **Canadian Human Trafficking Hotline: 1-833-900-1010**

Calls received by either hotline are always anonymous unless the caller chooses to provide the operator with his or her name and contact information and authorizes its use. This information is not given to law enforcement, other individuals or other agencies without prior consent. Once a call is received, next steps may include:

- An additional call to the caller to confirm the accuracy of information (with the caller's consent);
- Provision of materials and/or referrals to organizations in the caller's area serving trafficking victims;
- A report to a local anti-trafficking organization, service provider, or law enforcement.

**In all cases, casinos should have internal reporting protocols in place for when trafficking is suspected and always make sure their employees keep safety in mind as they act.**





# VICTIM-CENTERED APPROACH

When interacting with potential victims, be sure to employ a victim-centered approach, as it is imperative that they feel safe and that you are on their side ... not trying to get them arrested.

- Ask if the victim would like to speak to a female guard if possible.
- Separate victims if in a group.
- See if they need food or water before starting the conversation in private with them.
- Create a non-judgmental space.
- Start the conversation with “We educate EVERYONE who we bring into our booking area about human trafficking.”
- Provide an anti-trafficking brochure or flyer to the individual as it gets attention off the guard and is a safer way to introduce the concept of human trafficking (some victims won’t have ever heard of the term).
- Say “We are available to help you, and we can contact these resources with you or for you if you’d like to get out of a situation you’re in ... we want to make sure you are safe.”
- As much as possible, make sure you tell him/her every step of the way what is happening and what they can expect next.
- Have a list of local resources available in the security area that are updated regularly, and be ready to contact them to provide victim services.

# QUESTIONS TO ASK A POTENTIAL VICTIM

A photograph showing two women in an office environment. One woman, wearing a dark top, is standing and facing the other woman. The second woman, wearing a purple turtleneck, is holding a black folder and looking towards the first woman. Their shadows are cast onto a glass partition in the background.

If you do find yourself interacting with a potential victim, a few well-placed questions can help you determine the appropriate next steps. These are questions such as:

- Are you safe?
- Does anyone control you or tell you what to do?
- Are your calls, texts, emails, or other conversations ever restricted or monitored?
- Do you have access to your ID or other personal documents?
- Do you get to keep the money you earn or does someone else take all or part of it?
- What would happen if you left this situation or person?
- If we could provide you with a safe place to escape to, would you like that today?

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## WHAT TO DO

### ADDITIONAL ACTION STEPS

- Show all casino employees and bus drivers on casino routes the 25 minute multimedia online training, “Casinos Combating Human Trafficking,” available for free at [www.truckersagainsttrafficking.org](http://www.truckersagainsttrafficking.org).
- Post information about the human trafficking hotline in bathrooms (especially in private stalls), on casino floors and on buses.
- Post informational and resource posters or a video for victims in security booking area.
- Post informational and warning posters near hotel registration for buyers.
- Adopt an anti-human trafficking policy with a demand-reduction focus and share the Truckers Against Trafficking “Addressing Demand: Man to Man” training video.
- Contact Truckers Against Trafficking/Busing on the Lookout at [tat.truckers@gmail.com](mailto:tat.truckers@gmail.com) for more information or to obtain printed materials.

### WARNING

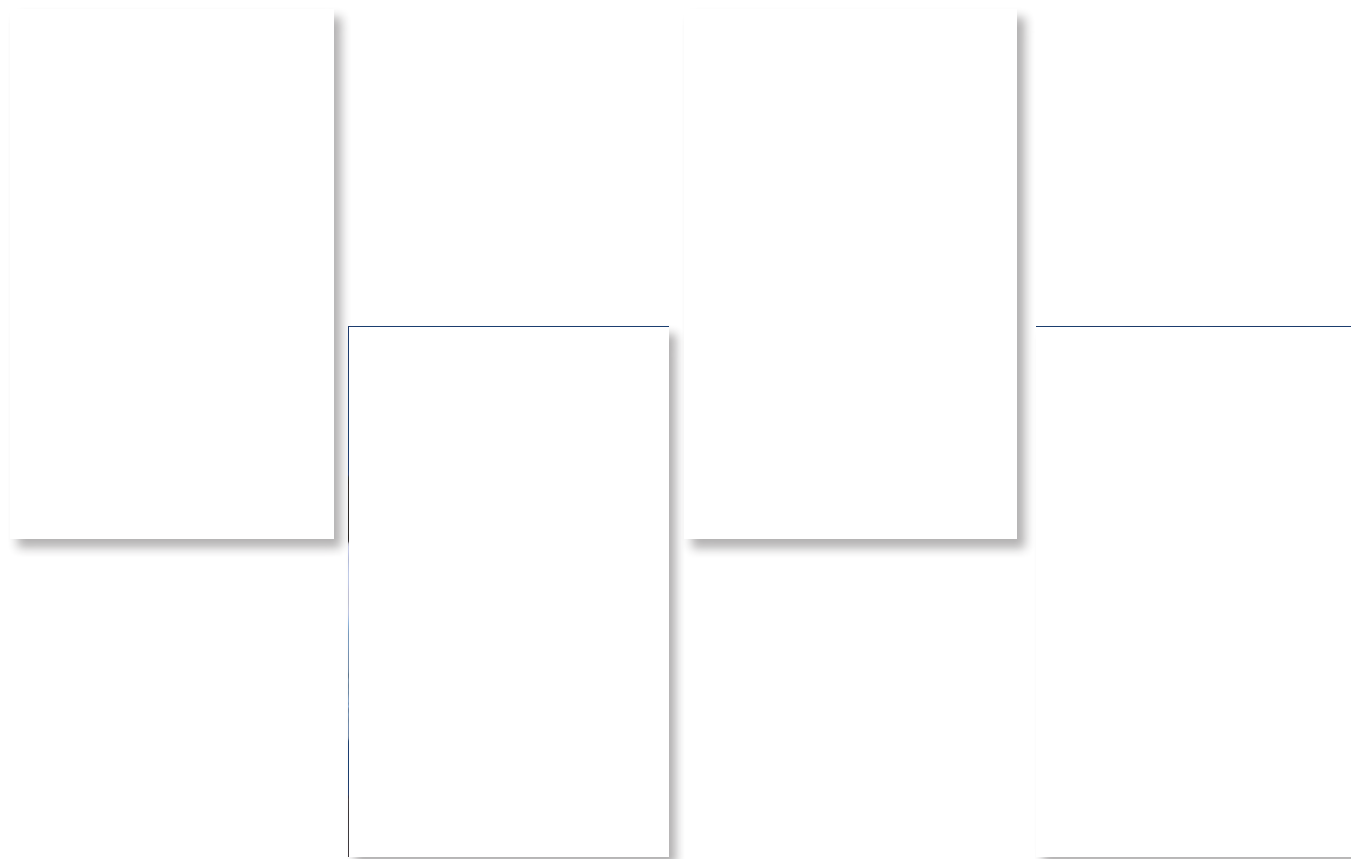
- Please do not approach traffickers. Call the hotline and/or the local police (911). Allow law enforcement to deal with traffickers and recover victims. Approaching traffickers is not only dangerous for you and their victims but could lead to problems in the eventual prosecution of traffickers.

# APPENDIX A:

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# VICTIM-CENTERED POSTERS

According to data from the National Human Trafficking Hotline, the top type of callers are “community members”... but after that it is victims themselves who are seeking assistance. Busing on the Lookout (BOTL) worked with survivors of sex trafficking to create a series of posters that use language and visuals intended to be eye catching for victims to see and know they are not alone – and there are resources out there. These posters also contribute to general public awareness about how vulnerable girls, boys, women and men can get lured into trafficking situations. BOTL will share these designs with bus companies and casinos free of charge.



# APPENDIX B:

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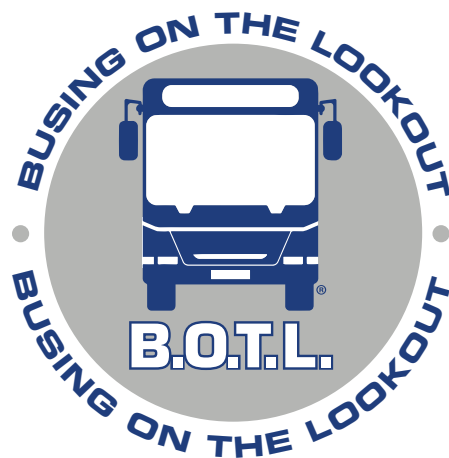
# DEMAND-REDUCTION BUSINESS INITIATIVE

At the end of the day if no one purchased commercial sex, the crime of sex trafficking wouldn't exist. Therefore, it is imperative that we address the issue of demand in order to create a culture where the buying and selling of human beings for another's sexual gratification is not looked upon as normal behavior.

To that end, TAT created the video, "Addressing Demand: Man to Man," in order to get the conversation started. In addition to sharing the Addressing Demand video with all employees, casinos and bus companies should adopt and communicate policies to all employees that explicitly stand against sex trafficking, including sex buying.



For more information on demand-reduction steps businesses can take, visit:  
<https://truckersagainsttrafficking.org/man-to-man-campaign/>



[WWW.BUSINGONTHELOOKOUT.ORG](http://WWW.BUSINGONTHELOOKOUT.ORG)



**From:** Kristine Hannigan <[kristine.hannigan@gmail.com](mailto:kristine.hannigan@gmail.com)>

**Sent:** Monday, April 1, 2024 4:55 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] "NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hi Chad,

I live near the proposed Shiloh Casino on Lockwood. The vineyards beyond my house back up to Shiloh. I request no alternative actions on this project. I STRONGLY oppose this project. In fact, for our family's safety, peace, and health, we would probably move if this were to happen. There are so many reasons I don't want this to happen, but mainly because this is in a neighborhood. I don't think casinos should be near homes in a nonbusiness district.

The main ones for my family are fire safety- We have been evacuated and stuck on the 101 several times trying to get out before the fires. The size and significance of this Casino would create a hazard and fear that we would get stuck and unable to evacuate on time. Quality of neighborhood, Noise (I moved here to be in an open space). In addition to all these reasons: Proximity to Residential Neighborhood, Churches, Schools, Infrastructure Roads Loss of Open Space/Greenbelt, Negative Ecological Impact, Noise, Drought/Water Availability/Mandatory Water Rationing, Impact of Ignoring Zoning Restrictions, Public Safety, Quality of Neighborhood Activities (kids can't play outside with this), Emergency Response Time, Greenhouse Gases and lastly Decline in my property value because no one wants there house a stone's throw from a casino.

I am opposed to casinos in neighborhoods, and I think it is the wrong place to have a casino. If the Koi wants to build a casino off the freeway in a business district, it makes more sense, and I would support that. But what is also important is that the Koi have NO significant Connection to the land by the Koi Tribe. I understand they relocated to Santa Rosa, but that is not a significant historical connection to Sonoma County. I understand historically, they are from Clearlake.

I support them building a casino from where they are from in Clearlake, even if it has to be somewhere else - but NO CASINOS in NEIGHBORHOODS, please.

Thank you,  
Kristine

**From:** Rich Owens <[jazzbear@earthlink.net](mailto:jazzbear@earthlink.net)>

**Sent:** Monday, April 1, 2024 6:18 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

From: Richard Owens, 5841 Gridley Drive, Windsor, CA 95492

To: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs

Dear Mr. Broussard:

I am a resident in the Town of Windsor within the Oak Park neighborhood. My house is located about 100 yards away from the street entrance to the proposed Shiloh resort and casino. I have a number of concerns, questions, and comments that I believe the upcoming Environmental Impact Statement (EIS) should address or answer.

The previous Environmental Assessment (EA) has called out, or should have called out, all of the impacts in the following areas: Land Resources, Use, Biological Resources, Air Quality, Noise, Visual Resources, Transportation & Circulation, Socioeconomics, Cumulative-Indirect-and-growth-inducing-effects, Public-services-and-utilities, Cultural-and-Paleontological-Resources, Environmental Justice, and Hazardous Materials-and-hazards.

Not all of these were sufficiently covered. For example, no specific and thorough discussion of hazardous waste, community right-to-know, and aboveground storage tank compliance was offered. These issues were not reviewed by the California State agencies that are responsible for regulating these programs.

All of these issues identified above need to be EXPANDED in the EIS. EVERY. SINGLE. ONE. Each area and subset of areas needs to be called out. Each subset area should identify all Federal, State, Regional, County, and Town of Windsor laws, regulations, and the agencies within these governments that are responsible for enforcing them.

This legal and administrative comparison needs to occur in order to achieve a proper environmental impact of the subject area relative to the pre-existing adjacent areas that currently surround the proposed resort and casino.

Creating a 68.6 acre separate federal governmental island area that is surrounded by pre-existing town and unincorporated county areas is a recipe for disaster. Federal laws and their regulations are generally weaker than California State laws and regulations; plus, regional laws and regulations (Bay Area Air Quality Management District (BAAQMD)), Bay Area Regional Water Quality Control Board (RWQCB); plus, County laws and regulations (Sonoma); and Town laws and regulations (Windsor).

Putting tribal land into federal trust is creating a doughnut hole of weaker Federal environmental

compliance inside a doughnut of stronger State and local environmental compliance that currently surrounds the property. With an additional layer of government, this is going to increase the amount of governmental finger pointing and deflection. To whom do I complain when I experience something that must be reported?

I can see it now. Hypothetically, I walk out of my house and begin to experience some sort of negative environmental impact at my house during the adjacent construction or operation of the resort (noise, light, dust, odor, chemical spill, traffic, congestion, or whatever).

I live within the Town limits of Windsor, so I would call them. They probably would respond and say that the source of the impact originates outside of our town limits, so they don't handle it. Then I call Sonoma County and ask the same question. They would respond and say to contact the BAAQMD for dust and odor. For all others, they'll say, "Normally we would respond but the source of the problem is coming from Federal tribal land." I call the BAAQMD, and they'll say the same thing. Then who do I call? The Department of the Interior? The BIA? The Tribe?

Whoever it is, are they going to say, "Yep, we are going to comply with all of your more stringent State, Regional, and local laws even though we don't have to." Or, will they say, "We are in compliance with all Federal laws and your concerns are not in conflict with our laws." Or, will they say, "We are a sovereign government, we have immunity, and do not need to respond to your concerns." Or will they say something else?

This is all hypothetical. But hopefully you catch my drift. The EIS needs to have a thorough written discussion about the regulatory framework that will exist in-and-around the project area by identifying all laws and regulations at the Federal, State, Regional, County, and local levels for each of environmental impacts that will be experienced within and surrounding the 68.6-acre project area. Contact information for different environmental agencies that are responsible for ensuring compliance needs to be identified. This goes for both the 68.6-acre project area and the areas surrounding that property. The differences between these laws and regulations need to be discussed.

The reason for this is due to the fact that environmental impacts are going to happen whether they occur on the 68.6-acre property or migrate away from it. Environmental pollutants and contaminants do not obey politically developed boundaries such as town limits, unincorporated areas, regional districts, and tribal lands. Environmental pollutants and contaminants travel via land, air, and water and negatively impact watersheds, underground aquifers, hydraulic gradients, air basins, and neighborhoods that are common to all areas. It doesn't matter whether or not you determine that these environmental impacts are "significant" or "less than significant". People have a right to know what the impacts are, what the legal differences are, and who is responsible for enforcing differing levels of compliance in the different geographic areas. Where you have different governments, you are going to have differing levels of compliance being enforced by different agencies. People need to know who to whom they can complain.

The EA stated that "The Tribe" will be responsible for ensuring that Best Management Practices (BMPs) are implemented. How exactly does that happen? How does the Tribe come up with the required experience, expertise, and authority to ensure compliance? Are we going to file complaints against a tribe member, or their hired consultants? Or someone else?

During the design phase, who is responsible for submitting plans? Who is responsible for approving them? Who is responsible for performing independent 3rd party inspections to ensure compliance with approved plans during construction? After construction, who is responsible for performing periodic recurring operational compliance inspections? What type of inspections are going to occur? How frequent are these inspections going to occur? Who exactly performs complaint inspections? How long does it take to respond to a complaint? What is the history of response to neighborhood complaints at other nearby casino resorts in California?

Here's the problem. If you build the proposed resort and casino at the proposed location, you will have an on-going unending line of complaints that will occur in the future during construction and subsequent operation of the project. It won't matter if your EA and EIS collect data, analyze them, and quantitatively determine that all environmental impacts are "less than significant".

Qualitatively, the proposed Shiloh projects (Alternatives A, B, or C) appear to be oversized and located on a relatively small piece of property immediately adjacent to pre-existing homes, mobile home parks, and apartments that also operate 24 hours a day, 7 days a week. The project is adjacent to a large urban town (Windsor) and inside an unincorporated community of Sonoma County (Larkfield-Wikiup) that are larger than other communities where you have previously allowed gaming resorts to operate (Middletown, Brooks, and Geyserville). These three nearby resorts are smaller, less dense, and/or they are located in more rural areas.

For example:

The Twin Pine Casino in Middletown has 60 rooms, 500 slots, and 92,000 square feet of guest space located on a property of 109 acres located in the community of Middletown that has a population of 2,771 in 2024. (Smaller facility put on a larger rancheria (less dense); put into Trust in a more rural area.)

The River Rock Casino in Geyserville currently has 0 rooms, 1150 slots, in a 62,000 square foot facility on a property of 75 acres located near the community of Geyserville that has a population of 1,003 in 2024. There is a proposed expansion of 300 rooms, 1500 slots, and a 60,000 square foot facility on this same property. (Smaller facilities (actual and proposed) put on a larger rancheria (less dense); put into Trust in a more rural area.)

The Cache Creek Casino has 659 rooms, 2700 slots, in a 75,000 square foot facility located on a property of 185 acres in Brooks which had a population of 31 in 2020. (Smaller facility put on a larger rancheria (less dense); put into Trust in a more rural area.)

The proposed Shiloh Casino is considering the following alternatives:

Alternative A – 2750 slots, 400 rooms, 500,000+ square foot casino, 250,000+ square foot hotel.

Alternative B – 2750 slots, 200 rooms, 400,000+ square foot casino, approximately 150,000 square foot hotel.

Alternative C – 0 slots, 200 rooms, 160,000+ square foot hotel.

All 3 alternatives are located on a property of 68.6 acres adjacent to Windsor which has a

population of 25,271 in 2024 and also in the Larkfield-Wikiup area which has a population of 7,688 in 2024. (Larger facility to be put on a smaller rancheria (more dense); to be put into Trust in a more urban area.)

The significance of locating a more dense project in a more urban area is that there will be more negative environmental impact occurring because the tribal buffer zone around the subject facility is going to be smaller and closer to a larger number of pre-existing on-going land-use activities that operate 24 hours a day, 7 days a week (e.g., homes, mobile parks, apartments, etc.) similar to the 24/7 operation of the proposed casino and resort. The previously approved resorts in Geyserville, Middletown, and Brooks have less negative environmental impact because they are on bigger rancherias with bigger tribal buffer zones surrounding their facilities and are located in communities that have a smaller number of people with a smaller number of 24/7 land-use activities.

The Graton casino and resort has less negative environmental impact than the proposed Shiloh casino for different reasons.

The Graton casino has 200 rooms (with another 200 rooms proposed), 3000 slots, 135,000 square ft casino located on a property of 90 acres located in Rohnert Park that has a population of 44,216 in 2024. Although there is more population in Rohnert Park than Windsor-Larkfield-Wikiup, there is less negative environmental impact for at least 3 reasons:

1) The Graton facility is located on a bigger rancheria and has a bigger tribal buffer zone surrounding the facility (less dense).

2) It is surrounded by a business district which has land-use activities that are not 24/7. Businesses usually operate 8AM &ndash; 5 PM Monday &ndash; Friday. Or there are retail facilities that also operate on weeknights and weekends. None of these are 24/7 activities like the nearby homes, apartments, and mobile home parks that surround the proposed Shiloh project.

3) The Graton facility is connected to an existing sewage collection system taking advantage of another entity's NPDES wastewater permit. This activity has less negative environmental impact than Shiloh where a 24/7 wastewater treatment plant will need to be built and a separate NPDES permit will need to be approved.

From what I understand, a hotel, casino, wastewater treatment plant, and a drinking water treatment plant will be operating 24/7 on the Shiloh property. It is already too small to provide a sufficient tribal buffer zone that is too close to other 24/7 pre-existing on-going land-use activities on properties nearby.

The size and scope of the 3 proposed alternatives at Shiloh are each too big and will be squeezed into the small acreage of the proposed tribal rancheria. This proposed Shiloh project should be moved to a rural location that is similar to the facilities in Geyserville, Middletown, and Brooks. Or it should be relocated to an urban industrial place like Graton. All four of these previously approved facilities have less negative environmental impact than the proposed facility at Shiloh for the reasons stated above. The proposed Shiloh facility should be rejected and relocated in order to be consistent with the attributes of these four previous approvals.

Please consider the above issues and comparisons when writing your EIS and making your final decision. Thank you.

Sincerely,  
Richard Owens  
Oak Park Resident



**From:** Jessica Cruz <[jesscllr@yahoo.com](mailto:jesscllr@yahoo.com)>

**Sent:** Tuesday, April 2, 2024 1:44 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, KOI Nation Free-to-trust and casino project

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Hi!

My concern about allowing the KOI nation to build a casino in Windsor, Ca is that Windsor Ca is not their ancestral territory. If this is granted it will open Pandora's box to allow other Tribes to build casinos in other tribes territories. The larger established tribes will end up snuffing out the smaller tribes and this will not allow the smaller tribes to have an opportunity to grown on their ancestral lands. This will be like opening pandoras box once it is approved. Please deny this project for the greater good of all Tribes in California.

Thank you.

Jessica

Sent from my iPhone

**From:** Lark Schumacher Coryell <[lark@lark.net](mailto:lark@lark.net)>

**Sent:** Tuesday, April 2, 2024 4:22 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nationa Fee-to0Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello Chad, et al: Building a new casino in such close to proximity to several others in the area is a big mistake. The Koi Nation, originally from Lake County, has proposed the establishment of a casino in our area, following a failed attempt at a similar venture at the Oakland Airport. I have significant concerns regarding this proposal, especially its potential impact on traffic congestion and crime rates in the wider area. A new casino here will drastically change the family feeling of the whole area.

The anticipated increase in traffic, especially on Shiloh Road—a road that currently has only two lanes—and Old Redwood Highway, deeply worries me. I fear that these areas would face unprecedented levels of traffic congestion, drastically affecting the quality of life and accessibility for people like me and my neighbors.

Furthermore, I am concerned that the construction and operation of the casino would require major changes to our existing road infrastructure to accommodate the surge in traffic. Such changes would likely lead to significant financial burdens on Windsor or Sonoma County, with costs potentially escalating to millions or even billions of dollars.

Given these points, I strongly oppose the proposed casino. My concerns are rooted in the potential increase in crime, the detrimental impact on traffic and infrastructure, and the financial strain on our local resources. I urge immediate action to be taken to prevent the establishment of this casino, reflecting my opposition and prioritizing the well-being and interests of our community.

Thank you for listening, and please ensure that it does not happen here, particularly given the size of the project.

--

Lark Coryell, Partner

[lark@lark.net](mailto:lark@lark.net)

(707)888-4524

**From:** Judi Swenson <[judi@rocketmail.com](mailto:judi@rocketmail.com)>

**Sent:** Tuesday, April 2, 2024 9:29 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments Ko Nation Fee-to-Trust and Casino Project--Judi Swenson 5305 Carriage Lane, Santa Rosa, CA 95403

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Hello,

I would like to share some concerns about the proposal for the Casino project in Windsor. With such a significant history of fire danger, my concern is for the increase in risk. I understand that the facility will be a no smoking building which means that a lot of people will be outside smoking with the risk of sending a spark out into the environment. All it will take is a single spark touching dry grass to cause a major event in what is now a residential area.

In addition to the increased fire risk, there will be a significant strain on water usage, and there will be a demand for additional sewage treatment. Although there is not a water shortage this year, we have had significant shortages for many years and such a massive influx of people will affect the water supply.

The planned Casino facility is a huge project with increased demands and risks to the natural environment within which it is proposed. Increased pollution from the car loads of people, increased water demands and the need for sewage treatment are sure to impact the surrounding environment.

By far the biggest concern should be the fire risk. This area has a history of very dry, hot weather and with that dry grasses that will be surrounding the casino area. The onslaught of people, who are not vested in protecting our community, who will be lighting up cigarettes outside the building, using water without a care for conservation and in general increasing the strain on the small surrounding environment, will have substantial impact. I live fairly close to the proposed site in an area that was significantly burned in past fires not so long ago. I urge you to reconsider this project that stands to impact the environment in a catastrophic way.

Sincerely,  
Judi Swenson  
5305 Carriage Lane

Santa Rosa, CA 95403

**From:** claudia abend <[abendclaudia@gmail.com](mailto:abendclaudia@gmail.com)>

**Sent:** Wednesday, April 3, 2024 1:24 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Noi Comments , Koi Nation Fee to trust and Casino Project /Claudia Abend 5425 Old Redwood Hwy ,Santa Rosa CA.95403

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## To: Chad Broussard

From : Claudia Abend  
5925 Old Redwood Hwy  
Santa Rosa ,CA. 95403

“NOI Comments, Koi Nation Fee-to-trust and Casino Project”

I am a resident that has lived in the area across the street from this proposed nightmare of a casino project for 38 years . I have experienced continued increase of busyness in this area and oppose any type of casino project on this proposed property! This casino resort plan is not acceptable to our community on any level !

For starters ,this is a community with residential homes, churches, schools, recreational parks, a rural county park with creeks and wildlife that stretch to the creek on this property and vineyard agricultural. Daily traffic and noise is already at it's maximum with more recent high density /low income and senior / memory care housing added and planned on Shiloh Road . Fire evacuation and ER services will also be even more impacted with this current increase of population . Area flooding is a current and continuous problem . This casino project would be a negative impact on this already strained community. This project would bring an added appx 4 times the influx of traffic on Old Redwood Hwy and Shiloh Road ! This traffic would undoubtedly include a population of impaired driving ,drugs , violence and individual bad behavior (prostitution and sex criminal histories). This project would cause the existing community to experience even more difficult Emergency services, evacuation, poor air quality , more increased noise , increased area flooding and ground water depletion and contamination ( many in this rural area have ground water wells) . This peaceful beautiful area and community does not deserve the abuse of a casino resort project with constant in and out traffic of people that don't care about it's quality of life . The Koi nation needs to stay in their own Lake County area for land trust plans and development . Sonoma County has enough casinos .

Respectfully,  
Claudia Abend

**From:** Richard Abend <[richardabend13@gmail.com](mailto:richardabend13@gmail.com)>

**Sent:** Wednesday, April 3, 2024 1:31 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee to Trust and Casino Project . Richard Abend 5925 Old Redwood Hwy ,Santa Rosa ,CA 95403

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

## To: Chad Broussard

From : Richard Abend  
5925 Old Redwood Hwy  
Santa Rosa ,CA. 95403

“NOI Comments, Koi Nation Fee-to-trust and Casino Project”

I am a resident that has lived in the area across the street from this proposed nightmare of a casino project for 38 years . I have experienced continued increase of busyness in this area and oppose any type of casino project on this proposed property! This casino resort plan is not acceptable to our community on any level !

For starters ,this is a community with residential homes, churches, schools, recreational parks, a rural county park with creeks and wildlife that stretch to the creek on this property and vineyard agricultural. Daily traffic and noise is already at it's maximum with more recent high density /low income and senior / memory care housing added and planned on Shiloh Road . Fire evacuation and ER services will also be even more impacted with this current increase of population . Area flooding is a current and continuous problem . This casino project would be a negative impact on this already strained community. This project would bring an added appx 4 times the influx of traffic on Old Redwood Hwy and Shiloh Road ! This traffic would undoubtedly include a population of impaired driving ,drugs , violence and individual bad behavior (prostitution and sex criminal histories). This project would cause the existing community to experience even more difficult Emergency services, evacuation, poor air quality , more increased noise , increased area flooding and ground water depletion and contamination ( many in this rural area have ground water wells) . This peaceful beautiful area and community does not deserve the abuse of a casino resort project with constant in and out traffic of people that don't care about it's quality of life . The Koi nation needs to stay in their own Lake County area for land trust plans and development . Sonoma County has enough casinos .

Respectfully,  
Richard Abend



**From:** Jackie D'Arcy Denney <[jackiedenney1@gmail.com](mailto:jackiedenney1@gmail.com)>  
**Sent:** Tuesday, April 2, 2024 2:21 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Shiloh Resort & Casino

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Dear Mr. Broussard,

Thank you for the opportunity to protest the proposed casino in this neighborhood.

I live a few miles south of this location, but drive by frequently to shop in Windsor. The area is a lovely middle class neighborhood and I just cannot believe that a Casino (of any size) would be built right across the street from these residences which would probably drop precipitously in value as a result. The increased traffic would be difficult for all of us to handle, but I especially am concerned for the children as they travel back and forth to school.

Surely there is another location more appropriate to this type of business.

Sincerely,

*Jackie Denney*

**From:** Sue Bates-Pintar <[sweetums.sbp@gmail.com](mailto:sweetums.sbp@gmail.com)>  
**Sent:** Wednesday, April 3, 2024 9:52 AM  
**To:** Kitto, Felix F <[Felix.Kitto@bia.gov](mailto:Felix.Kitto@bia.gov)>  
**Cc:** Baker, Pamela R <[Pamela.Baker@bia.gov](mailto:Pamela.Baker@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation proposed casino in Windsor,CA

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Sirs/Madams,

The proposed Koi Nation Shiloh Resort and Casino would be built and operated by the Chickasaw Nation's Gaming Group, not the Koi. It follows that profits from the casino would not be fully available to the Koi Nation.

It is estimated that it would use 400,000 gallons of water daily. Sonoma County already suffers greatly from periodic droughts. We can not afford to lose that huge amount of water and deplete our aquifers!

Additionally the enterprise would not pay for road improvements or maintenance costs generated by the increased stresses on our infrastructure.

Please decline the proposed Koi Nation Shiloh Resort and Casino!

Sue Bates-Pintar  
Petaluma

Sent from my iPhone

**From:** Marquel Abend <[marquelabend@gmail.com](mailto:marquelabend@gmail.com)>  
**Sent:** Wednesday, April 3, 2024 10:32 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

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From : Marquel Abend-Satterwhite  
2523 Sonoma Ave  
Santa Rosa ,CA. 95405

"NOI Comments, Koi Nation Fee-to-trust and Casino Project"

I am a resident that was raised and lived in the area across the street from this proposed nightmare of a casino project for 38 years . I have experienced continued increase of busyness in this area and oppose any type of casino project on this proposed property! This casino resort plan is not acceptable to our community on any level !

For starters ,this is a community with residential homes, churches, schools, recreational parks, baseball park, a rural county park with creeks and wildlife that stretch to the creek on this property and vineyard agricultural. Daily traffic and noise is already at it's maximum with more recent high density /low income and senior / memory care housing added and planned on Shiloh Road . Fire evacuation and ER services will also be even more impacted with this current increase of population. Area flooding is a current and continuous problem.

This casino project would be a negative impact on this already strained community. This project would bring an added appx 4 times the influx of traffic on Old Redwood Hwy and Shiloh Road! This traffic would undoubtedly include a population of impaired driving, crime, narcotics use, violence, narcotics sales and prostitution. The regional park which families currently use will be flooded with people using narcotics/ selling narcotics, and homeless encampments. My husband is a police officer for Rohnert Park and that is the behavior that takes place at the Graton Casino leaching out into the surrounding areas of Rohnert Park. The difference is that the Rohnert Park casino is surrounded by businesses not residential housing. All around this proposed casino are residential and low income housing. People in low income housing are struggling enough they do not need the influence of increased crime, drugs and prostitution around their families. This project would cause the existing community to experience even more difficult Emergency services, evacuation, poor air quality, more increased noise, increased area flooding and ground water depletion and contamination (many in this rural area have ground water wells). This peaceful beautiful area and community needs to be safe for my children and other families to enjoy! This area does not deserve the abuse of a casino resort project with constant in and out traffic of people that don't care about it's quality of life .

The Koi nation needs to stay in their own Lake County area for land trust plans and development. They need to at least for the respect of families stay away from residential areas. People's homes should not be surrounding a casino they did not choose this when looking for a safe place to raise their families. Sonoma County has enough casinos.

Respectfully,  
Marquel Abend -Satterwhite

Sent from my iPhone

**From:** Chris Thuestad <[chris2esta@comcast.net](mailto:chris2esta@comcast.net)>  
**Sent:** Wednesday, April 3, 2024 10:53 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chris Thuestad  
6186 Lockwood Drive  
Windsor, CA 95492

Mr. Broussard,

The Koi Nation bought a 68-acre property near Windsor, in Sonoma County, CA and announced its intentions to open a new casino there. I am deeply concerned about this for a number of reasons and feel very strongly that this should not be allowed to happen.

The proposed casino is at the corner of Shiloh Road and Old Redwood Highway. From that intersection, there are two traffic lights on Shiloh Road to get through in order to get on Hwy 101, the main freeway. It can already take up to three turns of the lights to get through those lights, and another light beyond the on-ramp to Hwy 101 can also cause traffic to back up. This is a two-lane road that is already inadequate for the existing traffic. There are several high-density housing developments currently under construction on both Old Redwood Highway and Shiloh Road, and several more lots are posted with signs indicating that they are also ready for development. The traffic study done by the Koi Nation didn't include any impacts from the new developments already underway or from the planned developments. The southbound traffic on Hwy 101 is already bad during the commute hours, stop and go from Windsor to and beyond Santa Rosa. We've been told the Graton casino in Rohnert Park gets 20,000 guests a day. If the Koi casino is even larger, the traffic in Windsor and Windsor and the freeway traffic heading south will be a nightmare. The most obvious solutions are to prohibit the casino or immanent domain to remove many houses along the route to widen the road.

The proposed site is in a high fire danger area that has been forced to evacuate for wildfires or been put on alert for possible evacuation several times in the last several years. When we had to evacuate during the Kincade fire in 2019, my husband was at Home Depot on Shiloh -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! Adding a casino to the area with around 2,000 employees and an untold number of guests is insane. When the next wildfire goes through, people could die in their cars like the tragedy that happened in Paradise, CA.

I'm also concerned about water usage. In addition to a gaming area, the proposal includes six restaurants, a spa, and a 400-room hotel. We don't have enough water for the people who are already here let alone for all these extra people. The scientific community has warned that our droughts will increase in frequency and duration. During the recent multi-year drought, we were headed to a real disaster until the rains finally came last season. I've heard that the proposed casino will put in a 700' well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought (or before), there could be problems with ground subsidence leading to property damage. Once the land is taken into trust and the casino is built, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, and washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns on certain days each week, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water?

When the Graton Casino in Rohnert Park opened for business, it cannibalized 50 – 70% of the River Rock Casino's business in Geyserville according to the Press Democrat. The Koi Nation is a Lake County tribe with roots 50 miles away yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes – and I don't think that was a coincidence. They plan to take business away from the two Sonoma County casinos. There are two other local tribes in the area that have expressed an interest in building casinos. The Koi Nation may have the right to build a casino in California, but it needs to happen on their own ancestral land. It isn't fair to the local tribes to have to compete with them.

The proposed site is right next to housing developments and a church, and less than a mile from an elementary school. That is a horrible choice for a business which will bring more traffic, crime, noise, and light pollution. Admittedly, the treatment of Native Americans in this country hundreds of years ago was terrible, but the people who own houses across the street from the proposed casino aren't responsible for what happened such a long time ago. They will be severely impacted by this casino, and their property values will plummet. My guess is that many of the houses would be devalued to the point that some homeowners would owe more on their mortgages than their homes would be worth if the casino is built. How can it be fair to let a ninety-member tribe from outside the area take so much from so many people? Other than the tribe itself, the only other people who seem to be in favor of the project are construction workers because it would provide jobs. These jobs would be temporary, but the damages to everyone else in the area would be permanent.

No one wants to live by a casino! Everyone who lives in Windsor will be impacted by the increase in traffic, noise, and crime, and many will see a sizable reduction in their property values. We already don't have sufficient water or adequate roads. The Graton and River Rock casinos will see a significant reduction in their profits taken by a tribe



from another county. Please, please do not allow the Koi Nation to build this casino in Sonoma County!!

Respectfully,  
Chris Thuestad

**From:** Brian Broadbent <[broadbent@rocketmail.com](mailto:broadbent@rocketmail.com)>  
**Sent:** Wednesday, April 3, 2024 10:53 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Koi Nation Shiloh Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

My wife and I just retired and relocated to the Larkfield/Wikiup area near the proposed casino and hotel. We walk our dog, hike and ride our bikes in our residential neighborhood and adjacent parks with limited traffic from cars and buses and can't even fathom the added congestion from visitors and the supporting services. The only traffic we have to plan for currently is when the local schools let out with all the cars and kids biking home and local commute traffic.

Wild fires, water shortages, electrical outages along with insurance coverage are primary concerns that would be negatively impacted. We have visited both of the other local casinos and found them to be just Las Vegas style gambling and dining without supporting any local community involvement or adding anything positive to the surrounding environment. We were amazed by the number of buses and cars that it takes to keep a casino operating. Just the outside lighting and all hours coming and going of traffic would have been a negative to moving here.

Please don't make this incongruous environmental departure impacting our quality of life by building a Las Vegas style gambling casino in my neighborhood.

Thank you,

Brian Broadbent  
5305 Carriage Ln.  
Santa Rosa, CA 95403

Sent from my iPad

**From:** erin clark <[erinclark10@gmail.com](mailto:erinclark10@gmail.com)>

**Sent:** Wednesday, April 3, 2024 12:16 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, KOI Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr.Broussard,

I live near the proposed casino project. My husband and I lost our home to the Kincaid fire in 2019. We lived approximately 1.5 miles from the proposed Koi Nation casino. The area was a nightmare for many weeks after the fire. We still have not been able to rebuild due to several issues but we do plan to return to our property someday. We now are renting approximately 2 miles from the proposed casino. We do not want to see a huge complex built in this beautiful residential area for many reasons. There is an elementary school nearby, Shiloh Regional Park and the area is totally unsuitable for a large ostentatious project. However the main reasons are drought and fire. Unfortunately for Californians today fire is here to stay, and drought is the new normal. We do not want to live through that type of disaster again and with a huge influx of people staying at the proposed casino lives will surely be lost. Sonoma County does not need yet another casino. River Rock casino suffered greatly when Graton Rancheria built their casino in Rohnert Park and now Graton is planning to double their size. Any new casino will surely not be viable compared to the other two options available to patrons. Please do not let the Koi nation proceed with this folly of an idea.

Very Sincerely,

Erin Easton Clark  
825 Leslie Road  
Healdsburg, CA 95448  
707-953-7034

**From:** Nancy Zankich <[zank5827@hotmail.com](mailto:zank5827@hotmail.com)>

**Sent:** Wednesday, April 3, 2024 3:10 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad,

> We have been informed that there is a proposal to put a Casino in our neighborhood. I am writing you to be sure this does not happen for the following reasons. We also have two elementary schools a few miles away.

>

> 1. Fire, life and safety - this area had mandatory evacuations twice in 2017 for the Tubbs fire and again in 2019 for the Kincaid fire, which was ultimately stopped at East Shiloh and Faught road. East Shiloh is the only viable evacuation route. It was gridlock for hours. A future evacuation with the largest casino in Northern California could potentially add an additional 10,000 to 25,000 vehicles to the roadway. Even with road widening, Hwy 101 can only accommodate so many vehicles. We believe that any casino threatens this community's ability to safely evacuate and could potentially lead to loss of life.

>

> 2. Water - The proposed venue would use 400,000 gallons daily, which doesn't make our community more sustainable. The water table cannot support the proposed level of increase. We don't know if the water table can continue to support the current level of usage.

>

> 3. Crime - No one wants to talk about crime or share statistics regarding the current largest casino in Northern California, Graton Rancheria in Rohnert Park, just 14 miles from this new proposed casino. There are agreements in place between the Rancheria and the RP police and city. But in talking with surrounding businesses of the Rancheria, they have experienced increased theft, vandalism, drugs and prostitution since the casino went in. Our homes would be yards away from the proposed casino in our neighborhood. We do not believe that a casino business has any place in a residential neighborhood due to crime. Additionally, there is a little league park next to our homes, also directly across the street from the proposed casino.

>

> 4. Traffic, light, sound, 24 hours a day, 7 days per week. We live here and depend on our homes to rest at the end of our work days, to spend quality time with our families. This would no longer be possible as we are, again, yards away from the site of the proposed casino and some of our homes are mere feet away from East Shiloh road.

>

> 5. Environmental impact, both on wildlife, water, sewer, removal of vineyards which have provided a firebreak, pavement increasing run-off, etc.

>

> Please help us to stop this casino from being built here, as it does not belong in a residential community.

>

> Thank you for your attention to this matter.

>

> Joe and Nancy Zankich

160 Barrio Way

Windsor CA 95492

**From:** John Iverson <[iverson.john@gmail.com](mailto:iverson.john@gmail.com)>

**Sent:** Wednesday, April 3, 2024 6:19 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I am writing to oppose the Koi Nation casino proposal on the southeast corner of Windsor. From my understanding the Koi don't have any historical roots to Sonoma county, let alone the plot they purchased for development. I also understand they still have property they have historical ties to in Lake county. If they have that property, why can't they build there?

I also understand they've contracted they an Oklahoma tribe, the Chickasaw nation, to run the casino. This appears like they hired the Chickasaw because the casino is too big of a project for the Koi Tribe to operate.

These are all good reasons alone to reject the proposed project. But the most important reasons, from my point of view, is the location of the project. This area was recently affected by wildfires. The vineyards provided a valuable buffer from the spreading of the fires to residential communities. Without that buffer, the fire damage could have been much worse. My understanding is the casino will use up to 400 gallons of water on daily basis. With our recent drought, the size of this project is not wise. The other reason to not have this location is traffic congestion. The lot is located on the corner of a well traveled two lane road and a smaller road without a lane divider. This is a rural road and needs to stay that way to allow safe evacuation in the event of an emergency. Just opposite the proposed lot is a large apartment building, which is getting ready to open and will already increase to traffic in the area. We cannot add even more traffic congestion.

Please deny the Koi Nation casino at the Shilo Road location. The Koi Nation can find a more suitable location.

Best Regards,

John Iverson

101 Leafy Glade Place

Windsor, CA 95492



**From:** KEVIN WARREN <[cajunce@comcast.net](mailto:cajunce@comcast.net)>  
**Sent:** Wednesday, April 3, 2024 8:36 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

NOI Comments

Koi Nation Fee-to-Trust and Casino Project

**Please allow the land to remain a vineyard-Alternative D.** A 24 hour Casino would not be compatible with this location. The Casino is next door to a subdivision of residential houses. The negative impact would be huge. Alternative A and Alternative B are also detrimental to the Tribes that are indigenous to Sonoma County.

A casino is in complete conflict with residential use.

Noise from everyday activities and events (amplified music and even loud voices) would harm many neighborhoods. This a huge issue from a 24 hour a day casino or an event center.

Light pollution would be a problem.

Traffic would be a big issue as Shiloh Road and Redwood Highway already get backed up at certain times of the day. A new 140 unit apartment building is opening up soon to add more cars. There are new projects under way on Shiloh Road near Highway 101 which already have traffic problems during many times of the day.

The waste water plan of putting tertiary treated waste water into Pruitt Creek is a disaster waiting to happen with a big development.

Pruitt Creek should be protected and storm runoff would be a problem with gas and oil residue going into the creek. Erosion from large rain storms would add to the environmental problems of the Casino.

Using wells on site for water use is another drain on ground water and other rural farms and homes. Another drought is around the corner.

Safety of the people living next door should be a huge concern. 24 hour alcohol availability will only add to the problem of this Casino proposal. Crime will go up. Car accidents will go up. Emergency evaluations would be impacted.

There are too many problems with the casino plan. Putting a casino in a neighborhood is a horrible idea! Unfortunately with money, favorable studies are easily obtained and claims of mitigating many of the problems are bogus (their traffic study as an example). Don't harm the life of thousands for a few.

Please visit the site and see for yourself and deny this horrible casino idea.

Thank you,

Kevin Warren

6181 Lockwood DR

Windsor, CA 95492

**From:** Russell Thompson <[rtandjt@pacbell.net](mailto:rtandjt@pacbell.net)>

**Sent:** Wednesday, April 3, 2024 9:26 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] "NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello Mr Broussard,

I would like to suggest the casino move into a different location. Simply put no one would think that putting a 24hr Casino in between two residential areas is a good idea. Why ruin so many lives when areas in nonresidential areas, zoned for higher traffic are available. Many of these areas would welcome a large tenant.

If this beautiful area must be developed, the Koi Nation could build housing. Sonoma County needs more houses and the tribe could make money fulfilling those needs as well as places for its members to live.

Thank You,  
Russell Thompson  
510 Limelight place  
Santa Rosa, Ca.95403

**From:** Gayle Cunningham <[gjcunning@comcast.net](mailto:gjcunning@comcast.net)>  
**Sent:** Wednesday, April 3, 2024 9:34 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

Since moving here in 1989, I've witnessed Windsor's traffic challenges, particularly during events like the Ironman race. Adjustments were made, but the recent low-cost housing construction has exacerbated congestion. Traffic at Shiloh and Old Redwood, and Hembree and Shiloh intersections are common, especially the post-3 pm commuter hours. Proximity to the freeway often results in gridlock, and flooding has occasionally forced detours from our usual exits.

The prospect of a new casino intensifies my concerns. It could lead to traffic scenarios similar to those near Coddington or Costco in Santa Rosa, with potential freeway backups. Unlike retail stores like Home Depot and Walmart, a casino's traffic impact is less predictable and harder to manage. The city's roundabout plan at Old Redwood and Shiloh seems incompatible with the added casino traffic.

I'm also concerned about having casino traffic in the event of a natural disaster such as a fire. There have been multiple times we have had to evacuate and if there was a casino down the road it may make it difficult to leave. With two major casinos already in the county, a third seems unnecessary, especially near residential areas with children. Casinos should be situated away from dense housing to mitigate traffic surges from events and promotions.

As Windsor braces for more traffic from a new apartment complex, I urge reconsideration of adding another high-traffic establishment like a casino. Our community's past experiences should guide future planning to preserve Windsor as a worthwhile and comfortable place to live.

Gayle and Jim Cunningham  
213 Chris Street, Windsor, CA 95492

**From:** L. Hiatt <[hisons@yahoo.com](mailto:hisons@yahoo.com)>  
**Sent:** Wednesday, April 3, 2024 10:10 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Input for Koi Nation casino, Windsor California

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello,

Thank you for considering my input regarding the building of a casino in Windsor, California. I do not support the placement of this casino.

Windsor is a fairly small, suburban town. Our roads are not built for this size and type of business. There are narrow 2 lane roads in & out of the area where the casino is proposed.

Our water system can't even support this size of business. Residents are constantly having to conserve water, and it gets worse every year. In Windsor we've faced water shortages and fire, evacuations and other climate disasters. We are one of the ground zero locations for the obvious effects of climate change. It already took 2 hours for everyone to evacuate down our ONE highway in the last fire. And now you're adding this many more people to an already pressurized situation. It's not safe and we aren't prepared for it here.

By the way, all the western slopes in California are extremely vulnerable to wind driven fires, ....so much so that none of us can even get fire insurance on homes & businesses anymore. I wouldn't build a business nor homes at all in that proposed location. It's safer as farmland, which at least provides us a fire break.

There are neighborhoods and families surrounding the area. Casinos are known to bring more crime to the area, as has happened in Rohnert Park just down the highway. I remember people saying that would happen when they were building the casino in Rohnert Park and I didn't believe them. Now I know, and I even stay away from Rohnert Park. Its sad. This would be devastating to the small town, safe feel of Windsor.

We all know there's a larger machine at work with Indian gaming/casinos that is more Las Vegas mob-like than Native American. I've lived an entire life living near and working with Native populations and I'm sure bringing this up doesn't make my point any better, but just know.....it's obvious and sad to see the greed machine at play.

I wish all the best and more for Native tribes, but I do NOT support the building of this casino in Windsor.

Thank you,  
Laurie Hiatt



**From:** Steve Plamann <[shplamann@comcast.net](mailto:shplamann@comcast.net)>  
**Sent:** Thursday, April 4, 2024 11:39 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To Whom it may concern,

**My letter regarding:** "NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

Shiloh Neighborhood Church is across the street & Christ Evangelical Lutheran Church is just down the block from the proposed site of the Koi casino complex.

San Miguel Elementary School is less than one mile from the proposed Koi casino.

The Tubbs and Kincade fires burnt to Faught Rd, the eastern boarder of the Koi property. Only the existing vineyards stopped it from burning into Windsor during both those fires. A large structure, with a hotel, event center and casino complex, would very likely have caught fire and spread both those fires into neighborhoods and possible all of Windsor.

This proposed nightmare casino complex will generate more traffic congestion on Shiloh Road, a two lanes road, already over-crowded all the way to the freeway.

It is across the street from Esposti Park, where kids play baseball and soccer and take their younger kids to play.

Casinos cause a large increase in many crimes that are not welcome in Windsor. We raise kids here. Old folks retire here.

The Casino will cause major environmental damage and greatly increase water run-off from this designated agricultural land.

Steve Plamann and Jill Plamann (in our 29<sup>th</sup> year of living here and want to retire here.  
112 Anna Drive  
Windsor, CA 95492

183 Savannah Way  
Windsor, CA 95492  
March 27, 2024

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Dear Director Dutschke,

I am writing in regards to "NOI Comments, Koi Nation Fee-to-Trust and Casino Project".

I strongly object to this project, or a scaled-back version, and recommend the no-action alternative. I do not speak just for myself - I have talked with many residents in this area who worry about its effects on our environment. None favors the proposed project at any scale. This is a residential neighborhood. If the land in question were under the jurisdiction of a local government, there is no way it would be re-zoned to allow for this kind of environmentally detrimental development. The environment of our area needs protection.

More specifically, the reasons for my opposition are as follows:

1. **Evacuation Safety**  
Having barely survived the 2017 Tubbs fire in Santa Rosa, my husband and I are acutely aware of the deadly traffic jams that will occur on all exit routes at and around the proposed project site when the next fire erupts. With hundreds and potentially thousands of additional cars from the development clogging our roads, people who actually live here will face the distinct possibility of being burned alive in their homes or cars.
2. **Water Resources**  
Since water needs to be rationed and crops are threatened every time we have a drought, I am flabberghasted that a water-intensive use such as the casino project or a scaled-back version is even being considered, much less given a formal review.
3. **Quality of Life**  
The neighborhoods near the proposed project are lovely and quiet. They have the feel of small-town Americana at its best. These neighborhoods are mixed-income and they welcome cultural diversity. People feel safe; crime is practically unheard of. Kids walk the streets and play baseball year-round at Esposti Park (adjacent to the proposed project site), and families enjoy picnics there. You can find residents biking, jogging and walking in the winding neighborhood streets most any time of day and evening. Or petting the horses that come to the fence directly across the street from the proposed project. A casino would bring all this crashing down. Burglaries, vagrancy, drunk and disorderly conduct, litter, noise, and traffic accompany casinos. It will ruin what we have here.
4. **Growth-inducing Effects**  
Agricultural land adjacent to and within several miles of the proposed project will be prime targets for development. The residential neighborhoods nestled within this bucolic area, some of which lie directly across the street from the proposed project, likely will become engulfed by commercial development related to the casino and the other proposed resort infrastructure. The development that will follow will utterly overtake this area.
5. **Long list of environmental concerns**  
It is heartening to see in the BIA Notice the many environmental concerns that will be

analyzed in deciding if this project should go forward as proposed, or if a scaled-back project would be sanctioned by the BIA, or if a no-action alternative is selected. My reading of information released so far indicates that these concerns are:

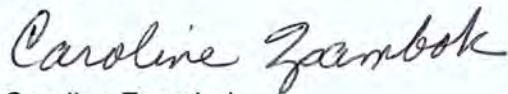
- land resources
- water resources
- air quality
- noise
- biological resources
- cultural and paleontological resources
- transportation and circulation
- land use
- hazardous materials and hazards
- public services and utilities
- socioeconomics
- environmental justice
- visual resources
- cumulative, indirect, and growth-inducing effects

The average resident, myself included, doesn't have ready access to studies that can predict the range and degree of impact that either the full or a scaled-back project would have on these concerns.

But, given this long list of concerns and more that can be added during this period of public input, isn't it obvious that no project should be approved? Just by common sense, one can see that all of these environmental concerns will be negatively impacted by development of the sort proposed, most of them extremely so.

Thank you for inviting public comment on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Caroline Zsambok".

Caroline Zsambok  
czsambok@zresearch.net

Chad

S-I407

March 19, 2024

To: Amy Dutschke  
Regional Director, Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

From: Paige Mazzoni Ostheimer and Brad Pighin  
238 Merner Drive  
Windsor, CA 95492  
[paigemazzoni@gmail.com](mailto:paigemazzoni@gmail.com)

Re: NOI Comments, Ko Nation Fee-to-Trust and Casino Project

Dear Ms. Dutschke:

We are writing to voice our strong opposition to the proposed casino off of Shiloh Road in Windsor, California. As you are no doubt aware, the Koi Tribe from Lake County has purchased vineyard acreage adjacent to a series of single-family residential neighborhoods, located at the crossroads of Old Redwood Highway and East Shiloh in North Santa Rosa/Windsor. They have announced plans to build a large casino complex, including multiple restaurants and a 200-room hotel. Our neighborhood, and all neighborhoods in the surrounding area, are very distressed by this plan and the negative impact this development would have on our local environment, traffic congestion, wildlife habitats, emergency access, infrastructure strain and much more. While we understand the need to address the wrongs committed against indigenous people in our country, we are confident that this proposed development is not an appropriate manifestation of those efforts.

Although we do not believe this land is even appropriate land for the Koi to claim as their tribal land, given they are from another county, we have focused our concerns in this letter on the potential environmental impact of the casino. Our points are highlighted as follows:

- The neighborhoods adjacent to this proposed casino are middle class, mostly long-time resident neighborhoods. We are families, retired couples and citizens that have invested in our properties for a lifetime, planning to retire in the area because it is quiet, safe and family oriented. To introduce a casino in the midst of these neighborhoods would immediately and irreparably damage both the quality of the residents' lives as well as their lifetime investments.
- When the proposed casino was announced, the Koi had a celebration on the site. The noise from this celebration lasted for hours and was heard throughout the neighborhood. That is acceptable for a celebration. But it does illustrate how noise from this area will travel throughout the adjoining neighborhoods, making the quality of life and the peaceful quiet we all enjoy changed to more of a busy commercial level of noise.

2024 MAR 28 PM 5:03



- It is well established that casinos cause an increase in prostitution, drunk driving and crime in the immediate area. In the Thompson, Gazel and Rickman study of 1996, the researchers found that, “that the casino or near casino counties had rates of major crimes 6.7% higher than expected and Part II offense arrest rates were 12.2% higher than non-casino counties. They concluded that the introduction of casino gambling is associated with increased crime.” (Thompson, Gazel, & Rickman, 1996). This increase in crime will not be isolated in a remote area, focused on the casino. It will spread into multiple nearby residential neighborhoods.
- In addition, there are several elementary schools and two high schools within a 7-mile area of the proposed casino. This increase in crime will play out in the lives of these youth and, without a doubt, be an enticement to them in terms of underage drinking and possible crime.
- Traffic in our area has already been increased due to the shopping center on Shiloh and the Sonoma County Airport area. Most days the commute to work involves a 20-minute journey from Old Redwood highway to the freeway access at Shiloh and 101. There is no other clear pass for an on ramp, since all potential pathways run directly through residential neighborhoods. A low income housing apartment complex is nearing completion on the corner of Old Redwood Highway and Shiloh roads. This complex already does not have enough parking for the number of apartments, due to concessions made for the low income housing. That means cars will be spread into our neighborhoods already, further increasing congestion. There is no place for traffic to a casino and 200-room hotel to go but onto Shiloh and Old Redwood Highway. This will create incredible backups and traffic issues, increase accidents and clog the flow of movement for everyday life in the area.
- Our neighborhoods that directly adjoin the proposed casino property have all been evacuated consistently during fires in Sonoma County. The evacuations cause traffic. In the Tubbs fire, as you know, lack of planning for traffic in emergencies caused deaths due to people not being able to drive or get to safety fast enough. We are very concerned that a casino will exacerbate this issue in our area, causing horrific impacts that can be avoided.
- While we understand that tribal land developments are not held to CEQA standards, the surrounding areas are. We have red tailed hawks, barn owls, fox, coyotes, endangered wildflowers, bobcats and many other forms of wildlife in our area. We see them frequently. The vineyards are a habitat and feeding ground for these animals and flowers. It is definite that a development in that vineyard will significantly damage the environmental surroundings and wildlife present.
- We already have infrastructure issues in our area. Cable lines are overloaded and have not been upgraded. Internet signal is often weak. Television outages with Comcast and other carriers that dominate the area are frequent. Wells are tied to the functioning of the neighborhood, as much of the initial housing was tied to wells for water. To put the size of a



development proposed, with the individual televisions, internet connections, water, sewage and technology needs required of a hotel and casino, would completely damage the ability of our neighborhoods to access such needed activities as working from home or basic recreation such as watching a movie at home. In addition, we are in a drought area and frequently limit our water intake, plant care, etc at the request of the city and county. To put this large a facility in the middle of a fire zone affected by drought seems irresponsible and very inequitable to the local residents being asked to cut back.

- During low rainfall years, which happen every few years, we are all on water mitigation measures in the nearby neighborhoods. We can only water on certain days, we are asked to take 2 minute showers, not flush toilets and are held to very tight water standards. To put a 200-room hotel in this area is just not environmentally sound. Water mitigation measures would suggest we already do not support the housing in place, including the new low income housing on the corner of Shiloh and Old Redwood Highway. To add a resort with high water needs, who are not monitored in the same way, will have environmental impact on other residents in the area who are already limited in their water consumption.

For all these reasons, we feel this casino must be stopped. We are asking for your support in stopping this development.

We are happy to discuss any further points with you. Thank you for your consideration.

Sincerely,



Paige Mazzoni Ostheimer

Brad Pighin

707 235 8332



Mary Hiecke Gioia  
7190 Faught Road  
Santa Rosa CA 95403

March 21, 2024

Amy Dutschke  
Regional Director, Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

Dear Ms. Dutschke,

**Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project**

I am writing to register my and my neighbors' objections to the proposed Koi Nation Casino project in Windsor, California.

The development of a big hotel and casino on this agricultural property will be overwhelming both in its impact on our daily quality of life as well as concerns over safety in times of emergency.

Shiloh Road (where the casino and hotel is proposed) intersects the route for a number of large-scale weekend bike rides and public races/marathons/triathlons etc. Hundreds of bikers use these roads each month during the good weather.

There are two heavily used parks across from and adjacent to the casino site. The local town park has playing fields which are always in use for local leagues on the weekends. The Sonoma County Park regional attracts people from all over for hiking and horseback-riding.

There are many homes adjacent to the proposed site. Of great concern for local residents, still recovering from three historic large-scale wildfires and fresh from multiple large-scale (and may I say SLOW) evacuations over the past few years, the thought of a major hotel and casino emptying traffic onto our limited exit routes is very scary.

I don't know anyone locally who thinks the project is a good idea. **The Koi Nation has no local roots.** They have picked a site strictly because it would pull traffic from 101 Highway. I don't see why they should be given an exemption for land that has no connection to their history. And, in fact, the town of Windsor is currently the home of the Lytton Band of Pomo Indians and I think is in the process of establishing a tribal homeland in the Windsor area.

Please stop this latest project! The Koi should build a casino on *their* historic land—not in an entirely different county.

Sincerely yours,

  
Mary Hiecke Gioia  
7190 Faught Road  
Santa Rosa, CA 95403

Dana Gioia

7190 Faught Road • Santa Rosa • California • 95403

March 21, 2024

Amy Dutschke  
Regional Director, Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

Dear Ms. Dutschke,

**Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project**


I am writing to voice my strong objection to the proposed Koi Nation Casino project in Windsor, California. The development of a large casino on this current agricultural property would be a local disaster. It would increase congestion and traffic in a quasi-rural area.

Two of the current roads around it are one lane only, and both are heavily travelled by bicycles. There is a regional park and homes adjacent to the proposed casino site. There is also an elementary school just down the Faught Road.

I don't know anyone locally who thinks the project is a good idea. The Koi Nation has no local roots. They have picked a site strictly because it would pull traffic from 101 Highway. I don't see why they should be given an exemption for land that has no connection to their history for a project that would ruin our community.

Please stop this project! The Koi should build a casino on their historic land.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dana Gioia", with a stylized flourish at the end.

Dana Gioia  
7190 Faught Road  
Santa Rosa, CA 95403

Christine Daniels  
135 E. Shiloh Rd.  
Santa Rosa, CA. 95403  
NOI Comments  
Koi Nation Fee-to-Treat + Casino project

S-I410

~ Bureau of Indian Affairs ~

RE: Proposed Koi Casino

We are very concerned about the proposed casino and how it will affect our lives.

Main Concern: Traffic will increase. This is a residential area + recently an enormous apt. building was built on the corner. This alone will increase the traffic to an extra 200-300 cars per day. We had no idea that this was being built. We have had numerous devastating fires in our area + there is no way to get out.

There are so many adverse things about this casino that there isn't any sense in

going over each of them  
again. but here are a few:

fire                      increased crime  
traffic  
noise

property values

Devastation of a beautiful  
area that is right below  
a park and surrounded  
by homes, schools, churches,  
etc.

Our creek that has steelhead  
coming up it in the winter.

Also, this is absolutely  
not their ancestral land.  
~~They~~ ~~are~~ in Lake County and  
not in Sonoma County.  
which is about 1 hour  
away.

They want to put the entrance  
right across the road that  
we live on.

This will be devastating  
to everyone that has  
lived here for so long.  
It will also be dangerous  
to all of us because  
of our fire danger.  
NO WAY TO GET OUT.

This is an easy way  
for a few people to make  
money by destroying  
everything around it.  
This is not the right spot  
for them. There are many  
other areas where the  
ecosystem wouldn't be  
destroyed.

As far as we can tell  
the only people that would  
want the casino are the  
builder's union and the Koi.

Thank you for your  
consideration.

Christine Daniels  
135 E. Shiloh Rd.  
Santa Rosa, CA. 95403

Deborah Corlett  
680 Leafhaven Lane  
Windsor, CA 95492  
707-838-3663

[whiteheade@aol.com](mailto:whiteheade@aol.com) ; [dcorlett@obrienlaw.com](mailto:dcorlett@obrienlaw.com)

March 27, 2024

Via email: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)  
Chad Broussard, Environmental Protection Specialist,  
Bureau of Indian Affairs

Amy Dutschke  
Regional Director, Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

RE: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Dear Ms. Dutschke:

This letter includes my comments on the subject project located on the southeast corner of Old Redwood Highway and Shiloh Road south of the Town of Windsor, Sonoma County, California.

My family and I have lived in Windsor in the same house for the past 31 years, which is located about 2 to 3 miles north of the proposed development. My husband was a middle school science teacher at the local public middle school for over 25 years, our two sons went through the Windsor Unified School District school system. I have been on past boards of the Windsor Boys & Girls Club and the Windsor Site Council and have been continuously active in local charities and events. My law firm's office is about 5 miles south of Windsor.

Windsor was incorporated soon after we moved to the area and the local community has been very active in planning the town, the open space areas between the development areas and in the local elections. The natural beauty of the area drew us to locate here.

I am very concerned about the proliferation of casinos in California and the crime and hit to local economies that appear to accompany them. This area of northern California has numerous casinos. Sonoma County has a large casino in Rohnert Park (about 10 miles south of Windsor) and in northern Sonoma County (about 10 miles north in the hills). Windsor's town center has periodically struggled to remain viable (after Walmart arrived, the economic downturn in 2008, and the pandemic of 2020.) Restaurants remain slow at times due to the slow pace of businesses to



March 27, 2024

Page Two

pick up after the pandemic. Windsor's business community is very active and supportive, which has enabled the small, locally-owned businesses to survive.

I am concerned about the impact that another large casino, with numerous restaurants, would have on the local economy. I am also concerned about the lack of infrastructure in the location proposed and the change to the prior open-space plan that provided that this area remain agricultural. This location is located across the street from a family park and surrounded by vineyards and residences. The addition of a large casino, restaurants and the associated traffic will drastically change the local social and natural environment.

Finally, there is the very real concern about evacuation capabilities during the fires that have ravaged the region and will no doubt continue into the future. Every few years, fires march across the foothills and this location is on the road up to the area that has burned frequently (during most years we have lived here, not only during the most destructive Tubbs Fire and Kincaid Fire). During the Kincaid Fire a few years ago, the entire Town of Windsor, all areas of the county west of Highway 101 to the ocean, and including this proposed site were evacuated and the residences given about 7 hours to leave. The roads were so impacted within 2 hours of the notice that it took cars 2 hours to travel 3 miles, not only on the side roads on which this site is located, but also on Highway 101, Highway 12 and other major highways. It is foolhardy and reckless to build more accommodations in such a high-risk area.

Thank you very much for considering my comments. If you would like further information, please do not hesitate to contact me.

Sincerely,



Deborah G. Corlett

**From:** Joan Chance <[joanchance@icloud.com](mailto:joanchance@icloud.com)>

**Sent:** Friday, April 5, 2024 7:51 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, KOI Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

**One attachment** • Scanned by Gmail

March 5, 2024

Dear Mr. Broussard,

For over 30 years, we have lived in this neighborhood, our children were raised here, attended the local schools here, discovered wildlife in Shiloh Regional Park, played baseball at Esposti Regional Park and had adventures exploring up and down the creek bed in the summer when it's not running. Unfortunately, if there is a casino, our grandchildren will not be able to enjoy those pleasures because of the noise, crowds and traffic. It will no longer be safe in our serene neighborhood.

We have two main concerns, fire and water. It would be hard for anyone to understand an evacuation unless you have been through one yourself. No matter how well prepared you are for an evacuation, gathering last minute belongings, rounding up pets & livestock and heading out the driveway is just the beginning. Getting on the road with unpredictable, panicked people is hard enough. The thought of dealing with thousands of casino patrons sounds impossible and will take hours to evacuate while the flames at the top of Shiloh Ridge are heading our way. The creek bed is a thoroughfare for the raging flames chased by the wind. A planned organized evacuation for a compound of what the casino proposed to build cannot be determined when the flames are on your heels.

Most of us in the immediate area are on wells and are conservative with our water. It sounds as if the casino will be using more water in one day than the locals with use in one year. When the water levels drop, the quality of our water drops as well. This doesn't seem like a fixable problem. Not only that, the sewer reclamation site on the property will have an aroma and extra noise from the pumps.

There is a mention of widening Shiloh Road. I didn't notice where it was noted on the casino maps. At least 4 neighbors front doors are about 35 feet from the road. How the road would be widened was not mentioned.

It is completely perplexing why a casino would be planned in a residential neighborhood. I have not met any parents who would support a casino to be built near the 3 elementary schools close by. Our quiet community would be inundated by traffic, drunk driving, public safety concerns, and continual noise & lights. **THIS IS NOT THE RIGHT PLACE TO BUILD A CASINO.**

The Town of Windsor supported the proposal to oppose the casino. The city of Santa Rosa supported the proposal to oppose the casino. The greater population of the neighbors oppose the casino. Please consider this plea to build the casino in a commercial or industrial area, not here.

Sincerely, Brad & Joan Chance  
141 East Shiloh Road

**From:** Danelle Storm Rosati <[storm@storm1.com](mailto:storm@storm1.com)>

**Sent:** Friday, April 5, 2024 8:54 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Letter concerting the KOI/Chicasaw Casino at 222 E. Shiloh Road, Santa Rosa, CA Sonoma County

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April 3, 2024

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[Chad.broussard@bia.gov](mailto:Chad.broussard@bia.gov)

Proposed KOI/Chickasaw Casino at 222 E. Shiloh Road, Sonoma County

Dear Mr. Broussard,

We have been watching with intense interest this prospective 540,000 square casino/hotel development project for several years. For the entire time, we have been shocked that any such grandiose project would be a potential for this tranquil valley where vineyards and middle-class residences dominate the landscape.

Many, if not most, of us are sympathetic to the needs of our Native Americans. My family is of Cherokee heritage. So, I am particularly eager for our Indian tribes to become self-sufficient and integrated into our society as a whole.

Neighbors of ours with homes located immediately proximate to the proposed casino site, within our own nearby Shiloh neighborhood, and within Mayacama Club neighborhood have written numerous letters opposing this casino and the associated hotel. We know that all the other tribes within Sonoma County-which are federally authorized to create and run casinos are against this as well. The town of Windsor wrote an extensive and detailed reply to the incomplete EA submitted on behalf of the KOI/Chickasaw Tribes. We believe that reply is a key reason why this potential development must now face a full EIS. We are grateful for the overwhelming support in opposition to the proposed casino.

In looking into this further, we found this article on the Internet from March 2024: **Acquiring Land in Trust Status for Gaming Purposes**. One of the tenets outlined is stated as follows.

Exception for Two Part Determination Process. There's one more exception, called the "two-part determination" process. In this case, the Secretary of the Interior consults with the tribal applicant, the state where the land is located, local governments, and other nearby tribes. They all need to agree on two things:

1. That a casino on this land is in the best interest of your tribe, and
2. **That a casino or gaming business won't hurt the community around it.**

The town of Windsor and every single other letter from our community which you have received have outlined in great detail how this type of commercial development will not just hurt the community, but, rather, **cause great destruction** to it-fundamentally changing our long-standing quality of life.

In addition to, or perhaps, in more plain detail the law enforcement community of Sonoma County states the following. *"Yes the casino in Rohnert Park is a magnet for criminal activity... if the police are looking for someone with a warrant, they head straight to the casino. (There are so many embezzlement cases involving stolen funds that were spent at the casino. Plus the other crimes you mentioned."* The other crimes I mentioned were DUIs, drugs, prostitution.

Why should a well-established and safe community acquiesce to heavy traffic, less water, less safe fire protection/evacuation, noise, less healthy air in addition to increased crime. You must now understand there are many public schools, small parks and regional parks in that serene area. I believe that no one in our communities is supportive of a major upheaval.

For your additional consideration, I have attached photos from the Glass and Kincaide fires. These include burning homes, land and hotels. I wonder if 'future' guests of the KOI/Chickasaw/Harrah's (the casino chain whom we believe is also behind this development) would like to 'relax' in such an unsafe environment. They must surely be aware of these tragic incidents where many lives were lost, properties burned to the ground and untold creatures died. This is an extreme fire zone. Depleting our natural resources to establish gambling seems a very shallow endeavor.

Sincerely,

Danelle Storm Rosati

[stormrosati@gmail.com](mailto:stormrosati@gmail.com)  
650-644-7391

### Photos of Kincaide Fires

[https://www.google.com/search?newwindow=1&client=safari&sca\\_esv=52b056e1a97f92b3&sxsrf=ACQVn0\\_T4RGWWmtXXM0MGCEBm8xGyfbaFw:1710293938064&q=Kincade+Fire+2020&source=lnms&sa=X&ved=2ahUKEwiY6I61jfCEAxXUMTQIHV6wBG0Q0pQJegQIDBAB&biw=1633&bih=976&dpr=2&udm=2](https://www.google.com/search?newwindow=1&client=safari&sca_esv=52b056e1a97f92b3&sxsrf=ACQVn0_T4RGWWmtXXM0MGCEBm8xGyfbaFw:1710293938064&q=Kincade+Fire+2020&source=lnms&sa=X&ved=2ahUKEwiY6I61jfCEAxXUMTQIHV6wBG0Q0pQJegQIDBAB&biw=1633&bih=976&dpr=2&udm=2)

### Photos of Napa Hotels 2020 Glass

Fire: [https://www.google.com/search?q=2020+Glass+Fire+Napa+Hotel&client=safari&sca\\_esv=15d5bda161c3d604&sca\\_upv=1&hl=en-us&udm=2&biw=393&bih=642&sxsrf=ACQVn08GsreI\\_KpQq27f89-1AuMjwL6vZg%3A1711898871736&ei=94AJZorKLKrE0PEP7taFsAo&oq=2020+Glass+Fire+Napa+Hotel&gs\\_lp=EhNtb2JpbGUtZ3dzLXdpei1zZXJwIhoyMDIwIEdsYXNzIEZpcmUgTmFwYSBib3RlbDIIEAAAYgAQYogRIkjFQvBVYsS1wAHgAkAEAmAGBAaABvwWqAQM0LjO4AQPIAQD4AQGYAgegAtAFwgIEECMYJ8ICBBAhGAqYAwCIBgGSBwM0LjOgB8kH&sc=mobile-gws-wiz-serp](https://www.google.com/search?q=2020+Glass+Fire+Napa+Hotel&client=safari&sca_esv=15d5bda161c3d604&sca_upv=1&hl=en-us&udm=2&biw=393&bih=642&sxsrf=ACQVn08GsreI_KpQq27f89-1AuMjwL6vZg%3A1711898871736&ei=94AJZorKLKrE0PEP7taFsAo&oq=2020+Glass+Fire+Napa+Hotel&gs_lp=EhNtb2JpbGUtZ3dzLXdpei1zZXJwIhoyMDIwIEdsYXNzIEZpcmUgTmFwYSBib3RlbDIIEAAAYgAQYogRIkjFQvBVYsS1wAHgAkAEAmAGBAaABvwWqAQM0LjO4AQPIAQD4AQGYAgegAtAFwgIEECMYJ8ICBBAhGAqYAwCIBgGSBwM0LjOgB8kH&sc=mobile-gws-wiz-serp)

### Here are all photos from the 2020 Glass

Fire: [https://www.google.com/search?client=safari&sca\\_esv=15d5bda161c3d604&sca\\_upv=1&hl=en-us&sxsrf=ACQVn08TwPleFBthblIJ7oUfyHayGMS53Q:1711898869385&q=2020+Glass+Fire+Napa&uds=AMwkrPvovZl6n5oLV\\_s3-zvUhT6cpU8tSjOEyiYjswsMmGR4X989I0Tmt2\\_FNb9shf\\_5yEHA9u30cdezjUkAe-hdHfN6DngyYlhnSyoEGeMPyq\\_n69vLAbOBLnwAUEH2ufTrwRMZULEEFJd4KvYLj3Kr9SMAhTXWzrbqWriqVYg31Meg7A06PWrbbrqn3QOhztECSkINIZ54NiNIDeP3sCt0A8uipAQR90a-mRl4wABG2x1SmDMoA03VHleA-V8jaRqQJlJbXchZV9nfZTC8gu-B5F4EJlZ5qPGoqtjU9ThqcjJjuBC3Uf5exHxkZzxJ8\\_rUBADSLyi&udm=2&prmd=invsmbtz&sa=X&ved=2ahUKEwiA34Cg6J6FAxV2MDQIHwUpCX0QtKgLegQIEBA&biw=393&bih=642&dpr=3](https://www.google.com/search?client=safari&sca_esv=15d5bda161c3d604&sca_upv=1&hl=en-us&sxsrf=ACQVn08TwPleFBthblIJ7oUfyHayGMS53Q:1711898869385&q=2020+Glass+Fire+Napa&uds=AMwkrPvovZl6n5oLV_s3-zvUhT6cpU8tSjOEyiYjswsMmGR4X989I0Tmt2_FNb9shf_5yEHA9u30cdezjUkAe-hdHfN6DngyYlhnSyoEGeMPyq_n69vLAbOBLnwAUEH2ufTrwRMZULEEFJd4KvYLj3Kr9SMAhTXWzrbqWriqVYg31Meg7A06PWrbbrqn3QOhztECSkINIZ54NiNIDeP3sCt0A8uipAQR90a-mRl4wABG2x1SmDMoA03VHleA-V8jaRqQJlJbXchZV9nfZTC8gu-B5F4EJlZ5qPGoqtjU9ThqcjJjuBC3Uf5exHxkZzxJ8_rUBADSLyi&udm=2&prmd=invsmbtz&sa=X&ved=2ahUKEwiA34Cg6J6FAxV2MDQIHwUpCX0QtKgLegQIEBA&biw=393&bih=642&dpr=3)



**From:** Joanne Hamilton <[jahamil@pacbell.net](mailto:jahamil@pacbell.net)>

**Sent:** Friday, April 5, 2024 10:42 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments Koi Nation Fee-To-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

While I support the Koi Nation's right to establish such a casino, I strongly oppose this location.

This EA has the feel of being written from the distance & focused narrowly on the proposed site with out due consideration for the surrounding area. I do not profess to be an expert, but these are my concerns:

**Water:** The EA infers that all water will come from the site. The aquifers the on site wells would draw from presently supply many surrounding homes and mobile home parks. Also, a retention well for the Town of Windsor. How then, can this project draw the quantity of water expected and not affect the shared aquifer of so many? I see no evidence of consulting with our local water agencies in this EA.

**Location:** This location is adjacent to a residential neighborhood, park, church and a new large apartment building is under construction on the NW corner of Shiloh Rd & Old Redwood Highway. The proposed land use is not consistent with County zoning. Casinos are known to bring increased crime and drunk driving problems. This is the wrong location for such a project.

**Traffic:** The existing Shiloh Rd. exit from Hwy 101 is already stressed & suffers backups. This project would exacerbate this problem, yet the EA pushes the cost for road improvements onto other agencies. This exit frequently floods & closes in rainy weather.

**Fire:** In my lifetime three very large wildfires have swept over the hills from the east (1964, 2017, 2019). Evacuations are real, slow and scary. These 2 lane roads bog down quickly and the freeway also comes to a stop. How can one bring a resort & casino into this mix and expect a better outcome? Controlling evacuation from the Casino/Resort property, as proposed in the EA, would not be adequate to mitigate an exit onto already stopped roads. Also, as these events occur, there is often little to no warning to get out. This land, in it's current use, provides a buffer & staging area for fire personnel, leave it as is.

**Floods:** With a creek running through this property which feeds into another creek known to flood, paving over and building on this land can only increase flood events.

**Ancestral Lands:** Our local Native American people have pointed out that the Koi Nation's ancestral lands are in Lake County. Lake County seems like a better fit for this project, both for the County and the Koi Nation.

**Potential alternative:** A small boutique type winery might serve to be a profitable undertaking for the Koi, leaving the vast majority of the site in agricultural use. Other types of farming on this site might also fit.

Respectfully,

Josephine Hamilton  
9447 Victoria Lane,  
Windsor, CA 95492

**From:** Ed Hardeman <[edhbayworld@gmail.com](mailto:edhbayworld@gmail.com)>

**Sent:** Friday, April 5, 2024 10:53 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, KOI Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Attention: BIA Chad Broussard,

My wife and I live in the Oak Park subdivision off of East Shiloh Road close to the proposed Koi Casino project being reviewed located across the road from The Town of Windsor.

We object to locating this or any other Casino business in such a sensitive area with so many negative issues that a Casino business can bring into a residential neighborhood where families with children, churches and schools are located.

The Koi Tribe Casino Project should be located in a more suitable location like the recreational area in Lake County where the Koi Tribe Tribe originated from.

The incredible years of fires that we have experienced here in Windsor and surrounding areas has caused mass evacuations of families and animals being evacuated in trailers onto our exit roads, which couldn't handle the car traffic heading towards the freeways trying to escape the intense fire driven by gale force winds accelerating the flames like an uncontrollable giant blow torch burning everything down in its pathway, jumping across ten lanes on Highway 101 to continue burning down homes and businesses on the other side of the freeway.

The proposed Koi Casino project is also very close to the Rodger's Creek Earthquake fault, and it's possible it runs right through that property. This active earthquake fault is a known ticking time bomb overdue to explode in this area with a major earthquake and fires causing a similar evacuation on the small exit roads that would be jammed by the additional traffic the Koi Casino employees and patrons would impact, the roads may not be in any condition to drive on trying to get to the freeway.

We don't need to add to this burden with the Koi Casino project and all of the additional traffic, noise, and crime, that this Casino project will bring to our family community in the Town of Windsor.

This Casino needs to be located in a commercial area similar to the Graton Casino in Rohnert Park or a recreational area like Lake County area where the Koi Tribe Originated from. Not in a fragile residential and agricultural area like this Casino project is proposing.

Thank you for your consideration,  
Best Regards  
Ed and Mary Hardeman  
5816 Mathilde Drive  
Windsor, California 95492

**From:** Ginna Gillen <[ginnagillen@sbcglobal.net](mailto:ginnagillen@sbcglobal.net)>

**Sent:** Friday, April 5, 2024 1:02 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Once again I'd like to register my strong opposition to the Koi Shiloh casino. In addition to the numerous and various significant reasons that have been discussed in terms of why this is an inappropriate location, I'd like to focus on the proximity to the San Miguel Elementary School which is within a mile of the proposed site.

I'm sure that it has already been mentioned that the added traffic on Faught Road will present additional danger to the neighborhood children who walk to school each day. What also needs to be taken into account is that in case of a local crisis in that area, be it an earthquake or fire, the need to evacuate the school (and potentially the casino) will take on nightmare proportions. Because the Mark West School District allows school choice for students to come from outside of the local geography, San Miguel Elementary School draws many children from other areas. A large number of students are enrolled from Windsor and other parts of Santa Rosa. These children are driven to and picked up from school each day. Therefore, in the case of an emergency in which the school needs to be evacuated, desperate parents will be converging on the area, creating a chaotic situation with local residents as well as casino patrons and employees trying to leave the area on woefully inadequate access roads that cannot be improved; i.e Faught Road.

Let's put the safety of our children ahead of the greed of the Koi Nation.

Virginia Gillen  
9559 Ashley Drive  
Windsor, CA 95492

**From:** Lesley Alexander <[lellya@comcast.net](mailto:lellya@comcast.net)>

**Sent:** Friday, April 5, 2024 2:04 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

No Casino In our Residential Neighborhood.

We are submitting our comments on why we oppose the Koi casino project:

The two lane Shiloh road cannot support the traffic in an emergency. We live nearby and have been evacuated twice in the past during the fires. We have been caught in the traffic clog at Shiloh and Old Redwood Highway trying to get to the freeway with fire raging in Shiloh Park above the proposed project.

The residents across from the project will be greatly impacted by traffic/noise/lights in and out 24 hours a day. Crime may increase, especially vehicle break ins. This is a residential neighborhood. We already have a housing project on the opposite corner which is almost completed where it has been determined there is not enough parking for the residents who will live there - so there will be more vehicles parked on the street adding to more problems. All this in a residential two lane highway area.

Where will the water come from?

County officials reached an agreement with the Lytton Band of Pomo Indians in 2015 to refrain from building a large planned casino on their sovereign land in north Windsor or anywhere else in the county. - so why allow a casino to be built in this residential neighborhood by the Koi Nation when apparently their roots are in Lake County?

Respectfully,

Lesley and Jerry Alexander  
136 Anna Drive

**From:** Sari Singerman <[sari@sariphotography.com](mailto:sari@sariphotography.com)>  
**Sent:** Friday, April 5, 2024 2:26 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Larkfield Wikiup

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Dear Chad,

I am completely for the betterment of our community and state, but against this new massive installment of buildings, landscaping and more proposed project for a casino or otherwise hotel, restaurants, in Larkfield/ Wikiup. This will use our water in way we can't afford, our land is sacred, and this is a temple to continue consuming resources that should not be allowed to do on this scale! More for this reason. This is not a hospital, it's not for the general population here, it's not sustainable. This is not healthy for our population.

Thank You  
Sari Singerman  
Third generation california resident of Sonoma County.

Sent from the almighty cloud



**From:** Robert Janes <[rtjanes@comcast.net](mailto:rtjanes@comcast.net)>

**Sent:** Friday, April 5, 2024 4:19 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Koi Nation Of Northern California Shiloh Resort and Casino Project

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“NOI Comments, Koi Nation fee-to-trust and Casino Project”

Mr. Broussard:

First of all I want to go on the record indicating that I am extremely disappointed and frustrated to see that the same firm responsible for the Environmental Assessment (Acorn Environmental) is also preparing the EIS. The EA was woefully inadequate and clearly, whether intentional or not, with regards to...

Water and wastewater,  
Air quality,  
Traffic,  
Noise and vibration,  
Fire safety,  
Wildlife evacuation, and  
Potential for increased crime/drunk drivers - both during construction and post-construction

...was WAY off the mark in stating the true impacts from the above “to be less than significant”.

As I have previously indicated, my wife and I have lived on Leona Court for more than 35 years, raised our family here, and common sense tells me that living with this type of construction/completed project 1/4 of a mile from our home, at our subdivision's door step, whether it be Alternative A, B, or C, would be anything BUT “less than significant”. I must ask you, where in the world is common sense here?

I can only hope and pray the EIS will be written and reviewed ACCURATELY, COMPLETELY, and OBJECTIVELY, and NOT simply a thinly veiled rubber stamp for the BIA to approve the project. However, I'm sorry to say I do not hold out much hope for this since according to Acorn's website, and I'm quoting here, “we have a proven ability to work efficiently and effectively together to achieve successful outcomes for our clients' (Indian tribes) projects”. And this is a shame...the EIS should be prepared by an independent consulting firm, not one that depends on Indian tribes for its revenue. This smacks of a clear conflict of interest.

We now have a newly constructed apartment building (Shiloh Terrace, 134 units, 2 and 3 bedrooms) at the corner of E. Shiloh Road and Old Redwood Highway, directly across the street from the proposed casino/hotel project. In addition, construction has begun on another apartment complex, about 1/4 mile west of the proposed casino/hotel project on E. Shiloh Road. AND, There is a proposed, maybe approved by now, very large senior living complex

going in on E. Shiloh Road, just east of US Highway 101. All three densely populated projects are located 1/4 mile from between the proposed casino/hotel project and US Highway 101. So you tell me, in the event of a fire evacuation similar to what we experienced in 2017 and 2019, how in the world is our 55-home subdivision, the three large apartment/senior living projects AND a 200-400 room hotel/casino going to safely evacuate down a 1/4 mile section of E. Shiloh Road to the freeway? If deaths were to occur due to inability to evacuate down the E. Shiloh Road traffic corridor I am confident the BIA, and Acorn Environmental, would be taken to task as they should.

I strongly oppose this project (alternatives A, B, and C) and implore the BIA to deny approval. A casino does not belong in a subdivision so close to 4 elementary schools.

Sincerely,

Robert Janes  
5855 Leona Court  
Windsor, CA 95492

**From:** Elaine Pacioretty <[maggieandme2010@yahoo.com](mailto:maggieandme2010@yahoo.com)>

**Sent:** Friday, April 5, 2024 4:21 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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There are several reasons of concern surrounding the proposal of the Koi Casino project: You family was stuck in gridlock on Shiloh Road during the Kincade Fire, with the fire destroying our home ,barns and 3 cars. Wild fire is very real to our family. We also have concerns about general increased traffic, increased use if water and other services. The amount of noise , lights will affect those living in homes adjacent to proposed casino, as well students attending San Miguel Elementary School. In addition this project will have direct impact on wildlife in Shiloh Regional Park.

Thank you for taking to read my concerns.

Elaine Pacioretty  
9112 Chalk Hill Road

Sent from my iPhone

**From:** Cameron Barfield <[cameronbusiness02@sonic.net](mailto:cameronbusiness02@sonic.net)>  
**Sent:** Friday, April 5, 2024 7:40 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee to Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

NOI Comments  
Koi Nation Fee to Trust and Casino Project

Attention Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs Pacific Region  
916-978-6165

Mr. Broussard,

On Monday morning, March 25<sup>th</sup>, 2024 at 8:22 AM I am at a full stop near the tail end of a mile long line of cars and trucks that starts at the commute signal lights of the interchange on-ramp that regulates traffic exiting Shiloh Road West onto southbound 101 and ends at the corner of Shiloh Road and Old Redwood Highway. It's taken me ten minutes to get to this point from my home at 5820 Mathilde Drive Windsor CA 95492 using westbound Shiloh Road going through the intersection of Shiloh and Old Redwood Highway. I look over at the address on the mail box for the home that I am stopped right next to. It is 120 Shiloh Road West Windsor CA 95492. It then took me 20 more minutes from that point to get to Hembree Lane, six blocks down the road, where I could make a right turn to go to Home Depot in Windsor. At any other time of day normally a trip to Home Depot takes me 10 minutes at the most including waiting for the full traffic light cycle at the corner of Shiloh and Old Redwood Highway and the full traffic light cycle on Shiloh at Hembree Lane. Am I stuck in traffic of people trying to escape a fire? No, this is "normal" commute traffic for this time of day in southeast Windsor. And it will get worse when people occupy the 173 unit apartment and business building called Shiloh Crossing that is under construction on 295 Shiloh Road West and the almost completed 134 units of low income housing called Shiloh Terrace at the corner of Shiloh Road and Old Redwood Highway.

Now multiply this commute traffic by a factor of say 100 to simulate all the residents of the area trying to escape using tiny two lane Shiloh road to 101. That's assuming 101 is open. It might be closed to traffic because of fire like what happened in the Tubbs fire. Then add to that multitude of local residents the fear and chaos of 10,000 drunk/drugged panicking people in a casino trying to escape as fast as they can in their busses, cars and motorcycles all stuck on Shiloh Road going nowhere. How are first responders supposed to bring in their fire trucks and equipment in this traffic jam to try

and stop the fire from burning up our neighborhood? Picture all this and you will have an small inkling of the fiery disaster that awaits this part of Windsor/Sonoma County when, not if, a fire forces a rapid evacuation. It happened with no warning in the middle of the night of October 8th of 2017 for the Tubbs fire. It happened again in October of 2019 with very little warning for the Kinkade fire. In the case of the Kinkade fire it burned right up to the fence bordering the vineyard on the east side of the community right next to my community, called Oak Creek Park. It also burned the fences and some out buildings of the houses that border Foothill Regional Park (on the north east corner of Windsor) at 1351 Arata Lane Windsor 95492. The only thing that saved Windsor was our valiant first responders and a shift of the wind.

You can't say fires like the Kinkade and Tubbs fires won't happen again because global warming has made fires an almost year round threat to our community. The danger increases exponentially during the dry months during drought years when a north or northeast wind blows down on us from the Mayacaymas mountains at 60 miles per hour. This usually happens in October.

Now let's talk about the noise pollution that will happen 24 hours a day, seven days a week, 365 days a year forever. Multiple busses coming and going night and day. More for special events. Busses, maybe ten at a time idling constantly in the driveway. Busses starting their engines. Eighteen wheel trucks making deliveries of food in the early morning hours. Cars, some of them muscle cars with loud engines, being revved up will add punch to the cacophony. And then the knockout blows will come. Louder than the cars and busses, Harley riders who always race their motor cycle engines when they start them up or are idling at a stop. And racing their engines as they are changing gears to get up to speed. They are already some riding up and down Shiloh Road and Old Redwood Highway, even in the middle of the night. A casino would be a magnet to these types of loud, aggressive people and their loud motorcycles bringing them from all over the United States. Imagine a gang of a hundred Harley riders arriving or leaving the casino at 12 midnight cruising up and down Old Redwood Highway or Shiloh Road going right past your window, disturbing your sleep cycle. Or racing their "Hogs" (Hogs are a common name for a Harley motorcycle) engines to be able to climb the ramps of a multistory parking garage to park. The sound of the Hogs in this concrete structure will be amplified and reverberate for miles.

Of course there will be the drugged and the drunks at the casino wandering around the grounds or even spilling onto the local streets and into Esposti Park, maybe during a baseball game, screaming profanities and insults at all hours of the night and day. They could easily come wandering into my neighborhood and onto my street in Oak Park, which is only a few yards away from the entrance to the casino. And then of course the Hell's Angels motorcycle gangs might decide to take a tour of our neighborhood looking for a car to steal or a house to rob.

The Koi are not going to discourage these types of people from coming to their casino because they spend a lot of drug earned money at casinos. How great is the impact from this noise? A lot more than the Koi will admit. Thousands of people that live along

the streets and roads of our area will be greatly affected by this constant noise bombardment that will happen day and night as thousands (a number possibly half of the total population of Windsor) come and go daily to the casino. Who will pay for the inevitable increase in mental anguish? Anger which will give you an elevated heart rate? Loss of productivity due to constant stress which will cause job losses and an increase in poverty, all from the constant bombardment of traffic noise? Will the Koi pay for the increased illness and suffering from traffic noise which will cause an increase in medical and welfare costs. Will the Koi pay for lowering of property values as neighborhoods become less desirable. Will the Koi care about lowered conception rate due to lack of peace and sleep from these loud noises? Will you? Or the BIA? The Koi Nation? Sonoma county? State of California? Most likely it will be the taxpaying citizens of our country. These loud disturbances that I describe here will be real and can not be dismissed as my fantasies or abated in any realistic way. The loud noises will occur at any time night and day and will increase as time goes by for as long as the casino exists! Which will be forever if it goes into trust.

Now lets talk about light pollution. The Koi claim their facilities will emit a low level of light at night does not give the full picture of the casino's emittance of light. Add to their claim the light from all the cars, busses, trucks and motorcycles which will be on their casino property and driving up and down the streets of Windsor and Sonoma county as thousands come and go daily to the casino. Mostly concentrated on Shiloh Road, Faught Road, and Old Redwood Highway coming to and from the casino. This light will disturb the sleep of thousands of residents near along and near these roads and streets at night. Who will pay for the inevitable increase in mental anguish, loss of productivity and job loss, illness and suffering which will cause an increase in medical and welfare costs and lowering of property values due to lack of peace and sleep from these bright lights? You? The BIA? The Koi Nation? Sonoma county? State of California? Most likely the taxpaying citizens of our country. These light disturbances that I describe here will be real and can not be dismissed as my fantasies or abated in any realistic way. The light disturbances will occur at any time in the night and will increase as time goes by for as long as the casino exists! Which will be forever if it goes into trust.

Now lets talk about air pollution. All the thousands of internal combustion engines I mentioned in the previous paragraph about noise and light pollution emit air pollution, which will affect all of us near the casino and along the roads leading to and from the casino. It will cause increases in respiratory illnesses including nasal congestion, asthma and cancers. The air pollution will severely affect the elderly and those in our neighborhood with nasal and respiratory sensitivities and illnesses. To give you an example, I am friends with a 83 year old lady a few houses away from me who only has one lung to keep her alive. I can't imagine the suffering she will experience when she walks her dog around the neighborhood. She will probably become house bound, unable to leave her home when the wind is blowing the air pollution from the casino in her direction. Statistical studies have proven lung cancer, stroke and heart disease rates are greatly increased in neighborhoods which have a high level of air pollution. Will the Koi Nation compensate us for our illness, pain and suffering due to the air pollution they bring to our neighborhood?



Now lets talk about the casino's destruction of groundwater table that will deprive local grape growers of the water they need for the vineyards that surround the casino/hotel. This deprivation could happen even in years of average to above average amounts of rain. Certainly it will happen after several years of drought. Shallow wells in the area were already running dry after 10 years of drought. This lack of groundwater for our community will cause great economic losses to the grape growers and our local economy which depends on the jobs and property taxes from grape growers. Note, when you water grapes the water that does not evaporate or is not absorbed by the grapes or weeds seeps back into the water table recharging it. The thousands of gallons of wastewater generated from thousands of people staying in the Koi hotel and casino will be dumped into the creek and runoff downstream into the ocean. Relatively little of the total wastewater will sink into the soil and recharge the groundwater around our neighborhood.

Polluted storm runoff from the buildings, parking lot(s) and entry and exit driveways can not be caught and treated. Untold gallons will go directly into the creek. Most of the liquid pollutants in the storm water runoff will be leakage from thousands of stationary or moving car, bus and trucks dripping onto the casino/hotel's paved surfaces. These polluting fluids will be gasoline and oil, transmission fluid, brake line fluid and also windshield washing fluid to name some of the most probable fluids leaked onto their paved surfaces. There will also be huge amount of solid pollutants in the form of cigarette butts (cigarette butts the worst solid pollutant because they don't break down for hundreds of years and get swallowed by marine animals when they go into the ocean), small pieces of plastic, plastic containers (drinking cups for example), paper wrappings, etc... in other words the trash that you see by the side of every road and in every parking lot in California. All plastic gets broken down into pieces of micro plastics which fill every square inch of air and water on our planet and are poisoning every animal and plant on the planet.

Also most importantly the fact that the creek that flows through the casino property has flooded and will flood again. This casino/hotel will choke off the flow of water in the creek causing water to back up and flood the vineyard behind my house which flooded my property. My property at 5820 Mathilde Drive Windsor 95492 has flooded twice in the 25 years I have lived there.

In conclusion, for reasons I have stated above in this message, this Shiloh casino is an environmental and health disaster, a criminal social disturbance and economic injustice to the whole Sonoma County community, state of California our nation. It will have a direct negative impact on the Indians who already have casinos here in Sonoma County who will immediately lose business to the Koi casino when it is completed. They might even become unprofitable, have to close their casinos and lose their economic independence.

But most importantly, because of the increasing threat of wildfire due to global warming the congestion this project will add to the area will create an excessive amount of danger to the growing communities of Windsor and Larkfield/Wikiup areas of Sonoma County. The agricultural areas (vineyards in Sonoma county) in the areas surrounding us act as fire buffers for the town of Windsor which has chosen to limit its' growth to within the current town limits for the reason of fire safety. This casino will destroy our best hope against wildfires and increase our insurance rates too. The Koi and their guests will be in danger too. A couple of examples of this danger are the 2018 Camp Fire in Paradise CA which killed 85 people and the 2023 Lahaina Fire on Maui which killed 101. Some while in their cars. Cars stuck in a traffic jam on Shiloh Road will catch fire and explode. Thousands of people, not just 85 or 101 could die.

Sincerely,

Cameron Barfield  
5820 Mathilde Drive  
Windsor, CA 95492  
707-687-5665

**From:** Kathleen Kelley <[kathykelley707@gmail.com](mailto:kathykelley707@gmail.com)>  
**Sent:** Friday, April 5, 2024 9:21 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Shiloh Casino

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To whom it may concern

I am a resident of the Larkfield neighborhood .

I oppose the new Koi casino. It is a big development for a suburban neighborhood. Our area has had 2 major fires in the last 6 years and has large n scale evacuations. It is also close to 2 schools.

Kathy Kelley

**From:** Maryann Sorensen <[masfoothills@live.com](mailto:masfoothills@live.com)>  
**Sent:** Saturday, April 6, 2024 7:38 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Steve Sorensen <[kingrufus1@hotmail.com](mailto:kingrufus1@hotmail.com)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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From:  
Mary Ann Sorensen  
237 Chris St  
Windsor, Ca 95492

Re: NOI Comments, Casino Project

Five years ago I moved to the Windsor Oak Park neighborhood after losing my Santa Rosa home to the 2017 Tubbs fire. Feeling safe again has been an enormous comfort at my age of 83 years. I nearly did not get escape the tubs fire so I feel that impacting my area with the casino would impact my ability to evacuate from a fire or any catastrophe. Another thing which worries me is that I had lung cancer three years ago, which resulted in my right lung being removed. The exhaust from buses coming and going would be extremely bad for my health. I walk my dog Sparky along Shiloh Road every day, and love the Vineyard. Please build your casino elsewhere as the impact to our community would be devastating.

Regards,  
Mary Ann Sorensen  
Sent from my iPhone

**From:** betsy mallace <[betsymallace@yahoo.com](mailto:betsymallace@yahoo.com)>

**Sent:** Saturday, April 6, 2024 9:29 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Cc:** Dutschke, Amy <[Amy.Dutschke@bia.gov](mailto:Amy.Dutschke@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Please find below my public comments identifying potential issues, concerns, and alternatives that need to be considered in the EIS, which have not previously been raised during this NEPA process.

The current agricultural/residential parcel the Koi Nation Fee-to-Trust and Casino Project is proposed on is zoned, planned, voted on to preserved, and needs to remain agricultural/residential/community separator. Building alternative A, B or C would create significant unmitigable environmental impacts. The only alternative for "finding of no significant impact" (FONSI) would be alternative D, which I am strongly suggesting.

There is a large residential apartment unit on the Northwest corner of Old Redwood Highway and Shiloh Road which was not built, fully occupied when the EA studies were done. All traffic, circulation and evacuation studies must be re-done using current information. Also, the timing of the previous studies was not at peak times and did not show accurate information. Additionally, no mention of who would pay, if there is even space/land, or the timing for all needed improvements to Shiloh Road, Old Redwood Highway, Fraught Road and US-101 (exits, entrances, ramps and lanes).

The maps show one of three main driveways of the project directly continuing onto Gridley Drive. This is a very small residential dead-end street, there is no study showing how this will NOT significantly impact the residents on Gridley Drive. The second main driveway is directly continuing into the parking lot of the Shiloh Neighborhood Church, again there is no study showing how this will NOT significantly impact this local community Church. The third driveway (the closest to the parking structure) empties onto a very narrow rural section of Shiloh Road that quickly dead ends on to Fraught Road and a locked gated private mountain community road. No studies have shown how this can be mitigated, and/or how this can NOT have significant impacts.

The studies shown in the EA for emergency evacuation, was not complete, nor did it use real actual local data from 2019 Kincaid fire. A fully prepared emergency evacuation study must use real data from the 2019 Kincaid fire, 2017 Tubbs fire, along with actual data from the Glass fire, Roblar fire and Fremont fire. This parcel is in a known Fire path, and what saved it in the 2019 Kincaid fire was that it was a planted/irrigated parcel. Building on this parcel will create an unmitigable very significant impact hazard.

Again, the only alternative for "finding of no significant impact" (FONSI) would be alternative D, which is am strongly suggesting. If the Koi Nation needs/wants to continue with their proposed alternative A, B or C, they should look for a more suitable parcel to proceed with.

Thank you for your attention to these details.

Betsy Mallace  
Windor, CA



**From:** Geri Orchard <[obangelnurse@gmail.com](mailto:obangelnurse@gmail.com)>  
**Sent:** Saturday, April 6, 2024 9:30 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Noi Comments,Koi Nation Fee-Trust and Casino Project

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Geraldine Ott RN, PHN. 6273 Lockwood  
Dr. Windsor, Ca.  
95492.

I am writing to protest the building of the proposed Koi Nation Casino. The area of Shiloh Rd. and Old Redwood Hiway in Windsor already has a huge parking problem since they are building apartment buildings several stories high. We live in a neighborhood very close by. Our house backs up to Savannah near Old Redwood Hiway. There is only one way out of our street. When Windsor had fires and we had to evacuate this put our family in danger. It was very difficult to get of the way of the fire because of traffic in the area. Casinos bring much more traffic, drinking of alcohol, fires from cigarettes, theft and crime. So far, Windsor has been a pretty safe place for our children to play. Building a Casino so close to a neighborhood will make it less safe, raise water and utility prices and lower property values. During drought years we are already being asked to conserve water beyond what is healthy, such as not bathing often enough. We are told not to add water to swimming pools so we can exercise. People will move out of the area. We strongly oppose building a Casino so close to our residential neighborhood.

Sincerely,  
ne Ott RN, PHN

Geraldi

**From:** Maisie McCarty <[maisiemccarty@hotmail.com](mailto:maisiemccarty@hotmail.com)>  
**Sent:** Saturday, April 6, 2024 9:33 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Fee-to Trust and Casino Project

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Dear Mr. Broussard:

As an addendum to our letter of June 2022 and comments, we offer the following updated comments about a future EIR for this ill -proposed project.

We expect the BIA to conduct the following Impact Studies:

- 1) An in depth study of the 2017 and 2019 fires and evacuation protocols in our neighborhood along with an updated Traffic Study that includes new traffic patterns resulting from the Shiloh Terrace and Shiloh Business Park projects now much closer to completion. These two projects have already greatly impacted traffic at the intersection of Shiloh Rd and Old Redwood Highway with construction causing long delays of traffic. These studies should also be done again once 300 -400 more vehicles arrive in the area when new tenants arrive. If evacuation from new fires is needed, longer delays and possible loss of lives are a threat.
- 2) An in depth review of Sonoma County Sheriff's capacity to manage a large increase in public safety issues such as crime, speeding, accidents, etc related to a casino.
- 3) Noise mitigation studies emanating from construction and participation in 24/7 casino activities.
- 4) Light pollution studies from 24/7 bright lights and signs affecting, along with noise pollution ,sleep pattern disruption for those residing nearby in the 100 + homes across the street from a casino.
- 5) Air Quality Studies brought about by construction activities and thousands of cars pouring into the area causing additional air pollution into this clean air neighborhood.
- 6) Water Resource/Use Impact Studies. It is estimated that 400,000 gallons of water per day would be pumped from wells of the casino ,superseding local wells already in the area which are in danger of failing due to destruction of the water table from such potential use.

Additional Comment:

This project as proposed is not sound. Any existing studies of the above items are flawed and are prepared by the Chocksaw Nation which would be building this project and reaping the most benefit of cash flow from it. The Koi Nation's ancestral land is in Lake County and they are in litigation there to protect their ancestral relics and lands yet they propose a casino in Sonoma County which already has two casinos. This is unsound reasoning. The proposed project does not support the Koi Nation's goal of "reconnecting with our heritage to establish a living relationship between our people and the land".

Koi Nation deserves a chance in their ancestral land in Lake County,not in Sonoma County.

Very truly yours,  
Mary M. McCarty  
Bill Harrison  
651 Lockwood Dr.

Windsor, CA 95492  
Sent from my iPad

**From:** Jill Plamann <[jillplamann@gmail.com](mailto:jillplamann@gmail.com)>

**Sent:** Saturday, April 6, 2024 10:35 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Please do not place a casino on this important land. I strongly oppose it for the following reasons:

This narrow path from Shiloh Regional Park towards the ocean is an open space that houses a habitat for the dogface butterfly. This ENDANGERED butterfly is the California state insect! I've seen this butterfly in my own backyard numerous times. I live 5 blocks away from this proposed site. My yard is a dedicated pollinator garden. The pollution caused by a Casino will further endanger this butterfly.

This proposed entertainment facility would draw in thousands of people looking for drugs, prostitution, and..... gambling!!!! Our town would be destroyed. Do your research.... The Town of Windsor is ecologically responsible and a leader in protecting our environment in every way possible as we move forward.

This huge, dangerous commercial development would be located walking distance to elementary schools, churches, parks, and established neighborhoods. It makes absolutely no sense to put a Casino here!

I strongly believe that the Native American culture and knowledge is extremely important and vital to the survival and reclamation of our planet. We need this sensitivity more than ever and I sincerely wish that this knowledge can be put to good use rather than wasted on the well-known illnesses caused by casinos.

I believe a scientific or spiritual center would be welcomed in our community. Show off your culture with pride. Teach us! PLEASE!

The proposed casino will never be welcomed in our neighborhood.

Jill Plamann  
112 Anna Drive  
Windsor, CA. 95492

**From:** Sidnee Cox <[sidnee@sonic.net](mailto:sidnee@sonic.net)>  
**Sent:** Saturday, April 6, 2024 11:44 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Hello Mr. Broussard,

Please see my attached letter in pdf format regarding the **NOI Comments, Koi Nation Fee-to-Trust and Casino Project**.

Thank you for your time and attention to this important EIR.

Best regards,

Sidnee Cox  
5846 Leona Court  
Windsor, CA 95492  
**One attachment** • Scanned by Gmail

Sidnee Cox  
5846 Leona Court  
Windsor, CA 95492  
April 5, 2024

Mr. Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region

Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Hello Mr. Broussard,

Thank you for this opportunity to submit public comment regarding the Environmental Impact Statement for the proposed Koi Nation Resort and Casino Project on Shiloh Road, adjacent to Windsor, CA. There are many environmental impacts that need to be studied while considering the placement of this proposed casino.

First of all, after Windsor was incorporated in 1992, a community separator and Urban Growth Boundary was established to provide critical open space directly south of town (now the location of the proposed casino project). This open space proved to be a vital firebreak during the Kincade fire in 2019 that threatened to destroy most of Windsor. The flames came within a half mile of our neighborhood on East Shiloh. (See video links below.)

In addition, much of the east side of Shiloh Regional Park burned in the 2017 Tubbs Fire. I watched the huge red glow on Shiloh Ridge as the park was burning during this disaster. Only a change of wind stopped the fire from racing down into our valley and the neighborhoods on East Shiloh. That was the night when 4,658 homes were destroyed as the fire moved south.

Secondly, the roads surrounding this proposed location would not be capable of providing safe evacuation routes for both the existing neighborhoods as well as the patrons and workers at the proposed casino resort complex.

The evacuation issue has now become even more of a concern due to the fact that there is a new 134 unit housing complex on the corner of Shiloh and Old Redwood that will soon be filled with families. This is in addition to another 173 unit apartment complex under construction just down the street. These apartments reflect California's affordable housing mandates. With this density of neighborhood housing, adding a casino complex of any size on East Shiloh could spell disaster.

Please see this short video clip from ABC News: <https://abc7news.com/kincade-fire-in-windsor-ca-cal-map/5652149/>

Also please see this video showing how the fire impacted Shiloh Regional Park and the evacuations from our area. The view behind the news commentator is the location of the proposed Koi casino and resort. <https://newsofthenorthbay.com/live-cal-fire-command-center-at-shiloh-regional-park-in-windsor/>

Third, the impact of intensive development in this protected area, which includes 850 acres of Shiloh Regional Park, would greatly endanger its ecosystem. The park is home to many species of birds and wildlife. Please study the impact that vehicle pollution, groundwater pollution/

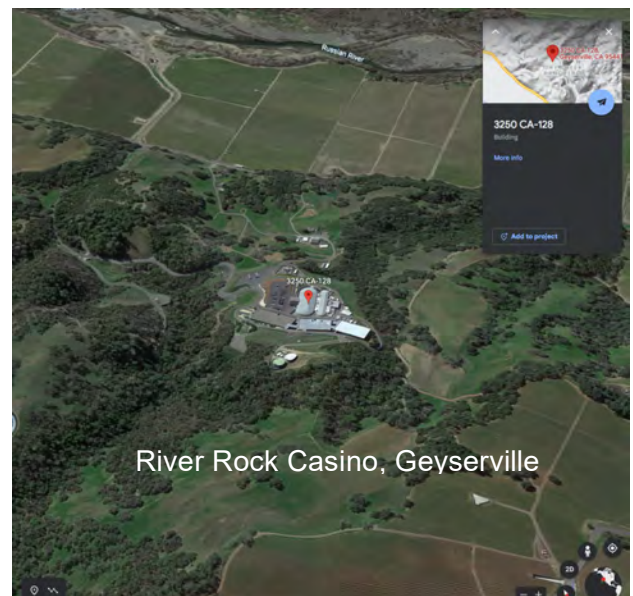


depletion, light pollution, noise pollution and toxic emissions would have on Shiloh Park and the surrounding area.

Although the new apartments will be impacting *evacuation routes* for the proposed casino as well as the surrounding neighborhood, the apartments were required to satisfy the CA housing crisis, so they had to be built. No such requirement applies to the proposed casino. In addition, unlike the proposed casino, these apartment complexes encourage *reduced* daily vehicle usage and will also be using Windsor water and sewer so will not be depleting local wells. The new apartments will have little impact on noise and light pollution at Shiloh Park and neighborhoods along East Shiloh due to the fact that they are farther away and are *residential dwellings* and not public gaming facilities.

Finally, please see the maps below that show the location of the two nearest casinos in Sonoma County: Graton Resort and Casino in Rohnert Park and River Rock Casino in Geyserville. Neither of these casinos is in the midst of residential neighborhoods.

Sincerely,  
Sidnee Cox, 5846 Leona Court, Windsor, CA 95492



Above left, Graton Casino, Rohnert Park, is in an industrial and business zone. Above, River Rock Casino, Geyserville, is in a rural area, miles from any developments.

Below, left, the proposed Koi Casino will be located at Windsor's southern boundary. It will be adjacent to residential neighborhoods. The two new apartment complexes impacting evacuation routes are shown in orange.

**From:** Ronald Calloway <[ronaldcalloway363@yahoo.com](mailto:ronaldcalloway363@yahoo.com)>

**Sent:** Saturday, April 6, 2024 11:55 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Mr. Broussard,

As the recently retired Superintendent of the Mark West School District, I must state my adamant objection to this casino. For the record, not only did I serve as the Superintendent, but I am also a resident of the school district. I live at 531 Coachlight Place, which is one block from San Miguel Elementary School. This school is within a mile of the proposed casino, and I cannot understand how the Bureau of Indian Affairs could even consider approving a casino so close to an elementary school.

While there are areas that would be appropriate for the casino in the Mark West School District, such as commercially zoned areas located along Airport Boulevard, the proposed site is absolutely not within an area that should be considered for a casino. The scope of this project, as proposed, is far too large for the current infrastructure to address.

Furthermore, as the Superintendent at the time of the 2017 Tubbs Fire, I can truly attest to the enormous dangers of a wildfire in our area. It is important to note the following year in 2018 there was a fire in Paradise, California during the daylight hours when school was in session. If such an event were to occur in our area with a casino added to our community, it would have disastrous consequences. In the case of the Paradise fire, the school district was able to use bussing to transport students out of the area. Unfortunately, the Mark West School District does not have Home to School transportation (bussing). All students either walk to school or are transported by vehicles to school. In the event of a daytime fire on the magnitude of the Tubbs or Paradise Fire, parents would be attempting to get to the school(s) in the Mark West District. With people fleeing the casino, inevitably they would use Faught Road next to San Miguel, which would endanger the lives of students, parents, and staff.

Finally, I must reiterate that a casino within a mile of a school is absolutely shameful to consider. As an educator, who has built his entire career in supporting students, I cannot fathom a worse scenario than placing a casino in the proposed location.

Sincerely,

Ronald M. Calloway, Retired Superintendent of the Mark West Union School District

**From:** Suzanne Calloway <[suzicalloway@gmail.com](mailto:suzicalloway@gmail.com)>  
**Sent:** Saturday, April 6, 2024 12:01 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Mr. Broussard:

I am an elementary school teacher at San Miguel School on Faught Road, which is less than a mile from the proposed Koi Nation casino. I am also a local resident - I have lived at my home on Coachlight Place, in the Larkfield/Wikiup neighborhood that borders the proposed casino, since 2002.

Between the roads and resulting fire evacuation impossibilities, the proximity to an elementary school, and the lack of infrastructure in our unincorporated area, a project like this at this location would be a disaster.

Having lived through the Tubbs fire and the Kincade fire, evacuation is absolutely a life and death situation. The fire came directly behind our street, in direct line to the proposed casino property. We barely escaped. The local roads were clogged even with only the residents of this little area. Then in 2019 (Kincade), although we had more warning, the freeway was still gridlocked for hours! And the question isn't IF we will have another wildfire, it is WHEN.

Another huge factor is the implications of a daytime evacuation, much like the Paradise Fire. San Miguel Elementary is part of the Mark West Union School District and our district has ZERO home to school transportation/buses. As a charter school, we accept students from all over the area - especially from Windsor. The amount of traffic that would be coming IN to the area in the event of an emergency would be thwarted by the thousands of additional people at the casino trying to leave. People will die during the next fire with the addition of this project.

Also, our neighborhood is a bit of an "orphan" area - we are covered by the sheriff's department, not Santa Rosa PD, so law enforcement emergencies take an inordinate amount of time to respond. The increased crime that will accompany this type of business will go unchecked - the casino security may police *their* parking lots but what happens when nefarious activities then move to Shiloh Park and San Miguel School? We can't get a sheriff to regularly patrol when we have had incidents now, so what will happen then?

Another impact will be that Faught Road will be a shortcut to the casino, with thousands of cars passing through a quiet street all day and night, right in front of an elementary school where neighborhood kids walk and bike to school. Again, as an "orphan" area, we are not patrolled by SRPD - traffic issues are dealt with through the California Highway Patrol and it is not easy to

ever get any kind of response from them in a timely manner due to the scope of the areas they cover.

There are so many other locations that would have less of an impact on so many lives and less potential for a deadly situation.

I would hope that the Koi tribe could research some of those options and instead use this property for housing. (There's a great school nearby that their children could attend!)

Please do not allow this project to proceed!

Sincerely,  
Suzanne Calloway  
531 Coachlight Place  
Santa Rosa (unincorporated)

**From:** Sarah Seitz <[sseitz360@gmail.com](mailto:sseitz360@gmail.com)>  
**Sent:** Saturday, April 6, 2024 12:14 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Casino near Windsor

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Please do not build a casino in Sonoma County. People in this area need to be able to escape from wildfire and the addition of many hundreds of people and cars is a disaster waiting to happen. If you read "Inflamed", a book about the Tubbs fire of 2017, you would not want to be here when the next wildfire approaches.

There are already enough casinos in Sonoma County. If you need to profit from people's desire to gamble and drink, please choose a less disaster prone area to enable them to do that.

I have had to evacuate twice in the past 7 years and the thought of all those people clogging the roads is truly frightening.

Sarah Seitz, MD



**From:** Marie Scherf <[mscherf@bpm.com](mailto:mscherf@bpm.com)>

**Sent:** Saturday, April 6, 2024 4:32 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hi Chad:

I am sharing my opinions re: the potential casino development in Santa Rosa, CA.

I am strongly against the development of a casino in that particular area. My family has used the nearby park and back-country roads for recreational use for decades. It is a beautiful, largely agricultural area that is heavily used by local county residents for walking, biking, hiking, and horse-back riding (in the park). Developing a casino nearby would pollute the air and clog the roads with traffic. The nearby roads are narrow and the additional traffic would put pedestrians and bicyclists more at risk than they are already. It would break my heart to build something so unnecessary in that area.

Over the past few years our county has experienced enormous growth in high-density housing. While I'm not thrilled to see so much development, I appreciate that we need more affordable housing, so it's a problem we need to contend with and resolve as best we can. However, water use is a constant issue.

Our area has experienced severe droughts in the past. We are lucky to have had two good years in which to refill our reservoirs, however it is a problem that is almost always on everyone's mind.

My neighborhood burned down in the Tubbs Fire in 2017 and all the houses were rebuilt without big lawns, but rather with drought-resistant, low water-use landscaping. Many residents have spent a lot of money converting lawns to drought-resistant plants and other low-water use materials. As a county we are moving very deliberately to conserve water in a myriad of ways.

How anyone can think they should build a casino that uses hundreds of thousands of gallons of water each week in this area is amazing to me. I'm so glad to see our government representatives are working against this plan. It's absurd and I sincerely hope it does not happen.

Aren't two casinos in our county enough already?

Marie Scherf  
745 Jean Marie Drive  
Santa Rosa, CA 95403  
(707) 365-0011

**NEW**

**TAX**

**LAWS**

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at [www.bpm.com](http://www.bpm.com)



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From: [sllkdl@comcast.net](mailto:sllkdl@comcast.net) <[sllkdl@comcast.net](mailto:sllkdl@comcast.net)>

Sent: Saturday, April 6, 2024 6:48 PM

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Cc: [sllkdl@comcast.net](mailto:sllkdl@comcast.net) <[sllkdl@comcast.net](mailto:sllkdl@comcast.net)>

Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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## NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Stephen & Kathleen Lawrence  
582 Coachlight Pl.  
Santa Rosa, C 95404

April 6, 2024

To Whom it May Concern:

We are submitting this letter in response to the 'Notice of Intent to Prepare an Environmental Impact Statement for the Kio Nation's Proposed Shiloh Resort'. There are many issues that need to be addressed in the pending EIS, and we highlight a few of them below. However, one of our main concerns is the use of a potentially biased pro-casino EIR preparation company, such as Acorn Environmental. We can only hope a neutral, non-biased company will be employed to produce an accurate Environmental Impact Report. Acorn Environmental was cherry picked by the Kio Nation for the Environmental Assessment based on their previous work providing EA reports for other tribal casino proposals, as stated by Tribal Chairman Jose Simon during his opening remarks in the Zoom meeting of September 27, 2023.

**Emergency Evacuation:** During the 2017 Tubbs fire, we left Larkfield at 1:45 AM, forced to turn north from Carriage Road onto Faught Road to East Shiloh Road due to congestion heading south. This route is just over one mile, but it still took us 45 minutes, joining the residents living across from the proposed casino, to get to Old Redwood Highway. The whole time we were at risk of becoming trapped by the flames. The evacuation of additional thousands of people at the casino at the same time would cause true gridlock and increased potential death due to fire entrapment. The Tubbs fire was not a one-time event and carries a very high risk of reoccurring.

**Drunk and Impaired Driving:** Inevitably some number of patrons will overindulge. Leaving the casino in any direction will ultimately cause property damage and personal injury. Many of these drunk drivers may look at alternate routes to avoid detection. One obvious direction is to head east on Shiloh to Faught Road and exit through Larkfield. This will take them directly in front of San Miguel Elementary School. There is no stretch of imagination needed to foresee a tragic accident involving elementary students.

Other significant concerns that should be addressed in the EIR include, but are not limited to:

- The proposed wastewater plant is located next to a creek.
- Traffic on Shiloh/Old Redwood/Faught Roads.
- Increased crime
- Increased noise
- Light pollution

The concerns listed above should all be addressed in a neutral, non-biased EIR. Historic increases in these areas of concern as documented in other Sonoma County casino developments should be referenced (Graton, River Rock, etc....)

Sincerely,  
Stephen & Kathleen Lawrence

**From:** Mary Ann Bainbridge-Krause <[mary\\_ann\\_bainbridge\\_krause@yahoo.com](mailto:mary_ann_bainbridge_krause@yahoo.com)>  
**Sent:** Saturday, April 6, 2024 12:15 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Fee to Trust Casino project

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Dear Mr Broussard: I completely agree with the Town of Windsor and all council members in denying the approval of this Casino. I'm a 30 year resident of Windsor. This tribe has NO Ancestral history in Windsor or Sonoma County. The Traffic,Air and water quality and safety in the event of a Wildfire evacuation will be affected by the existence of this Casino. Do not allow this to happen.

<https://www.townofwindsor.com/DocumentCenter/View/28754/Koi-Nation-Shiloh-Resort-and-Casino-Project---EA-Commentary?bidId=>

MaryAnn Bainbridge-Krause  
170 Espana Way  
Windsor, Ca 95492  
Sent from my iPhone

...

**One attachment** • Scanned by Gmail



**Town of Windsor**  
9291 Old Redwood Highway  
P.O. Box 100  
Windsor, CA 95492-0100  
Phone: (707) 838-1000  
Fax: (707) 838-7349  
[www.townofwindsor.com](http://www.townofwindsor.com)

**Mayor**  
Rosa Reynoza

**Vice Mayor, District 2**  
Sam Salmon

**Councilmember District 1**  
Mike Wall

**Councilmember District 3**  
Debora Fudge

**Councilmember District 4**  
Tanya Potter

**Town Manager**  
Jon Davis

*Sent via Email*  
November 13, 2023

Amy Dutschke, Regional Director  
2800 Cottage Way  
Sacramento, CA 95825

**SUBJECT: Koi Nation Shiloh Resort and Casino Project**  
Town of Windsor Comments on Environmental Assessment  
Published September 2023

Dear Ms. Dutschke:

The Town of Windsor, which includes the Windsor Water District, hereby submits comments in response to the Environmental Assessment (EA) that was prepared for the Koi Nation Shiloh Resort and Casino Project. Unless otherwise indicated, all comments are in response to “Alternative A” which is identified as the Proposed Project.

#### Proposed Project and Alternatives

1. Reliance on the Best Management Practices (BMPs) in Table 2.1-3 is inadequate for environmental protection. The BMPs are not measurable or monitorable, described as, “when feasible” and “when practicable.” Instead, the project description should be amended to incorporate measurable standards to address the relevant concerns. Without these standards there is potential for the project to have significant adverse impacts on the environment.

#### Water Resources

2. Between 6 and 17 acres of vineyards will remain for recycled water irrigation. At an average daily flow of .3 MGD (2.1.4), this equates to 110 MG / Yr. A 20-acre vineyard would be allocated 4.9 MG per year under current ETC requirements set for the Windsor Water District by the State. Although the project may be held to a lesser standard of environmental protection, the substantial differential in the application rate indicates that the proposed rate is unrealistic.
3. Proposed 12-16 MG reservoirs / tanks would equate to 40 to 50 days of storage. The EA proposes not discharging between May 15 and September 30 (138 days) – storage should be closer to 40 MG to meet that discharge target. As proposed, the storage capacity is likely too small and discharge events, that have not been considered in the EA, are likely to occur.
4. The State Division of Drinking Water (DDW) does not / has not approved all of the proposed recycled water uses in this configuration as described in the project description. For example, recycled water is not allowed inside any food service buildings.
5. 3-20 references Mark West Creek for flow monitoring during discharge, which is significantly downstream of the point of discharge on Pruitt Creek. Pruitt Creek is also ephemeral, meaning it does not flow year-round, discharging wastewater into a creek that does not flow year round will significantly affect surfaces in the area. Significant adverse impacts

due to erosion, loss of habitat, flooding, movement of sediment, and destabilizing of banks could occur. Monitoring should be required at the point of discharge on Pruitt Creek.

6. There are four existing wells on the Project site, the Project proposes to construct up to two additional wells on site for potable water use. The Town of Windsor has two wells at Esposti Park to the north and in close proximity to the Project property. One is used for irrigating Esposti Park, and the other will be used as a replacement municipal drinking water well. The Project well(s) and Project wastewater treatment plant should not be constructed within the zone of influence around the existing Town wells.
7. The reported peak-day pumping for the project is 402,000 gpd, which equals approximately 275 gpm (Table 2-2). If that pumping were to occur close to the Esposti Well, drawdown at the Town's Esposti drinking water well could be significant, which could significantly decrease the Esposti well output rate and possibly water quality. Prior testing of the Esposti drinking water well was over short durations and should not be used to extrapolate the level of impact from the proposed project wells without further testing. The potential impacts to the groundwater aquifer and groundwater wells have not been sufficiently evaluated. At a minimum, a well interference study should be completed as part of the Project to ensure proper placement of the proposed Project well(s) and Hydrogeologic testing should be completed to ensure Project well(s) will not adversely affect the groundwater levels nor the water quality of the existing Town wells or other domestic wells. Mitigation measures should be required for any impacts identified once sufficient analysis has been conducted. As currently proposed the Project may have a significant adverse impact to water resources.
8. As stated in the 2020 Urban Water Management Plan, the Town is moving toward installing arsenic and manganese treatment on the Esposti well in order to meet the drinking water demands. Any analysis of wells on the proposed project should consider increased future pumping from the Esposti well.
9. The project proposes to repurpose or install up to 4 groundwater wells and estimates 100-300 gpm groundwater flow for daily use. The report does not indicate how much the existing wells on-site are currently being used. The proposed mitigation measure for groundwater is insufficient to address the risk to drinking water supplies. The proposed mitigation measure to reimburse the owners of nearby wells that become unusable within five years of the onset of project pumping is not sufficient to mitigate the level of impact. Payment to owners of nearby wells does not increase the total available water supply in the area and the loss of function of existing wells will have significant effects to the area's water system as new sources of water supply will need to be developed.
10. The EA cites the 2017 aquifer test at the Esposti well as evidence that pumping from aquifers deeper than 300 feet would not affect water levels in shallow wells (less than 200 ft deep). No drawdown was observed in shallow wells during the Esposti test. However, that test lasted only 28 hours. The EA should consider the potential for sustained pumping (months) at the Esposti well and the Project supply wells that may lower water levels in the shallow aquifers and could potentially jeopardize output of nearby domestic and municipal drinking water wells.



11. The proposed design takes away from floodplain storage, an adequate amount of stormwater detention is not demonstrated by calculation to address the detracting of floodplain. Sub areas A,C, and E have footprints directly in the floodplain.
12. The Town of Windsor completed a [Storm Drainage Master Plan](#) where the 100-year flood zones were mapped. The Project location shows potential flooding during the 100-year floods. The Project will need to consider flood mitigations, so it does not affect the downstream neighborhoods with additional flooding or sediment transport.
13. Analysis is needed of the existing Pruitt Creek box culvert under Highway 101 to determine the ability to convey the anticipated storm flow from a full buildout condition and mitigation measure should be required for any negative impacts identified in the analysis.
14. The north bound offramp from Highway 101 is periodically closed due to flooding, and the analysis should determine if increased flows from the project negatively impact this condition. Several such closures occurred in December 2022 and January 2023.

#### Air Quality

15. The EA states that traffic volumes on a surface street would need to exceed 40,000 daily trips to exceed the significance threshold for cancer risk for hazardous air pollutants. It reasons that “these traffic levels do not exist on local roadways serving the Project Site, including Shiloh Road and Old Redwood Highway” and therefore impacts would not be significant. The project would include road widening and itself would generate between 11,213 and 15,779 daily trips. Significance should be determined in the future full build-out scenario, not based on existing conditions. As currently proposed the Project may have a significant adverse impact to air quality.
16. The air quality modeling as detailed in Appendix F-1 makes a number of inaccurate assumptions including that Windsor is located in Climate Zone 4, that the project is in a rural setting, and that the average trip length for non-work trips should be based on the distance from Santa Rosa. It is unlikely that there are no potential significant impacts for any air quality or green house gas emissions other than for CO. A peer review of the air quality study and modeling is recommended. According to the California Department of Energy, Windsor is in Climate Zone 2 and according to the [Generation Housing State of Housing in Sonoma County Report](#), 31.4% of the local work force commutes from outside of Sonoma County.
17. To reduce potential air quality impacts, Tier IV construction equipment for equipment greater than 50 horsepower should be required, instead of Tier III as proposed.
18. “Clean fuel fleet vehicles” should be defined, and a standard should be set to determine when use of clean vehicles is impracticable. In this scenario, what is the alternative to address the potential air quality impacts?

#### Cultural Resources

19. Due to the presence of Pruitt Creek, the presence of scattered obsidian, and the and the results of Native American Consultation, the EA determined that there is a potential for significant subsurface cultural resources on the Project Site, however monitoring is only prescribed within 150 feet of Pruitt Creek. A qualified archaeologist and Native

American Tribal Monitor should be present for ground-disturbing activities across the entirety of the Project Site. As currently proposed the Project may have a significant adverse impact to cultural resources.

#### Socioeconomic Conditions and Environmental Justice

20. The growth-inducing effects section indicates that the project would result in pressure for new commercial development in the area, such as additional gas stations. Consider the gas station bans in the Town of Windsor and the County of Sonoma. This section concludes that indirect and induced demand for commercial growth would be diffused across the State and therefore there would be no significant regional commercial growth inducing impacts. Provide data to justify this conclusion, considering local growth management policies and urban growth boundaries.
21. The housing section assumes there would be no significant impact without sufficient local data. It assumes most employees will come from the existing pool of casino and hospitality workers, however due to housing costs, many of these workers are commuting to Sonoma County from other parts of the Bay Area.
  - a. Provide temporary housing facilities on-site for the construction workers (2,196).
  - b. Provide permanent affordable housing on-site for casino workers (1,571).
  - c. Provide information about the median salary of the construction workers and the casino workers, so that the appropriate housing affordability can be determined.
  - d. Project alternatives should be evaluated with on-site housing options.
22. The Socioeconomic Study was prepared by Global Market Advisors (GMA) for the Koi Nation of Northern California. As described on page 1, GMA is an international provider of consulting services to the gaming, entertainment, sports, and hospitality industries. The BIA should obtain a peer review of the Socioeconomic assessment by an independent consultant.
23. Page 5 of the study (Income) states that the Sonoma County Average Annual Household Income (AAHI) was \$121,522 in 2021, which may be overstated. Information provided by the California Department of Housing and Community Development indicated that the Sonoma County Area Median Income (AMI) was \$103,300 for a family of four in 2021. Most analyses of housing affordability refer to median income, because the average income is likely to be skewed by a small number of high-income households. The following section on Housing costs reflects median housing costs.
24. Page 6 of the study indicates that only 170 new homes were added to Sonoma County from 2010 to 2020. These data appear to be inaccurate and the statistic is misleading, since nearly 5,600 homes were destroyed in Sonoma County by the 2017 Tubbs Fire.
25. Page 40 of the study (Employment) indicates that construction and operation phases will have a positive effect on the local economy (thereby

reducing the unemployment level). This discussion does not recognize the local labor *shortage* in the area, which this project could exacerbate.

26. The section beginning on Page 40 of the study (Housing and Schools) does not recognize the local housing shortage and continuing recovery from the Tubbs Fire and other wildfire events. Also, as stated above, the assertion that Sonoma County has a sufficient labor force focused on the hospitality industry, and thus could easily absorb the new labor needed by the casino, is likely false. These concerns are supported by the [Generation Housing State of Housing in Sonoma County Report](#), published in April 2023.

#### Transportation and Circulation

27. Based on reviews conducted for a casino in Rohnert Park, the weekday and Saturday daily trips may be 15 to 25 percent higher than those indicated on this project analysis. Review of the Rohnert Park facility also revealed that the highest daily and afternoon peak trip generation occurs on Sundays, not Saturdays. The project should analyze Sundays as well as Saturday, to ensure that worst-case traffic impacts have been captured.
28. The Traffic Impact Study (TIS) indicates that the project would be fully responsible for implementing the improvements needed under Existing plus Project and Opening Year 2028 plus Project. These minor mitigation efforts include:

- a. Shiloh Road/Old Redwood Highway: Restripe westbound approach with a 200' long left-turn lane and modify signal phasing. This is similar to previously-identified near-term improvements except with a longer turn lane.
- b. Shiloh Road/Hembree Lane: Optimize signal timing.
- c. Shiloh Road/US 101 North Off-Ramp: Restripe ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). The proposed mitigation is simply restriping.
- d. Signalize the project driveways on Shiloh Road and Old Redwood Highway. This is logical but has no broader benefit to the Town since the signals are only needed to accommodate resort traffic.

29. Objections to Existing plus Project and Opening Year 2028 plus Project Findings:

- a. Shiloh Road/Old Redwood Highway: For the queuing analysis the TIS relies on the Town to widen northbound ORH to include dual left-turns, stating that this improvement is included in the traffic impact fee. The north, west, and east legs of the intersection are within the Town of Windsor limits, but the project is not, and therefore no impact fee would be assessed by the Town and no funding would be afforded for this improvement. It is therefore unclear how the Town's impact fee program has any relation to mitigating the impact of the proposed project. The project would not make this improvement as currently proposed, so would not fully address the queuing issue. Note that the dual left-turn lanes also require widening of Shiloh Road to two westbound lanes. Widening of both Old Redwood Highway and Shiloh Road are needed to accommodate the traffic load generated by the project, and no mitigation is proposed for these impacts.

- b. Shiloh Road/US 101 North Off-Ramp: The proposed mitigation is to restripe the ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). This modification is likely to perform poorly since it would “trap” two of the three right-turn lanes in the left-turn pockets at the adjacent Shiloh Road/Hembree Lane intersection. It would not function acceptably without widening Shiloh Road to two eastbound lanes through the Hembree intersection. The TIS’s mitigated configuration also limits capacity for left-turn movements on the off-ramp which also have high volumes.

30. Objections to 2040 plus Project Findings:

- a. The TIS indicates Shiloh requires widening to four lanes from Caletti Avenue to the project driveway opposite Gridley Drive; it states that Shiloh widening is planned by the Town but this is incorrect. If traffic is increased by a proposed development, that development would be required to make the necessary improvements to mitigate the impact, including widening of Shiloh Road for additional lanes if needed. The Town does not have a capital project planned for widening Shiloh Road, nor is any proposed development planning to do so. The proposed casino project should be required to mitigate the impacts of the project as would any other development.
- b. Shiloh Road/Old Redwood Highway Intersection: In addition to Shiloh Road widening to four lanes and dual northbound left-turn lanes, the TIS indicates ORH requires two lanes in each direction and that existing northbound and southbound right-turn lanes need to be maintained. However, it does not mention that Shiloh Road would also need to include eastbound and westbound right-turn lanes.
- c. This configuration results in an extremely large intersection including five northbound approach lanes and four southbound, eastbound, and westbound approach lanes. Widening of ORH to two lanes in each direction is contrary to the General Plan and ORH Corridor Plan.
- d. The TIS indicates that the project would be responsible for 39.4% of the traffic growth which seems to imply that the project would not need to contribute funds since it addresses its impact under 2028+Project. Further, a contribution of 39.4% if made would still be illogical since the intersection would undergo far more widening (with associated cost) than the Town would ever have needed without the project.
- e. Shiloh Road/Hembree Lane: The TIS indicates that southbound Hembree Lane requires two additional lanes on the intersection approach. This degree of widening is infeasible (approach would include a left-turn lane, a through lane and two right-turn lanes and there is not sufficient right-of-way to support this configuration).
- f. The TIS indicates a fair share cost of 36.4 percent. This value is unreasonably low due to the fact that the Hembree widening would not have otherwise been needed without the project.

31. Objections to Roadway Segment Analysis

- a. The segment analysis is extremely high-level, particularly with its use of volume to capacity ratios that are based on weekday

Average Daily Traffic (ADT) volumes. The analysis also assumes Shiloh Road's capacities to be based on a 40 mph speed, which is inconsistent with the Town's vision for a "village" oriented walking and biking focused streetscape between Hembree Lane and Old Redwood Highway.

- b. As noted above, the project's ADT trip generation may also be underestimated by 15 to 25 percent, so the project's actual share of roadway segment volumes is likely to be greater than assumed in the TIS.
  - c. The TIS shows that the project would cause (or significantly deteriorate) operation on Shiloh Road to LOS E/F levels under 2028 opening year conditions between Conde Lane and Old Redwood Highway. The TIS then indicates that with the proposed mitigations to be constructed by the project, capacities would increase from 22,000 to 30,000 vehicles per day, offsetting the project's impacts to roadway operation. These capacity increases are not in line with the very minor nature of the proposed mitigating improvements; further, the project's proposed mitigation of creating triple right-turn lanes on the US 101 northbound offramp would be likely to reduce rather than increase capacity between the freeway and Hembree Lane (due to two of the offramp right-turn lanes "trapping" vehicles onto Hembree rather than continuing east on Shiloh).
  - d. The addition of project traffic will severely degrade operation on Shiloh Road upon 2028 opening between the US 101 South Ramp and Old Redwood Highway (and possibly westward to Conde Lane) unless additional improvements are implemented in addition to the minor improvements currently proposed by the project.
32. The Town's General Plan includes the possibility of Shiloh Road expanding to 5 lanes, however widening of the roadway would not be constructed by the Town, but rather the developments that created the increased traffic would be required to fund the improvements to mitigate their impacts to the transportation network. Without a mechanism to ensure that the road widening is completed by the time the Project begins operation, it can be assumed that the Project will have a significant adverse impact to traffic and circulation.
33. The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network on opening day of the proposed casino and should be required to be mitigated by the developer of the project.
34. The 2040 segment analysis capacities are shown to be 49,800 daily vehicles, which is highly unrealistic for an urban four-lane street (particularly in a lower-speed, multimodal environment as envisioned).
35. The TIS estimates a proportional share of 27.4 percent for the interchange but doesn't identify it as a project mitigation; there are also no fair share calculations for the remainder of the Shiloh Road widening (other than intersection improvements). If no mitigation is required for this improvement, the improvement will not be constructed and the project will have higher impacts than disclosed in the EA.
36. As noted above, Shiloh Road and interchange improvements should occur by 2028 opening of the facility and the project should be responsible for funding those improvements.

37. Objections to non-auto modes assessment

- a. The project would significantly increase volumes on Shiloh Road through the Shiloh Village area which the Town plans to be a mixed-use, pedestrian- and bicycle-oriented area. The added traffic from the project would drive the need for Shiloh Road to be widened to a higher-speed four-to-five lane arterial (recent analyses overseen by the Town have indicated that a lower-speed three-lane section would accommodate future growth planned in this area without the casino project).
  - b. The project is currently proposing almost no offsite ped/bike improvements, instead relying on the Town to build facilities as widening on Shiloh and ORH occur through the traffic impact fee program. However, the casino project is not in the Town and no impact fees would be provided to the Town and so these improvements should be built and paid for by the project developer.
  - c. The TIS recommends onsite sidewalk connections to the project driveways, and accessible paths between nearby transit stops and driveways.
  - d. The project needs to construct facilities to accommodate multimodal circulation on Shiloh Road given its significant traffic increases on the corridor.
38. The proposal does not address full pedestrian and bicycle improvements, including Class IV bike routes, needed for the Shiloh area to align with The Old Redwood Highway Corridor Enhancement Plan and The Complete Streets Guidelines.
39. An evaluation of the feasibility of a roundabout has not been included, the Town has identified the roundabout as a preferred intersection type for this area.
40. The traffic analysis should consider the impacts of large events in addition to typical daily operations.
41. It is assumed that eminent domain will be utilized to acquire the necessary right-of-way to widen Shiloh Road. If this land acquisition is done by the Town, the Project should be responsible for all legal costs and land acquisition costs.
42. The traffic impact study considers employee vehicle miles traveled (VMT). Analysis of visitor VMT should also be included.
43. The Shiloh Road Village Vision Plan (SRVVP) outlines a grid street network in this area to disperse traffic volumes, provide for the safe movement of traffic, and minimize negative impacts on Shiloh Road. The traffic analysis for the Project should consider the impact to these east-west street connections between the Project Site and Highway 101 assuming full build-out of the SRVVP.

Land Use

44. The Town of Windsor General Plan land use diagram designates the properties to the north and west of the Project Site for Very Low Density Residential (three to six dwelling units per acre) development with Boulevard Mixed-Use (16 – 32 dwelling units per acre) to the west, fronting Shiloh Road. Additionally, the Town has adopted the Shiloh Road Vision Plan for the Shiloh Road Corridor west of the Project Site. The Shiloh Road



Vision Plan envisions mixed use development that encourages walking and biking. The planning for the density and intensity of these land use designations and for Town infrastructure in the area was done with the assumption that the Project Site would continue to be used for agriculture. The EA does not discuss impacts to the long-range vision of these planning documents particularly regarding circulation, safety, public amenities, and public services.

45. The land use designation for the Project Site in the Sonoma County General Plan is Land Intensive Agriculture, the stated purpose of which is to “enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land.” Permitted land uses include keeping of livestock, indoor or outdoor crop production, daycare facilities, telecommunications facilities, and seasonal farmworker housing. Hotels, restaurants, and gaming facilities are not listed as permitted uses with this designation. The EA states the transfer of the Project property into federal trust status would remove it from County land use jurisdiction, but does not resolve potential environmental impacts that were not addressed in the Sonoma County General Plan Environmental Impact Report.
46. The Project Site is part of the Windsor/Larkfield/Santa Rosa Community Separator. The purpose of community separators is to maintain greenbelt areas around and between Sonoma County’s cities, towns, and more densely developed communities. The Project Site is currently developed with vineyards, meeting the spirit of the community separator designation. Potential impacts to the Windsor/Larkfield/Santa Rosa Community Separator should be analyzed.

#### Public Services and Utilities

47. Appendix F, page 8, indicates that the Tribe will use County waste disposal facilities, which are required to divert 50 percent of waste from landfills. In 2021, the County of Sonoma adopted a Zero Waste Resolution establishing a goal of zero waste by 2030, consistent with the Countywide Integrated Waste Management Plan and the Sonoma County Regional Climate Action Plan. The purpose of the zero waste goal is to reduce greenhouse gas emissions and conserve the remaining capacity at County landfills. Diversion rates in the future condition should be analyzed.
48. The EA notes that increases in crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically. Regardless of the cause, the Project Site currently generates virtually zero calls for service presently. Although the proposed Project is in County of Sonoma Jurisdiction, its proximity to the Town of Windsor will impact the Windsor Police Department through increased calls within Town limits and requests for assistance on the Project Site or within County jurisdiction. The Windsor Police Department anticipates an increase in calls related to:
  - a. Traffic, noise, accidents, DUI’s, loud exhaust, and speeding.
  - b. Disturbing the peace/Public Intoxication
  - c. Trespassing
  - d. Property Crimes
  - e. Prostitution
  - f. Assaults

- g. Drug activity
- h. Human Trafficking
- i. Violent Crime

A mechanism to mitigate the impact on Windsor Police Department resources should be developed.

49. The EA assumes that induced population growth and visitation by patrons of the Project would not be significant enough to require expansion of Esposti Park or Shiloh Ranch Regional Park. This may be true, but the EA does not consider the potential impact of visitation by patrons and employees of the Project on park resources including parking, restroom facilities, waste receptacles, and maintenance schedules.

#### Noise

50. Considering the proximity of sensitive receptors to the Project Site, Sundays should be excluded from construction hours to be consistent with the Town of Windsor Municipal Code.

#### Hazardous Materials and Hazards

51. The EA does not address post wildfire pollutant materials (such as ash) and their potential effects on Pruitt Creek. Mitigation should include on-site treatment of possible contamination and measures to prevent pollutants from continuing downstream.
52. Per the Town's Windsor Resiliency for Emergencies and Disasters Initiative (READII) Plan all transportation infrastructure investments should engage residents during the planning and design process. This plan considers two types of investments: 1) the development of new connections to open alternate routes during emergencies, and 2) the improvement of existing intersections, both for the purposes of improving daily traffic flows and reducing the risk of bottlenecks during evacuations. Old Redwood Highway (ORH), a two-lane roadway, runs parallel to and connects many local roads to US Highway 101, as well as providing a critical alternative route to the north and south when US Highway 101 is closed or temporarily congested. Old Redwood Highway can also serve as a secondary evacuation route if necessary. Windsor's current Local Hazard Mitigation Plan (LHMP) (2018) designates US Highway 101 as the primary evacuation route and Old Redwood Highway as the primary surface street to support evacuations routes and must be identified including "their capacity, safety, and viability under a range of emergency scenarios". If needed, redesign of street geometries, or evacuation signal timing should be considered as methods of increasing adaptive capacity.
53. In an effort to identify which specific neighborhoods and intersections might face the highest risks of bottleneck formation, the READII Plan team developed a "trafficheds" approach. This approach looks at networks of residential and commercial streets, lanes, courts, other smaller roads that are linked to one another - and the various points at which these self-contained networks are connected to the major roadways and arteries throughout the Town. These points of connection between neighborhoods and the main road network are "exit nodes," also referred to in other state planning documents as "ingress/egress points" and, if unable to handle the traffic loads during evacuation events, have the potential to become severe bottlenecks. The trafficheds method should be considered for evacuation

planning as traffic will be increased at the intersection of Shiloh Road and ORH.

54. The EA assumes that without the Project, it would take an estimated 4 to 6 hours to evacuate the Town of Windsor during a “No-Notice Event” and with the Project, the evacuation time could increase to 6 to 8 hours. The single mitigation measure related to evacuations offered in the EA is to “develop a project-specific evacuation plan” prior to occupancy. There is no way to ensure that this mitigation measure will adequately reduce the impact of impairment of evacuation plans. The loss of life experienced in recent fires in Paradise, CA and Lahaina, HI demonstrates the importance of impacts to evacuation plans.
55. The above evacuation time is taken from Appendix N Wildfire Evacuation Memorandum (Memo). The Memo does not consider that the mountainous areas (residences/properties such as Shiloh Estates and Mayacama) east of the Town, located in the Wildland-Urban Interface (WUI) area, only have two evacuation routes to US101 (through Pleasant Avenue and Shiloh Road) and has a high structure to exit ratio and could compound the issues at the intersection of Shiloh and ORH.
56. The comments from Losh and Associates found in Appendix N state that the State Responsibility Area (SRA) fire zone maps are out for review and should have been available to the public sometime in calendar year 2023. These updated maps should be evaluated if available.
57. The Project Site is currently developed with a vineyard. In recent wildfire events, vineyard sites have served as buffers to developed urban areas and have been used as staging areas for firefighting activities. The Proposed Project would replace a wildfire mitigating resource with a development of combustible materials (vehicles, structures, landscaping). Potential impacts of this land use change should be analyzed, and appropriate mitigation measures proposed.

#### Visual Resources

58. Due to the proximity of residential development the following changes should be made to the project:
  - a. Reduce parking light pole height to a maximum of 20 feet, instead of the currently-proposed 25 feet.
  - b. Outdoor lighting should be provided in a warm color range no greater than 3,000 Kelvin.
  - c. Details should be provided on illumination of all outdoor signage and the impacts to sensitive receptors should be analyzed.
59. The Town of Windsor 2040 General Plan designates Highway 101 and Faught Road as scenic corridors. Impacts to these scenic corridors should be analyzed and mitigation measures proposed.

As described in the comments above, there exists the potential for significant adverse impacts in almost every resource area analyzed by the EA. The significant adverse impacts associated with the Project are either not identified in the EA or not adequately mitigated below the threshold of significance. Impacts in the areas of water, traffic, public services and utilities, and hazards may be unmitigable and would therefore be significant and unavoidable. Because of the potential for significant adverse impacts to the Town and the environment, the Town of Windsor is opposed to the Project and finds that only Alternative D, the No Action Alternative, can ensure that there will be no significant adverse

impacts associated with the Project. If the Project is to move forward with any alternative other than Alternative D, an Environmental Impact Statement must be prepared.

The Windsor Town Council considered the EA and received public comment at its October 18, 2023, meeting. Written correspondence received up to and after the meeting is attached hereto.

If you have questions or need additional information, please contact me: Patrick Streeter, Community Development Director, at [pstreeter@townofwindsor.com](mailto:pstreeter@townofwindsor.com) or at (707) 838-5313.

Sincerely,



Patrick N. Streeter, AICP  
Community Development Director

cc: Chad Broussard, Environmental Protection Specialist  
Jon Davis, Windsor Town Manager

Attachment: Correspondence received related to the EA

**Irene Camacho-Werby**

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**From:** BARBARA SACKETT <sackettbarbara@yahoo.com>  
**Sent:** Thursday, January 27, 2022 9:52 AM  
**To:** Town Council  
**Cc:** Barbara Sackett  
**Subject:** New Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to express my strongest opposition to the new casino being built in Windsor. Not only is it completely unnecessary, it will bring an untenable amount of traffic to our small town. It will ruin the quaint atmosphere of our area and will not add to the wholesome ambience of Windsor.

The site is surrounded by residential homes. These home owners do not deserve to have their area devastated by a development of this scope. Building a casino here will not be beneficial to the neighborhood. Instead , it will bring down home values and destroy the peacefulness of the entire area.

We hope that you will take action against using this site for a casino.

Thank You,  
Barb and Chuck Sackett

Sent from my iPhone

**From:** [Mark Linder](#)  
**To:** [Abbie Williams](#); [Town Council](#)  
**Subject:** RE: How dare you  
**Date:** Friday, February 4, 2022 10:10:19 AM

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Dear Abbie and Paul Williams,

The Town Council has not approved the proposed Koi casino. The location is not in the Town. It is in the County. Currently, the issue is with the Bureau of Indian Affairs. At some point the Bureau will be conducting community meetings where you will have an opportunity to express your opposition.

Thank you

Mark Linder  
Interim Town Manager

-----Original Message-----

From: Abbie Williams <[abbie.earthinfofocus@gmail.com](mailto:abbie.earthinfofocus@gmail.com)>  
Sent: Friday, February 4, 2022 9:48 AM  
To: Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
Subject: How dare you

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear town council, Windsor Ca,

I didn't capitalize town council cause you don't even deserve to be called anything like a council. That would infer that you actually are to be respected.

Correct me if I'm wrong but you've already approved this casino by the Koi tribe? A \$600 million behemoth, similar or exactly like the one that has ruined Rohnert Park already. If you tried to do this in Healdsburg they run you out of town. But here in Windsor because you think of us as less educated, less hip, less cool small town vibe. And we have a mayor who is "build at all costs" greedy sycophant. You think we won't notice that you're building a \$600 million behemoth it will be drugs alcohol prostitution and all sorts of other things to our small town? You don't give a damn about the people of Windsor at all. But you will find out that we are a force to be reckoned with us women.

I hope I've made myself super clear. But let me lay it out for you. There's about 400 of us women who've gotten together and we will protest. We will stand outside and we will scream about it. We will yell, we will protest in our own way with the protection that the first amendment gives us; (which you probably don't even believe in any way anymore). It is going to be very difficult for you to get through the moms that don't want this casino at all, on any level, and anywhere near our children.

So I am starting a coalition with other moms right now. We have about 400 women and families. We ARE A FORCE to be reckoned. This casino must not go through. The next step up is we have the governor's office. We will fight this with all we have.

Abbie and Paul Williams [REDACTED]

Abbie [REDACTED]  
[REDACTED]



**From:** [Al Storms](#)  
**To:** [Town Council](#)  
**Subject:** No casino  
**Date:** Monday, February 14, 2022 6:10:42 PM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

A casino will bring nothing good to the community but more traffic crime and violence. I vote no. If this happens i will sell and move shortly after its done

**From:** David C. Brayton <david.brayton@gmail.com>  
**Sent:** Sunday, April 17, 2022 6:45:36 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** No Casino on Shiloh Road

Hello!

I am writing to encourage you to approve the resolution in opposition to the location of the Casino Resort on Shiloh.

The Casino does not belong anywhere in Windsor, let alone on Shiloh Road. Windsor is a bedroom community and Shiloh Road is simply the wrong place for it.

First, it is aesthetically awful. This is wine country, where agriculture defines the community, not Las Vegas. This Shiloh Road location places a huge, gaudy facility at the entrance to our beautiful town.

Second, the location is utterly wrong because it is surrounded by residential areas. Casinos operate 24 hours a day. Fine for Vegas or the remote hillside in Alexander Valley but the residents in this area need a good place to live. This will bring huge amounts of traffic, noise and bright lights.

Third, there simply isn't the infrastructure needed to support this monstrosity. To accommodate all the traffic, ORH and Shiloh will need to be five lanes. There simply isn't enough water left in the Russian River to support this facility.

The soul of Windsor is in the line. If this monstrosity is approved, the entire character of Windsor will be destroyed. The history of Windsor will be divided into two chapters. BC and AD--Before the Casino and After Development.

Don't let this happen. Vote to approve the resolution in opposition to the casino.

See you on Wednesday evening.

David Brayton

**From:** Carrie Marvin <caretoride@yahoo.com>  
**Sent:** Saturday, April 16, 2022 7:08:43 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Wednesday's meeting

Please be aware that Carrie, Jon and Theo Marvin of The Foothills in Windsor would like the town council to vote aye in this matter. In that the Town of Windsor supports retaining the existing Sonoma County General Plan land use designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road; and that the Town Council of the Town of Windsor, support the continued use of the land for agricultural purposes; and that the Town Council of the Town of Windsor, SUPPORT the Board of Supervisors of the County of Sonoma in OPPOSING the establishment of the casino.

This land should not be used for a casino. And furthermore we have great concern about water and fire. Please honor Windsor neighbors concerns about this parcel of land. No casinos in neighborhoods.

Thank you.

Carrie, Jon and Theo Marvin



windsor

Sent from my iPhone

**From:** Janice Sexton <janicesexton46@gmail.com>  
**Sent:** Saturday, April 16, 2022 7:32:41 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Proposed Casino at 222 E. Shiloh Rd.

To all members of the Town Council:

I strongly urge your adoption of the proposed Resolution opposing the Koi casino project, and I hope you will follow the lead of the Sonoma County Board of Supervisors in this matter.

Janice Sexton

[REDACTED]

Windsor, CA 95492

**From:** cd4ques@aim.com <cd4ques@aol.com>

**Sent:** Saturday, April 16, 2022 11:16:52 PM

**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>

**Subject:** We are against the proposed Koi casino on East Shiloh Road and Old Redwood Hwy

It doesn't belong in this area and the small Band of Koi Indians have no rights here. Also, fire, water, sewer, traffic, etc. etc, are issues that make it a detriment to all of us. Please oppose it!!

Sent from the all new AOL app for iOS

**From:** Katherine Schram <schram@sonic.net>  
**Sent:** Sunday, April 17, 2022 5:58:12 AM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** 222 E Shiloh Resolution

I would like to urge the Town Council to vote in favor of the Resolution to keep 222 E Shiloh Road as Intensive Agricultural Land and oppose the building of a casino.

Thank you,  
Katherine Schram



**From:** Linda McBride <linda.mcbride@icloud.com>  
**Sent:** Sunday, April 17, 2022 7:54:55 AM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Proposed casino @ 222 E. Shiloh Road

Dear Council members,

As a long-term member of this community, I wholeheartedly support this resolution as written. Please come together to take a stand against the Koi nation building this casino in a well-established residential neighborhood, across from a park where our community gathers. In addition to the negative impact of a casino, our community has lived through a full-scale evacuation due to fire and the risk of that happening again is high in either Foothill Park or Shiloh Park. Adding that many casino guests and staff to an evacuation route that was already challenged would be irresponsible.

Thank you,

Linda McBride

[REDACTED]

Windsor, CA

[REDACTED]

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**From:** Amy Hoover <amychoover@gmail.com>  
**Sent:** Sunday, April 17, 2022 1:15:14 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Resolution regarding casino

Dear Mr Mayor and Town Council Members,

I am writing on behalf of our household in the Foothills area of Windsor. We are very much against the Koi Nation's intent to build a casino with restaurants and hotel on the property at Shiloh Road.

This is a heavily trafficked area, going into and out of Windsor. The idea of yet another casino is abhorrent to us. Our county has more than our share of casinos, we do not need anything more than the agriculture that this property has been zoned for.

Your Resolution is thorough and specific. We wholeheartedly support any and all actions on your part to keep this particular project away from that area. Thank you.

Amy and Chris Hoover



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Sent from Gmail Mobile

**From:** jscoppedge@att.net <jscoppedge@att.net>

**Sent:** Sunday, April 17, 2022 3:55:10 PM

**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>

**Subject:** Proposed Casino Site Location-Residential neighborhoods are inappropriate

Hello Windsor Council Members—

Please take a few moments to review the attached pertaining to the Proposed Casino Site on Shiloh Road. Our opposition is to the location of this Casino—in the middle of a residential neighborhood.

Thank you for your commitment to the safety and well-being of your residents and neighbors.

## **Does a Casino Belong Here?**

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

**We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.**

We are particularly concerned about:

**--Potential harm and safety to families; potential loss of life**

**--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area**

**--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern**

**--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area**

**--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer**

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary  
Bureau of Indian Affairs  
Depart of the Interior  
1849 C Street, N.W. MS-4606  
Washington, D. C. 20240  
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

# Does a Casino Belong Here?



## **ESPOSTI PARK-E. Shiloh Rd.**

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



## **OAK PARK NEIGHBORHOOD-E. Shiloh Rd.**

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

## **MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.**

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



## **SHILOH RANCH REGIONAL PARK-Faught Rd.**

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas





## FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

### DOES A CASINO BELONG HERE?



#### TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

#### KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

#### WALBRIDGE FIRE-2020

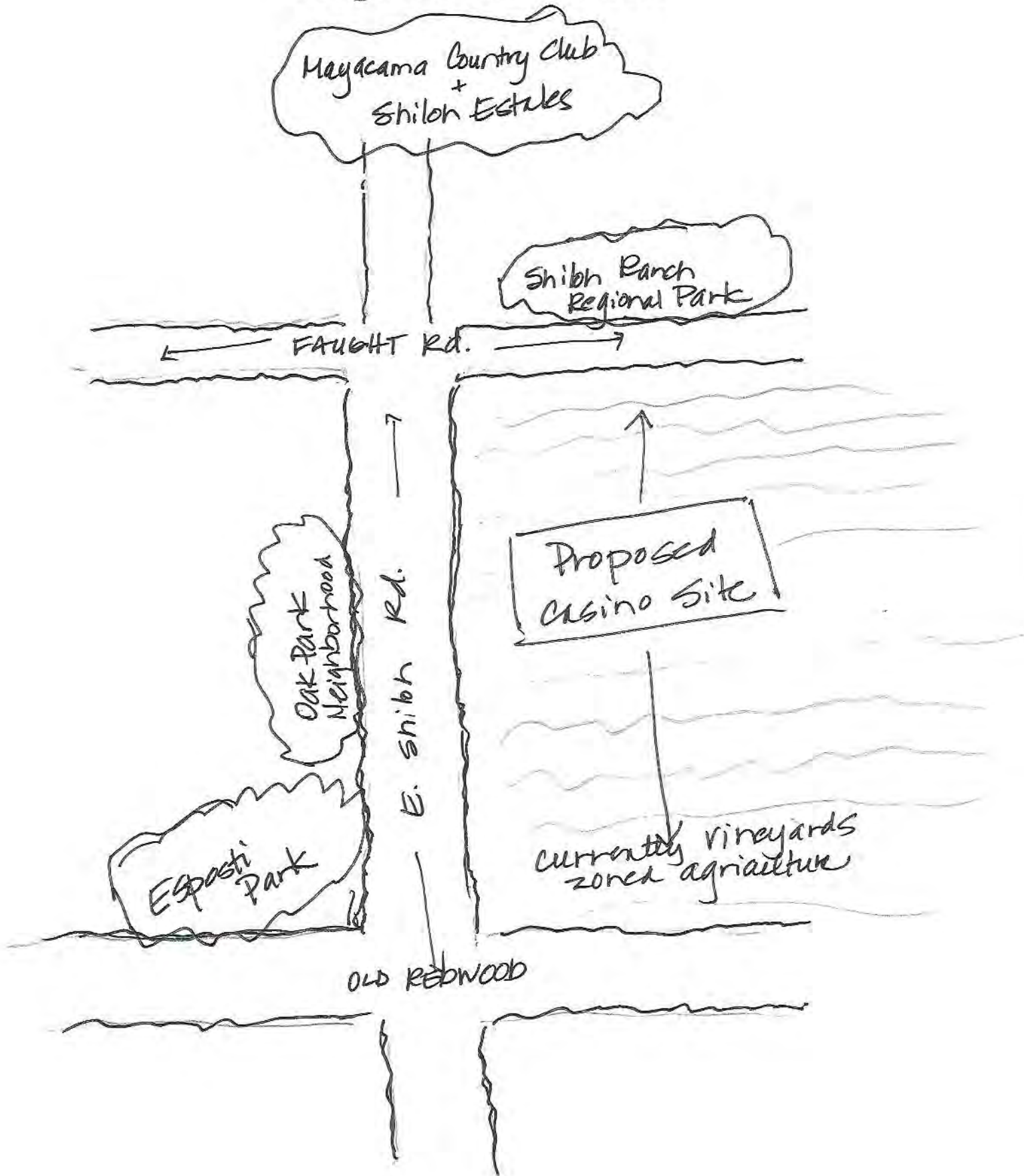
- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

#### GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas



## Proposed Casino Site



**From:** Elizabeth Acosta [REDACTED]  
**Sent:** Saturday, April 16, 2022 3:48:25 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** April 20, 2022, Town Council Agenda; item 12.4

**Please redact our email address prior to publishing on the Town's website;** please forward to Mayor Salmon, Vice Mayor Lemus, and Councilmember Reynoza all of whom currently represent District 4.

We support adoption of item 12.4; we encourage the Town Council to oppose development or uses that are inconsistent with the current land use designation of Land Intensive Agriculture on the property at 222 E. Shiloh Road. Further, we support the Town Council joining the Sonoma County Board of Supervisors in stating its opposition to establishment of a casino at the property named in the Resolution.

Thank you for considering our comments.

Stephen Rios & Elizabeth Acosta  
Windsor Residents (D-4)

**From:** Barbara Collin <barbaramaecollin@gmail.com>  
**Sent:** Monday, April 18, 2022 12:24 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Shiloh Casino

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin  
[REDACTED] Windsor, CA 95492

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Be yourself, everyone else is taken.

**From:** Tayler Hockett <hocketttayler@yahoo.com>  
**Sent:** Monday, April 18, 2022 11:09 AM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** proposed casino on Shilo rd

To whom it may concern,

I am writing to help inform and compel to make sure we do not build a casino on Shilo rd. As a counselor, I work with children and families; and encourage them regularly to get outside and exercise, often trying hiking and cycling. I generally encourage them to go to Shilo as it is often quieter, family-friendly and offers great trails and views. Now more than ever hiking, playing sports, and in general getting exercise and being outside is so important! Our kids and families need parks and outdoor activities made more accessible and friendly, not less. The rise in mental needs and increasing rates of obesity and off the charts since covid. A major deterrent to exercise is accessibility and getting to the parks. Increasing the traffic and likely hood of accidents on Shilo rd by building a casino will directly decrease the safe access and thereby use of the parks.

Secondly, as a cyclist and competitive triathlete I genuinely feel a connection to the trails at Shilo and though a casino would not remove it would greatly diminish the nature Shilo has to offer.

I completely understand it will bring in jobs and capital to the town of Windsor, and agree that is needed right now. However, it is clearly shown casinos increase rates of DUIs nearby, and Shilo rd already being a narrow road with little to no shoulder it will greatly increase possibly and in all likely hood will increase auto, cyclist, and pedestrian accidents. This is a situation where common sense needs to supersede other motivations. Clearly, a casino will increase accidents and drastically change the nature and park dynamics close by, the most concerning factor is that Aposti park is where children, families, sports teams, etc meet and play. Another casino may have its place in Sonoma County (that of course is a matter of opinion), that place is simply not by the family park where children play and a county park where we as a community can enjoy nature.

I am happy to elaborate further about why Shilo in particular is a great park to use, and have stats relating to mental and exercise, rates of accidents near casinos, and more. Please feel free to reach out with any questions.

Sincerely,

Tayler Hockett, MA

-----Original Message-----

From: Lynn Darst <backpackers\_darst@sprynet.com>

Sent: Monday, April 18, 2022 1:56 PM

To: Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>

Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst



Sent from my I-Pad

## **Does a Casino Belong Here?**

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

**We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.**

We are particularly concerned about:

**--Potential harm and safety to families; potential loss of life**

**--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area**

**--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern**

**--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area**

**--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer**

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary  
Bureau of Indian Affairs  
Depart of the Interior  
1849 C Street, N.W. MS-4606  
Washington, D. C. 20240  
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge



# Does a Casino Belong Here?



## **ESPOSTI PARK-E. Shiloh Rd.**

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



## **OAK PARK NEIGHBORHOOD-E. Shiloh Rd.**

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

## **MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.**

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



## **SHILOH RANCH REGIONAL PARK-Faught Rd.**

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas





## FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

### DOES A CASINO BELONG HERE?



#### TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

#### KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

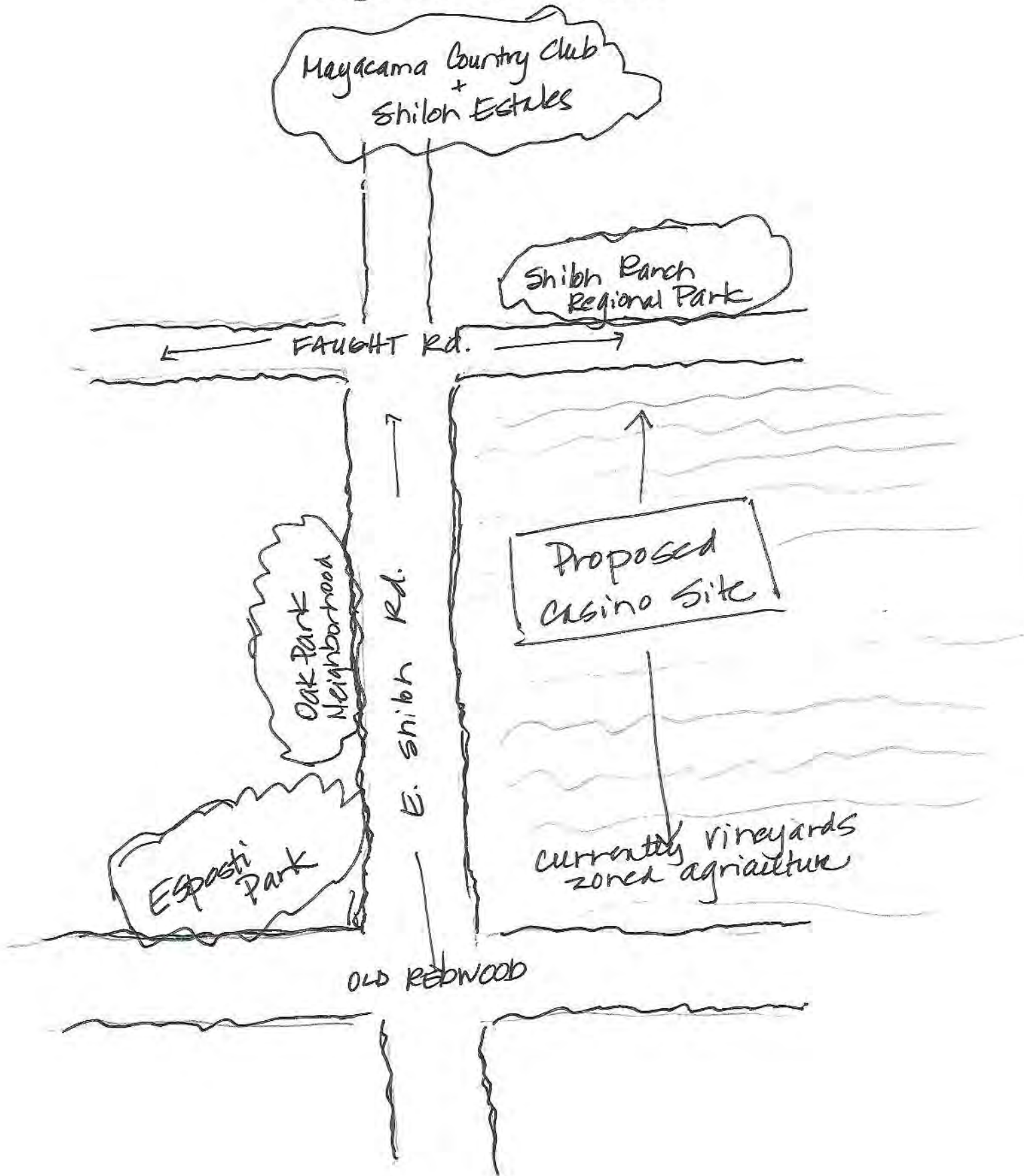
#### WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

#### GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

# Proposed Casino Site





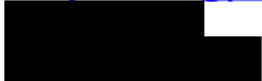
## **Irene Camacho-Werby**

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**From:** betsy mallace <betsymallace@yahoo.com>  
**Sent:** Thursday, June 30, 2022 9:39 AM  
**To:** Town Council; Mark Linder; Patrick Streeter  
**Cc:** Irene Camacho-Werby  
**Subject:** Re: Koi Nation Environmental Assessment Scoping -- Town of Windsor Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.


Please provide a copy of the town official public comments submitted to the BIA. You said this would be done 10 days ago, it was due on Monday, and you did say you would post it to the website. A search today turns up nothing. Are you hiding something??

Betsy Mallace  
[betsymallace@yahoo.com](mailto:betsymallace@yahoo.com)  


On Monday, June 27, 2022 at 05:48:05 PM PDT, betsy mallace <betsymallace@yahoo.com> wrote:

Could you please direct me to the link to the town website posting the response? The search function comes up empty.

Thanks,

Betsy Mallace  
[betsymallace@yahoo.com](mailto:betsymallace@yahoo.com)  


On Tuesday, June 21, 2022 at 04:58:30 PM PDT, Mark Linder <mlinder@townofwindsor.com> wrote:

Thank you, Betsy. We have previous Council action plus our own technical review to guide us. We have developed a response and will be sending it to the appropriate parties tomorrow. I feel our responses incorporate the community issues that have been expressed. We will post our response on the Town's website.

Mark

---

**From:** betsy mallace <betsymallace@yahoo.com>  
**Sent:** Tuesday, June 21, 2022 2:26 PM  
**To:** Town Council <TownCouncil@Townofwindsor.com>  
**Cc:** Mark Linder <mlinder@townofwindsor.com>; Irene Camacho-Werby <iwerby@townofwindsor.com>  
**Subject:** Koi Nation Environmental Assessment Scoping -- Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

[https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP\\_EA.TEIR\\_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf](https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf)

Betsy Mallace

[betsymallace@yahoo.com](mailto:betsymallace@yahoo.com)

## Irene Camacho-Werby

---

**From:** Deanna Williamson <Deanna.Williamson@jfwmail.com>  
**Sent:** Wednesday, June 7, 2023 11:52 AM  
**To:** Town Council  
**Cc:** icarus062@yahoo.com; D Williamson  
**Subject:** No on Windsor Casino

Dear Town Council,

We are vehemently opposed to a new casino in our small, charming, family-oriented town. I have witnessed firsthand how Graton Casino absolutely destroyed Rohnert Park and Cotati (my place of residence for 20 years.) In fact, it was a major decision to leave Cotati in 2017 after years of watching both neighboring cities change for the worse. Who wants to pay Sonoma County cost of living prices while being accosted weekly by drugged out or homeless people in the local Safeway parking lot?

I feel it will bring in the same devastating external influences that Rohnert Park has experienced such as increased crime, individuals with mental health issues, drug use and miserable traffic—the very things most Windsor residents have been fortunate to escape to this point. Why would you allow this business to strip away what is so very precious about our town?

Please let me know where else we can send our concerns. I am happy to message Senator McGuire and our local legislators as well.

Sincerely,

DEANNA WILLIAMSON | Event Coordinator

o: 707.576.3832 | c: 707.331.2807  
[deanna.williamson@jfwmail.com](mailto:deanna.williamson@jfwmail.com)  
[www.JacksonFamilyWines.com](http://www.JacksonFamilyWines.com)





## **Irene Camacho-Werby**

---

**From:** Mark Linder  
**Sent:** Monday, February 28, 2022 1:32 PM  
**To:** Nina Cote; Town Council  
**Subject:** RE: Towns Council Meeting March 2nd

Good afternoon, Nina.

As the casino location is not in the Town, we are trying to coordinate community meetings with the Bureau of Indian Affairs. The BIA has authority over what will happen with this project will be conducting community meetings on the project.. We are also in communication with the County as the land is in the County. We believe a community conversation about the impacts of this project is very important. We will work with your organization, the County and the BIA to be sure these conversations happen. When we get an idea of where, when, and how the BIA will be conducting community meetings we will let know.

Thank you.

Mark Linder  
Interim Town Manager

-----Original Message-----

From: Nina Cote <nina.cote@sbcglobal.net>  
Sent: Monday, February 28, 2022 12:00 PM  
To: Town Council <TownCouncil@Townofwindsor.com>  
Cc: Nina Cote <nina.cote@sbcglobal.net>  
Subject: Towns Council Meeting March 2nd

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Respectfully, I would like to request that the Opposition to the Location of the proposed casino on 222 East Shiloh Road be added to the agenda of the next town council meeting.

Thank you! Nina

Nina Cote'  
Our Community Matters  
707-293-4919  
5828 Mathilde Drive  
Nina.cote@sbcglobal.net  
Our communitymatters2@gmail.com

**Irene Camacho-Werby**

---

**From:** Lynn Darst <backpackers\_darst@sprynet.com>  
**Sent:** Monday, April 18, 2022 1:56 PM  
**To:** Town Council  
**Subject:** Resolution to Oppose Casino Resort on E. Shiloh Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst  


Sent from my I-Pad

**Irene Camacho-Werby**

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**From:** Barbara Collin <barbaramaecollin@gmail.com>  
**Sent:** Monday, April 18, 2022 12:24 PM  
**To:** Town Council  
**Subject:** Shiloh Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin  
[REDACTED]

--

Be yourself, everyone else is taken.

**Irene Camacho-Werby**

---

**From:** Joan Chance <joanchance@comcast.net>  
**Sent:** Tuesday, April 19, 2022 7:54 PM  
**To:** Town Council  
**Subject:** Opposition of Proposed Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attn: Windsor Town Council -

It was so encouraging to see that The Sonoma County Supervisors passed a Resolution opposing the Casino Resort along Shiloh Road. As a member of Our Community Matters, I highly encourage the Windsor Town Council pass the proposed resolution.

This is not an appropriate place for a casino resort. It is not only zoned for agricultural use, but why would anybody want to build a casino resort near elementary schools, churches, regional parks and established neighborhoods? Apparently the tribe that wants to build this is not even established in this area.

With the fires that have threatened this area in the past few years, evacuation would be impossible with the estimated 23,000 to 52,000 expected guests to attend this proposed resort. Not only that, Sonoma County wants to monitor residential wells. If the casino was built, they would use more water in one day than we would use in a year. The town of Windsor has made it very clear that we are in a severe drought. This is not the appropriate site for a casino resort. It would devastate our community.

Please seriously consider following the lead of the Santa Rosa Supervisors...

Sincerely, Joan Chance

## Irene Camacho-Werby

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**From:** suzibill <suzibill@sonic.net>  
**Sent:** Tuesday, April 19, 2022 6:19 PM  
**To:** Town Council  
**Subject:** Proposed Casino Resort on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Council Members,

I have read up on the proposal to build a casino resort, the largest in Sonoma County, at the site on Shiloh Rd and Old Redwood Hwy. I am convinced that such a business would be detrimental to the park and neighborhoods nearby as well as negatively impact our ground water supply and safe evacuation when (not if) it is needed. It's the wrong enterprise for this location.

I urge you all to show solidarity, follow the lead of the Sonoma County Board of Supervisors and put forth a Resolution opposing the Casino Resort. Please do not try to hedge or waffle on this issue-it is too important. Come forth clearly and strongly with a resolution of opposition.

Sincerely,  
Suzi Malay



## Irene Camacho-Werby

---

**From:** Laurie <meanlaureen@gmail.com>  
**Sent:** Wednesday, April 20, 2022 9:03 AM  
**To:** Town Council  
**Subject:** Casino opposition

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor and Windsor Town Council,

I'd like to offer my support in the resolution as written to retain the existing Sonoma County General Plan Land Use Designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Rd.

I OPPOSE the Casino Resort.

Sincerely,

Laureen Buettner

Occidental, Ca

Sent from [Mail](#) for Windows



## Irene Camacho-Werby

---

**From:** Todd S <tlcl.sloan@gmail.com>  
**Sent:** Wednesday, April 20, 2022 9:06 AM  
**To:** Town Council  
**Subject:** Resolution regarding Casino on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings Town Council,

I am a nearby resident to the proposed Casino site in Windsor off Shiloh Rd.

Please add me the list of those who strongly oppose this development going forward.

I understand a tribe using a casino to create jobs and income for people, but I question how this development impacts the surrounding area.

Ground water usage, including sewage treatment, the impact on the roadways and nearby services and neighborhoods. It is too much, and does not fit in with the what is already in place. Are there not zoned areas for something this size in another part of Windsor, i.e. a business park?

If these are your concerns, and you don't have concrete solutions to these issues you should vote no on this project.

There is also the concern about evacuation planning in the event of a wildfire.

The Board of Supervisors was unanimous in voting against this development, I hope your votes will be the same.

Thank you,

Todd Sloan

Sent from my iPad

**Irene Camacho-Werby**

---

**From:** Nina Cote <nina.cote@sbcglobal.net>  
**Sent:** Wednesday, April 20, 2022 1:04 AM  
**To:** Town Council  
**Subject:** Resolution to Oppose Proposed Location for Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

On April 20th the Windsor Town Council will be voting on a resolution to oppose the proposed Koi casino resort at 222 E. Shiloh Road.

The proposed location is in the midst of residential neighborhoods, parks, churches, and schools. The estimated number of visitors to the casino is over 25,000 per day, which is equivalent to adding the population of Windsor into this area daily.

The location is currently vineyards that have protected this area from fire two times in the last several years. The thought of losing the fire break as well as trying to evacuate with this number of added people is frightening.

This is truly not an appropriate location for a casino resort for so many reasons.

All five of our local Sonoma County tribes unanimously oppose this as well as your Town of Windsor constituents.

Thank you for putting this resolution on your agenda and I appreciate that the Town of Windsor will be going on record in opposition.

Sincerely, Nina Cote'  
Windsor Resident

## Irene Camacho-Werby

---

**From:** carolmartin016@gmail.com  
**Sent:** Wednesday, April 20, 2022 11:55 AM  
**To:** Town Council  
**Subject:** Strongly oppose Casino project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Town Council,

I am a resident of Oak Park (next door to the proposed casino site).

I actually like going to casinos, but I strongly oppose locating a casino in a residential neighborhood.

I urge you to pass a resolution opposing the Casino Resort.

Thank you for your service to our community.

Sincerely,

Carol Martin



Windsor, CA 95492

**Irene Camacho-Werby**

---

**From:** Kathy Carey <kathy.r.carey@gmail.com>  
**Sent:** Friday, October 1, 2021 6:27 PM  
**To:** Town Council  
**Subject:** Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with creed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

## Irene Camacho-Werby

---

**From:** Jeanne Powell <jeannehpowell@yahoo.com>  
**Sent:** Tuesday, October 12, 2021 12:51 PM  
**To:** Town Council  
**Subject:** Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

[REDACTED]

Windsor, CA 95492

[jeannehpowell@yahoo.com](mailto:jeannehpowell@yahoo.com)

[REDACTED]

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

**Irene Camacho-Werby**


---

**From:** Kim@kimedwards.com  
**Sent:** Thursday, June 9, 2022 2:05 PM  
**To:** Town Council  
**Subject:** Koi Nation Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards  


Sent from my iPad



TO:

Chad Broussard @ BIA  
Tribal Affairs, Sonoma County  
Sn McGuire  
City of Windsor Town Council

From: Bob and Nancy Jenkins  
June 19, 2022

We were shocked and appalled at the prospect of a third casino in our county. We strongly oppose development of the proposed Koi Casino on East Shiloh Avenue in Santa Rosa, California for the following reasons:

**The Sonoma County Board of Supervisors voted unanimously to oppose the proposed casino.** The Board said in a statement that the Koi are a "non-Sonoma County tribe " The board said it came to the decision based on letters of **opposition from five other Sonoma County tribes: The Kashia Band of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Cloverdale Rancheria of Pomo Indians, Federated Indians of Graton Rancheria and Lytton Band of Pomo Indians.** All five federally recognized Sonoma County tribes and the County of Sonoma itself, have written letters in opposition to the Koi Nation's application to take lands into trust in Sonoma County, where they have no ancestral ties.

**Sonoma County doesn't need another casino.** The planned **casino** would sit only about 18 miles from the River Rock Casino and a mere 13 miles from the Graton Resort and Casino.

The casino will bring **traffic, pollution, crime and lowered property values** to a substantial area of northeast Sonoma County.

The surrounding neighborhoods have been evacuated multiple times each of the past four years. Those evacuations have resulted in total gridlock scenarios due to dense surrounding residential neighborhoods on East Shiloh Road and limited escape routes in the immediate area. Adding the casino users— hotel, spa, 6 restaurants and 2000 employees— would create a **death trap in a wildfire.**

This project will result in huge **water and sewer impacts.** The infrastructure which was not designed for this kind of Use. The area was designed to support residential and agricultural use, and that is how it is currently zoned.

We hope that you will deny this project and/or reconsider its location.

Sincerely,

Bob and Nancy Jenkins  
Sebastopol, CA



## Irene Camacho-Werby

---

**From:** Jeanne Powell <jeannehpowell@yahoo.com>  
**Sent:** Tuesday, October 12, 2021 12:51 PM  
**To:** Town Council  
**Subject:** Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

[REDACTED]

Windsor, CA 95492

[jeannehpowell@yahoo.com](mailto:jeannehpowell@yahoo.com)

[REDACTED]

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

## Irene Camacho-Werby

---

**From:** Beverly Hong <bevhongwalsh@gmail.com>  
**Sent:** Thursday, October 26, 2023 9:21 PM  
**To:** singer@singersf.com  
**Cc:** Town Council  
**Subject:** Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern:

The Koi Nations casino will be a heartache for many.

1. The invasion by this new casino will create problems for the neighborhoods and kids involved. There are established neighborhoods

In the proposed location. Where as both River Rock and Graton are in more rural areas.

2. The Koi Nation is not even from Sonoma County. If this is allowed what would stop tribes from trying to set up where they are not from? This does not seem right.

3. This will cause much more traffic for this area.

4. Water use. How much water will be needed. We are still trying to recover from the drought.

5. With this, there will be much more in an area that has been quite and safe.

I believe if you asked, you would find many more people will oppose this rather than be for it.

Please reconsider this project and request other land which would be much more suitable.

Sincerely,

Beverly Hong-Walsh



## Irene Camacho-Werby

---

**From:** Mary-Frances Makichen <mfmakichen@gmail.com>  
**Sent:** Tuesday, September 6, 2022 8:39 AM  
**To:** Kim Voge; Town Council  
**Subject:** Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.  
Mary-Frances Makichen

**From:** Mary-Frances Makichen <mfmakichen@gmail.com>  
**Date:** September 6, 2022 at 8:15:09 AM PDT  
**To:** Chad.broussard@bia.gov  
**Subject:** Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,  
Mary-Frances Makichen

## Irene Camacho-Werby

---

**From:** Kristine Hannigan <kristine.hannigan@gmail.com>  
**Sent:** Saturday, September 18, 2021 10:43 AM  
**To:** Town Council  
**Subject:** KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,  
Kristine Hannigan





## Irene Camacho-Werby

---

**From:** Irene Camacho-Werby  
**Sent:** Monday, September 20, 2021 9:50 AM  
**To:** Sommer Hageman  
**Subject:** FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,  
Irene

---

**From:** Kristine Hannigan <kristine.hannigan@gmail.com>  
**Sent:** Saturday, September 18, 2021 10:43 AM  
**To:** Town Council <TownCouncil@Townofwindsor.com>  
**Subject:** KOI shiloh casino

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Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

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I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,  
Kristine Hannigan



**Irene Camacho-Werby**

---

**From:** Arlene Santino <arlenesantino@yahoo.com>  
**Sent:** Sunday, September 26, 2021 1:27 PM  
**To:** Town Council  
**Subject:** Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

**Irene Camacho-Werby**

---

**From:** betsy mallace <betsymallace@yahoo.com>  
**Sent:** Thursday, September 28, 2023 5:17 PM  
**To:** Town Council; Jon Davis  
**Subject:** EA Comments, Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Thank you for all that participated last night in the BIA Zoom meeting. I presume the town will submit their comments regarding the significant impacts this project will have to Windsor. If you have not already, can you also request an additional 60 days to submit your comments? The BIA has historically agreed to additional time, and that way the town will not have to rush to get all the details compiled and submitted. I presume the town will publish and approve their letter before it is sent to the BIA. The impacts to the town of Windsor and its residents are so great, and it seems to me that the EA skipped over most of them. IE: evacuation, fire concerns, water, creek, wildlife, light pollution, noise pollution, traffic infrastructure, ect. ect, ect.

Many thanks for your attention to this ongoing matter.

Betsy Mallace  
[betsymallace@yahoo.com](mailto:betsymallace@yahoo.com)



**Irene Camacho-Werby**

---

**From:** Kathy Carey <kathy.r.carey@gmail.com>  
**Sent:** Friday, October 1, 2021 6:27 PM  
**To:** Town Council  
**Subject:** Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with creed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

## Irene Camacho-Werby

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**From:** Casino Opposition - OurCommunityMatters <ourcommunitymatters2@gmail.com>  
**Sent:** Sunday, October 9, 2022 10:13 AM  
**To:** Town Council  
**Subject:** Please Recind and Revise Proclamation  
**Attachments:** OCM Letter to Town Council regarding 10 5 22 proclamtion.docx.pdf

October 9, 2022

Windsor Town Council  
9291 Old Redwood Highway #400  
Windsor, CA 95492

Dear Honorable Members Windsor Town Council Members,

On April 5th, 2022, the Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Tribes application to build a casino resort on the southeast corner of the intersection of Shiloh Rd and Old Redwood Highway. Their resolution was, in large part, based on the fact that the Koi tribe is not an indigenous, native Sonoma County tribe. Their decision was unanimously supported by the five local indigenous Sonoma County Pomo tribes who provided documentation in support of the Proclamation. Thereafter, the city of Windsor passed a like Resolution opposing the casino project and adopting the County ordinance. The

Resolution also reflected the overwhelming opposition of the neighboring community to the casino project. On October 5th, 2022, the town of Windsor during a town council meeting issued a Proclamation declaring the month of October 2022 shall be Annual Pomo Honoring Month. The proclamation goes on to describe how it is honoring ..." Native Pomo people" ... who... "have historically occupied and/or had important relationships with lands of Sonoma County, including lands now occupied by the town of Windsor." The Proclamation goes on to mistakenly identify the Koi tribe as a local Sonoma County tribe. The inclusion of the Koi by name in this Proclamation actually harms the very tribes you are honoring, as well as the citizens of Windsor, in that it supports the Koi's claim of being an indigenous Sonoma County tribe.

Time is of the essence. The Proclamation in its current form does not reflect the town of Windsor's prior Resolution and is detrimental to efforts opposing the casino project. Please notify the Koi Tribe of the error and recall all copies of the Proclamation that have been distributed with appropriate language halting further use or publication. A new corrected Proclamation needs to be issued at your next meeting where you can publicly correct this error.

Best Regards,

Our Community Matters

P.O. Box 1421

Windsor, CA 95492

[Ourcommunitymatters2@gmail.com](mailto:Ourcommunitymatters2@gmail.com)

## Irene Camacho-Werby

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**From:** betsy mallace <betsymallace@yahoo.com>  
**Sent:** Thursday, September 28, 2023 5:17 PM  
**To:** Town Council; Jon Davis  
**Subject:** EA Comments, Koi Nation Shiloh Resort and Casino

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Hello,

Thank you for all that participated last night in the BIA Zoom meeting. I presume the town will submit their comments regarding the significant impacts this project will have to Windsor. If you have not already, can you also request an additional 60 days to submit your comments? The BIA has historically agreed to additional time, and that way the town will not have to rush to get all the details compiled and submitted. I presume the town will publish and approve their letter before it is sent to the BIA. The impacts to the town of Windsor and its residents are so great, and it seems to me that the EA skipped over most of them. IE: evacuation, fire concerns, water, creek, wildlife, light pollution, noise pollution, traffic infrastructure, ect. ect, ect.

Many thanks for your attention to this ongoing matter.

Betsy Mallace  
[betsymallace@yahoo.com](mailto:betsymallace@yahoo.com)





## Irene Camacho-Werby

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**From:** Marie Scherf <mscherf@bpm.com>  
**Sent:** Saturday, November 4, 2023 7:16 PM  
**To:** Town Council  
**Subject:** Koi Nation Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf  


### NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at [www.bpm.com](http://www.bpm.com)

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## Irene Camacho-Werby

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**From:** Patty Lundberg <p.lundberg@ymail.com>  
**Sent:** Wednesday, November 17, 2021 8:33 PM  
**To:** Kimberly Jordan  
**Cc:** Irene Camacho-Werby  
**Subject:** Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

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Correction, Shiloh Crossing.

Patty

On Nov 17, 2021, at 7:23 PM, Patty Lundberg <p.lundberg@ymail.com> wrote:

It's Shiloh Apartments and yes it's "Affordable Housing." Not great if you are selling right around the corner.

Patty

On Nov 17, 2021, at 6:44 PM, Kimberly Jordan <kjordan@townofwindsor.com> wrote:

Hi Patty,  
The Town does not have the information you are requesting. You would need to contact the developer identified for each of the projects to get the information requested.  
Best Regards, Kim J

---

**From:** Patty Lundberg <p.lundberg@ymail.com>  
**Sent:** Wednesday, November 17, 2021 3:58 PM  
**To:** Irene Camacho-Werby <iwerby@townofwindsor.com>  
**Cc:** Kimberly Jordan <kjordan@townofwindsor.com>  
**Subject:** Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for this.

- 1.) Do you know the names of the business that will be operating under the apartments on Shiloh?
- 2.) Are any of these Section 8 or for the homeless? Do you know what will this be called?
- 3.) Which types of homes and price points for Overlook division on Mitchell and Windsor River Road.

I am turning 60 in January and want to put my house on the market in Spring. I doubt these will bring home prices up in Windsor : ( Distressing news.

Patty  
Birdie Drive

On Nov 17, 2021, at 2:16 PM, Irene Camacho-Werby  
<[iwerby@townofwindsor.com](mailto:iwerby@townofwindsor.com)> wrote:

Hello Patty,

With regards to the inquiry regarding the proposed casino, the property the Koi Nation is proposing to develop a casino on is not within the Town's jurisdiction. There are federal and state approvals that must be secured by the Tribe before construction can proceed. At this time, we do not have a sense of the timing for federal and state review or for construction of the casino should the Tribe receive those approvals.

Sincerely,  
Irene

Town Clerk | Town of Windsor  
Office (707) 838-5315  
[iwerby@townofwindsor.com](mailto:iwerby@townofwindsor.com)  
Office Hours: Mon. – Thurs. 7:00 am to 6:00 pm

-----Original Message-----

From: Kimberly Jordan <[kjordan@townofwindsor.com](mailto:kjordan@townofwindsor.com)>  
Sent: Wednesday, November 17, 2021 1:19 PM  
To: Patty Lundberg <[p.lundberg@ymail.com](mailto:p.lundberg@ymail.com)>  
Cc: Irene Camacho-Werby <[iwerby@townofwindsor.com](mailto:iwerby@townofwindsor.com)>  
Subject: RE: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

Good afternoon Patty,

Thank you for contacting the Town regarding the developments below. Attached is the Town's current Major Project List. The project at Mitchell Lane and Windsor Road is the Overlook project. The projects on Shiloh Road and Golf Course Drive are Shiloh Mixed-Use and Shiloh Apartments. Information regarding these projects can be found in the attached list, including the project planner who can answer any questions you may have regarding the individual developments.

I have copied the Town Clerk on this email, since I think questions regarding the possible development of a casino are being answered by the Town Manager's office, but am not sure.

Best Regards, Kim J

Kimberly Jordan | Planner III  
Town of Windsor | 9291 Old Redwood Highway Bldg. 400 | Windsor, CA 95492  
707-838-1000 Main via Text or Phone | 707-838-5331 Direct | 707 838-

Due to Public Health Orders, I am working remotely outside of Town offices to avoid person-to-person contact and help prevent the spread of the coronavirus. I am checking my email and voice messages regularly during my work hours, 7:00 a.m. to 6:00 p.m., Monday through Thursday, and will return all messages within one business day.

Your patience and understanding as we work together to keep our community safe is appreciated. Please visit [www.townofwindsor.com](http://www.townofwindsor.com) for more information.

-----Original Message-----

From: Patty Lundberg <[p.lundberg@ymail.com](mailto:p.lundberg@ymail.com)>  
Sent: Wednesday, November 17, 2021 12:38 PM  
To: Kimberly Jordan <[kjordan@townofwindsor.com](mailto:kjordan@townofwindsor.com)>  
Subject: New construction in Windsor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

I live on Birdie Drive in Windsor. Could you please tell me what is being built on the 3 parcels below and estimate completion dates for each.

1.) North side of Shiloh Road at Golf Course Drive (both East AND West of of Golf Course.

2.) Mitchell Lane and Windsor Road

I also read about the casino coming to 222 E Shiloh Road. Do you know when that will be built and it's estimated completion date.

Are there any other approved construction going on in Windsor?

I couldn't find this information on the Town of Windsor site.

Thank you

Patty

## Irene Camacho-Werby

---

**From:** Lisa Shatnawi <lisashatnawi@gmail.com>  
**Sent:** Sunday, August 28, 2022 4:55 PM  
**To:** Town Council  
**Subject:** Asphalt plant/ casinos etc

Hi town council,

First of all thank you for all that you do for our town!  
I just want to weigh in on the casino and asphalt plant possibilities.  
No to both! Let's keep our little town small and a sanctuary for us residents!  
Please no smelly asphalt plant and no casino!

Sent from my iPhone

Blessings to you and yours,

Lisa Shatnawi  
lisashatnawi@gmail.com

**Irene Camacho-Werby**

---

**From:** walterbrusz@comcast.net  
**Sent:** Wednesday, April 20, 2022 12:00 PM  
**To:** Town Council  
**Subject:** Attached public comment on Casino Resolution  
**Attachments:** Windsor Town Council comment 042022.docx

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Please find attached my public comment.  
Walter Bruszewski



## Irene Camacho-Werby

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**From:** Mary-Frances Makichen <mfmakichen@gmail.com>  
**Sent:** Tuesday, September 6, 2022 8:39 AM  
**To:** Kim Voge; Town Council  
**Subject:** Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.  
Mary-Frances Makichen

**From:** Mary-Frances Makichen <mfmakichen@gmail.com>  
**Date:** September 6, 2022 at 8:15:09 AM PDT  
**To:** Chad.broussard@bia.gov  
**Subject:** Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,  
Mary-Frances Makichen

**Irene Camacho-Werby**

---

**From:** Arlene Santino <arlenesantino@yahoo.com>  
**Sent:** Sunday, September 26, 2021 1:27 PM  
**To:** Town Council  
**Subject:** Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

**WALTER BRUSZEWSKI**

Windsor CA 95492 USA

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April 20, 2022

The Windsor Town Council

My wife and I have lived in the Oak Park development in Windsor since 1998. Our back yard is directly adjacent to East Shiloh Rd. We can see the vineyard and oak trees from our kitchen and bedroom windows. We walk our dog in Esposti Park daily and hike in the Shiloh Ranch Regional Park about twice a week. We evacuated for both the Tubbs and the Kincaide fires. We are both retired and have hoped that we could live out our days where we are. If the proposed Koi Nation casino is developed on the parcel just behind our backyard, we will need to leave this neighborhood. Living next to 68 acres of parking lot, casinos and a 400-unit hotel is a miserable alternative which we will not entertain. We didn't come to Sonoma County for this.

I expect the Town of Windsor, on behalf of its citizens, to oppose the development using every means possible. The Koi nation has partnered with Global Gaming Solutions (GGS), a business which operates 23 casinos and is wholly owned by the Chickasaw Nation in Oklahoma. This organization, based in Oklahoma would operate the proposed casino. According to the Press Democrat, GGS "modeling shows this area is nowhere near saturation" and that "there is demand for a gambling facility of this size." We are members of Our Community Matters, a group which includes many more people than residents of Oak Park. None of us feels that a casino is needed here. In fact, we don't want it here!

We in California are facing what is essentially a permanent drought. The cause of the drought is Global Climate Change. I was trained to be an academic scientist and I continue to monitor scientific data which indicates that the Earth can tolerate no more heating. The wildfires, shortage of water, and disappearance of plant and animal species will only worsen. Everything about the casino will contribute to production of more greenhouse gasses and more drought. The casino project projects over 57,000 visitors a day. That means that the 68-acre parcel will be mostly parking lot and buildings. It is currently a vineyard with an established stream that drains the Mayacamas Mountains, a well-established riparian corridor and hundreds of old native California trees including oaks, buckeye, and laurels. This landscape consumes and stores greenhouse gasses and prevents warming. Asphalt, covered with thousands of cars adds to warming. Sonoma county, along with much of California is facing critically depleted aquifers. Aquifers are replenished when rain can be absorbed into the soil. Asphalt stops penetration and sends rainwater to the storm drains and into the sea. The water is lost.

If you visit the Graton Casino, you will get an idea of how much light and noise pollution will attend the proposed development, but the plan is for a casino twice the size of Graton. Now our neighborhood is dark at night and the soundscape is a subdued Coyote Symphony. If the project goes forward, the light pollution will be on the order of a large shopping mall.

This neighborhood has proven twice in recent times to be a high wildfire risk. As it is, a lot of people use East Shiloh as the evacuation route. Evacuation of thousands of people with their cars at the casino will endanger everyone.

I hope this letter helps clarify the threat that part of Windsor faces if casino development is not stopped.

With best regards,

Walter Bruszewski

## Irene Camacho-Werby

---

**From:** Kristine Hannigan <kristine.hannigan@gmail.com>  
**Sent:** Saturday, September 18, 2021 10:43 AM  
**To:** Town Council  
**Subject:** KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,  
Kristine Hannigan  
[REDACTED]  
Windsor, Ca

## Irene Camacho-Werby

---

**From:** Irene Camacho-Werby  
**Sent:** Monday, September 20, 2021 9:50 AM  
**To:** Sommer Hageman  
**Subject:** FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,  
Irene

---

**From:** Kristine Hannigan <kristine.hannigan@gmail.com>  
**Sent:** Saturday, September 18, 2021 10:43 AM  
**To:** Town Council <TownCouncil@Townofwindsor.com>  
**Subject:** KOI shiloh casino

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Sam and town council,


I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

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This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,  
Kristine Hannigan  
  
Windsor, Ca

**Irene Camacho-Werby**

---

**From:** Kim@kimedwards.com  
**Sent:** Thursday, June 9, 2022 2:05 PM  
**To:** Town Council  
**Subject:** Koi Nation Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards

[REDACTED]

95403

Sent from my iPad



## Irene Camacho-Werby

---

**From:** betsy mallace <betsymallace@yahoo.com>  
**Sent:** Tuesday, June 21, 2022 2:26 PM  
**To:** Town Council  
**Cc:** Mark Linder; Irene Camacho-Werby  
**Subject:** Koi Nation Environmental Assessment Scoping -- Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

[https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP\\_EA.TEIR\\_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf](https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf)

Betsy Mallace  
[betsymallace@yahoo.com](mailto:betsymallace@yahoo.com)

## Irene Camacho-Werby


---

**From:** Marie Scherf <mscherf@bpm.com>  
**Sent:** Saturday, November 4, 2023 7:16 PM  
**To:** Town Council  
**Subject:** Koi Nation Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf  


### NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at [www.bpm.com](http://www.bpm.com)

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**Irene Camacho-Werby**

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**From:** Kathy Carey <kathy.r.carey@gmail.com>  
**Sent:** Friday, October 1, 2021 6:27 PM  
**To:** Town Council  
**Subject:** Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with creed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Our Community Matters  
An Association of Neighbors in Sonoma County, CA

5828 Matilde Drive  
Windsor, California 95492

Telephone: (707) 293-4919  
Email: [ourcommunitymatters2@gmail.com](mailto:ourcommunitymatters2@gmail.com)

October 30, 2021

*Via U.S. Mail and Email*

*Email Address: [IndianGaming@bia.gov](mailto:IndianGaming@bia.gov)*

Paula Hart, Director  
Office of Indian Gaming  
U.S. Department of the Interior  
1849 C Street, N.W.  
**MS-3543-MIB**  
Washington, D.C. 20240

Re: Request for Restored Lands Determination by Koi Nation

Dear Director Hart:

*Our Community Matters*, a neighborhood association of over 150 Sonoma County residents, submits this letter in opposition to the request for a “restored lands” determination sought by the Koi Nation of Northern California, previously called the Lower Lake Rancheria (the “Tribe”). The Tribe announced that it has recently purchased 68 acres of land in the unincorporated area of Sonoma County for the purpose of building a 1.2 million square foot casino calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center, and a spa. We understand the Tribe is seeking an exception to the prohibition of gaming on newly-acquired lands pursuant to the 1988 Indian Gaming Regulatory Act (“IGRA”).

The subject property contains several vineyards and a single grand residence, located at 222 E. Shiloh Road, Santa Rosa, California (the “Shiloh Property”). Sonoma County records reveal that a California limited liability company named Sonoma Rose LLC purchased the Shiloh Property on September 1, 2021. (See Attachment 1.) The Tribe does not currently hold ownership of the land in its own name.

The Shiloh Property directly abuts the Southeast edge of the Town of Windsor (population 27,447) and lies at the corner of two main traffic arteries, Shiloh Road and Old Redwood Highway. Many houses are directly across the street from the property along East Shiloh as well as Old Redwood Highway, including homes in the Oak Park subdivision and the Colonial Park mobile home park.

Neighbors formed *Our Community Matters* for the sole purpose of opposing the Tribe’s proposed mega-casino and resort on the Shiloh Property, as we are convinced the project would be devastating to our community, cause health and safety issues, and negatively impact the environment. Put simply, the location is inappropriate for the Tribe’s proposed mega-casino and resort project.

For purposes of the Office of Indian Gaming Management’s (“OIGM’s”) review, it is perhaps even more important that the Tribe has no historical connection to the Shiloh Property nor the surrounding community. The Tribe has simply gone shopping for a place to put a casino and, without consulting any neighbors or local government officials, has decided that our backyard is the best place for it. The location, however, is not well-chosen, and construction of the mega-casino and resort will likely have damaging consequences.

Below is a discussion of the issues and what we have discovered.

**I. The Tribe’s Request for Permission to Game on the Shiloh Property Should Be Denied Under IGRA**

**A. IGRA’s Legal and Regulatory Framework**

Indian tribes may operate casinos only on “Indian lands” that are eligible for gaming under the IGRA. To be deemed “Indian lands” per the IGRA (25 U.S.C. § 2703), the land must be located within the limits of a tribe’s reservation, be held in trust by the United States for the benefit of the tribe or its members, or be land subject to restrictions against alienation by the United States for the benefit of the tribe or its members. Additionally,

the tribe must have jurisdiction and exercise governmental powers over the gaming site. If the land is not “Indian lands” and fails to meet these other requirements, then it is subject to state gambling laws.<sup>1</sup>

Importantly, the IGRA (25 U.S.C. § 2719 (“Section 2719”)) contains a general prohibition against gaming on lands acquired into trust after October 17, 1988. Tribes may game on such after-acquired trust land only if the land meets one of the two exceptions listed in Section 2719:

1. If the Secretary, “after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination” (25 U.S.C. § 2719(b)(1)(A)); and
2. The lands are “taken into trust as part of— (i) a settlement of a land claim, (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or the restoration of lands for an Indian tribe that is restored to Federal recognition.” (25 U.S.C. § 2719(b)(1)(B)(iii).)

*Our Community Matters* understands the Tribe is not seeking to utilize the first of these exceptions to obtain permission to build a casino on its newly-acquired land per 25 U.S.C. § 2719(b)(1)(A), as doing so would require it to consult with State and local officials and other nearby tribes. Rather than reaching out to these community groups and officials to gain support for its mega-casino project, the Tribe simply announced it via the press, to the surprise of Federal, State, and local officials.<sup>2</sup> The Tribe is seeking to circumvent this collaborative process most likely due to the fact that it has used it in the past to no avail: we understand the Tribe’s previous requests to build casinos in Vallejo and Oakland were soundly rejected.

The Tribe is thus currently invoking the second exception, seeking to be deemed a “restored tribe” and for its purchase of the Shiloh Property to be considered a “restoration of lands” under Section 2719(b)(1)(B)(iii). While a District Court has determined the Tribe is a “restored tribe” under IGRA,<sup>3</sup> the Tribe’s request for the Shiloh Property to be deemed a “restoration of lands” should be rejected.

Because the IGRA does not define the term “restoration of lands,” and the language is susceptible to multiple meanings, it is subject to interpretation by the Department of Interior (“DOI”) through regulation.<sup>4</sup> The DOI has adopted regulations to interpret the exception, as well as “[w]hat must be demonstrated to meet the ‘restored lands’ exception” found at 25 U.S.C. § 2719(b)(1)(B)(iii). (25 C.F.R. § 292.7; Gaming on Trust Lands Acquired After October 17, 1988, 73 Fed. Reg. 29,354 (May 20, 2008) (“Part 292”).)

<sup>1</sup> See National Indian Gaming Commission: Definitions Under the Indian Gaming Regulatory Act, 57 Fed. Reg. 12382, 12388 (1992).

<sup>2</sup> See <https://www.pressdemocrat.com/article/north-bay/koi-indian-tribe-unveils-plans-for-600-million-casino-resort-in-sonoma-cou/>.

<sup>3</sup> See *Koi Nation of N. California v. United States Dep't of Interior*, 361 F. Supp. 3d 14 (D.D.C. 2019), *amended sub nom. Koi Nation of N. California v. United States Dep't of the Interior*, No. CV 17-1718 (BAH), 2019 WL 11555042 (D.D.C. July 15, 2019), and *appeal dismissed sub nom. Koi Nation of N. California v. United States Dep't of the Interior*, No. 19-5069, 2019 WL 5394631 (D.C. Cir. Oct. 3, 2019). While there may be other challenges to the Tribe’s status as a “restored tribe” under IGRA not addressed in that decision, *Our Community Matters* expresses no opinion on that issue.

<sup>4</sup> See, e.g., *Grand Traverse Band of Ottawa and Chippewa Indians v. U.S. Attorney for W. Dist. of Mich.*, 198 F. Supp. 2d 920, 928 (W.D. Mich. 2002), *aff'd* 369 F.3d 960 (6th Cir. 2004); *Oregon v. Norton*, 271 F. Supp. 2d 1270, 1277 (D. Or. 2003).

Pursuant to Part 292, to show that lands qualify as “restored,” a tribe must establish:

- (a) a modern connection to the lands;
- (b) a significant historical connection to the lands; and
- (c) a temporal connection between the date of acquisition and the tribe’s restoration.

(25 C.F.R. § 292.12 (“Section 292.12”).)

To demonstrate a “significant historical connection” under Part 292, a tribe can either (a) show that “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty”; or (b) “demonstrate by historical documentation the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” (25 C.F.R. § 292.2.) As the DOI explained in the preamble to Part 292, the word “significant” was used because it “reinforces the notion that the connection must be something more than ‘any’ connection.” (73 Fed. Reg. at 29,366.)

Further, the structure of Section 292.12 indicates that the connection demonstrated must be to the newly-acquired land itself, not simply its surrounding area. As explained in the preamble to the final rule promulgating Part 292, what is required is “something more than evidence that a tribe merely passed through a particular area.” (73 Fed. Reg. at 29,366.)

## **B. The Shiloh Property is Not the Tribe’s “Restored” Lands**

The Tribe’s request for the Shiloh Property to be deemed its “restored” lands does not meet Section 292.12’s second requirement, that the Tribe have a “significant historical connection” to that land, for two reasons.

First, the Shiloh Property is not located within the boundaries of the Tribe’s last reservation under a ratified or unratified treaty. (See 25 C.F.R. § 292.2.) The Tribe’s last reservation was purchased by Congress in 1916: a 140-acre parcel in Lake County between the towns of Lower Lake and Clear Lake Heights known as Purvis Flat. Purvis Flat is approximately 49 miles from the Shiloh Property; the Shiloh Property simply does not fall within the reservation’s boundaries. Further, on its website, the Tribe verifies that after the government sold Purvis Flat to Lake County for a municipal airport, the Tribe became landless.<sup>5</sup> Accordingly, the Tribe cannot reasonably claim the Shiloh Property is located within the boundaries of the Tribe’s last reservation.

Second, research has revealed no evidence to demonstrate the existence of the Tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the Shiloh Property. (See 25 C.F.R. § 292.2.) In fact, the Tribe’s ancestral home was on an island in Clear Lake in Lake County, approximately 55 miles North of the Shiloh Property.<sup>6</sup> The distance between the Shiloh Property and the Tribe’s ancestral lands is just too great to demonstrate a “significant historical connection” between the two. In addition, the Tribe’s lack of historical connection to the Shiloh Property area was also recently verified in a Cultural Resources Study focusing on property at the corner of Shiloh Road and Old Redwood Highway, presented to the Town of Windsor’s Planning Commission regarding a proposed residential project at that corner.<sup>7</sup> While nine tribes were listed as possibly having a historical connection to the area, none of them were the Koi Tribe.

While the Tribe will likely argue that some of its members have resided in Sonoma County over the past hundred years or so, such a factor is insufficient to demonstrate a “significant historical connection” to the Shiloh Property. Indeed, while a tribe’s activities in the vicinity of a property may be used to reasonably infer a

<sup>5</sup> See <https://www.koinationsonoma.com/history/>.

<sup>6</sup> See <https://www.koinationsonoma.com/history/>.

<sup>7</sup> See [https://windsor-ca.granicus.com/MetaViewer.php?view\\_id=2&clip\\_id=1308&meta\\_id=81164](https://windsor-ca.granicus.com/MetaViewer.php?view_id=2&clip_id=1308&meta_id=81164), at pages 10, *et seq.*, and Attachment A.



tribe used the subject property for subsistence use, no such inference can be made by showing tribal members lived within a 10-20 mile radius of the property in modern times. Section 292.12 requires the Tribe to show a connection to the newly-acquired land *itself*, not just the surrounding area, as it provides that “[t]o establish a connection to the newly acquired lands [for the purposes of the restored lands exception] . . . [t]he tribe must demonstrate a significant historical connection *to the land*.” (emphasis added). Research has revealed no evidence the Tribe or its members have had any connection to the Shiloh Property *itself*, and such a connection is highly unlikely due to the fact the property has been in private hands.

Moreover, the DOI’s past “restored lands” decisions also demonstrate the Shiloh Property should not be declared a “restoration of lands” for the Tribe. For example, on February 7, 2019, the DOI denied a request by another Lake County Indian tribe, the Scotts Valley Band of Pomo Indians (“Scotts Valley”), for a “restored lands” determination for its newly-acquired parcel in the City of Vallejo, California.<sup>8</sup> In fact, Scotts Valley had a stronger case than the Tribe for a restored lands determination, as it claimed its ancestors collected provisions near the subject land, and that a tribal chief traveled in the region throughout his life, may have been baptized 17 miles from the land, and worked as a ranch hand and migrant laborer in the area of the land. Despite these ties, the DOI determined that Scotts Valley had failed to show a “significant historical connection” to the subject land because the intermittent presence of the Tribe’s ancestors did not indicate a broader presence to the area as a whole, and there was no evidence of ancestral use of the subject land itself. Scotts Valley has sought to overturn that decision via judicial review, and the DOI’s motion papers filed in the case on October 1, 2021, demonstrate its commitment to enforcing current DOI regulations and policies on those issues.<sup>9</sup>

Moreover, the Federated Indians of Graton Rancheria has gone on record opposing the Tribe’s request for a “restored lands” determination for the Shiloh Property. Specifically, Chairman Greg Sarris stated in an article he authored: “This is an egregious attempt at reservation shopping outside the Koi Nation’s traditional territory and within the territory of other federally recognized tribes.”<sup>10</sup> *Our Community Matters* believes this is the heart of the issue, and that the Tribe’s request for the Shiloh Property to be deemed its “restored” lands should be denied.

## II. The Shiloh Property is an Inappropriate Location for a Casino and Resort

While not expressly part of the “restored lands” analysis, *Our Community Matters* believes it is also important to consider how inappropriate the Shiloh Property is for the location of a mega-casino and resort, as follows.

### A. Proximity to Residences, Parks, and Elementary Schools

As shown on an aerial view of the Shiloh Property (see Attachment 2), it is located across the street from two housing areas on the North side and a mobile home park the West side (there is also a church on the West side). Esposti Park, which is a sports park utilized heavily by Little League teams, is located directly North across the street from the Shiloh Property at the corner of E. Shiloh Road and Old Redwood Highway.

In addition, the attached photo does not show the following: (1) Shiloh Park, a Sonoma County Regional Park which allows for nature-based hiking and horseback riding, is located just 0.4 miles to the West of the Shiloh Property; (2) San Miguel Elementary School, including its surrounding residential neighborhood, is located just 1.4 miles South of the Shiloh Property; (3) Mark West Union Elementary School, including its surrounding residential neighborhood, is located just 1.9 miles from the Shiloh Property; (4) Mattie Washburn Elementary

<sup>8</sup> See <https://www.timesheraldonline.com/wp-content/uploads/2019/08/DOI-Letter-Scotts-Valley-Restored-Lands-Decision-re-Vallejo-2-7-2019-1.pdf>

<sup>9</sup> See *Scotts Valley Band of Pomo Indians v. U.S. Dept. of the Interior*, U.S. Dist. Ct., District of Columbia, Case No. 1:19-CV-01544-ABJ, Memorandum in Support of Federal Defendants’ Cross Motion for Summary Judgment and in Opposition to Plaintiff’s Motion for Summary Judgment, Dkt. No. 55, Filed October 1, 2021.

<sup>10</sup> See <https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/>.

School, including its surrounding residential neighborhood, is located just 2.1 miles away from the Shiloh Property; and (5) both Shiloh Road and Old Redwood Highway are major travel arteries for the community.

There is simply insufficient space between the Tribe's proposed mega-casino/resort and these residences, parks and schools to prevent negative effects from noise pollution, light pollution, car exhaust pollution, and traffic from impacting the community. The ecological effects alone in this relatively rural and bucolic area would be substantial. Moreover, the associated negative aspects that ride along with casinos, such as theft, vandalism, drug use, trespassing, etc., would have an overwhelmingly negative impact on our small community.

Further, we are experiencing extreme drought at this time,<sup>11</sup> which is expected to be the new normal due to climate change. The Tribe's proposed mega-casino and resort would put tremendous demands on our local resources, including our water table, which we expect will cause water and other conditions to worsen.

### **B. Lack of Sufficient Wildfire Evacuation Corridors**

In the 2017 Tubbs wildfire, over 5,300 homes in Sonoma County burned to the ground. Many of those homes were located just a few minutes' drive to the South of the Shiloh Property. The wildfire came without warning in the night, and there were no emergency messages or evacuations. Since that time, local emergency services aim to provide sufficient warning of wildfires, to enable residents to evacuate with their lives, their pets, and some property.

Attachment 3 to this letter contains a map showing the number and locations of wildfires in the area since 2015 which have ravaged our landscape, both physical and emotional. *Our Community Matters* members have evacuated two to three times in the past four years due to wildfires. For example, in 2019, our members and 50,000 Sonoma County residents were ordered to evacuate to escape the Kincadee Wildfire. Evacuating residents caused traffic jams at the corner of Old Redwood Highway and Shiloh Road, which became almost impassable. Highway 101, the primary North-South artery, was at a standstill Southbound, leading away from the fire.

The Tribe's proposal to develop a mega-casino and resort on the Shiloh Property could very well have life threatening consequences for our community members, as there are simply not enough evacuation routes for us let alone the tens of thousands of people the Tribe expects to host on the property. Further, removing the vast majority of the vineyards on the Shiloh Property will increase the fire threat to our community, as vineyards have proven to be a significant fire break.

### **C. Lack of Hospitality Workers**

The Tribe has indicated it plans on hiring 1,100 employees to work the casino and resort. However, there is a shortage of hospitality workers in our area that has reached the critical stage. In fact, a local restaurant just down the street from the Shiloh Property recently announced it will have to close because it cannot find workers to staff it.<sup>12</sup>

The local newspaper, the Press Democrat, reported in a September 1, 2021, article that "[t]hroughout the country, restaurants are facing a critical shortage of workers... Locally, restaurants have even resorted to

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<sup>11</sup> See <https://www.drought.gov/states/California/county/Sonoma>.

<sup>12</sup> See <https://www.sonomamag.com/this-is-the-new-reality-popular-santa-rosa-creperie-closes-for-lack-of-staff/?gSlide=1>.

closing on certain days, because of the staffing crunch.”<sup>13</sup> The workforce shortage is due primarily to the “extremely high cost of living and a shortage of affordable, workforce housing” in our area.<sup>14</sup>

*Our Community Matters* is concerned about the Tribe’s proposed mega-casino and resort taking employees away from our local businesses, causing more of them to close and further decreasing the unique and diverse aspects of our community.

### III. Conclusion

*Our Community Matters* urges the OIGM to reject the Tribe’s request for a “restored lands” exception to the prohibition of gaming on newly-acquired lands. We believe the Shiloh Property is not the Tribe’s restored lands, and that the Tribe has no actual connection to that land from either a modern or historical perspective. Moreover, we believe that the Tribe’s proposed mega-casino and resort would be simply devastating to our community.

We appreciate your consideration of these issues. Should you have any questions, or would like further information, please let me know.

Best regards,

Nina Cote  
Steering Committee Chair  
*Our Community Matters*

cc: Robert Pittman, County Counsel, County of Sonoma – Email only: robert.pittman@sonoma-county.org  
Jose Sanchez, City Attorney, Town of Windsor – Email only: jsanchez@meyersnave.com  
Jared Huffman, U.S. Representative – Fax only: (202) 225-5163  
Michael Thompson, U.S. Representative – Fax only: (202) 225-4335  
Gavin Newsom, Governor of the State of California – Fax only: (916) 558-3160  
Darryl LaCounte, Director of the Bureau of Indian Affairs, DOI

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<sup>13</sup> See <https://www.northbaybusinessjournal.com/article/news/starks-restaurant-group-in-sonoma-county-hosts-party-and-lottery-to-coax-wo/>; see also <https://www.pressdemocrat.com/article/news/sonoma-county-restaurants-still-struggling-in-2021/>; see also <https://www.pressdemocrat.com/article/business/sonoma-county-hospitality-sector-struggles-to-find-workers-despite-high-job/>; see also <https://www.sonomanews.com/article/news/help-wanted-sonoma-valley-businesses-struggle-to-hire/>.

<sup>14</sup> See <https://www.northbaybiz.com/2021/07/19/labor-shortages-in-a-post-pandemic-world/>.

# Attachment 1

Page 1 of 3

**RECORDING REQUESTED BY:**  
Fidelity National Title Company

**When Recorded Mail Document  
and Tax Statement To:**  
SONOMA ROSE, LLC

**2021100185**

Official Records of Sonoma County  
Deva Marie Proto  
09/03/2021 09:11 AM  
FIDELITY NATIONAL TITLE | SONOMA NAPA | EFN  
DEED 3 Pgs  
Fee: \$50.00  
County Tax: \$13,530.00

Escrow Order No.: FSNX-7052000491CF

Property Address: 222 E. Shiloh Road,  
Santa Rosa, CA 95403  
APN/Parcel ID(s): 059-300-003-000

SPACE ABOVE THIS LINE FOR RECORDERS USE  
Exempt from fee per GC 27388.1(a)(2). This document is a transfer that is subject to  
Documentary Transfer Tax.

**GRANT DEED**

The undersigned grantor(s) declare(s)

☐ This transfer is exempt from the documentary transfer tax.  
☒ The documentary transfer tax is \$13,530.00 and is computed on:  
☒ the full value of the interest or property conveyed.  
☐ the full value less the liens or encumbrances remaining thereon at the time of sale.  
The property is located in ☒ an Unincorporated area.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Randall C. Clifton and Cynthia A. Clifton, Trustees of The Randall C. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

hereby GRANT(S) to SONOMA ROSE, LLC, a California limited liability company

the following described real property in the Unincorporated Area of the County of Sonoma, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PROPERTY COMMONLY KNOWN AS: 222 E. Shiloh Road, Santa Rosa, CA 95403

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

Grant Deed  
SCAD000129.doc / Updated: 04.08.20

Printed: 09/01/21 @ 10:56 AM  
CA-FT-FSNX-1800 090725-FSNX-7052000491



**GRANT DEED**  
(continued)

APN/Parcel ID(s): 059-300-003-000

Dated: September 1, 2021

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Randall C. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

BY: Randall C. Clifton  
Randall C. Clifton, Trustee

BY: Cynthia A. Clifton  
Cynthia A. Clifton, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On September 1, 2021 before me, Conrad Fernandez, Notary Public,  
(here insert name and title of the officer)

personally appeared Randall C. Clifton and Cynthia A. Clifton  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]



**EXHIBIT "A"**

Legal Description

**For APN/Parcel ID(s): 059-303-003-000**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Being a tract of land in Section 20, Township 8 North, Range 8 West, M.D.B. and M. and beginning at a iron pin which marks the 1/4 section corner between Sections 19 and 20; thence East along the Northerly line of the Southwest 1/4 of said Section 20, a distance of 40.00 chains, more or less, to the center of Section 20; thence South, along the Easterly line of said Southwest 1/4, 17.81 chains, more or less, to the Northeast corner of a tract of land conveyed by Elisha C. Mayo to Charles T. Mathisen and Cynthia E. Mathisen, his wife, by Deed dated January 28, 1905 in Book 216 of Deeds at Page 298, Sonoma County Records; thence South 76° 15' West, along the Northerly boundary of said tract of land conveyed to said Mathisen, 25.69 chains, more or less, to the center of the State Highway leading from Santa Rosa to Healdsburg; thence Northwesterly along the center of said State Highway, 26.85 chains, more or less, to the section line between Section 19 and 20; thence North along said section line, 1.62 chains, more or less, to the point of beginning.

Excepting therefrom that portion thereof conveyed to the County of Sonoma by deed recorded April 25, 1950 in Book 955 at Page 376, Sonoma County Records.

Also excepting therefrom that portion conveyed to the County of Sonoma by Deed recorded October 27, 2006 as Instrument No. 2006132956, of Official Records.



## Attachment 2

Aerial Photo of the site of the Casino and Resort proposed by the Tribe, located at 222 E. Shiloh Road, Santa Rosa, CA. The Casino and Resort project is outlined in blue; Esposti Park is outlined in green; the pink line shows the boundaries of the Town of Windsor to the North versus unincorporated Sonoma County to the South.

The proposed Casino and Resort is a 1.2 million-square-foot project calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa. It is expected to employ approximately 1,100 employees.



Photo obtained from the SoCoNews: [https://soconews.org/scn\\_windsor/news/windsor-officials-clarify-town-not-involved-with-koi-nation-casino/article\\_0e7adef2-2871-11ec-93c3-536857a5e1cf.html](https://soconews.org/scn_windsor/news/windsor-officials-clarify-town-not-involved-with-koi-nation-casino/article_0e7adef2-2871-11ec-93c3-536857a5e1cf.html) and not verified by Our Community Matters.

## Locations of Recent Wildfires (Since 2015)



**Our Community Matters**  
**P.O. Box 1421**  
**Windsor, CA 95492**

February 16, 2022

Mayor Sam Salmon  
Town of Windsor  
9291 Old Redwood Highway Bldg. 400  
Windsor, CA 95492

Dear Mayor Salmon:

Thank you for the opportunity to meet with you and Rosa Espinosa recently via Zoom. We were pleased that we were able to review our Power Point Presentation with you and to help clarify the application process through the BIA (Bureau of Indian Affairs). Upon the follow-up dialog, we were left with the impression you do not clearly understand the reasons for our strong opposition to the proposed Casino Resort. While this project is not in the town limits of Windsor, it does border our town. It is directly across the street, within 40 feet, to a Windsor residential neighborhood. Whatever happens at this location will have a direct impact on the Town of Windsor. As your constituents, we want to make the reason of our opposition 100% clear.

Our Community Matters is objecting to the **LOCATION** of the proposed Casino Resort! The top reasons include:

- Press Democrat Article 2/14/22: Drought Relief Hopes Fading  
Press Democrat Article 2/15/22: Drought Worst in 1200 Years

Documents show six or seven wells that are currently located at 222 E Shiloh are dry and have been for several years. Think about it! How much water does a 200 room hotel, six restaurants, a casino, spa and conference center need? In a recent news release the plans have now changed to a 400 room hotel. How does that impact the rest of us, particularly those on wells?

Drought worries immediately lead us to wildfire risk!

- Wildfire Risk!

We do not have to guess what will happen. We already know! We have the experience of the Tubbs fire in 2017 in which 22 people perished and the 2019 Kinkaide fire which stopped directly across the street from the proposed casino location. As you know, the original prediction was that the entire Town of Windsor was in path of the fire. The evacuation in both cases resulted in gridlock along Shiloh/Old Redwood Highway, up to and along Highway 101.

WHY would anyone invite potentially 20,000 vehicles or over 50,000 people a day to an area surrounded by residential neighborhoods to a fire prone area, where evacuation gridlock is history? It doesn't make sense. The thought of 50,000 people evacuating, along with all the residential neighborhoods that surround 222 E. Shiloh, is chilling. How many people will die?.

Mayor Salmon, this is **NOT** an opportunity to seek economic expansion at the expense of safety. This is **NOT** an opportunity to negotiate with anyone relating to this property. This is an opportunity for you to take a stand on this matter! 222 E. Shiloh is the **WRONG LOCATION** for a commercial business that draws thousands of visitors and vehicles per day.

We are strongly urging you to place this important/critical matter on the Windsor Town Agenda immediately for discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "L. R. Darst". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lynn R. Darst, Windsor Resident  
Our Community Matters

Cc: Our Community Matters Members

**From:** Lynda Williams <[misslyndalouu@gmail.com](mailto:misslyndalouu@gmail.com)>  
**Sent:** Saturday, October 14, 2023 5:56:03 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Comments on Letter RE: Koi Nation Shiloh Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

I am writing to comment on the letter on the agenda for approval this Wednesday October 18, 2023, Town Council Meeting commenting on the Environmental Assessment (EA) of the proposed Koi Tribe Vegas Style Casino Resort Hotel.

While I thank you for taking the time to comment on the EA by the deadline, the proposed letter fails to address three critical issues on this matter. The first is Fire and evacuation routes. As you are aware, all evacuation routes out of the Town of Windsor are severely stressed and gridlocked in times of evacuation. As someone who lives directly across the street from this proposed project (less than 40 feet) and who has been evacuated, this issue must be addressed comprehensively in both your letter as well as a new Environmental Impact Statement. This issue risks the lives of residents who are citizens and taxpayers in the Town of Windsor. People like me and my neighbors whom you represent. Please add language addressing this issue.

The second issue is traffic impact, which your letter addresses but fails to tie to the fire and evacuation issue. Specifically, your letter fails to address the proposed traffic light and casino entrance at East Shiloh and Gridley. Gridley is a residential street used by most of the residents of Oak Park (77 homes). Putting a signal here with a casino entrance directly across from Gridley will back up traffic into Oak Park all day and night; it will back up traffic into the Redwood Highway and East Shiloh intersection; this will cause traffic to turn up East Shiloh and speed on Faught Road past San Miguel School; and it will cause traffic to cut through Oak Park to Mathilde backing up traffic at this intersection as well. This will put the life and safety of residents, children on bikes, pets and pedestrians at risk. If intoxicated casino goers become confused when they exit, they could end up roaming the streets of our neighborhood. Additionally, adding 15,000 additional vehicles a day to this area will increase carbon emissions by 25,185,000 metric tons per year (source EPA website). This additional pollution will flow into all our homes.

The third, and most important issue, is that your letter fails to take a stand on the fact that this is the wrong location for this project, for all of the environmental reasons, let alone the fire and evacuation hazard. I would like to see the Town of Windsor take the position that this is the wrong location and recommend that the BIA take plan D, no project and the land is not granted to the Koi. The issue here is not the tribe, it is the location. I personally wish them well and hope they can find an appropriate location for their Vegas Style Casino Hotel. But for the scope of this

EA and this BIA proposal, please support and recommend option D in your letter. Residential neighborhoods are not the place for casinos.

Thank you.

Warmest Regards,

Lynda Williams

[REDACTED]

Windsor, CA 95492



**From:** Eddie Flayer <[eddie.flayer@att.net](mailto:eddie.flayer@att.net)>  
**Sent:** Saturday, October 14, 2023 6:12:47 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** I don't understand the legal jargon...

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

**I live in Santa Rosa but I love your town. Such a great job with building a downtown, and parks, green spaces. Why kill a fine rural vineyard neighborhood with ANOTHER gambling hall? Find some land close to Walmart on Shiloh near the freeway. Give it to the Indians and let the buses of hoards shop at Walmart...and smoke and play slot machines and smoke some more. Maybe they will even smoke a peace pipe since they can make lots of money to get paid back for what we did to them.**

**I would like to see the Town of Windsor oppose the location of this project and urge the BIA to support option D, not to grant the land to the Koi Tribe.**

**Thank you,  
Eddie Flayer**

**From:** Maisie McCarty <[maisiemccarty@hotmail.com](mailto:maisiemccarty@hotmail.com)>  
**Sent:** Sunday, October 15, 2023 8:14:02 AM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Koi Nation Proposal for Casino Hotel, etc

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Council Members-

We strongly urge the Town of Windsor to oppose the proposed casino just south and east of our border in its comments to the BIA. It will, if accepted into trust by the BIA become a horrific blight causing traffic, noise and light disturbance to those Town of Windsor occupants living so close to its proposed location. In addition it would cause unlimited problems for those of us forced to evacuate due to fire or other natural disasters. The proposed casino's traffic study does not even take into account the new 300 + units being built at Old Redwood Highway and Shiloh Rd which will already cause increased traffic and parking problems so near to their proposed site.

In addition the Koi Nation's ancestral lands are in Lake County, NOT Sonoma County.

Please direct your comments to the BIA in strong opposition to placing this land into trust for the Koi Nation.

Very truly yours,  
Mary M.McCarty  
L.W. Harrison



Windsor,CA  
Sent from my iPhone

**From:** Ginna Gillen <[ginnagillen@sbcglobal.net](mailto:ginnagillen@sbcglobal.net)>

**Sent:** Sunday, October 15, 2023 10:19:40 AM

**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>

**Cc:** Jim Gillen <[jimgillen@sbcglobal.net](mailto:jimgillen@sbcglobal.net)>; Suzanne Jean Calloway <[suzannecalloway@yahoo.com](mailto:suzannecalloway@yahoo.com)>; Our Community Matters <[ourcommunitymatters2@gmail.com](mailto:ourcommunitymatters2@gmail.com)>

**Subject:** Please Oppose the Koi Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

As an almost 20 year resident of Windsor, I urge the Town Council to take a stronger position in opposition to the proposed Koi casino. Having read the Environmental Assessment, I agree that as your agenda states "... the Town finds that several potentially significant adverse impacts associated with the proposed project are not identified or not adequately mitigated below the threshold of significance".

My family was evacuated during the Tubbs Fire and the Kincade Fire and encountered terrifying traffic jams on the escape routes. This situation would become total gridlock if the casino were to be built to the south of us. The only way to mitigate this potential crisis is to prevent the building of this casino.

The Town Council represents the voices of your constituents and we urge you to take a strong stand to protect the lives of the citizens of Windsor!

James and Virginia Gillen

[REDACTED]

Windsor

**From:** Mary Ann Bainbridge-Krause <[mary\\_ann\\_bainbridge\\_krause@yahoo.com](mailto:mary_ann_bainbridge_krause@yahoo.com)>

**Sent:** Sunday, October 15, 2023 5:52:33 PM

**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>

**Subject:** Item number 12.2 town agenda


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Good Morning Town Council: I'm writing concerning item # 12.2, submittal on the environmental assessment regarding Koi Nation Shiloh Road and Casino project. Even though you very carefully cover reasons why this should not proceed, you never once in your letter state you are against this development.

I'm disappointed. Your concerns are the same as the citizens of Windsor and yet you fail to back us up. Why? I would really like to know.

Very disappointed

MaryAnn Bainbridge-Krause

, a 28 year member of the Windsor community.

Sent from my iPhone

**From:** Carrie Marvin <[REDACTED]>  
**Sent:** Sunday, October 15, 2023 5:46:10 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** EA letter for KOI Casino

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Please make sure in the letter from the Town Council, to include how incredibly dangerous it would be for them to build a large casino and hotel and parking for thousands of cars when we have to evacuate. People living in Windsor could end up like citizens of Lahaina or the Camp Fire - being burned because there is not the ability to evacuate quickly. Both Tubbs fire (getting out of Coffey Park was difficult) and Kincaide Fire had lots of people driving for a very long time to get out (I heard stories of people in Windsor and Sebastopol) This is a very important point that needs to be stressed and to omit that is an issue.

Also, as a citizen of Windsor and of the state of CA, we have suffered for years with a long term drought. I have personally ripped out all my grass - and to think that this group can come in and use our local water for tourists and gamblers - while I shut the water off while I brush my teeth and take timed showers, seems nonsensical to me. Fire and Drought must be addressed in the letter.

Thank you.  
Carrie Marvin  
[REDACTED]

**From:** Debra <[d\\_avanche@yahoo.com](mailto:d_avanche@yahoo.com)>  
**Sent:** Sunday, October 15, 2023 5:33:33 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Koi Nation proposed project at 222 E Shiloh Rd., Santa Rosa

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Windsor Town Council members,

I am writing to request that the Windsor Town Council go on record opposing the gaming project at Old Redwood Highway and E Shiloh Rd. by the Koi Nation and Oklahoma Gaming commission.

This property is just outside the Windsor town boundaries but will heavily impact Windsor residents and businesses. This location is designated rural residential agricultural and is **BORDERED BY** Esposti sports park, the Oak Park subdivision, a church, mobile home park for seniors, residences along E Shiloh Rd., The Sonoma County Regional Park at E. Shiloh Rd and Faught Rd and is close to San Miguel Elementary and Mark West Elementary Schools. It is a travesty that a gaming operation is being floated in the middle of this beautiful community.

The Koi Nation is pursuing sovereign status of this property so gambling and 24/7 hoopla can take place. The Koi Nation is from Lake County and should be pursuing their project in that county.

Windsor will not benefit from needing more housing for low paid workers, and will be harmed by plopping a hugh operation in an area that is wildfire prone. Serious evacuation problems are obvious. We are already experiencing parking and traffic issues with the new apartment complex that is in the works.

I urge the Council to go on record strongly opposing this operation and designate the land as off limits for this type of project. Its appalling and makes no sense. We have enough casinos already in Sonoma County. There is **NOTHING** to be gained. Please help stop this.

Thank you,

Debra Avanche



Santa Rosa, Ca 95403



**From:** Chris Thuestad <[chris2esta@comcast.net](mailto:chris2esta@comcast.net)>  
**Sent:** Sunday, October 15, 2023 4:03:23 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Koi Nation Casino Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I just received an email stating that the Town of Windsor is ready to approve the EA Comment Letter to the BIA regarding the Koi Nation's proposed casino. I'm deeply concerned about the casino for many of the same reasons you've already heard. The traffic on Shiloh Road is already problematic. I have had to sit through three turns of the light to try to get past the light near Home Depot. When we had to evacuate during the Kincade fire, my husband was at Home Depot -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! The traffic study submitted by the Koi Nation also didn't take into account all the high-density construction projects that are being built along Shiloh and Old Red. Heading south on Hwy 101 is a nightmare already. We've been told the Graton casino gets 20,000 guests a day. If the Koi casino is even larger, what will that do to the street traffic in Windsor and the freeway traffic heading south?

I'm also concerned about water usage. We've been told that droughts are going to continue to be more frequent and more severe. We were headed to a real disaster until the rains finally came last rainy season. I've heard that the proposed casino will put in a 700' well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought, there could be problems with ground subsidence. Once the land is taken into trust, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns every other day, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water? Does the Town of Windsor have a plan for this?

The Koi Nation is a Lake County tribe yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes. How is it fair to the SoCo tribes to have the Koi Nation come in and cannibalize their business?

Finally, the additional traffic, crime, noise, and light pollution will ruin the property values of all Windsor residents, especially those near the casino. No one wants to live by a casino!!

I urge you to oppose the casino, support option D, and not allow the Koi Tribe to destroy the lives of so many people in Sonoma County.

Thank you,  
Chris Thuestad

**From:** BELVA MITCHELL <[mmitchellbc@aol.com](mailto:mmitchellbc@aol.com)>  
**Sent:** Sunday, October 15, 2023 11:25:30 AM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Fwd: EA Comments,Koi Nation Shiloh Resort and Casino

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Sent from my iPad

Begin forwarded message:

**From:** BELVA MITCHELL <[mmitchellbc@aol.com](mailto:mmitchellbc@aol.com)>  
**Date:** October 11, 2023 at 10:42:09 AM PDT  
**To:** [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)  
**Subject:** Re: EA Comments,Koi Nation Shiloh Resort and Casino

Sent from my iPad

On Sep 28, 2023, at 6:39 PM, BELVA MITCHELL <[mmitchellbc@aol.com](mailto:mmitchellbc@aol.com)> wrote:

I am strongly opposed to the proposed Casino due to many factors. I live within [REDACTED] of the Shiloh road entrance/ exit as proposed. This surface street infrastructure at Old Redwood highway and at 101 experience heavy traffic volumes at peak travel times. This will only worsen in coming years due to more population resulting from projects under construction now. The Casino project is indicating some improvements to address infrastructure but I can't foresee this will address the highway 101 approaches and exit ramps.

All of the concerns do not begin to reflect an emergency evacuation situation. I see no indication that noise will be addressed once operations are underway and complete. Over the last several years commercial and private vehicles with loud exhaust systems create an extremely undesirable situation that continues into late at night. There does not seem to be any effort to patrol for this situation.

There is also a great concern that safety will be compromised due to the influx of people that will be present and those looking for an opportunity to traffic drugs and sex if this project becomes a reality . Finally this is a

residential community not a commercial or business location.

**From:** Tisha Zolnowsky <[Tisha.Zolnowsky@kp.org](mailto:Tisha.Zolnowsky@kp.org)>  
**Sent:** Monday, October 16, 2023 7:22:01 AM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Windsor Town Council - Safety. - Please oppose!

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to provide comments on the proposed **Koi Nation Shiloh Resort and Casino** Project. **I can't believe this is even an option. Really, why is putting a GIANT casino in a neighborhood even an option! 50' from backyards where families, animals, and children play.**

That vineyard saved the surrounding neighborhoods by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go? I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons. **Why do us citizens continue to get pushed around by organizations that put their profit before population safety.** Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.

So sad 😞

Tisha Zolnowsky

No Casinos near homes, schools, churches,

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**From:** MEREDITH STROM <[mandmstrom@comcast.net](mailto:mandmstrom@comcast.net)>  
**Sent:** Monday, October 16, 2023 11:12 AM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Koi Tribe request to build casino on East Shiloh Road in Windsor

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I am writing with regard to your upcoming council agenda item regarding a request by the KOI Tribe to build a casino on East Shiloh Road in Windsor.

I live on [REDACTED] and this project would have an immediate and potential disastrous affect on my life. During the recent fires when I had to evacuate my home twice all roads getting out were blocked because of traffic, including Faught Rd., Old Redwood Highway and the 101 freeway. Adding the numbers of cars this project would involve would create a situation that could result in not only property losses but possibly lives, especially for seniors like myself who cannot evacuate easily. Just the increased daily traffic on these country roads will certainly complicate my life immensely.

The noise and parking are also definite concerns for me, especially weekends and evenings. Esposti Park is on the corner of Old Redwood Highway and East Shiloh Park. This is a very well used park during evenings and weekends for many youth athletic leagues with the parking lot full and overflowing onto side streets and neighborhoods. This situation will increase when the huge low income housing unit on the opposite corner is occupied which I fear does not allow enough parking for its projected occupancy. Numerous bike rides commence at this park contributing to traffic and parking issues almost daily during many months of the year.

This is not just a small neighborhood issue. Traffic on and off the freeway, noise, parking, huge increases in water and power usage will affect all Windsor residents.

I urge you to officially oppose this project and recommend the KOI Tribe be denied their request to build a casino at this site.

meredith strom

[REDACTED]

Windsor, CA

**From:** Joanne Hamilton <[jahamil@pacbell.net](mailto:jahamil@pacbell.net)>  
**Sent:** Monday, October 16, 2023 10:28 AM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Koi Casino item 12.2

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The Draft responds does a very good point by point assessment of the EA. However, IMO, I feel it could be strengthened with a strong opening that the Town is against this location for the Koi project. Also, perhaps, a strong close to the same affect.

JoAnn Hamilton

**From:** Judith Coppedge <[judithcoppedge727@gmail.com](mailto:judithcoppedge727@gmail.com)>

**Sent:** Monday, October 16, 2023 4:52 PM

**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>

**Subject:** Comment for Proposed Koi Casino Mtg 10-18-23

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Please see the attached documents for your upcoming Town Council Meeting on the Proposed Koi Nation Casino.



October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, [REDACTED] Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

## **Does a Casino Belong Here?**

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

**We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.**

We are particularly concerned about:

**--Potential harm and safety to families; potential loss of life**

**--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area**

**--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern**

**--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area**

**--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer**

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

## FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

### DOES A CASINO BELONG HERE?



#### TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

#### KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

#### WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

#### GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas



# Does a Casino Belong Here?



## **ESPOSTI PARK-E. Shiloh Rd.**

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



## **OAK PARK NEIGHBORHOOD-E. Shiloh Rd.**

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

## **MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.**

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

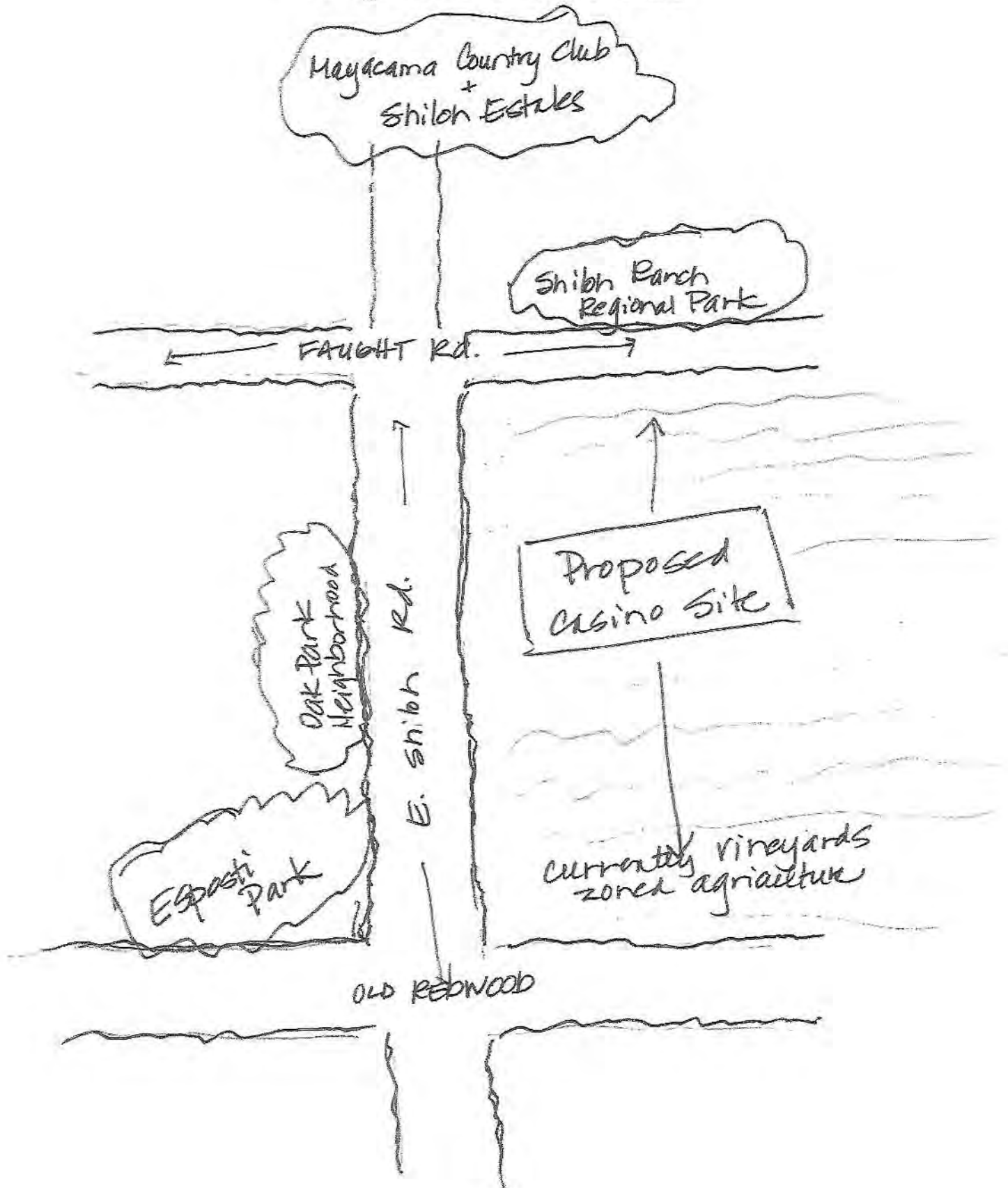


## **SHILOH RANCH REGIONAL PARK-Faught Rd.**

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



# Proposed Casino Site



**From:** C Plaxco <[cplaxco143@gmail.com](mailto:cplaxco143@gmail.com)>

**Sent:** Monday, October 16, 2023 5:06:49 PM

**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>

**Subject:** I do not want Shiloh Casino in my residential neighborhood

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### **I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

- I have lived on [REDACTED] for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on [REDACTED] I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

### **I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

Christine & Richard Plaxco

[REDACTED]



**From:** Don Ziskin <[donziskinlaw@comcast.net](mailto:donziskinlaw@comcast.net)>  
**Sent:** Tuesday, October 17, 2023 8:06 AM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Koi Casino Environmental Statement

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Dear Honorable Town of Windsor Council Members,

Thank you for the opportunity to comment on the letter from the City of Windsor to Amy Dutschke with the Bureau of Indian Affairs concerning the Environmental Statement. My (and my neighbors) chief concern is the impact the Koi Casino Resort will have during the next evacuation as well as on day-to-day life.

1. Transportation and Circulation/ Fire/Evacuation

My family and I are 31 years residents of [REDACTED], the development directly across the street from the proposed hotel/casino complex. We have been through the Tubbs and Kincaid fires and experienced gridlock during evacuations.

There is no information in the Environmental Statement referencing the results of the traffic study done over two wet, cold days in January 2022, nor was there any information concerning the basis for the estimated 11,213 to 15,579 trips a day to and from the casino. While their traffic study does acknowledge that the casino will cause a loss of services (LOS) they utilize a common phrase throughout the report. "Mitigation would reduce impacts to a less than significant level". Changing lane striping and signal phasing is not going to alleviate the LOS. There is no information in the TIS on how signal installation will impact traffic. Conclusory statements at the end of the Transportation and Circulation section simply state that "mitigation would reduce impacts". Further detailed analysis incorporating actual conditions is needed.

There is no substantive information on what their plan is or how their plan would impact the community in the event of an evacuation from fire or earthquake. The only time evacuation is mentioned is at the very end in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. Nowhere in the bullet points do they reference the single lane exit routes or the other surrounding community members trying to evacuate. There is no substantive information on what their plan is or how their plan would impact the community.

How will 5,000+ vehicles leaving the casino at one time during an emergency impact resident in Oak Park and east of the casino Shiloh entrance trying to evacuate?

How will morning and evening commutes be impacted by people traveling to and from the casino?

How will traffic signals at Gridley and Shiloh casino entrance impact traffic congestion on East Shiloh?

How will Casino and residential evacuation impact responding emergency services?

## 2. Other Casinos in Residential Communities

In response to scoping concerns over casinos in residential areas, the Environmental Statement references three casinos in California that are in residential communities; however, there are significant differences between the Yaamava, Pechanga and San Pablo casinos in the ES and the proposed Koi Casino Resort.

None have housing as close to the casino as does the Koi Casino. All have material differences in ingress and egress. None share a common entry/exit with private residences.

Pechanga is separated from homes by a four-lane parkway and a nature trail. The casino is over ¼ mile from residences. It was built on historical lands belonging to the Pechanga tribe for over 10,000 years in Temecula.

Yaamava casino, like the Pechanga Casino is built on the San Miguel Band of Indians historical land in San Bernardino. It was designed so that the casino entry way faced an unoccupied hillside on their reservation lands. The homes in the area all face the unlit, backside of the casino and are separated by open space and a service road. Driveways and roadways entering and exiting the casino are removed from any residential areas.

Like Pechanga and Yaamava, San Pablo casino does not share a common entrance with any residential community. Like Yaamava, homes around San Pablo Casino only face the backside of the casino area and residences are separated by trees and a creek. Also, the general area is mostly industrial and retail.

The Koi Casino Shiloh entrance will share a common intersection with the residents of Oak Park. Homes will be located on the corner of the intersection of Gridley and the East Shiloh entrance.

## 3. Acorn Environmental Statement

The neutrality of the report prepared by Acorn should be challenged . Their website identifies Tribal Fee to Trust Applications as one of their specialties. Acorn Environmental provides environmental studies for Native American Indian tribes. Acorn Environmental has a vested interest in minimizing environmental impact for their clients. Their ES utilizes numerous technical standards and regulations but fails to provide factual or substantive information of the impact the casino will actually have on the environment and community. The concerns raised in the scoping questions and

addressed by Acorn were determined to be insignificant after evaluation. Examples of common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.

Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

Compensating someone with money over the loss of well water is not insignificant or an adequate remedy.

Lastly, while I appreciate the City of Windsor's thorough analysis of multiple topics in the comment letter, I feel it is important that the city take a stronger position concerning the project. There is no question that this project will materially change every aspect of this community. In lieu of suggesting "an alternative project be investigated; it is important to address the four alternatives in the ES. It is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. This is not about the who, it is about the what! It will change from a residential, recreational community to a 24 hour a day commercial center.

Because the Environmental Assessment report is lacking any substantive detailed information on how the proposed casino project would impact the environment and local residents is imperative that a more detailed Environmental Impact Study be done unless Alternative D is adopted.

Thank you,

Donald Ziskin

[REDACTED]

Windsor, CA 95492

phone [REDACTED]

**From:** betsy mallace [REDACTED]  
**Sent:** Tuesday, October 17, 2023 7:16:07 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** public comments on Koi EA #12.2

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Thank you for the opportunity to give feedback on your very detailed comment letter to the BIA regarding the on the Koi Casino Project's EA.

I have found, in my personal experience, that comment letters to the BIA have to be very direct. I think most of the comments should be strengthen by specifically calling out every instance of significant adverse impact. Please consider the following suggestions to be added to the letter.

It should be stated clearly that the town only supports option D. Options A, B, and C could/would all create a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACTS** to the town of Windsor. If they move forward with Option A, B, or C then the EA (as written) is incomplete/insufficient and an EIS must be required.

For the items you have stated are "inadequate", "unrealistic", "not-approve", "not-indicated" (missing), "not demonstrated", "could potential jeopardize", need "analysis", "inaccurate", "assume", "overstates", "misleading", "does not recognize", "not addressed" you need to clearly state that the EA as written has and/or could have a **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor. They have not proven that there is **not** significant impact to the Town of Windsor.

Where you have listed "objections", you again need to clearly state that this is or could be **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor.

Where any cost, fee, fund or improvement that will and/or could be assigned to the town of Windsor, it will create a **SIGNIFICANT ADVERSE IMPACT** to the town of Windsor.

I am surprised that you barely mentioned evacuation issues, but where you have stated that evacuation times will increase you must also clearly state this is a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACT** to the town of Windsor (and the entire community). Will any Windsor zones "safe route" be impacted by the proposed project? If so, please have this added to the comment letter.

Also, removing a natural fire break and replacing it with combustibles creates an **UN-MITIGATABLE SIGNIFICANT ADVERSE IMPACT** to the town of Windsor (and the entire community).

I hope you will consider my suggestions (bolding is mine, for emphasis only). Would you please remove all my contact information on this email, before you publish it?

Many thanks for your consideration,

Betsy Mallace

**From:** sandra george <[bailey011@att.net](mailto:bailey011@att.net)>  
**Sent:** Tuesday, October 17, 2023 8:00:31 PM  
**To:** Town Council <[TownCouncil@Townofwindsor.com](mailto:TownCouncil@Townofwindsor.com)>  
**Subject:** Proposed Koi Nation Shiloh Resort and Casino

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October 17, 2023

Dear Honorable Mayor Reynoza, Vice Chair Salmon, Council members Wall, Fudge, And Potter,

We live across the street from the proposed casino, on Shiloh Road. We write to you to urge you at the extremist level. In your letter to the BIA, to OPPOSE the LOCATION of the proposed Koi Nation Shiloh Resort and Casino. To URGE the BIA to support option D, and not grant the land to the KOI Tribe.

In addition to all of your points of opposition in your letter. The proposed location is BORDERED ON 3 SIDES BY RESIDENTIAL HOUSING! In checking with our relator, we were advised that our property value would drop \$200,000 if a Casino is built on the proposed site. This would lead to loss of home values that could be in the Hundreds of millions of dollars. This would not only be a loss to each homeowner. But reduce property taxes to the Cities and County.

Every Town, City, County, and State official that spoke to the proposed site, were in opposition.

The only support is by the Carpenters Union, who are looking at a short term gain in work, while the rest of the community suffers long term losses.

Dave and Sandra George



October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, [REDACTED] Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.



## **Does a Casino Belong Here?**

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

**We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.**

We are particularly concerned about:

**--Potential harm and safety to families; potential loss of life**

**--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area**

**--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern**

**--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area**

**--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer**

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

## FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

### DOES A CASINO BELONG HERE?



#### TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

#### KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

#### WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

#### GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas



# Does a Casino Belong Here?



## **ESPOSTI PARK-E. Shiloh Rd.**

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



## **OAK PARK NEIGHBORHOOD-E. Shiloh Rd.**

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

## **MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.**

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

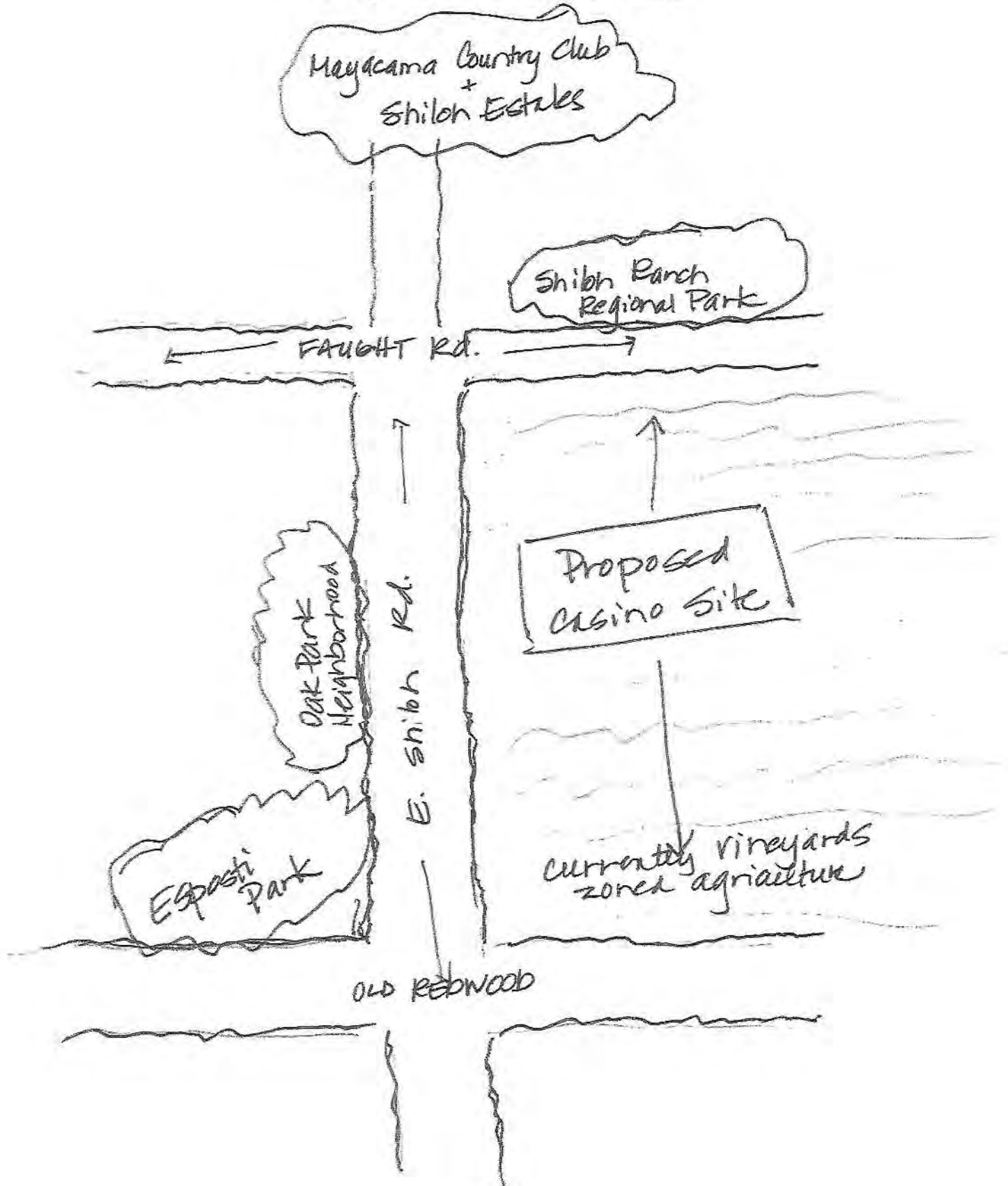


## **SHILOH RANCH REGIONAL PARK-Faught Rd.**

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



# Proposed Casino Site



**From:** Jet & Scott Engel <[jetandscott@comcast.net](mailto:jetandscott@comcast.net)>  
**Sent:** Saturday, April 6, 2024 7:49 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** [district4@sonoma-county.org](mailto:district4@sonoma-county.org) <[district4@sonoma-county.org](mailto:district4@sonoma-county.org)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard and Supervisor Gore,  
Please review attached letter.  
Thank you  
Sincerely,  
Jeannette and Scott Engel  
5392 Arnica Way  
Santa Rosa CA 95403  
**One attachment** • Scanned by Gmail

April 6, 2024

Chad Broussard  
NEPA Lead Agency:  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject:** NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Dear Mr. Broussard -

This letter contains our response to the Notice of Intent for EIS for the Shiloh Resort and Casino Project.

**Traffic Impacts/Concerns**

The Traffic Impact Study (TIS), attached to the Environmental Analysis, does not address intersections for likely routes to the proposed casino from the south. The following intersections should be analyzed to identify measures to discourage trips using these routes. The trips should be discouraged as these routes pass an elementary school, residential neighborhoods, walking and biking routes, and a popular regional park. The TIS should be revised to include the following intersections:

- A. Hwy 101 N/B offramp at Airport Blvd
- B. Hwy 101 S/B offramp at Airport Blvd
- C. Airport Blvd onramp to Hwy 101 North
- D. Airport Blvd onramp to Hwy 101 South
- E. Airport Blvd and Old Redwood Highway
- F. Airport Blvd and Faught Road
- G. Faught Road and Shiloh Road
- H. Airport Blvd and Fulton Road
- I. Fulton Road and Old Redwood Hwy

A significant number of trips will likely be made using southern approaches including:

- (1) Airport Blvd to Fulton Road to Old Redwood Hwy to Shiloh Road and
- (2) Airport Blvd to Faught Road to Shiloh Road.

These routes are not appropriate for heavy use since there is a school and they pass through residential neighborhoods. Route 2, is especially not suitable because of the narrow winding road with no shoulders and deep ditches that is popular with bicyclists and walkers. Route 2 passes Shiloh Sonoma County Regional Park. The Project includes an eastern entrance on Shiloh Road to the Project which will further entice people to use these "back" routes to the Project. In addition to trips generated from the south, those visitors arriving at the Sonoma County airport and disembarking the SMART train at the Airport station are likely to also use these back routes.

The use of routes that are not anticipated or mitigated for by similar casino projects in the area include the existing River Rock and Graton casinos. For example, River Rock's route was to be State Route 128 through Geyserville. However, many trips are taken using the Lytton route through Alexander Valley using narrow roads, unsafe intersections, working farms, and along popular bicycle routes. Another example is the Graton casino, where, despite not being marked by directional signs, trips are made from more southern Hwy 101 exits and enter through back entrances.



The back routes listed above are inappropriate so, therefore, the TIS should identify measures to discourage trips on these routes. Some potential mitigation measures, that should be evaluated for inclusion in the Project, include the following:

1. Preventing access to the Casino from Faught Road. For those traveling west on Shiloh Road from Faught Road, access to the Casino should be blocked, by a center island, striping, or other road configuration means. This would discourage trips using Faught Road.
2. Removing the easternmost Shiloh Road entrance to the Project or making it an Emergency Vehicle access entrance only with a locked gate.
3. Closing Faught Road to through traffic: Consider closing Shiloh Road at Faught Road by implementation of an emergency-access-only gate. Shiloh Regional Park visitors, Mayacamas Country Club patrons, and Shiloh Estate residents will still be able to travel on Faught Road from either the north or south. But casino employees and patrons will not be able to gain access to the Project via Faught Rd.
4. Include traffic calming measures on
  - a. Fulton between Airport Blvd and Old Redwood Hwy
  - b. Airport Blvd between Old Redwood Highway and Faught Road, and
  - c. Faught Road between Old Redwood Hwy and Carriage Lane.

For the reasons stated above, the Traffic Impact Study is inadequate which makes the Environmental Assessment inadequate. The EIS should include revisions to these documents to adequately address the impacts by the proposed casino channeling a significant number of trips through residential neighborhoods, past schools, and through popular walking and biking routes. Mitigation measures listed above and others should be evaluated and included in the EIS and Project to address these concerns.

### **Water Impacts/Concerns**

The Water and Wastewater Feasibility Study (Study) is concerning as it projects an 11-to-16-fold increase of water pumping compared to existing pumping. The Study incorrectly assures us the dramatic increase in water pumping is feasible yet the Study does not provide any data to support this claim. The Cal American Water Co. relies solely on wells and there was no evaluation or measures to safeguard negative impacts to those wells. What happens if the production capacity drops and those wells are no longer viable - will the Project proponents compensate Cal American Water Co. and its customers for efforts to secure a reliable water source? What are the options for the Project if the groundwater is not adequate and/or negatively impacts neighboring wells. Not addressing this very real possibility is unacceptable.

Page 4-2 states it is not anticipated use of deeper wells for the Project will impact the Esposti and other neighboring wells including Cal American wells. There does not appear to be any analysis supporting this conclusion.

The Study states fire flow demands could be 8,000 gpm for 4 hours or be reduced to 2,000 gpm for 4 hours. This represents a storage tank that's from between half a million gallons to two million gallons yet the site plans do not show where this tank is located. The tank would need to be either elevated or at ground level and have large fire pumps with backup generator power.

### **Wastewater Concerns**

Regarding Wastewater, have the Project proponents approached Sonoma Water or the Town of Windsor for extension of their wastewater systems to serve the Project? The development of a separate

wastewater system is more energy intensive and less reliable than adding on to an existing system. Additionally, what are the provisions for discharging treated wastewater when the storage pond's capacity is exceeded?

#### **Impacts on Shiloh Ranch Regional Park**

Shiloh Ranch Regional Park is a highly used gem of 850 acres located only about 700 feet from the proposed Project. The views from the park's hiking trails are spectacular but the Project threatens to ruin these views. Measures need to be taken by the Project to maintain a low building profile and do renderings, so the public has a more realistic understanding of the Project's impact on these views. Additionally, the wastewater ponds are at the property's border closest to the park, and the wastewater treatment plant and these ponds will have a strong odor noticeable if not overwhelming to park visitors. Mechanisms to reduce this smell should be evaluated.

#### **Light Pollution**

Light pollution, the excessive or inappropriate use of outdoor artificial light, affects human health, wildlife behavior, and ability to observe the night sky. Light is not addressed in the EIS. This is worrisome due the proposed Project's proximity to Shiloh Regional Park. The park is home to deer, rabbit, fox, coyote, bobcat, quail, hawks, and many other species of wildlife and birds. Increased unnatural light could cause disruption in the life cycle of Shiloh Park's inhabitants.

Thank you for the opportunity to comment on the Notice of Intent for the EIS.

Jeannette and Scott Engel  
5392 Arnica Way  
Santa Rosa, CA 95403

Cc: James Gore, County of Sonoma Supervisor, District 4 ([district4@sonoma-county.org](mailto:district4@sonoma-county.org))

**From:** Martin Pagan Jr. <[martinpagan2@icloud.com](mailto:martinpagan2@icloud.com)>  
**Sent:** Saturday, April 6, 2024 9:52 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, KOI Nation Fee-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I am writing to express my opposition to the proposed Koi Nation Shiloh Resort and Casino. As a resident of a Wikiup neighborhood, many environmental issues concern me. My family enjoys walking to Shiloh Regional Park from our home and hiking in the park. Both of these treasured activities would be negatively impacted. The air quality we enjoy will be adversely affected by this development. Our neighborhood children attending San Miguel School will face safety and air quality issues as well, ones not encountered by our children who grew up here in earlier years or those at the present. Increased traffic, fire safety, adequate water supply, public services, noise, and the health and well being of residents in all nearby residents can be endangered by the presence of this casino built here.

Thank you very much for your consideration of my personal and communal concerns.

A longtime grateful Wikiup homeowner,  
Michele Pagan  
5311 Marigold Lane  
Santa Rosa, CA 95403  
Email: [meesh.martin@icloud.com](mailto:meesh.martin@icloud.com)

**From:** [djensen3510@aol.com](mailto:djensen3510@aol.com) <[djensen3510@aol.com](mailto:djensen3510@aol.com)>

**Sent:** Sunday, April 7, 2024 10:45 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard: My wife (Terri) and I would be remiss if we did not submit our input with regard our adamant objections to the projected Koi Nation project. We have lived in our home (5837 Gridley Drive) for over thirty-five (35) years. We have raised our family in our home, and we intend to occupy our home for the remainder of our lives. However, should the project be allowed to move forward we would undoubtedly have to consider relocating. We could not tolerate the significant detrimental impact the project would have upon our lives. There is no doubt that the project will destroy the quiet use and enjoyment of our home and, in fact, the entire neighborhood. It is beyond our comprehension why a project of this type and magnitude would ever be considered in a family friendly and quiet residential neighborhood. In reviewing the previously submitted Environmental Assessment we disagree strongly with some of the conclusions contained therein.

The noise that would be created would, beyond any doubt, have a very significant and detrimental impact on our entire neighborhood. Although the assessment concludes in many respects that there would be no or insignificant impact, this is simply flawed. Consider the huge increase in traffic and the associated noise; the increase in the noise from buses at all hours of the day and night; the increase in the noise from emergency vehicles at all hours of the day and night; from delivery trucks and maintenance trucks. This is a project that will be operating twenty-four (24) hours a day, every day of the year! The increase in noise has no solution. There is no way to avoid or mitigate this issue.

We are aware that this issue is not new, but the assessment is, once again, flawed. This is our home and we have been blessed to have a vineyard on the border of our neighborhood. The numbers on the charts contained in the assessment are not reflective of the reality of what an impact this project would have on our everyday lives. We have no way to escape the traffic, the noise and the hazard this project will create in trying to evacuate should there be (God forbid) another major wildfire. The noise is simply one of the many other factors that will destroy our neighborhood should the project be allowed to move forward and to be completed. We will have to live with the outcome (should we not be forced to relocate) while the members of the Koi nation will be allowed to remain in Lake County where they originated and reside.

We are aware that the following issues have been raised before but we are imploring you to continue to give every consideration to our concerns:

1. Water use and the depletion of water levels;
2. Crime, including drunk driving, theft, prostitution, disorderly conduct, loitering (you can review the police reports associated with the Graton casino);
3. Increased traffic with the greater potential of accidents (including pedestrians);
4. Light pollution from the lights that will be on 24 hours per day;
5. Traffic congestion (especially in light of the recently constructed 140 unit apartment complex on the corner of Old Redwood Highway and Shiloh Road as well as the new development next to the Home Depot shopping center);
6. The increased risk of wildfires and the lack of ability to evacuate (and the liability associated with this distinct possibility;
7. Wastewater plant and significant odors associated therewith;
8. Hazardous materials and hazardous waste;
9. And the list goes on and on (impact on the use of Esposti Park by children and upon local schools and churches).

Perception is reality. Our reality is simply that this project will have a devastating and detrimental impact on our lives, no matter what is contained and concluded in the assessment. Simply put our lives will be forever and permanently impacted. As we have expressed in the past, the proposed site is no place for a project of this type and magnitude. The Koi nation appears to want the best of both worlds. While fighting for their alleged rights in Lake County (where they are established) they now want to place their footprint in Sonoma County where they have no roots and from which they did not originate.

What is needed is a full, complete and comprehensive environmental impact report that, in our opinion, will reflect that the negative and detrimental impact will significantly outweigh any potential benefits that may be derived from completing this project in an area that will be damaged forever. In closing, I would have to predict that, if the project is approved, prolonged litigation is on the horizon. Thank you for any consideration that you can give to our concerns. Terri and Don Jensen.

**From:** Jeff Barnard <[jeff@barnard.net](mailto:jeff@barnard.net)>  
**Sent:** Sunday, April 7, 2024 11:50 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, KOI Nation Fee-Trust and Casino Project

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I oppose the casino project in the Wikiup/Windsor, CA neighborhood. The 1.2 million square feet of building and parking is inappropriate for the proposed site, along with the projected 10-20 million visitors per year. The traffic impacts from an additional 28000-57000 vehicles per day are beyond what the road and intersections were designed... and alternate routes would result in hazardous conditions for nearby schools, parks, bicyclists and pedestrians. First responders would also be impacted- the additional resource demands causing reductions in safety and neighborhood security. Resource/environmental stressors would affect our water supplies, and could increase risks of wildfires. Wildlife is also affected by increased traffic, water runoff, night lighting and noise.

This neighborhood would be better served by this site remaining vineyards with a tasting room.

Jeff Barnard



**From:** David Low <[jdlow2@yahoo.com](mailto:jdlow2@yahoo.com)>

**Sent:** Sunday, April 7, 2024 11:58 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] David and Jeanne Low 5376 El Mercado Pkwy, Santa Rosa Ca. 95403 "NOI Comments, Koi Nation Fee-Trust and Casino Project"

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We want to express our concerns for the proposed Mega Casino, or any "casino" to be built near residential areas. This type of development would impact negatively our neighborhoods, school safety, and traffic congestion. The idea of gambling patrons leaving the casino at all hours of the day and night is frightening. Driving our backroads in our neighborhoods to get to the casino to avoid traffic on Old Redwood Hwy, it will intensify safety and gridlock issues like we experienced during the Tubbs and Kincaid Fires. The County Sheriff, Fire Departments, and first responders will be heavily impacted, jeopardizing our safety at an increased cost to us, the taxpayers. This new casino, if approved would increase the likelihood of losing fire insurance, all it would take is one cigarette dropped near the casino to cause evacuations, the loss of vineyards on 3 sides of the proposed casino site and with the close proximity of Shilo Park would be disastrous. The impact water usage this casino will generate, will be incalculable, my God, we're just coming off a 5 year drought.

We feel that this proposal by the Koi Nation to build this casino is not only foolish, but threatens so many things that make life desirable for us, and the future generations to come.

**From:** sandra george <[bailey011@att.net](mailto:bailey011@att.net)>

**Sent:** Sunday, April 7, 2024 12:02 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon Mr. Broussard,

We would like you to take in consideration the enclosed concerns we have regarding the above. We bought our home, which is across the street from the proposed project, as a peaceful place to retire in a quiet urban setting some time ago. I have just retired as of February 1, 2024. This dream of ours will end if the proposed land is developed. A casino has NO place being built directly in the middle of residential neighborhoods. Could you take a moment and look across the street from your residence. Envision a 5-story hotel with people looking down into your yard? Can you then envision and hear traffic 24 hours a day, 7 days a week, 365 days a year going back and forth past your house? Envision going to take a shower or flush your toilet and no water comes out because your ONLY source of water from your well has gone dry? After a long day can you imagine trying to go to sleep, but are not able because of the light coming in your windows from the huge complex across the street? Can you imagine being woke in the middle of the night, because a fast moving fire that is burning more than an acre a second, and jumping a mile or more at a time, is barreling your way and you are in the direct path? WE have lived this and had to get our children up and flee with only the clothes/pajamas on our backs, only to encounter grid lock! Try and imagine this with an additional 5,000 cars on 1 street, directly across from your house!

Lets not loose sight of WHO is actually proposing this project. The Chickasaw tribe from Oklahoma! Let's not loose sight that the Chickasaw and partner Koi tribes NEW that this was NOT A PROPER SIGHT TO BUILD A CASINO as they sneakily and underhandedly bought this property, hiding their identity and intent on building a Casino?

Lets not overlook the statements the Koi have made. They claimed various support. Some of this support, the BIA has received letters stating the facts on the proposed support NOT being true. All, of the tribes that they claim to have support of, are NOT from this area. In fact, it is our understanding that ALL of the tribes that have RIGHTFULLY lived in this area have written letters in opposition! The very few politicians they claim to have support from are, "retired".

Claims of economic benefits to Sonoma County. It looks like the Chickasaw are the ones building and owning the casino in the background. Looks like much of the money will be going to OAKLAHOMA.

In Sonoma county we have what are called urban growth boundary. This is where the borders of cities and towns are not built on to prevent urban sprawl and keep at least some of the beauty of our county. The proposed land is on the border of Santa Rosa and Windsor and it is our understanding that this is part of the urban growth boundary, which was voted on by the

residents of Sonoma County, and passed, where there is not to be any building. There had been other efforts to build on this property but were not allowed due to the boundary.

There have been many things brought up in the previous reports, and possible mitigation of impacts, One of those is the amount of ground water the proposed casino project would need. Hundreds of thousands of gallons a week. It was said that since the wells would be deep, that it would not effect shallower wells? This defies common sense! Many wells have been going dry in the recent years. Is the tribe going to pay for all fees and costs to hook up effected properties to city water if this project is approved? Will the tribe then pay for the use of city water by each property owner that currently has no water bill? Will the tribe be making compensation to those property owners who's property value declines if a casino is built? Is the tribe going to pay for property owners to relocate, along with any and all costs ? If the project is approved. their should be set work hours and days, along with stiff fines to detour the abuse of these times. I have worked in construction for the past 39 years. I have worked on projects that were in residential areas where we could not enter the sight until 8:00 am and had to be off site and locked the gated by 3:30 pm Monday thru Friday. I have seen projects that has fines of what I believe to be \$5,000 per minute of infraction.

All other Casinos in the area were built AWAY from residential developments. It is apparent that this is NOT the right location for a casino. It appears that the Koi even acknowledge this, by their deceitful purchase of the property, and apparently factually lacking claims of some of their support. The Koi/Chickasaw tribes should look for an appropriate site to have their proposed cassino considered and built. They should be forthcoming and be good neighbors with any community the seek out, prior to purchase of land.

The Koi claimed that they were wronged by having their native land, in Lake County, as apparent in their recent lawsuits over land, in Lake County. By approving development of this site would wrong ALL of the effected residences in the surrounding areas. Two wrongs do not make a right.

Please make the right decision of the No Action Alternative to the Koi/Chickasaw Casino Project

Thank you for your consideration,

David and Sandra George  
133 E Shiloh Road  
Santa Rosa, CA

**From:** Anne Gray <[annegray123@sbcglobal.net](mailto:annegray123@sbcglobal.net)>

**Sent:** Sunday, April 7, 2024 12:20 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

Attached is my Comment on the above Project. Could you please reply so I know it reached you?

Sincerely,

Anne Gray  
Santa Rosa CA

**One attachment** • Scanned by Gmail

# Anne Gray

459 Country Club Drive  
Santa Rosa, CA 95401  
[annegray123@sbcglobal.net](mailto:annegray123@sbcglobal.net)  
630.815.9277

April 7, 2024

**Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project**

To: Chad Broussard  
Bureau of Indian Affairs  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Dear Mr. Broussard:

First, could you please send me an email acknowledging receipt of this Comment?

I again ask that the Bureau reject the Koi Nation's effort to build a casino of **any size** in Sonoma County. All proposed options for **"Shiloh Resort & Casino"** at 222 E. Shiloh Road, Santa Rosa, 95403 are unacceptable. I spoke in opposition at the Zoom September 2023 Public Hearing, and sent you a follow-up letter last November.

Sources used for the following information and my understanding of the facts are listed below, and at the end of this letter. As you know, the current proposal will include:

- A 540,000 square foot casino, 400-room hotel and a 2,800-seat event center
- More than 5,000 parking spots hosting up to 57,000 visitors daily
- Two ballrooms and five restaurants
- Additional support and entertainment facilities
- Resort style expansive pool and aquatic/spa center
- Up to 400,000 gallons of water used daily

## **CLIMATE CHANGE IMPACT ON WATER TABLES & THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA)**

During the September 2003 Zoom meeting which you hosted, and in reading related resident testimonials thereafter, one common theme emerged regarding the devastating impact the proposed Shiloh Resort & Casino would have on the Santa Rosa Plains water supply. Nearby residents are already seeing their wells dry. And while California is technically no longer in a drought, we would be fools to think severe drought won't return. Moreover, **we are not "water neutral" now** - we are taking out far more than nature gives back. Ao how can we ever get there with massive growth?

Meanwhile, multi-family housing construction in Sonoma County is undergoing a significant boom, supported in part by the state's **Prohousing Designation** program. Under this aggressive housing growth program, cities "selected" for participation must achieve significant housing growth by 2031 or lose general state funding. **Santa Rosa, Windsor, Healdsburg, Rohnert Park and Petaluma** are all in this program, which I will go back to later in this Comment.

Santa Rosa alone is adding almost 4,685 new housing units by 2025 with many already completed, and well before the 2031 deadline. It's also planning for much more high-density housing development to meet county needs, and grow revenue. Developers are exempt from dealing with many infrastructure requirements to support this massive growth. **Demand for Santa Rosa Plains water will increase dramatically as a result.**



In addition to fast-track housing development, think for a moment about water usage to support up to 57,000 daily gaming visitors, a 400-room hotel, five restaurants, a large resort-style pool complex and supporting facilities. **Has the BIA taken into consideration what the impact would be of taking an additional 400,000 gallons of water from our water supply every day?**

Much of Sonoma County uses water from the Santa Rosa Plains. **The Santa Rosa Plains water system is where 222 E. Shiloh Road, Santa Rosa, 94303 gets its water from, and the Santa Rosa Plains are included in the mandated “Sustainable Groundwater Manageable Act” (SGMA).**

This act was passed in 2014 and requires that by 2042 each area of California that uses ground water – like the Santa Rosa Plains -- must enact a plan to replace the ground water that it draws out. This basically requires that communities don’t use more water than nature puts back, using metered systems to determine natural replenishment versus usage. Extensive planning is already underway to meet this state requirement.

Withdrawing an additional 400,000 daily gallons of water from the Santa Rosa Plains will make adhering to the SGMA much more difficult, especially with so much mandated new housing growth in the Santa Rosa Plains that the state is also requiring. **If we are already using more than nature puts back now, how will we become “water neutral”?**

Will the Oklahoma Chickasaw who would fund, build and manage the casino be required to comply with the SGMA? Do they have a plan to address this future requirement? Will they be required to “break even” on the amount of water used versus what nature puts back like others who draw water from the Santa Rosa Plains?

Or would they be exempt from this program? If that’s the case what happens? Do other Santa Rosa Plains water users get a daily 400,000-gallon discount reflecting the Shiloh Resort & Casino usage? Or does the rest of the community need to make up for the massive Shiloh Resort & Casino deficit, putting another strain on water consumption needs.

Moreover it would negate the important SGMA goal – sustainable water usage and environmental protection. What is the responsibility of the Oklahoma Chickasaw Nation here and the small Koi Nation tribe they appear to be using just to get the largest California resort and casino built in Sonoma County? Here is a link to the SGMA program.

<https://water.ca.gov/programs/groundwater-management/sgma-groundwater-management>

## **IMPACT ON AIR QUALITY, NOISE POLLUTION AND AIR TRAVEL VIA CHARLES SCHULZ SONOMA COUNTY AIRPORT (STS)**

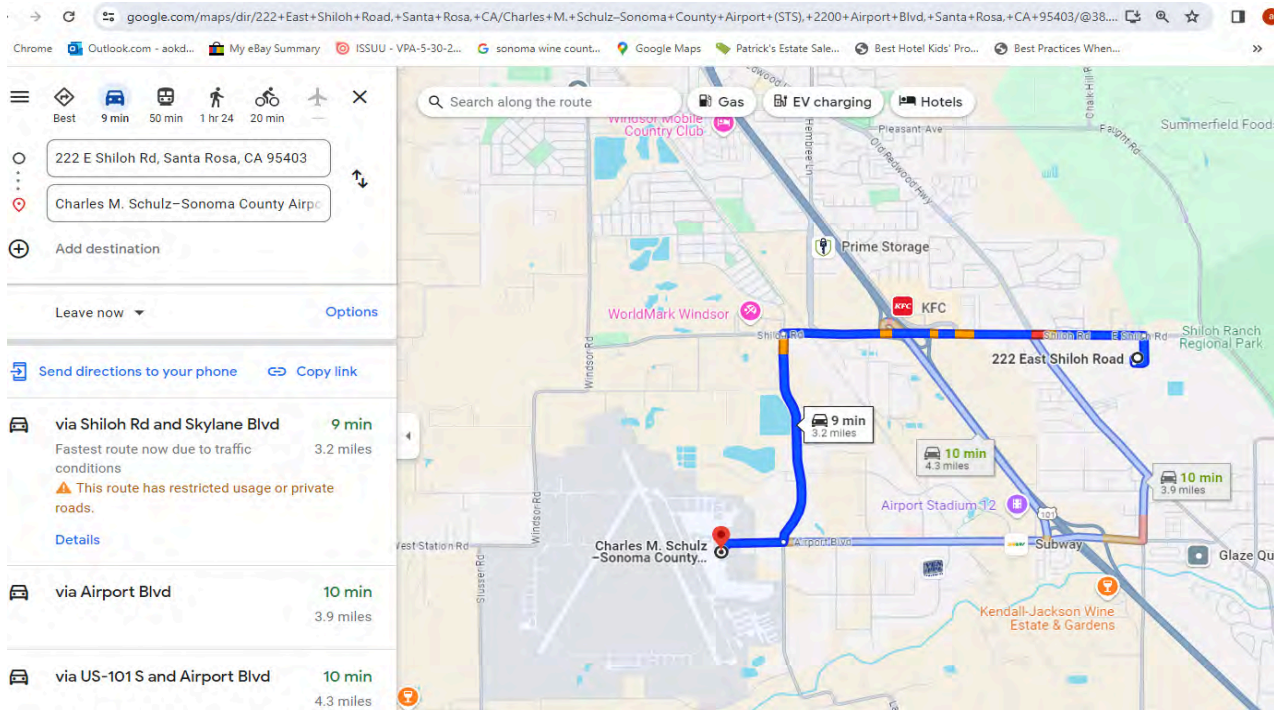
Sonoma County residents are already struggling with air quality and noise pollution caused by the growth of our STS regional airport. Demand for air travel via STS will skyrocket when up to 57,000 daily Shiloh visitors enter the mix. Air and noise pollution from low flying commercial aircraft will worsen.

Moreover, **the ability for area residents to actually use STS will decline sharply as many of those 57,000 casino visitors compete with local residents for seats on crowded planes at our small regional airport.** I use this airport regularly and value the ability to fly directly into Sonoma County versus being required to drive to San Francisco (SFO), Oakland (OAK), San Jose (SJC) or Sacramento (SMF) in order to access air travel.

The most logical alternative is SFO, which is 84 miles or about a 1.5-hour drive away from STS and inaccessible to many. While tourism is key to the Sonoma County economy, adding up to 57,000 daily visitors along with massive housing growth, will overwhelm our community’s ability to afford flying via STS.

The STS airport would be about four miles from the Shiloh Resort & Casino as you can see from the map below. This will also drastically increase road traffic, air, and noise pollution. It would most likely require significant roadway expansion

and improvement – to be paid for by Sonoma County taxpayers, not taxpayers Oklahoma where the Oklahoma Nation Global Gaming Group resides.



## IMPACT OF NEW URGENT STATE MANDATED PROHOUSING COMMUNITY MULTI-FAMILY HOUSING

As mentioned above, there is already a very aggressive housing development program being undertaken in Sonoma County. Have you considered this in your assessment? Have you analyzed what if any Enhanced Infrastructure Financing District funds will apply around the area where the casino would be built to ease congestion? (The Enhanced Infrastructure Financing District, or EIFD, is a special finance district that will use property tax increment revenues from community growth in specifically defined areas to finance public infrastructure and economic development projects of community-wide significance.)

Governor Newsom’s Fiscal Year 2019-20 budget established the **Prohousing Designation Program** help meet California’s goal of adding 2.5 million new homes over the next eight years. **Santa Rosa, Windsor, Healdsburg, Rohnert Park and Petaluma are part of this designated, fast-growth housing program.** According to the City of Santa Rosa:

“In its application, the City outlined multiple pro-housing policies it has enacted or will enact to increase housing production and to improve access to affordable housing. These included streamlining and expediting application and review processes, deferring fees for affordable housing construction, **incentivizing increased housing density**, speeding approvals for accessory dwelling units, **reducing parking requirements for new housing**, and creating an Enhanced Infrastructure Financing District to help support affordable housing development, among many other policies the City has adopted or is pursuing.

One project highlighted in the City’s application that received high marks was adoption of the Southwest Greenway Plan, which will preserve up to 47 acres of parklands and open space and provide **244 multi-family housing units in an underutilized area previously designated for Highway 12 expansion.**

Santa Rosa is on track to create **4,685 units of new housing by 2031**, including 1,919 affordable housing units. With 397 units under construction from June 30, 2022, and later, the City's [2023-2031 Housing Element](#) accounts for 163% of Santa Rosa's remaining total Regional Housing Needs Allocation. There are **more than two dozen affordable housing developments in the pipeline**, including Caritas Homes - Phase One set to open soon in Downtown Santa Rosa, South Park Commons at the former City-owned Bennett Valley Senior Center site, and The Cannery at Railroad Square. Recently completed affordable housing projects include the Linda Tunis Senior Apartments in Rincon Valley and Laurel at Perennial Park located on Mendocino Avenue at the former Journey's End Mobile Home Park site, among others." Source:

<https://www.srcity.org/CivicAlerts.aspx?AID=2253#:~:text=Santa%20Rosa%20is%20on%20track,total%20Regional%20Housing%20Needs%20Allocation>.

Again, according to Gustavo Velasquez, Department of Housing and Community Development (HCD) Director:

"I'm thrilled that we now have 30 communities that have achieved the Prohousing designation," said HCD Director Gustavo Velasquez. "The cities and counties are leading the way by **reducing unnecessary barriers and red tape** that discourage new housing production, instead they are **signaling to developers that are ready to build more housing faster.**"

(California Department of  
Housing and Community Development, August 7, 2023)

"This isn't hype. If it becomes law, the bill could really revolutionize California cities. As currently written, SB 827 would essentially **exempt all new housing built within half a mile of a train stop or quarter mile of a frequent bus stop from most local zoning rules**. So, if a city had zoned an area for single-family homes, developers could invoke the bill to build multifamily apartment buildings **between four and eight stories high.**"

(Cal Matters June 23, 2020)

One only has to look at the large multi-family housing developments going up all over Santa Rosa now to know there will be major issues going forward with transportation gridlock, parking, community services and water needs; eliminating the "red tape" needed to successfully incorporate new housing into Sonoma County will negatively impact quality of life. Highways, roads, and community services such as grocery stores and medical facilities are not equipped to deal with the **Prohousing Community** requirements, **let alone a third Las Vegas style casino.**

## **SONOMA COUNTY RESIDENTS ARE CONFUSED ON WHERE IS THE SHILOH RESORT & CASINO IS GOING TO BE LOCATED**

There is confusion within the community as to where the proposed casino will be built. **The Press Democrat insists on telling readers it will be located in Windsor even when corrected.** I asked someone just the other day who reads the Press Democrat daily where it was going to be built and the response was "Windsor up by the Healdsburg border".

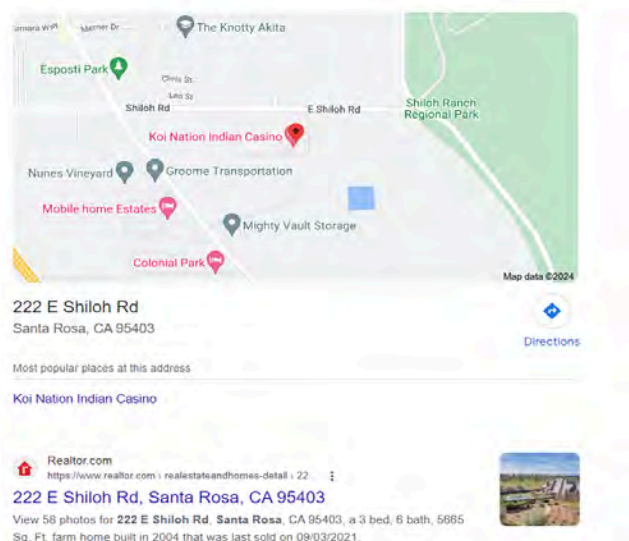
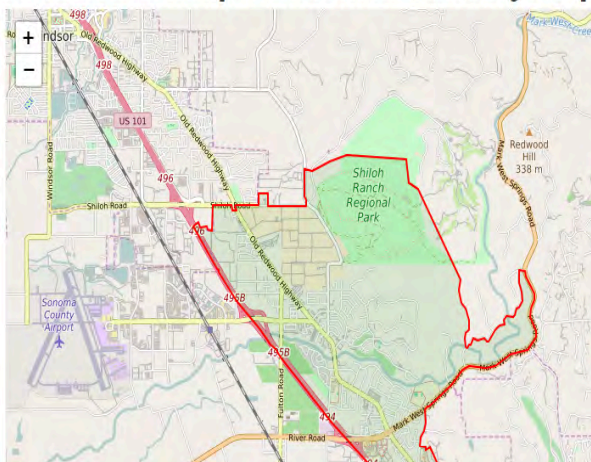
The casino is **not going to be located in Windsor as they continue to publish. The address is 222 E. Shiloh Road, Santa Rosa, 95403.** It is in unincorporated Sonoma County within the **Larkfield-Wikiup boundary map** with a Santa Rosa street address. The Press Democrat even changed an April 3, 2024 published Letter to the Editor I wrote. I provided the Santa Rosa address, and they changed it to "Windsor" twice without my permission, then refused to issue a correction. **They are confusing the public which in turn limits the feedback you receive.**

Below are Google Map showing the location and two Press Democrat photos stating it will be in Windsor. **Note:** the Press Democrat has also published that the location would be in unincorporated Sonoma County, and south of Windsor, but also keeps printing "Windsor".



I am hereby requesting that the BIA publish an announcement in the Press Democrat, with the exact address or request a Press Democrat correction as Sonoma County is being misled with respect to Shiloh's proposed location.

## Larkfield-Wikiup California Boundary Map



## Federal hearing on proposed Koi Nation casino near Windsor draws scores of detractors

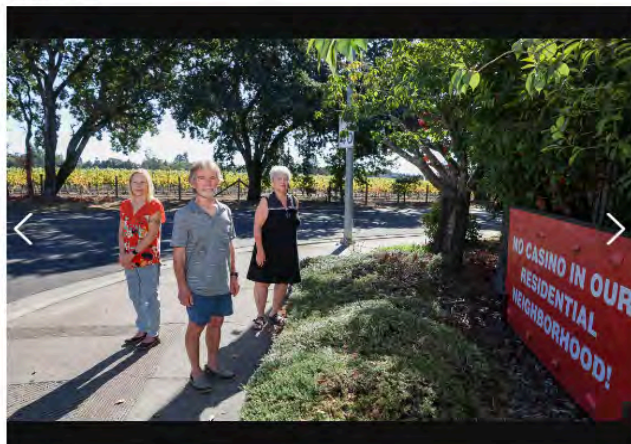
The Koi Nation's proposed gaming resort led to a federal hearing Wednesday that exposed a sharp divide over the project. | 38



SLIDE 2 OF 8  
Residents of the Oak Park subdivision, north of Shiloh Road, near Old Redwood Highway, have placed signs opposing the proposed casino resort, which would be built south of Shiloh Road, in Windsor on Thursday, Sept. 28, 2023. (Christopher Chung/The Press Democrat)

## Federal hearing on proposed Koi Nation casino near Windsor draws scores of detractors

The Koi Nation's proposed gaming resort led to a federal hearing Wednesday that exposed a sharp divide over the project. | 38



SLIDE 1 OF 8  
Nina Coste, left, Don Ziskin, and Lynn Darst are among the residents of a neighborhood adjacent to a proposed casino resort opposing the project, along Shiloh Road, in Windsor on Thursday, Sept. 28, 2023. (Christopher Chung/The Press Democrat)

## PAYING FOR INFRASTRUCTURE IMPROVEMENTS

Federal law makes it clear that the Koi and Chickasaw nations will not be required to fund road, flood and wildfire containment and evacuation “improvements”, or contribute to additional housing requirements needed for staff. Therefore the impact on Sonoma County residents would be enormous as vast changes would be needed to deal with up to 57,000 additional daily visitors to Shiloh Resort & Casino.

What would Sonoma County residents get for this massive investment – up to 1,000 new jobs while the bulk of the revenue and profit goes to the **Oklahoma-based Chickasaw Nation**? This is not practical, fair or advantageous. Especially when you consider the impact on our environment, sustainability and quality of life.

Here is the relevant federal law link regarding funding public projects:

<https://www.ecfr.gov/current/title-25/chapter-I/subchapter-N/part-293>

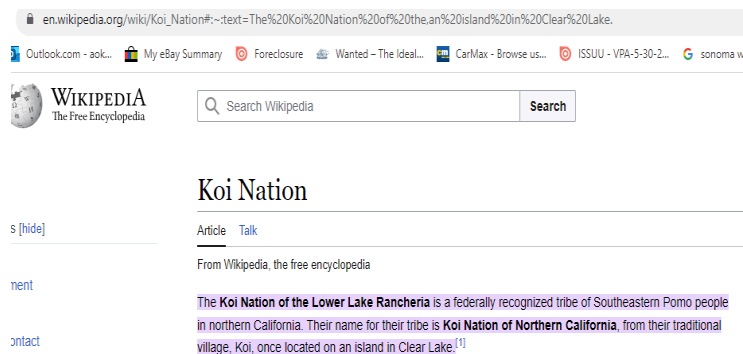
## KOI NATION IS INDIGINOUS TO LAKE NOT SONOMA COUNTY

It is my understanding that the Koi Nation are **indigenous to Lake not Sonoma County** and therefore have **no significant historical connection or inherent rights** to build this casino anywhere in Sonoma County. Their website acknowledges this history (below). ABC News and others also reported that “Five other tribes question Koi Nation's "historical connection" to Sonoma County, saying their ancestors lived 50 miles away in Lake County.” All Sonoma County tribes are strongly against this proposal.

The **Clearlake City Council, in Lake County** approved increasing funding the city will devote to **defending itself against legal challenges involving major park and road projects filed by the Koi Nation**. The reference notes that “**The tribe, whose traditional territory includes the city of Clearlake and Lower Lake...**”, They go on to note that the money is needed because the tribe, **indigenous to Lake County**, approving \$250,000 for legal defense... “after the tribe sued to stop the city’s extension of 18th Avenue as part of a new hotel development at the former Peace Field airport site.” (Lake County News, October 20, 2023)

Yet in 2021, the Koi Nation purchased 68 acres in Sonoma County at 222 E. Shiloh Road, Windsor, for \$12.3 Million. They did not have approval to build the casino before this purchase and are now requesting permission. Is this a version of “**It's easier to ask forgiveness than it is to get permission**”? Why buy the land first? To make it hard for the BIA to say “no”?

***So, which is it? Is the Koi Nation indigenous to Sonoma County? Lake County?***



## LARGE CASINOS ALREADY EXIST IN SONOMA COUNTY ARE ALREADY HAVING PROBLEMS COMPETING

By building the Shiloh Resort & Casino, the biggest in California, Sonoma County will become the Las Vegas of California. Forever changing our cherished rural landscape and sense of community, while creating new crime and safety challenges, and contributing to transportation gridlock for all.

**Just 14 miles, or 15 minutes south** off Highway 101 is the 2013 built **Graton Casino**. It has a:

- 135 square foot casino – 25% the size of one proposed for Windsor
- 200-room hotel, and others built nearby to support it

**In June 2023 Graton began a \$1 Billion expansion** which will add a:

- Second hotel wing with 200 rooms
- 3,500-seat theater for live entertainment
- Rooftop restaurant seating for 480 guests

- 144,000 square feet of gaming space
- Five-level parking structure for 1,500 additional vehicles

Upon completion, **Graton will be the second largest casino in California. The Shiloh Resort & Casino would easily become the largest in the state.** Surrounded by other massive casinos just a few miles away. Also relevant, on March 1, 2023, Sonoma County Supervisors approved the **Dry Creek Rancheria Band of Pomo Indians' new River Rock resort and casino in nearby Geyserville.** (Rendering Below.) **This is only 18 miles or 30 minutes north of Windsor.**



Why are they tearing down their existing facilities to build a bigger new luxury resort and casino? **During the approval process they argued that business *slowed significantly* after Graton opened. They were granted permission for a complete rebuild as they need it to compete and not go out of business!**

This suggests that **Sonoma County cannot sustain *three (or four)* massive casinos requiring high revenue targets for financials to meet expectations.** If this turns out to be the case, it will lead to owner neglect as operating funds diminish. **Sonoma County taxpayers** may in the end need to step in with taxpayer monies to fund basic maintenance and security functions.

**Twin Pine Casino & Hotel in Middleton, Lake County,** is also just one hour by car from the proposed Windsor site.

The Dry Creek Rancheria Band of Pomo Indians also plan to build a **large casino in Petaluma south of Windsor.** They have delayed it until 2032 but it is still a strong and viable possibility.

Again, just 14 miles from Graton Casino and 18 miles from River Rock Casino, **the proposed Shiloh Casino in Windsor would easily become California's largest casino.** Built in a residential area and location Sonoma County cannot support.

**Sonoma County residents do not need *three* massive Las Vegas style casinos within a 32-mile radius of each other.**



## PROPOSED SHILOH RESORT AND CASINO WOULD BE LOCATED IN THE MIDDLE OF ESTABLISHED RESIDENTIAL NEIGHBORHOODS



The above images show the proposed site abuts established residential communities, and the stores, restaurants, churches and other operations the local community relies on. **This includes about six densely populated mobile home parks, five of which serve senior citizens only;** and seniors often require additional help during evacuations, which adds to the risk associated with putting a major resort/casino in their backyards.

### CURRENT TRAFFIC CONGESTION

The Wal-Mart and Home Depot right off Highway 101 along with other stores and restaurants located there are already destination points for many residents **outside of Windsor**, which also leads to much more traffic.

My understanding from the recent public Zoom hearing is that your transportation study was done in the early morning on a winter day. Have you re-evaluated it during afternoons when schools let out and people leave work? Highway 101 already becomes a parking lot at many busy travel times of the day.

### ADDITIONAL NEW MULTI-FAMILY HOUSING GOING UP AT 295 SHILOH ROAD, WINDSOR

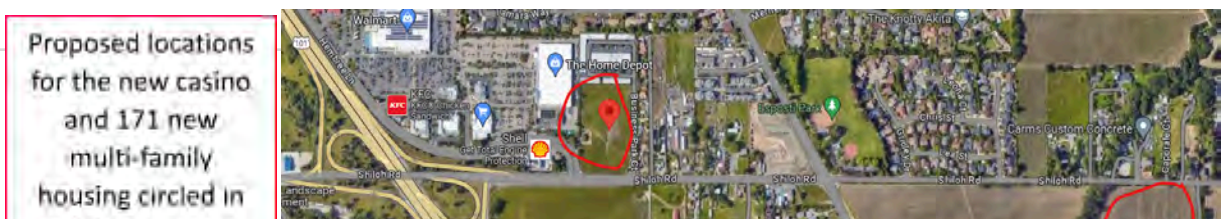
The Corporation for Better Housing and Integrated Community Development received \$40 million in construction financing for Shiloh Crossing, **a 171-unit housing complex**.

The development will have two buildings plus 8,000 square feet of commercial space. The North Building will include 130 apartments, while the South Building will consist of the remaining residential units, administrative offices, community space and two commercial spaces. It will have a swimming pool, community room and bocce court.

The development will be located at **295 Shiloh Road** near Route 101. Just one mile or a 3-minute drive from the proposed new Shiloh Resort & Casino. This development, one of many fast-tracked to deal with California's housing shortage, will also add to traffic congestion, slow wildfire evacuation efforts and pull from depleted water reserves.

### IMPACT ON RESIDENTIAL PROPERTY VALUES

Can you please tell me what the impact will be on residential property values all around the proposed site in Windsor, and Santa Rosa, including those who reside in the Larkfield-Wikiup boundary map? How much property value will be lost when the biggest casino in California moves in next door? How will this impact current residents?



## ALREADY STRESSED WILDFIRE EVACUATION ROUTES

It is also quite easy to see from the above map that the proposed casino would hamper wildfire evacuations as evacuees travel west on narrow roads to get to Highway 101. It is also unrealistic in my view to **expect casino employees to risk their lives trying to evacuate patrons as the road traffic quickly comes to a standstill and a death trap.**

Here is a snip from the Koi's Proposal Appendix N – Wildfire Evacuation Memorandum. Many assumptions and conclusions in this Addendum are debatable, and it also shows clearly that significant public infrastructure improvements would be required for any extra degree of mitigation when wildfire strikes.

If the Koi Nation's proposal is approved the BIA will share the blame should more wildfires lead to death due to an inability to flee, and destruction that would not have happened if the proposed site was left as is. The BIA knows locating the largest casino in California at this location – **or anywhere in Sonoma County** - will add significant wildfire evacuation hurdles.

## SONOMA COUNTY BOARD OF SUPERVISORS UNANIMOUSLY OPPOSES THE KOI NATION PROPOSAL

There has been great Sonoma County opposition to the Koi Nation plan. In April, 2022, the "Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Nation's proposed casino and resort outside Windsor while discounting the tribe's historical ties to the county". (CDC Gaming Reports, April 6, 2022). Many other groups also oppose this new development.

The Koi Nation (and the Press Democrat) also indicated that a **Letter of Intent with Sonoma County Firefighters** equaled an endorsement. I checked with this firefighter organization directly; they have NOT endorsed the proposed casino.

## SUMMARY

### Elements of Mitigation Plan

The following mitigation measures are recommended to achieve a safe, efficient and organized site evacuation:

- Trained on-site personnel will direct roughly half of the 4,310 vehicles from the rear of the site to each of the two access points (the east Shiloh Road access point and the signalized Old Redwood Highway access point.) Thus, each access point connecting to adjacent public streets would handle about 2,155 vehicles.
- The two-lane two-way loop road serving the 4,310 vehicles should be converted to two outbound lanes during evacuation. However, only a single lane of traffic would enter the single westbound lane on Shiloh Road, so the extra outbound lane would be for storage of vehicles that would be directed onto the westbound lanes of Shiloh Road by two on-site attendants to keep traffic flowing.
- To accommodate any opposite flow emergency vehicles, the loop road should be designed with at least one paved shoulder wide enough to handle in-bound traffic during evacuation. This design should be available at all three access points.
- The Old Redwood Highway access point will be signalized and it also only has a single receiving lane on southbound Old Redwood Highway. All evacuation traffic should be directed to the south. This exit should also have two outbound lanes but only one vehicle at a time can use the outbound lane at the signal. Two attendants will be necessary to direct traffic.
- At the signalized exit near the entry area, also only a single lane can exit onto Shiloh Road. There would be two westbound receiving lanes at this location allowing both the vehicles exiting from the entry area and the other evacuating vehicles from the east access point to have their own westbound lane approaching the signalized intersection of Shiloh Road and Old Redwood Highway. To keep traffic flowing smoothly, two attendants should be present at this location.
- There should be at least six traffic attendants to direct the 4,310 vehicles exiting the garage and surface parking areas. In addition, at least two attendants would be needed at each of the three casino parking lot exit points. A total of 12 persons would be needed during evacuation. These traffic attendants should be specially trained employees of the casino.
- It is assumed that the approximate 2,155 vehicles exiting the site on the east Shiloh Road access point would have a maximum service rate of about 1,000 vehicles per hour. This is a typical rate assumed in urban areas and assumes that other traffic will be present, although at this location other traffic should be relatively light. This exit can therefore handle the exiting evacuating traffic in 2.2 hours or about two hours and twelve minutes.

Sonoma County is already being over-built without regard to water requirements, air quality, noise and road transport needs. Threats from wildfires and required evacuation infrastructure are easier to overlook when the drought abates, but severe drought due to climate change is predicted, along with future wildfires. The land and water impact of adding this casino to our county and its long-term impact on our fragile environment - already being fast-tracked to build more densely populated housing - should not be brushed aside.

I urge you to deny the Koi Nation Shiloh Resort & Casino **in any form anywhere in Sonoma County.**

Sincerely

Anne Gray

Anne Gray

Data sources and links not listed above include:

- The September 27, 2023, Public Hearing, Zoom-moderated by C. Broussard, BIA
- Publications:
  - o <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - o <https://www.lakeconews.com/news/76942-clearlake-sets-aside-half-a-million-dollars-to-defend-against-tribal-lawsuits-over-city-projects>
  - o <https://www.pressdemocrat.com/article/news/sonoma-county-supervisors-approve-casino-agreement-with-dry-creek-rancheria/>
  - o <https://www.pressdemocrat.com/article/news/federal-hearing-on-proposed-koi-nation-casino-near-windsor-draws-scores-of/>
  - o <https://www.townofwindsor.com/1303/Koi-Nation-Resort-and-Casino-Project>
  - o [https://en.wikipedia.org/wiki/Koi\\_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.](https://en.wikipedia.org/wiki/Koi_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.)
  - o <https://www.koinationsonoma.com/history/>
  - o <https://www.koinationsonoma.com/project/>
  - o <https://www.srcity.org/CivicAlerts.aspx?AID=2253>
  - o <https://www.hcd.ca.gov/about-hcd/newsroom/california-department-of-housing-and-community-development-awards-prohousing-designation-to-five-new-jurisdictions>
  - o <https://www.hcd.ca.gov/about-hcd/newsroom/governor-newsom-designates-three-more-california-communities-prohousing-strides-made-to-accelerate-housing-production>
  - o <https://www.townofwindsor.com/DocumentCenter/View/27736/3818-23-Authorizing-Town-Manager-to-Submit-Prohousing-Incentive-Pilot-Program-App-to-CA-HCD?bidId=>
  - o <https://calmatters.org/housing/2018/03/what-to-know-about-the-housing-bill-that-has-people-freaking-out-from-marin-to-compton/>
  - o <https://www.pressdemocrat.com/article/news/public-hearing-announced-for-koi-nations-proposed-casino-project-near-wind/>
  - o <https://huffman.house.gov/media-center/in-the-news/sonoma-county-elected-leaders-react-to-koi-nation-proposal-for-casino-near-windsor>
  - o [https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/?utm\\_campaign=trueAnthem%3A%20Trending%20Content&utm\\_medium=trueAnthem&utm\\_source=facebook&fbclid=IwAR2VfpsWJpFRLH8vlsWcOb8hd\\_IQqZd2bwOTuM3IvK7rOnxKic6u53MWvq](https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/?utm_campaign=trueAnthem%3A%20Trending%20Content&utm_medium=trueAnthem&utm_source=facebook&fbclid=IwAR2VfpsWJpFRLH8vlsWcOb8hd_IQqZd2bwOTuM3IvK7rOnxKic6u53MWvq)
  - o <https://www.petaluma360.com/article/north-bay/sonoma-county-dry-creek-tribe-poised-to-extend-agreement-banning-casinos-n/>
  - o <https://cdcgaming.com/brief/california-sonoma-county-supervisors-unanimously-oppose-koi-nations-casino-near-windsor/>
  - o <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - o <https://www.landispr.com/wp-content/uploads/2019/11/PD-Coverage-Koi-Nation-casino-battle-091821.pdf>
  - o <https://www.healdsburgtribune.com/windsor-casino-would-increase-fire-risk-impact-residential-communities-opponents-say/>
  - o <https://www.shilohresortenvironmental.com/>
  - o <https://www.multiphasingnews.com/california-affordable-development-lands-40m/>
  - o <https://www.srcity.org/CivicAlerts.aspx?AID=2253#:~:text=Santa%20Rosa%20is%20on%20track,total%20Regional%20Housing%20Needs%20Allocation.>

**From:** Dan Gilbert <[artwork@dangilbert.com](mailto:artwork@dangilbert.com)>

**Sent:** Sunday, April 7, 2024 1:22 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello Chad,

I am deeply troubled by the continued consideration of the casino project near Wikiup.

The proposed casino threatens to degrade our environment and disrupt the quality of life in our tranquil neighborhood, compromising the distinct charm of wine country with an influx of visitors seeking a vastly different form of entertainment.

Significant concerns include increased traffic, noise, air pollution, strain on the water table, elevated fire risks, and a surge in crime. These changes would irreversibly transform our cherished family-friendly community into a landscape that is starkly at odds with resident values and expectations.

While I recognize the potential economic benefits in terms of revenue and taxes for Sonoma County, the adverse effects on local residents are too great to ignore. A more suitable location should be sought—one that steers clear of residential areas and preserves the integrity of our vineyards and natural environment.

The potential decline in property values also worries me greatly, as it threatens the financial security and retirement plans of many in our community, including myself.

Moreover, the construction phase alone poses significant disruptions through noise, increased traffic, and deteriorating air quality, affecting the daily activities and well-being of our community members who cherish our outdoor lifestyle.

I vehemently oppose the casino project and will actively campaign against it for as long as it remains under consideration.

Dan Gilbert, home-owner

5477 Carriage Lane

Santa Rosa, CA 95403

5477 Carriage Lane  
Santa Rosa, CA 95403  
PH: 707.791.3161  
[www.dangilbert.com](http://www.dangilbert.com)



**From:** Alison Fierro <[abcfierro@gmail.com](mailto:abcfierro@gmail.com)>  
**Sent:** Sunday, April 7, 2024 2:06 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] proposed casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To Whom It May Concern:

Sonoma County is home to a diverse array of species of flora and fauna, some of which fall on the threatened or endangered species lists. For example, the Button's banana slug, (*Ariolimax buttoni*) found in Shiloh Regional Park and the surrounding area is considered imperiled. The proposed casino, which I understand will be the largest in California, will certainly have a negative effect on the future of threatened plants and animals.

Twenty-eight years ago we moved to our home on Corbett Circle. We came here for the schools, the proximity to a regional park, and primarily, the sense of community we saw in the neighborhood. I taught at San Miguel Elementary School (roughly a mile away from the proposed casino site) for over two decades and became acquainted with hundreds of children and their families who in turn, harbored similar feelings about our corner of the world. I have spent much of my career encouraging children to be good stewards of our neighborhood.

The possibility of a casino being built a stone's throw away from my home and my beloved school is extremely alarming. This is not the appropriate venue for a casino for a myriad of reasons. Safety is of paramount importance; having evacuated three times since 2017, I know firsthand how dangerous our roads can become when congested and drivers are under duress. The possibility of wildfire is now a year round threat and the proximity of a casino to Shiloh Park puts employees and patrons alike in jeopardy. Thousands more people trying to flee via narrow outlets such as Faught Road or Shiloh Road will make our escape routes far more dangerous and it will be very difficult for emergency vehicles to gain access. Wildfires aside, unwanted activity such as increased drunk driving and property crimes are often affiliated with casinos, creating an unsafe environment in our residential area.

The proposed casino will have a profound effect on the ecological environment. Sonoma County is in the midst of experiencing a multi-year drought, with residents asked to conserve water as much as possible. With water supplies so low, how can we possibly justify building a casino that will use copious amounts of this precious resource? With the tremendous traffic a casino brings, what is to become of Shiloh Park, a jewel in our regional parks system? A casino in the proposed location eliminates an area of greenbelt and will surely increase greenhouse gasses.



The quiet enjoyment of our neighborhoods will disappear if the Casino project is allowed to proceed. Traffic, lighting, music, and special events associated with the casino, and especially the years of construction this will entail, will extinguish the quiet enjoyment of this area. This is the wrong place to build a casino and I strongly oppose its construction.

Sincerely,  
Alison Fierro

**From:** Chris Fierro <[fierrochris@sonic.net](mailto:fierrochris@sonic.net)>

**Sent:** Sunday, April 7, 2024 2:16 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] OPPOSITION TO KOI NATION CASINO & RESORT IN SONOMA COUNTY, CA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Chad Broussard,

As 28 year residents of the Larkfield Wikiup area in Sonoma County, living merely a mile from the proposed Koi Nation Casino site, I feel compelled to express strong opposition to this project, echoing the concerns of many in our community. Rather than reiterating the numerous objections already presented, I wish to highlight specific issues based on my personal experiences, which underscores my stance.

The prospect of evacuating during wildfires, a reality this community has faced in 2017, 2019 and 2020, is daunting. The addition of hundreds of casino guests and staff would greatly exacerbate the wildfire challenges in our urban-wildlife interface area. Furthermore, our region, particularly Larkfield Wikiup, has endured prolonged droughts, leading to significant aquifer depletion. The casino's voracious water demands will intensify the strain on our precious resource without offering sustainable solutions.

The sovereign status of the Koi Nation, and by extension the casino, effectively insulates them from civil recourse by residents over any disputes or grievances arising from the project, leaving the community without a voice or means to address potential harm.

Moreover, I believe the casino's business model, which inherently relies on the financial losses of its patrons, is fundamentally at odds with the values and livelihoods of our community in Larkfield Wikiup.

This venture contributes nothing constructive, instead draining the economic vitality for the exclusive gain of the Tribe and its affiliates.

I propose that less developed and more suitable regions exist in California that would welcome such a project, benefiting from the economic influx without the detrimental impacts faced by our community here in Sonoma county.

Thank you for considering this perspective.

Chris Fierro

**From:** Ron Carrey <[papacarrey@yahoo.com](mailto:papacarrey@yahoo.com)>  
**Sent:** Sunday, April 7, 2024 2:51 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NO on residential casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To Whom it may Concern:

My wife and I are deeply troubled at the thought of a Casino being placed so close to our home. A residential area is not a place to develop a casino! We are senior citizens, we love our neighborhood because it feels safe. The crime rate in this area will spike with a casino so near by. Old Redwood Highway already has enough traffic and we would hate to see that get any worse, esp since it is used by many as an escape route when needing to evacuate due to fires. This is a mistake, please help us and keep our area safe and beautiful as it currently is.

Ron and Nancy Carrey

**From:** carleene cady <[carleenejcady@gmail.com](mailto:carleenejcady@gmail.com)>

**Sent:** Sunday, April 7, 2024 3:06 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

This intention is to build a huge casino complex in a neighborhood of family homes and agriculture. The complex would be less than 1/4 mile from a hilly regional park used heavily by bicyclists, equestrian riders, hikers and families with children.

Immediately across the narrow two lane road, as well as housing, is a park with a baseball diamond. The streets surrounding the area are two lane and heavily used already by the local population.

Housing prices would drop as locals sell because of the increased impact of traffic, litter, crime, 24 hour lights, 24 hour noise pollution. Animals living in the local rural lands will be affected as well as trees and vineyards.

Water use would tremendously increase with drought conditions already a concern in Sonoma county.

With the past 9 years of severe fires in the area, a casino with people smoking in the area, increases the chance of more fires.

Sonoma county already has two casinos whose businesses will be impacted by a third one that is planned to be much larger than those already here, ruining those already established.

The present two casinos are NOT in family neighborhoods!

Another aspect is that alcohol and gambling are both addictive so it seems unconscionable to place another structure (especially in this location) that encourages both alcohol and gambling. The tribe trying to start this casino is not even a tribe from this county,

We do not want a casino in this area of family homes, rural regional parks and agriculture.

Carleene Cady

Ashley Hansen

Samuel Wingfield

384 Baile De Ciervos

Santa Rosa, California 95403

**From:** Jeanne Duben <[jduben@sonic.net](mailto:jduben@sonic.net)>  
**Sent:** Sunday, April 7, 2024 3:16 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Casino/Hotel Project

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**One attachment** • Scanned by Gmail

April 7, 2024

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs

Dear Mr. Broussard

As concerned residents of Windsor, CA, we are passionately against the Koi Nation's plans to build a casino/hotel on Shiloh Road. This development not only impacts our community but also has far-reaching consequences for all of Sonoma County.

Our concerns are valid and pressing. The safety of our community during evacuations, especially in the face of wildfires and earthquakes, is a top priority. The traffic congestion on Shiloh Road and Old Redwood Hwy is already a daily challenge, and adding a casino/hotel will only exacerbate the problem. The strain on water resources is a serious issue, with the county already struggling to provide enough water for its residents. The noise, crime, and lack of contribution to road upkeep from the nation are all additional worries.

With two existing casinos within 20 miles and two hotels currently under construction nearby, the necessity of another casino/hotel is questionable. The strain on resources will only intensify with the addition of this new development.

While we support the economic growth of the Koi Nation, we urge them to explore alternative options that benefit both their community and ours. Residential homes, cultural showcases, shopping centers, and other businesses could offer economic opportunities without the negative impacts of a casino/hotel.

We believe that the proposed casino/hotel is not a good fit for Windsor and Santa Rosa. We implore the Koi Nation to consider the well-being and concerns of the thousands of Sonoma County residents who will be affected by this project. Let us work together to find a solution that benefits everyone involved.

Jeanne and Richard Duben  
9496 Lakewood Drive  
Windsor, CA 95492  
[jduben@sonic.net](mailto:jduben@sonic.net)  
duben@sonic.net



**From:** (null) (null) <[dpsmc@yahoo.com](mailto:dpsmc@yahoo.com)>  
**Sent:** Sunday, April 7, 2024 3:22 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Fwd: NOI Koi Nation fee to trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Sent from my iPhone

Begin forwarded message:

**From:** "(null) (null)" <[dpsmc@yahoo.com](mailto:dpsmc@yahoo.com)>  
**Date:** April 7, 2024 at 2:45:17 PM PDT  
**To:** [chad.brossard@bia.gov](mailto:chad.brossard@bia.gov)  
**Subject:** NOI Koi Nation fee to trust and Casino Project

Sent from my iPhone  
To Whom it may Concern:

We are deeply concerned about the negative impact of placing a Casino so close to a residential neighborhood. This is not a good thing for residents in the Larkfield/Wikiup or Windsor districts. A casino will bring traffic congestion and based upon what has transpired at Graton, it will very likely bring an increased crime rate, as documented in Rohnert Park. This location is in very close of proximity to a neighborhood park, frequented by families and children. This is not the place for a casino in any way. Please consider those of us who live here and chose this location for its county like beauty, safety and family friendly living.

Sincerely,

Doug and Sharon Caesare

**From:** al beltran <[a\\_bel\\_2@yahoo.com](mailto:a_bel_2@yahoo.com)>  
**Sent:** Sunday, April 7, 2024 3:59 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Water runoff traffic issues

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The proposed Casino is at the North edge of Santa Rosa and we are at the South edge of Windsor. The Casino is within half a mile of our home. Shiloh and East Shiloh is the boundary line of Windsor and Santa Rosa. Anything environmentally done on this property will impact the north edge of Windsor.

I'm concerned with the water runoff that eventually goes to the Russian River. We have lived here for 45 years. The land where Esposti Park is, used to be a "retention pond" for the runoff of the hillside east of the proposed casino. The retention pond collected excess water runoff eliminating negative water impact to properties west of the retention pond. It would also replenish ground water. (Shiloh Terrace currently exposes the need for a retention pond and displays the excess water which will impact properties/homes west to 101.)

The Windsor Watershed map [Windsor Creeks - Monitoring | Windsor, CA - Official Website](#) shows 4 creeks that reside within the Windsor city limits. Pruitt Creek is within the boundary of the proposed casino property. Pruitt Creek has direct negative impact causing closure of the Shiloh/101 exit due to flooding. The Windsor Watershed map shows four creeks, Pruitt, Pool Creek, Faught Creek and Airport Creek.... merging which causes flooding to the west side of town. Flooding from the creeks has caused roads and intersection closures. In addition, vineyards, properties, and the golf course have endured flooding. The golf course has been called Windsor Lake by one San Francisco news station. As the Casino property is developed, the once flourishing agricultural land will be covered with asphalt, cement and buildings which will exacerbate the runoff.

The vehicles coming and going on the property will leak oil and fluids. When it rains how are they going to mitigate the potentially hazardous chemical runoff into the drains/creeks?

The corner of Shiloh and Old Redwood Highway has a new apartment complex. The complex can only handle 200 parked cars on site, but the projected number of cars for the complex is 500. The adjoining Esposti Apartment Complex parking is full. The residents are using the sides of the roads of Old Redwood Highway, Shiloh Road, Merner Drive as excess parking spots for their vehicles. All directions of Shiloh Road and Old Redwood Highway are one lane in both directions either way. It can take 3-4

minutes to cross Old Redwood Highway. The town of Windsor has a plan for a roundabout at the Shiloh Road intersection.

What is the projected Casino addition to the traffic? The report will be a time frame of when? During construction, once it is open and projections 1-3-and 5 years?

Will the traffic report also include the impact not only to the the Shiloh/101 exit and up to the Casino but the Main Windsor exit to Pleasant Avenue and to Faught Road (the back narrow rd. to the casino).

Along with this the noise/pollution estimates for the surrounding/adjoining neighbors and neighborhoods.

Old Redwood Highway is it still owned/controlled by the state and has some historical landmarks/values that need their approval?

**From:** Donald Ziskin <[donziskinlaw@comcast.net](mailto:donziskinlaw@comcast.net)>

**Sent:** Sunday, April 7, 2024 4:18 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

**One attachment** • Scanned by Gmail

Don Ziskin  
5862 Leona Court  
Windsor, CA. 95492  
Phone 707.292-0779  
[donziskinlaw@comcast.net](mailto:donziskinlaw@comcast.net)

April 7, 2024

Chad Broussard

**Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project,**

This correspondence includes comments and concerns for evaluation by the BIA/BLM in the Environmental Impact Statement (EIS) regarding the Koi Tribe Casino application; and the impact the Koi Casino Resort will have on the local community. I will not repeat the several topics addressed in my original letter concerning the Environmental Assessment (EA). It is my understanding they are already part of the analysis. I will address changed circumstances concerning Traffic and Circulation since last year. Before doing that I would like to make a few preliminary comments.

According to the current design for the proposed Casino Report, the driveway entrance to the casino will be 45 feet from the two closest homes; and an entire street will have bedroom windows (also 45 feet away) facing the proposed casino. To local residents watching rows of existing, healthy grape vines being ripped out and surveyors making measurements, it feels as if the casino is a foregone conclusion. This is despite unwavering opposition from residents, local, state, and federal elected officials, and numerous organizations.

The Koi have not reached out to the local community and have published false information giving the indication they have widespread support for their application. Recently they claimed the Sonoma County Fire District and Santa Rosa City Council Member and former mayor Tom Schwedholm supported the project. In fact, they did not. (see attached correspondence).

I would also like to restate my concern over the neutrality of Acorn Environmental who prepared the EA and will apparently be doing the EIS.

Acorn Environmental is a company that is, and has been, utilized by other tribes applying for Fee to Trust Applications in efforts to acquiring land for gaming purposes. Their website identifies Fee-to-Trust Applications, NEPA Compliance for Fee-to-Trust and Two-Part Determinations and Tribal-State Compact Environmental Analysis as areas of specialty. The EA previously prepared in this matter glossed over and minimally analyzed the concerns expressed in the scoping comments preceding the report. This was evident during the comments from callers at the public forum. While not questioning their qualifications or professionalism, they are making many subjective assumptions and reaching subjective determinations. The NEPA procedure should

incorporate some safeguards to verify neutral professional analysis. Acorn consistently concluded that essentially all concerns raised in the scoping questions last year were determined to be insignificant after their evaluation. Examples of their common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.

Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

### **Transportation and Circulation/ Fire/Evacuation**

Since the round of scoping for the EA, there has been significant development in the immediate area. There are 3 projects approved and/or under construction between the Highway 101 Shiloh offramp and Old Redwood Highway that will result in over 500 residential units in addition to retail ground floor ventures. The EA did not incorporate the increased traffic and circulation coming from these developments; and the impact they will have in addition to the proposed Koi Casino. The area has already seen a significant increase in traffic since the preparation of the EA. During busy hours traffic on eastbound Old Redwood Highway backs up to the freeway. The additional daily trips to and from the casino will result in constant traffic congestion.

The EA study was done over two winter days and the traffic during that time of year was not representative of conditions on E. Shiloh Road. During spring and summer months the park is full of young children playing baseball/softball as well as other groups utilizing the park. Several bike riding groups meet at the park for rides on Wednesdays and on weekends. The park parking lot during the weekends is full, with overflow parking on E. Shiloh Road and Old Redwood Highway. There will also be significant increased demand for street parking for the 131 units nearly completed cattycorner to the proposed site (at the intersection Old Redwood Highway and Shiloh Road). There are an additional 300 residential/senior units plus retail space approved or under construction between Old Redwood Highway and the 101 freeway.. The conclusions of the TIS concerning the impact the casino project will have on traffic circulation did not incorporate these actual conditions. The EIS should conduct a new traffic study, during spring/summer months to evaluate how the 500 plus units as well as parkgoers will impact the community.

Most importantly to residents who have been through multiple evacuations, it is concerning that the only time evacuation is mentioned is in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. No specific plan is referenced nor is the increase in residential and retail space incorporated. The infrastructure of the area cannot sustain this increase in housing and retail and the proposed casino resort.

How will the addition of 500 plus residential units and commercial retail businesses on Shiloh Road impact traffic in addition to the casino traffic.

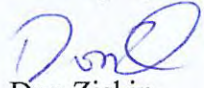


What will be the impact of the loss of available street parking from the casino project and new development to local residents and park users.

How will the traffic signals at Gridley and the Shiloh casino entrance impact residents of Oak Park?

In lieu of suggesting "an alternative project be investigated, it is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. A, B and C all bring the same issues, albeit at different levels. It is unprecedented for a casino resort of this size to be developed in a residential neighborhood. From a precedent standpoint, allowing this project by an out of county tribe, funded by an out of state tribe, in a residential neighborhood, would be sanctioning casino development throughout the state.

Thank you,



Don Ziskin  
5862 Leona Court  
Windsor, CA. 95492  
707.292-0779

OUR COMMUNITY MATTERS  
PO Box 1421  
Windsor, CA. 95492  
[ourcommunitymatters2@gmail.com](mailto:ourcommunitymatters2@gmail.com)

February 9, 2024

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Sacramento, CA 95825

Subject: Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke:

The purpose of this correspondence is to correct certain misinformation being circulated by the Koi Tribe in the media concerning supporters of their application to build the Shiloh Casino. This misinformation causes confusion and alarm as our community continues to oppose this project.

In a recent newspaper article<sup>1</sup> the Koi listed 25 supporters, almost all of which were outside of Sonoma County and the proposed casino site. 18 of the supporters were other Tribes and Rancherias located outside of Sonoma County. The project is opposed by the Sonoma County indigenous tribes, the Sonoma County Board of Supervisors, and the Windsor Town Council. With the exception of the two former Santa Rosa Town Council members listed in the article, virtually all of our local and California government representatives oppose the Shiloh Casino project. The only local agency listed in support was, surprisingly, the Sonoma County Fire District as we had previously only heard negative comments from them in prior communications.

A group of local residents toured the fire ravaged areas surrounding the proposed casino with a Sonoma County fire captain and a representative of former senator Diane Feinstein's office in 2022. At that time the captain expressed considerable concern over the placement of such a large commercial development in a residential area that was fire prone and had already experienced fire. The chief concerns were over evacuation of local residents and casino patrons as well as access to the area by first responders. Following that meeting, Dianne Feinstein generated a letter to the Bureau of Indian Affairs opposing the project.

Being participants in the meeting with Ms. Feinstein's office and the Sonoma County Fire District, it was surprising for us to read that the Sonoma County Fire District was listed as a supporter of this project. In response to the article, we contacted the Sonoma County Fire Department and spoke with Ron Bush. He advised us that the Sonoma County Fire District is "totally neutral" with reference to the project. They did generate a "letter of intent" in an effort to

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<sup>1</sup> <https://finance.yahoo.com/news/koi-nation-announces-support-coalition-175400472.html?>

maintain “continuity of service” ... in the event the project does go through. The letter of intent was not a letter of support! The purpose for that letter was to protect taxpayers and the community in the event the project is approved. Identifying the Sonoma County Fire District as a supporter is inaccurate, according to Mr. Bush.

The Koi tribe are currently very active in Lake County, their indigenous homeland, asserting their legal rights as an indigenous tribe. This third attempt to build a casino resort in a neighboring county will have a significant negative impact on the community as was evidenced by the public comments during the public zoom hearing on September 27, 2023, refuting the Environmental Assessment prepared by Acorn Environmental. Our Community Matters joins the others in requesting No Action on this project.

Thank you,

  
Our Community Matters

OUR COMMUNITY MATTERS  
PO Box 1421  
Windsor, CA. 95492  
[ourcommunitymatters2@gmail.com](mailto:ourcommunitymatters2@gmail.com)

February 9, 2024

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Sacramento, CA 95825

Subject: Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke:

On February 9, 2023, we sent a correspondence to you clarifying information in a newspaper article concerning a list of claimed supporters of the Koi Tribe's casino application (enclosed). As mentioned in that letter there is virtually no support for this project in Sonoma county and the community surrounding the proposed project. In addition to misrepresenting the posture of the Sonoma County Fire District as supporting the casino project, the article listed Tom Schwedhelm, a former Santa Rosa police chief and later a Santa Rosa City Council member as a supporter.

Following the Press Democrat article, I was contacted by mutual friend of mine and Tom Schwedhelm who advised me that Mr. Schwedhelm was not contacted about the article and is not a supporter of the casino project. I thereafter spoke Mr. Schwedhelm personally concerning the article. He stated that he was asked, while a council member by a consultant to meet with the Koi Tribe concerning the project. He and another council member did meet with the Beltran brothers but did not (and does not) "support" the Casino project.

He advised the Koi to reach out to the community and discuss items such as crime mitigation funds and other issues impacting the community.

with correct certain misinformation being circulated by the Koi Tribe in the media concerning supporters of their application to build the Shiloh Casino. This misinformation causes confusion and alarm as our community continues to oppose this project.

In a recent newspaper article<sup>1</sup> the Koi listed 25 supporters, almost all of which were outside of Sonoma County and the proposed casino site. 18 of the supporters were other Tribes and Rancherias located outside of Sonoma County. The project is opposed by the Sonoma County

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<sup>1</sup> <https://finance.yahoo.com/news/koi-nation-announces-support-coalition-175400472.html?>



indigenous tribes, the Sonoma County Board of Supervisors, and the Windsor Town Council. With the exception of the two former Santa Rosa Town Council members listed in the article, virtually all of our local and California government representatives oppose the Shiloh Casino project. The only local agency listed in support was, surprisingly, the Sonoma County Fire District as we had previously only heard negative comments from them in prior communications.

A group of local residents toured the fire ravaged areas surrounding the proposed casino with a Sonoma County fire captain and a representative of former senator Diane Feinstein's office in 2022. At that time the captain expressed considerable concern over the placement of such a large commercial development in a residential area that was fire prone and had already experienced fire. The chief concerns were over evacuation of local residents and casino patrons as well as access to the area by first responders. Following that meeting, Dianne Feinstein generated a letter to the Bureau of Indian Affairs opposing the project.

Being participants in the meeting with Ms. Feinstein's office and the Sonoma County Fire District, it was surprising for us to read that the Sonoma County Fire District was listed as a supporter of this project. In response to the article, we contacted the Sonoma County Fire Department and spoke with Ron Bush. He advised us that the Sonoma County Fire District is "totally neutral" with reference to the project. They did generate a "letter of intent" in an effort to maintain "continuity of service"... in the event the project does go through. The letter of intent was not a letter of support! The purpose for that letter was to protect taxpayers and the community in the event the project is approved. Identifying the Sonoma County Fire District as a supporter is inaccurate, according to Mr. Bush.

The Koi tribe are currently very active in Lake County, their indigenous homeland, asserting their legal rights as an indigenous tribe. This third attempt to build a casino resort in a neighboring county will have a significant negative impact on the community as was evidenced by the public comments during the public zoom hearing on September 27, 2023, refuting the Environmental Assessment prepared by Acorn Environmental. Our Community Matters joins the others in requesting No Action on this project.

Thank you,

  
Our Community Matters

**From:** Peggy Buzanski <[p.buzanski@comcast.net](mailto:p.buzanski@comcast.net)>  
**Sent:** Sunday, April 7, 2024 4:23 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Sir,

The proposed Koi Nation Project is not compatible with Sonoma County, California. This resort/casino proposal would be built in a residential, rural area. Presently, it is a vineyard with one house. Directly across is a small County park and subdivision of single family homes. Just further down Shiloh Road is a newly built apartment complex for low income families. Across Faught Road is a public park built with Open Space monies with hiking trails and beautiful vistas of Sonoma County. This would all be destroyed if the Chickasaw Developer builds this resort and casino. Also, the Koi Nation is from Lake County not Sonoma County.

This area was also involved in two wildfires and was evacuated for a third wild fire. The proposal envisions 57,000 daily visitors occupying 5,000 parking spots. Where would all the people from this project go to evacuate? The ingress and egress to this property is a two lane rural road. Additionally, **this gaming resort would use about 400,000 gallons of water daily. In a warming world, we will be facing more and more droughts, where will this water come from?**

Sonoma County does not need another casino. We already have several and some bordering us in Lake County. The Graton Rancheria just enlarged their resort and casino. Geyserville's River Rock Casino is expanding. Both of these tribes are also against this developmen by the Chickasaw Developer.

I would urge you to visit Sonoma County and the site of this development before you make your decision.

Please vote against this proposal. Thank you for your time.

Margaret Buzanski



8608 Zinfandel Drive  
Windsor, CA 95492  
707-326-8317

**From:** TappyNSue Gmail <[tappynsue@gmail.com](mailto:tappynsue@gmail.com)>  
**Sent:** Sunday, April 7, 2024 4:30 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

This email is intended to voice our opposition to the Koi Nation proposal of building a Casino on Shiloh Road in Windsor, California.

The area of the proposed casino is predominantly residential with a large subdivision right across Shiloh Road, several subdivisions north of that, several apartment complexes to the east, residences and small businesses to the south, and residential to the west in the foothills. There is a community park at the corner of Shiloh and Old Redwood Highway (which you would have to drive by to get to the casino) that is extensively used for baseball games and family gatherings; a church is across the street; an elementary school is not far away. This property is not out in the "boonies" where its presence will not change the way of life for hundreds of people. Rather, a casino would negatively impact all who live here or drive through the area via Old Redwood Highway simply due to the amount of traffic added to the area as well as the number of people who would be frequenting the casino - a place where children do not belong and is not a family-friendly environment.

Because it is residential, having a casino in the area would greatly negatively impact those of us who live here by bringing in copious amounts of traffic, noise, lights, and crime into rural neighborhoods (if you don't agree with the "crime" part, please contact some long-time Rohnert Park residents about the changes that occurred when Graton Casino opened). It would put a strain on our natural resources, i.e. water, and attract some unsavory people who otherwise wouldn't be in a residential neighborhood.

Up until this year, we have had consistent droughts. A casino would utilize copious amounts of water daily that could endanger our way of life in drought years, harming the community and small farms in the area. In the event of evacuations, traffic from the casino would further endanger the locals who would need to leave their homes, vying with needless vehicles from an inappropriate business being added to the local traffic.

The Koi tribe is not indigenous to this area. If they were, I could see where they might have a say in the property. However they are NOT local tribes. And, on top of that, they aren't even the ones that would oversee the casino project. This tells me it's all about money with no respect for the area or its residents.

This project is just wrong on SO many counts. We believe in quality of life over money, and therefore adamantly oppose the Koi Nation's proposal of building the Casino on Shiloh Road. If they must build in a county they have no history in, then let it be out in the country where entire family neighborhood areas would not be negatively impacted.

Clancy & Sue Faria  
6261 Lockwood Dr.  
Windsor, CA 95492

**From:** Jackie Austin <[wackyjacky@comcast.net](mailto:wackyjacky@comcast.net)>

**Sent:** Sunday, April 7, 2024 5:01 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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My family and I have lived and worked in Windsor for over 22 years. We are adamantly opposed to the KOI Casino being built in the current proposed location. As outlined by many, many people, this is a terrible location for very important reasons, some of which are that it will also be detrimental to the physical environment as well as ruining the lifestyle and well-being that we have all come to enjoy by living in Windsor.

There is no end to the mess that will be caused by a Casino in that location. The traffic alone is enough to cause this to be cancelled. We have lived through horrendous fires when we were almost unable to evacuate to get out of town safely. With a casino in that spot, it will become a nightmare should a large fire break out again. People may die just trying to escape. I can go on and on but you have already heard the many people that are against this very bad idea.

Sincerely,  
Jackie Austin  
7910 Fox Hollow Place  
Windsor, CA 95492

**From:** Heidi Aarts <[heidiaarts1@gmail.com](mailto:heidiaarts1@gmail.com)>

**Sent:** Sunday, April 7, 2024 5:03 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Mr. Broussard,

I am writing to voice my STRONG opposition to the proposed Koi Nation Resort and Casino and urge you, the Bureau of Indian Affairs, not to allow the land for the proposed project to be taken into trust for gaming in our neighborhood in Sonoma County.

While attending the several hours long Zoom meeting back several months ago, I felt those who spoke in opposition to the proposed Koi Nation Resort and Casino were spot on. Those who supported the project appeared to primarily be union construction workers, who may not even live in the adjacent neighborhoods, and who have only a short-term interest once the project would be completed.

This proposed casino would strongly impact the wildfire risk in our neighborhood and would severely jeopardize our evacuation route on narrow two lane Shiloh Road. We have already evacuated twice for recent wildfires, which came within 500 feet of my home. The addition of some 25,000 cars per month into our neighborhood, as well as adjoining neighborhoods, would serve as a barrier to any safe and timely evacuation route. In addition, added traffic at the Koi Nation Shiloh Resort and Casino would impede emergency response time for firefighters and other emergency vehicles. Further, the amount of proposed water use by such an expansive entity would detrimentally impact my neighborhood. Some of our neighbors near this proposed project already have an extremely fragile water table and wells. The Koi Nation would most likely require additional wells.

Several churches are located on Old Redwood Highway, and the proposed Resort & Casino would cause traffic congestion with the planned entry gate located directly across from the community church, which not only holds multiple services on Sundays, but also offers community foodbank throughout the week.

Mattie Washburn Elementary School is located 1.5 miles north of the proposed site. I am extremely concerned about the safety of our children who live and study in this community. These children ride their bikes with their families on Shiloh Road, and they frequent the Shiloh Regional Park, located just up the road from the proposed resort and casino. If alcohol is available for consumption at the proposed resort and casino, it could jeopardize pedestrians, cyclists and drivers who use Faught Road, Shiloh Road and Old Redwood Highway.

The quality of use of Esposti Park across from the casino by soccer and baseball teams, as well as other recreational users would be severely limited by increased traffic and lack of parking. This casino would be only a few yards from a large residential neighborhood whose occupants consist of many families with young children. The associated noise and light impacts of the Koi Nation Shiloh Resort and Casino would be tremendous in this quiet bucolic setting.

Moreover, their ancestral lands are not even in Sonoma County, but are in Lake County, some 75-85 miles away. I believe they have no ancestral rights in Sonoma County. Five other Native American tribes who do have ancestral lands in Sonoma County have written objections to this plan and are wholly against it because the Koi Nation from out of the area is venue shopping. Sonoma County supervisors have unanimously passed a resolution against this planned project.

The construction of the proposed resort and casino would increase noise pollution, as well as impact our fragile air quality, and would be an eyesore. The socioeconomic impact would be negative for the value of our homes. Crime increases when casinos are located within residential communities. The proposed project would be a short-term benefit during construction, and employees of the casino may benefit, but the biggest benefit would be for the out of state investors. This is wrong.

For all of the above reasons and many more, we could not be more opposed to this plan by the Koi Nation for our neighborhood. It is a very bad proposal.

I honor all Native American tribes who have as their primary goal to promote the education, health and welfare of their tribal members. I do not believe the Koi Nation Shiloh Resort and Casino project fits this goal. Native Americans have a rich culture that contributes to the betterment of all of us. However, a resort and casino project that represents a tribe with no connection to Sonoma County ancestral lands, and for a tribe that is represented with less than 100 members is not sound. This is a business proposition where only a few will benefit, and even that, it would be the out of state investors who benefit most. Please encourage the Koi Nation to support the Lake County community where they have ancestral lands, and keep them out of Sonoma County!

I urge the Bureau of Indian Affairs not to allow this land to be placed in trust for gaming.

Thank you,  
Heidi Aarts Michels  
6259 Lockwood Drive  
Windsor, CA 95492



**From:** Terri Miller <[silverdamsel47@gmail.com](mailto:silverdamsel47@gmail.com)>  
**Sent:** Sunday, April 7, 2024 5:11 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] KOI Nation Fee to trust and Casino Project

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Dear Mr. Broussard,

I am writing to express my concern over the casino project near the Wikiup / Shiloh community. I have been a resident in this peaceful neighborhood for about 9 years and am very upset to hear of plans to develop a gambling center so close by.

I'm in my golden retirement years and hate to think of the increased traffic, noise, potential water shortages and increased fire risk as we live in this beautiful, serene green belt. Often we have experienced power outages and intentional PGE blackouts due to fire hazards. The development of a casino will only strain those services. I have evacuated for two fires in the last seven years and both times wasn't sure I'd come home to a standing house.

On a more global note, this mega casino will have a major carbon footprint at a time we are all concerned about global warming. The additional traffic, noise and influx of visitors will disrupt the serenity of this community, and potentially impact nearby vineyards and other agricultural endeavors.

I will continue to work on a campaign opposing this project as long as it remains under consideration. Please consider another location for this enterprise.

Kind Regards,  
Terri Miller

**From:** David Hansen <[mana1943@yahoo.com](mailto:mana1943@yahoo.com)>  
**Sent:** Sunday, April 7, 2024 6:16 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Karen Fies <[karenalvesfies@gmail.com](mailto:karenalvesfies@gmail.com)>; PE Peter J. Lescure <[plescure@lescure-engineers.com](mailto:plescure@lescure-engineers.com)>; Lori Barber <[lorib83811@aol.com](mailto:lorib83811@aol.com)>; Heidi Would <[heidiwould@gmail.com](mailto:heidiwould@gmail.com)>; Bob Cipolla <[bobcipolla65@gmail.com](mailto:bobcipolla65@gmail.com)>; Catherine Dodd <[catherine.dodd@gmail.com](mailto:catherine.dodd@gmail.com)>; Brad Sherwood <[bradleywsherwood@gmail.com](mailto:bradleywsherwood@gmail.com)>; Willie Lamberson <[willielamberson24@gmail.com](mailto:willielamberson24@gmail.com)>; Jenny Chamberlain <[district4@sonoma-county.org](mailto:district4@sonoma-county.org)>; Aggie Maggio <[aggiemaggio@icloud.com](mailto:aggiemaggio@icloud.com)>; Matthew Callaway <[matt@conservationaction.org](mailto:matt@conservationaction.org)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Attn: Chad Broussard,  
Environmental Protection Specialist  
Bureau of Indian Affairs

Dear Mr. Broussard:

I am a 32 year resident of the unincorporated community of Larkfield-Wikiup (Mark West area) which extends from the proposed casino property south approximately 2-3 miles along and on both sides of Old Redwood Highway. This is a major residential-business community of over 10,000 residents which will be significantly negatively impacted by the proposed casino development. While I am a member of the Planning subcommittee of the Mark West Area Municipal Advisory Council I am representing only myself in this letter to you and not representing the Council or anyone else.. I am vehemently opposed to the siting of this casino in the proposed location principally because it is in the wrong location and will overwhelm our residential community and other communities nearby. The proposal sits within our planning area. Most of the issues impacting our community are not mentioned in the NOI.

Listed below are the principal impact issues on the Mark West area by the proposal and which need to be addressed:

1) Increased Traffic impacts:

Old Redwood Highway is the principal and historic artery North and South other than Highway 101 and is used by residents travelling north and south to access towns in both directions. Often it is crowded when the highway is jammed or slow. Traffic has increased significantly ever since Sutter Hospital was built as well as by the major expansion of commercial development off Airport Boulevard to the West and

increased development to the east on Calistoga Road. Excess vehicle speeds beyond that posted are constant and need to be mitigated especially near the Larkfield shopping center. Major additional traffic use caused by casino use will add significantly to that on Old Redwood and also to the intersections of Airport Boulevard and at Mark West-River Road at Highway 101.

Additionally Old Redwood is well used by both pedestrian and Bicycle traffic. In fact it is a nationally known travel route for bicycles both training and occasionally racing, including often the popular Gran Fondo event.

All these issues need to be addressed for their impacts with adequate mitigations in the Casino report.

## 2) Water impacts:

The Mark West Area is served by a private water company (California Water Service Company) which acquires its water principally through local wells. Any increased well drilling at the casino or its significant use will potentially negatively affect the ground water table in our area. In addition it may help increase our costs including by significantly increasing local water needs acquired from the Sonoma Water Agency. California Water Company's rates are close to if not the highest in the County..

These issues need to be addressed in the report.

## 3) Loss of Community Separator and open space-agricultural buffer lands:

The property on which the Casino is proposed was and is considered a community separator in both the Sonoma Countywide plan and the Larkfield-Wikiup 1980 specific plan. It is also in the urban Growth Boundary of Windsor. It will destroy not only the open space aspects of the land but also active agricultural land. This flies in the face of stated objectives of all plans to create natural or agricultural buffer zones between developed communities in the County.

In the 1990s when I served as the Sonoma County Agricultural Preservation and Open Space District's General Manager I negotiated with the then owner of the Casino property to preserve the land in a conservation Easement. We were not able to come to terms over its fee and easement land value at that time but the land has retained its current use until today, and should in perpetuity. This adds to the quality of living for all the residents who live north and south and around this proposed development.

## 4) Noise:

The Mark West Area has a large number of seniors as well as younger families who bought properties and moved to this area because of its quiet neighborhoods, its great schools, convenient smaller businesses and quiet well used parks and preserves.

Morning and evening quiet walking is a major activity in the area. With increased traffic noise, loud sometimes intoxicated out of town casino goers around 24 hours a day occupying our streets or open stores only lessens our Community's quiet ambience. This is on top of increasing noisy helicopter and airport use which grows above our community. Shiloh Preserve and Regional Park will constantly be bombarded by nearby Casino noise taking away a major reason why local citizens enjoy these quiet natural lands for contemplation and exercise.

5) Fire:

The Mark West Area has been subject to catastrophic wildfires which devastated much of our community and surroundings in 2017 and previously in 1964. Any impacts from increased fire danger to the Mark West community should be considered and discussed in the report.

As I stated previously this project is in the wrong location and should not be built on the Shiloh road property due to the significant impacts not only communities North and West to Windsor but also to the south and the Mark West community.

Thank you for your consideration and study and potential mitigations of my concerns.

Sincerely,

David Wm. Hansen,  
retired Landscape Architect  
4722 Cambridge Court,  
Santa Rosa 95403

**From:** Bill Bridges <[wbridges@pacbell.net](mailto:wbridges@pacbell.net)>

**Sent:** Sunday, April 7, 2024 6:47 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Mr. Broussard,

I am very concerned about the Koi Nation casino being proposed near Windsor, California. My concerns are centered around the following areas:

- Agricultural and Residential Area
- Water Usage
- Wastewater Treatment
- Vehicle Traffic
- Wildfire Evacuation

I'll also suggest a possible solution to this situation at the end of this email.

**Agricultural and Residential Area:** Overall, a development of this magnitude would never be permitted in this location. It is currently a vineyard located next to a residential area. Most of the vineyard would be destroyed and replaced by the casino, a 5,000 vehicle parking garage, a surface parking area, a water treatment plant, and a wastewater treatment plant. The residents next to the casino complex would be subjected to traffic, pollution, and constant noise. Simply put, this is the wrong facility in the wrong location.

**Water Usage:** Water is planned to be supplied by wells which would deplete our already tenuous ground water reserves. The water usage projections indicate over 8,000,000 gallons will be extracted every month. We have been in a long-term drought environment and this type of water extraction rate would be a significant impact. As there are no restrictions on the tribe's water usage, these estimates may be vastly understated.

**Wastewater Treatment:** Wastewater would be treated onsite and disposed of into Pruitt Creek. The amount of wastewater would be very large and would significantly impact this small creek. As with water usage, tribal lands do not have to comply with any local, state, or federal requirements. The volume of wastewater could be significantly greater than what is proposed.

Additionally, solid waste would be hauled off to a landfill. The amount of fossil fuels used would be significant to accomplish this task. It is also problematic where this solid waste would be dumped and what toxins may be present.

**Vehicle Traffic:** The traffic generated by this casino would be huge. The impact on our residential neighborhoods would be extreme. The streets around this area are inadequate for this type of use.

**Wildfire Evacuation:** We have had a recent history of wildfires which have required mass evacuations. Streets become gridlocked at these times. Having another 5,000 vehicles trying to use the roads is unimaginable. The proposal indicated that workers will direct traffic. It is clear that the tribe's consultants have no idea of what happens during a mass evacuation under extreme circumstances. We had a situation where workers abandoned a senior care center and left the residents to be on their own!

**Possible solutions:** I would support a casino located at the intersection of Highway 101 and Shiloh Road. There are commercial parcels in this area that would be amenable to this type of development. Traffic concerns would be reduced and use of public potable water and wastewater treatment would be available. Wildfire evacuations would be more feasible.

The current site could be sold so that it could continue to be operated as an agricultural operation. Perhaps the federal government could make the tribe whole financially if required. Why not try to come up with a solution that is a win-win for both local residents and the Koi Nation?

Thank you for considering my concerns. I hope a more reasonable solution will be realized.

Take care,  
William Bridges  
6224 Lockwood Drive  
Windsor, CA 95492  
[wbridges@pacbell.net](mailto:wbridges@pacbell.net)



**From:** DENNIS STOFFEL <[drstoffel@comcast.net](mailto:drstoffel@comcast.net)>

**Sent:** Sunday, April 7, 2024 6:55 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>; DENNIS STOFFEL <[drstoffel@comcast.net](mailto:drstoffel@comcast.net)>

**Subject:** [EXTERNAL] KOI Nation Fee-to-Trust and Casino Project

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To Chad Broussard:

These comments are concerning Koi Nation Shiloh Resort and Casino.

I first moved to Windsor back in the 1970's from the Sunnyvale, San Jose area because the congestion had already begun to take place. There were no spaces allowed for between cities, and the traffic congestion was already becoming a problem. I enjoy the greenery and agricultural crop growing area of Sonoma County. We need the food, not casinos.

So I am a resident in Windsor for the last 36 years which have been peaceful and a controlled small city for me and my family.

First of all the proposed casino land has been a agriculture area forever. It had plum trees when I arrived and now many grape acres.

It was by the way the safety net that kept our community of houses from burning up in the 3 years of fires which were just on the other east hills of the vineyards where the casino plans to build. If a fire occurs like it did in the past there may not be enough water or fireman to stop the place from burning down quickly like the Hilton Hotel did on a hilltop nearby. Even the major hospitals had to evacuate all patients since the fire came within striking distance. It burned K-mart to the ground within a very short time. We lost thousands of houses within hours. Many are still in the process of rebuilding years later. Some never will due to lack of insurance.

The open fields gave us a distance from the flames and many of the vineyards were able to turn on their sprinklers making it moist over a wide area of fields. Some of the distant sparks hit some of our back yard fences and the fire departments were able to contain them before a 100 or more of additional houses caught fire during those 3 weeks of infernos.

Due to the circular streets we live on there is only one way out for hundreds of persons to get out. Traffic was backed up for miles and some people simply ran out of gas while idling in traffic because the nearby gas stations ran out or closed shop. So some were stranded. It was reported that nearly 30,000 people were told to leave now. Its not fun when you need to leave everything behind and high tail it one way out and you cannot get out because casino traffic is adding to the already bad problem.

You would have had to be here to fully comprehend what I am sharing about the fear and stress we felt, and not knowing for 10 days if our houses still were standing. We had to stay in other distant cities. All access was cut by the Police.

Adding a casino will take our cherished fire break away and the next major fire may take its toll on our community. Our fire insurance already took a hit, but imagine if we all lost our houses. Rebuilding may become impossible, just because of our green acreage being consumed.

Currently we are experiencing an explosion of new high rise apartments and buildings which are nearby the casino proposed area. Parking has already become an issue where the only place to park has been on the sides of streets and that will only get worse. We are seeing very little space for parking for 400 plus renters.

We have narrow streets so when cars start parking in our area the fire trucks can not get through and would have to push them onto yards to get quick access to a house on fire. We were warned about that many years ago by the fire department and ambulance services. They cannot afford delays due to overflow parked cars.

I have been having a much more difficult time accessing Old Redwood Hiway and Shiloh Rd. By placing a casino just east of my residence will be a gridlock nightmare just like the rest of the Bay Area.

I am reading about more crime problems surfacing and this type of facility will only bring more people and more problems to go with it. People tend to have drinks while gambling and then leave, endangering us on our way home. We already have enough casinos and gambling.

Transport busses take people to a number of nearby casinos. Rohnert Park has a very large facility where local people hang out and gamble. The more gambling places there are the more addicted people could become since it's readily available along with the many others.

Since moving to Windsor the Airport has expanded and we are in the circling flight path for many more commercial airlines and private planes. The noise level has increased significantly. More casino noises due to increased traffic and flights, makes this once somewhat quiet place much more noisy and congested.

Our public services will now be stretched for electricity, water and sewer. During the drought years we were told that we had to do more to conserve water and electricity. This type of large facility will only place pressure on our short natural resources.

Larger delivery trucks will need to be making constant deliveries which will cause our roads, already full of potholes and spotty blacktop fill-ins a much larger problem along with their speed of travel and safety to get fast on time deliveries.

In closing, Shiloh Rd and Old Redwood are not the type of high capacity traveled roads. We need to leave our agriculture crops alone and this casino could find a more suitable

location which will not affect so many local people. This location just is not a suitable location for this type of venue.

Dennis Stoffel  
6273 Lockwood Dr.  
Windsor, Ca. 95492  
E-mail [drstoffel@comcast.net](mailto:drstoffel@comcast.net)

**From:** Susan Strong <[susan.strong@gmail.com](mailto:susan.strong@gmail.com)>  
**Sent:** Sunday, April 7, 2024 6:59 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to Trust and Casino Project

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TO: Chad Broussard, Environmental Protection Specialist  
Bureau of Indian Affairs  
SUBJECT: "NOI Comments, Koi Nation Fee-to-Trust and Casino Project"  
FROM: Susan J. Strong, 6224 Lockwood Drive, Windsor, CA 95492

Dear Chad Broussard,

I am writing with concerns regarding the proposed Koi Nation Shiloh Casino in Windsor, California. I am a homeowner in the Oak Creek Neighborhood, near the proposed Shiloh Resort and Casino.

While I respect and acknowledge the need and desire of the Koi Nation to facilitate tribal self-sufficiency, self-determination, and economic development, this location is not appropriate for a casino, particularly of the magnitude proposed.

**Concerns:**

1. The proposed property is currently agricultural bordering on family homes, not a commercial area. The business proposed would bring thousands of people daily to this area with the intent to party and have fun. I am not against people having fun but I am against the impact of this kind of fun on a family neighborhood and on an already stressed environmental system. **A business of this type is more appropriately located in a commercial area.**
2. The proposed property is in an area already impacted by water scarcity as we are increasingly in seasons of drought. The very nature of a resort is the promotion of extravagance and that includes water usage.
3. The proposed property is in an area already impacted by periodic wildfires and evacuations. We have had to evacuate our neighborhood twice in the past 5 years.

The reality of navigating additional thousands of cars on already impacted roads is truly frightening and dangerous for all involved.

4. The construction phase of the proposed resort and casino will result in significant noise, (trucks, machinery, etc), air pollution, bright lights near homes, traffic increase and disruption, as any development of the proposed property will. These are in addition to the ongoing impacts noted above. I believe most people can be tolerant of the construction phase disruption when it fits with existing use, which in this case is agricultural and nearby, residential.

5. For the nearby neighborhoods the long-term outcome of the construction phase disruption will not result in something beneficial to residents but quite the opposite.

A casino will mean increased police action due to alcohol and other drugs use/abuse, problems with solicitation for prostitution, light pollution at night from signage, parking lot lights and building lights. There will also be extreme noise and air pollution from the weekly thousands of automobiles of customers and employees, and the hundreds of trucks delivering goods and services to the casino.

**A more appropriate use of this property would be housing of some kind.**

It makes more sense for the casino to be located closer to the freeway. That would allow easier and less disruptive access for both the building phase and the operational phase. That would also allow a potentially more effective evacuation of the facility in the event of a natural disaster, such as wildfire.

#### **PROPOSED SOLUTION:**

There is a large piece of property next to the freeway bordered by Shiloh Road that seems more suited for the casino. The north side of Shiloh is already commercial and there is easy access to the 101 Freeway.

My understanding is that property is currently slated for a large senior housing project. Is it possible there could be a property “swap” locating the senior housing project at the proposed casino site and the casino at the senior housing site? The site further away from the freeway would be quieter for housing, there wouldn’t be as much traffic impact, senior housing would be more appropriate for the existing neighborhood.

This is written with the hope that a solution that is beneficial to all concerned parties can be found.

Sincerely,

Susan J. Strong

--

"When we tug at a single thing in nature we find it attached to the rest of the world." John Muir



**From:** Peg Champion <[peg@pegchampion.com](mailto:peg@pegchampion.com)>

**Sent:** Sunday, April 7, 2024 7:13 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Mr. Broussard,

We are residents of Windsor, California, and are writing to you about the proposed Koi Shiloh Resort and Casino.

The Koi Nation is not originally from this area and their Resort and Casino do not belong here.

As you know, the Lytton Rancheria Resort property is located a stone's throw away from the proposed Koi Resort and Casino.

Note that the Lytton are not originally from Windsor, either, but were only granted trust land in Windsor as a result of language inserted into the 2019 Defense Spending Bill.

There are many reasons that the Koi Resort/Casino should be disallowed, including issues pertaining to:

Land Resources

Air Quality

Noise

Biological Resources

Transportation

Land Use

Hazardous Materials

Public Services and Utilities

Socioeconomics

Environmental Justice

Cumulative Growth-inducing effects

Windsor is a small town. Its infrastructure, environment and public services cannot support another Indian resort *and* a casino!

Please listen to the people who live here and who care about our community and our environment.

***Do not allow this land to go into trust.***

Thank you,

Peg Champion & Brad Whitworth  
Windsor Residents and Concerned Community Members

1337 Woody Creek Lane  
Windsor, California 95492

[peg@pegchampion.com](mailto:peg@pegchampion.com)  
650.492.0342

**From:** Laura Wilson <[wilsons1998@comcast.net](mailto:wilsons1998@comcast.net)>  
**Sent:** Sunday, April 7, 2024 8:49 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Mr. Broussard,

I am writing concerning the projected casino project by the Koi Nation located in Sonoma County, California.

I would like to voice opposition to this project because of the way it will affect the environment and culture of the surrounding area. The biggest concerns are those of noise, light and exhaust pollution along with wastewater run-off and water usage of this project. Wildlife in the area will be affected with these changes in their environment. There are residential neighborhoods and a park located right across the street from this proposed project and with an increase in traffic, there is more potential for pedestrians being victims of accidents.

In doing some research, I found that the historic and cultural home of the Koi Nation is on an island in Clearlake, CA and that they are suing the City of Clearlake for wanting to build a hotel on cultural land. This should indicate where their historical home is and it is 53 miles from the proposed casino project.

The other item I am concerned about is that they have contracted with another tribe located in Oklahoma to manage this operation. I assume that the Choctaw nation will receive most of the money that will be made at this casino and not the Koi Nation or the county of Sonoma or state of California.

There are already two large casinos here in Sonoma County and they are not located near established neighborhoods. Another casino that will create more addiction to gambling is not needed here.

For these many reasons, I would respectfully ask that this proposal be rejected. Please see the video at the link that will describe and give a broader insight to the area in which this project would like to be completed: <https://www.ourcommunitymatters2.com/>

Thank you for your attention to this request.

Sincerely,  
Laura Wilson  
6229 Lockwood Dr.  
Windsor, CA 95492

**From:** Ron and Debbie Wheeler <[debron70@hotmail.com](mailto:debron70@hotmail.com)>

**Sent:** Sunday, April 7, 2024 10:29 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Sir:

As 50+ year neighbors to the proposed Koi Nation Casino, I appreciate their initiative; however, another sight would be more appropriate. I agree with other tribes that Koi never had a presence in Sonoma County. Our concerns are traffic, infrastructure, ambiance in our rural neighborhood, green space that was very important only a few years ago, and it would be directly across from a church and not far ( approximately 1/2 mile) from two elementary schools.

We appreciate your consideration of our concerns.

Sincerely,

Ron and Debbie Wheeler  
113 E Shiloh Rd.  
Santa Rosa, CA 95403  
707 838-6892

Sent from my iPhone

**From:** Ernst <[ernst\\_family@yahoo.com](mailto:ernst_family@yahoo.com)>  
**Sent:** Sunday, April 7, 2024 11:10 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

April 7, 2024

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Rm.W-2820  
Sacramento, CA 95825

Chad Broussard (via email)  
Environment Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Subject: Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke and Mr. Broussard

I have written to you in the past to point out the many reasons why a casino in our Windsor neighborhood is an unthinkable idea. It can only be that you don't realize what surrounds these 65 acres. It is not an uninhabited area or open space. It is surrounded by residential family homes, a local park where children play soccer and baseball, a regional park where we hike, have picnics and people can bring horses. Then more houses and another residential home development with a school. Finally, we come down Old Redwood Hwy (which is just a narrow road, one lane each way) with several more homes, a trailer park (with elderly people), and a church. All of the streets are narrow one lane each way streets. Does that sound like a place to put a casino and hotel? Plus there are already two casinos in Sonoma County. They are 15 minutes in each direction.

Our town, in the last 6 years has had terrible wildfires threaten our community. Twice we have been evacuated and if it wasn't for brave firemen from all over the nation who came to our aid our whole town would have been lost in 2019. As you are aware, during these wildfires or any emergency, evacuation of a community is very difficult already. Shiloh Road is one of two main routes for leaving town.

A casino in Windsor would be a huge drain on our quality of life (environmental impact, traffic and emergencies) our financial expenditures (roads, police, fire department) and our natural resources (water, creeks, wells). I know the Town of Windsor has detailed the negative effects that this casino would have on our town and the Environmental Assessment has not addressed these items.

The Koi tribe is not from Sonoma County. We support our Pomo tribes who are from Sonoma County. The Koi need to find another location for their Casino. Preferable, in Clearlake where they originated or in an area that is not near families, schools, parks and churches.

Please help the Koi find another area for their tribe.

Sincerely,

Catherine Ernst  
Concerned Citizen



**From:** Pat Warren <[patdjw7@comcast.net](mailto:patdjw7@comcast.net)>  
**Sent:** Monday, April 8, 2024 8:55 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Casino Project

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NOI Comments

Koi Nation Fee-to-Trust and Casino Project

I am opposed to any casino project on the Shiloh property. There are huge problems with the site that include the noise, traffic, more crime, the environmental issues (creek erosion, creek wildlife corridor, storm water runoff and waste water plan) and a large reduction of neighbor's property values. There should be no casino allowed in neighborhoods. This is right across the street from an existing neighborhood and a child's baseball field. There are other neighborhoods nearby and the casino will substantially lower the quality of life for many people. **A 24 hour business that serves alcohol and provides entertainment is not compatible within a residential neighborhood.**

A main issue is the safety of the nearby residents. Crime will go up. Loud noise and lights will harm everyday life. There will be more accidents with a major increase in traffic with new projects already underway.

Please reject this ill-suited project-it is wrong for the area!

Thank you,

Pat Warren

6181 Lockwood DR

Windsor, CA

**From:** SANDRA NIETO <[snieto707@aol.com](mailto:snieto707@aol.com)>

**Sent:** Monday, April 8, 2024 9:15 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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To whom it may concern,

My name is Sandra Nieto and I've been a Windsor resident for over 33 years.

- I'm writing this email against the proposed Koi casino in Windsor. First, This is not raurel area as noted in press releases. There is a subdivision of homes just across the street on Shiloh and a new 4 story apartment complex at the corner. There are homes that butt up to this property and a trailer park within walking distance. There will also be an additional apartment complex less than a quarter mile and a proposed senior living. With the continued growth in this area, Windsor/Sonoma County hasn't kept up with the addition demand on traffic or parking. Shiloh Rd goes from one lane to two lanes and back to one to go over the overpass for the 101 highway. This causes a bigger bottle neck issue, than it does today. The impact on the environment doesn't warrant an addition of another casino.
- Secondly, the proposed location butts up to Shiloh regional park which burned in both the Tubbs and Kincaid fires. The addition traffic from a casino would be putting the lives of residents and visitors in this area in harms way.
- Thirdly, water and sewer are an issue in the area. Windsor can't add this parcel onto an already strand system. Additionally, greater traffic equals higher crime. Lastly, the area does not need another casino, currently we have two within 15 minutes of this location. Both of these casino are bussing in gamblers from the Bay Area to stay in business. Our society doesn't need to create areas for people addicted to gambling. I'm strongly oppose having the second largest casino in California in my small town of Windsor. It will put the nail in the coffin of me continuing to be a resident of this state.

Sincerely,

Sandra Nieto

Windsor Resident

**From:** Lynda Williams <[misslyndalouu@gmail.com](mailto:misslyndalouu@gmail.com)>  
**Sent:** Monday, April 8, 2024 9:25 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "NOI Comments, Koi Nation Fee-to-Trust and Casino Project"

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April 7, 2024

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Dear Ms. Dutschke,

I live in the Oak Park Neighborhood and my house is directly across the street from this proposed project, less than 50 feet away. Since the impact on the environment of a residential neighborhood is not being considered in this environmental review, I will discuss some of the many other issues that were addressed so poorly in the EA and that will hopefully, be investigated by a company that analyzes complete data in a transparent manner.

The traffic study of the EA was not a serious study, measuring traffic on a Sunday in January. It failed to take into consideration traffic during the work week, it failed to consider all the additional traffic that will be generated by the current high density housing project, on the corner of East Shiloh and Old Redwood Highway, "*Shiloh Terrace Affordable Housing*" nearly completed, consisting of 134 additional units, with 384 total bedrooms, and 141 on-site parking spaces. This project only allows for 1 and a half parking spaces per unit which will add more overflow parking to the surrounding streets which are already impacted by the *Windsor "Redwood Apartments"* and "*Esposi Park Apartments*" overflow parking. Currently this overflow parking takes up street parking on Redwood Hwy and up the dirt median along East Shiloh Road and onto Gridley Drive in the Oak Park Neighborhood.

Additionally, the "*Shiloh Crossing*" project is under construction on the corner of Hembree and Shiloh Road, a heavily trafficked intersection. This will add 173 additional apartment units and their traffic onto Shiloh Road impacting this intersection and the Highway 101 interchange. Directly across the street "*Clearwater at Windsor*", a Senior Housing project, will be built adding 290 more units including memory care, assisted living, affordable apartments, as well as 25,000 square feet of commercial space. Additional cars would include staff, customers, visitors, and residents.

These are only three of the current projects impacting the Shiloh/Old Redwood Highway traffic. Projects will be ongoing as required by the State of California required housing plan quotas.

The solutions offered for traffic remediation in the EA are grossly inadequate and would cause round-the-clock gridlock and completely unsafe conditions for the residents of the entire area. There is no traffic mitigation for a project like this one. This is the wrong location for any casino, hotel, or entertainment complex.

Wildland fire risk was only addressed from the perspective of someone who wants this project. A qualified currently active fire chief with a differing opinion was not consulted. The retiree's opinion included in the EA did not take into consideration the lives of the community living here every day nor the facts encountered here during both the Tubbs and Kincaid fires. With the ever-increasing housing density in this area required by the State of California the traffic and road congestion will only become worse. The BIA would be wise to take the lives of potential casino/hotel guests into consideration as well. The evacuation plan outlined in the previous EA was ludicrous. All customers will be joining the other 50,000 plus residents on the limited and gridlock evacuation routes. There is no guarantee of advance warning for evacuation. Having lived through two serious wildfires here, evacuation is already gridlock and there is no shelter in place. High winds move these fires swiftly through curb and gutter neighborhoods. Traffic will impact the already difficult evacuation routes.

The intensely high-water usage proposed by this project will empty the wells of all neighbors who will not be able to afford to dig ever deeper wells. We know this already from Graton Rancheria as all their neighbors' wells are dry or the water quality has become unusable. This problem is expanding ever outward from Graton Rancheria. Currently well owners in Sebastopol are now impacted by the severe loss of groundwater being used by Graton Rancheria. Santa Rosa City has a water policy in place that affects all current residents which requires them to only use the amount of water that can be restored during the rainy season. It appears that the Koi Nation does not intend to be held to the resident's standard and will use up all the water for this project as they are exempt from the laws the rest of us must follow. Additionally, if Graton Rancheria is any example of what will come, once the land is granted to the Koi Tribe, and they are allowed to build a casino of any size, they will continue to expand without any restrictions using ever more water, bringing ever more traffic, pollution and ending any type of evacuation from this area during a crisis.

Taken all together, the traffic impact, the fire evacuation routes and the emptying of the aquifer, this project is unfeasible and dangerous. I urge the BIA to (3) A NO ACTION ALTERNATIVE.

Lynda Williams

5801 Mathilde Drive

Windsor, CA 95492

**From:** bill mccormick <[billmccormickiii@gmail.com](mailto:billmccormickiii@gmail.com)>  
**Sent:** Monday, April 8, 2024 9:38 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Chad,

Attached please find my comments letter for the Koi Nation NOI

Thank you for considering my comments

Take Care

William McCormick  
5811 Faught Road  
Santa Rosa, CA 95403  
**One attachment** • Scanned by Gmail

April 7, 2024

**TO:** Ms, Amy Dutschke  
Region Director  
Bureau of Indian Affairs -Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**CC:** chad.broussard@bia.gov

**SUBJECT:** NOI Comments  
Koi Nation Fee-to-Trust and Casino Project

**FROM:** William V. McCormick, CEG  
5811 Faught Road  
Santa Rosa, CA 95403

Dear Ms. Dutschke:

One again I find it hard to believe that I am actually obligated to respond to such a preposterous land development proposal as this one put forward by the Koi tribe for a casino and resort at the border of the Town of Windsor, within Sonoma County. My property is bounded by Shiloh and Faught Rd, immediately east of this project. I am a local, licensed, Certified Engineering Geologist (CEG) who has spent the last 38 years evaluating the engineering and environmental feasibility of proposed development projects in Northern California, and I must say I have never seen such a ludicrous development proposal such as this one; ***a casino in a residential neighborhood is almost comedic....however, in my case it is an on-going tragedy.*** I spent 11 years opposing the fee-to-trust development on the western edge of Windsor with another tribe, only to find that even though I moved to the other side of town, I now have to defend my rights and way of life again!

From a professional perspective, I can't say that I have ever read a more flawed, incomplete and down-right unprofessional environmental document than the EA that was produced for this ludicrous development by Acorn Environmental. Clearly this firm is a paid advocate for the Koi tribe and their conduct and work product is subject to further scrutiny and professional investigation. This out-of-town firm clearly has no understanding of the local conditions and has produced this document using desktop study procedure, outdated data and no true field ground-truthing. Miraculously, all issues are deemed to be less than significant, to the public. This clearly shows that the EA was written only to the benefit of the Koi tribe and WITHOUT consideration to the surrounding neighbors or current environmental reality. This study is so flawed that it never even defines what the phrase less than significant means, and to whom. In order to accurately point out the numerous flaws of this 217-page study, it would take another 217-page letter.



***The flawed nature of the EA was clearly demonstrated in letters by neighbors, Sonoma County Native American Tribes and local government officials that the BIA has found it necessary to issue a NOI and the requirement for a formal EIS for this land and project.*** For sanity sake, I will reiterate only a few examples that clearly demonstrate why the Fee-to-Trust should not be considered for acceptance and that the only project that is acceptable is Alternative D – No Action Alternative.

## **TRAFFIC**

The provided traffic study is extremely flawed and incomplete. First of all, new traffic volumes will increase by up to 16,000 cars a day, within a residential neighborhood with **NO mitigations whatsoever proposed.** We cannot accept or be forced to accept such a degradation to our way of living. This amount of traffic will severely decrease the safety of our neighborhood.

In addition to this, the previously presented traffic study is completely flawed because it does not even consider traffic generated from the major intersection of Shiloh and Faught Rd; the corner I live on. Casino patrons will try to go around the traffic created on Old Redwood Highway at the main entrance, for the Faught Road/Shiloh back entry. For us who live here, we all know that Shiloh road is a part-time drag strip already....adding 16,000 cars to this will result in many injuries, death, property damage and overall degradation to our current peace and lifestyle with endless, 24-hour traffic noise. ***Let's be clear...there is NO practical or theoretical traffic solution than can reduce traffic impacts to a less than significant rating.***

## **WATER SUPPLY**

The EA claims that daily groundwater use needs on the site will be 170,000+ gallon per day and require additional wells to be drilled. This will severely affect neighboring supply wells with typical yields of only 10 to 20 gallons per minute and will cause a drawdown effect, possibly drying up adjacent domestic wells. This will also limit firefighting efforts in this wildfire hazard zone. ***Commercial use wells by the casino project will permanently overtax existing well and groundwater supplies for all citizens that rely on well water.***

## **WASTEWATER**

This category is especially disturbing. The previous EA estimates up to 400,000 gallons of waste per day. The proposed on-site system will include pipes under Pruitt Creek, the need for up to 16 million gallons of onsite storage and/or discharge into Pruitt Creek...which would permanently damage the existing creek environment. There will be so much excess sewage water that the EA states that up to 11 acres of offsite irrigation is possible, if they can find someone willing to take it...if not, the excess will be pumped into Pruitt Creek. ***We cannot allow Pruitt Creek to become a sewage canal.***

The proposed plans call for an on-site sewage treatment plant which will use hazardous chemicals for treatment which would be environmentally disastrous if spills were to occur.

What's most important here is that private sewage treatment plants on tribal lands are not subject to local operating guidelines, inspections or oversight. In addition, all waste biosolids would have to be continually trucked offsite to some other disposal site, presenting additional commercial traffic and potential environmental hazards for Sonoma County citizens.

***\*If this casino is permitted, the Town of Windsor will be bordered by TWO UNREGULATED WASTEWATER TREATMENT PLANTS.***

### **OTHER UNMITIGATABLE ISSUES**

There are many other unmitigable issues associated with having a casino in this neighborhood. It has been proven that areas surrounding casinos experience a sharp and lasting increase in **criminal activity**. Even though my property is located somewhat in a rural setting, I have had prostitutes and drug users use my driveway and vineyard access for their business. ***Criminal activity will increase exponentially with the Casino making our neighborhood unsafe.*** The tribe erroneously assumes that Sonoma County Sheriffs and Fire will service the project.

There is no way to eliminate new **NOISE** associated with traffic access to the site from patrons and deliveries, parking for over 5,000 cars and general **24-HOUR-A-DAY** operation of the casino itself. Other forms of **POLLUTION** will be car exhaust and light pollution. ***All of these factors will permanently damage our peace and SEVERELY reduce the VALUE of our properties.***

### **SUMMARY**

In a nutshell, this proposal to take this land into Fee-to-Trust status and permit a casino in a residential neighborhood is absolutely ludicrous and since there are numerous issues that cannot be adequately mitigated, any future environmental study will be flawed and unacceptable. Let me summarize the fatal flaws for this project:

- NO additional environmental study can adequately characterize the overwhelming negative effects to the neighborhood and Sonoma County Citizens and **WILL BE A WASTE OF TIME.**
- The tribe has not presented mitigating factors for critical issues
- There is no definition of Less than Significant and this implication for all issues clearly ignores the concerns of neighbors and Sonoma County citizens
- The proposed development is opposed by every civic organization and the overwhelmingly majority of Sonoma County citizens.
- The proposed development is opposed by existing Tribes that originate from Sonoma County
- We already have two casinos in Sonoma County, we don't need a third

**What is completely omitted from the previous EA document and will most likely be omitted in future studies is the description and acknowledgment of the permanent damage to the existing residential and agricultural culture that exists in this area.**

No credence is given to forever changing the lives of the current residents, which far outnumber the 90 Koi members who would be the beneficiaries of residential neighborhood destruction. ***Clearly none of the Koi would live in this neighborhood once the casino is built. I would also like to point out that NEVER has permission been granted in the past for a tribal casino more than 15 miles from their native origins nor has a casino EVER been permitted next to a residential neighborhood...***this policy should not be changed!

I have one final comment that needs to be taken into consideration by the BIA. This current process of **RESERVATION SHOPPING** at will needs to cease, and the Federal Government needs to find other more positive ways to assist tribal communities that doesn't destroy the lives of others in the process and is not based on a monopoly of casino greed. Where is it written in BIA policy that the only way for Tribes to become financially self-supporting is by granting Fee-to-Trust land specifically for casino building. Tribal rights should not be more important than all other citizens' rights. We are all **US Citizens** and one group should not be allowed to infringe upon the rights of others for selfish means, especially since the citizens that could be negatively and permanently affected have lived here for many decades.

In closing, I implore the BIA to reject any future EIS studies and considering granting Fee-to-Trust for the Koi Nation on this Parcel of land, and only consider **Alternative D- No Action Alternative**. **I also strongly encourage you to guide the Koi Nation into finding fee-to-trust land opportunities outside of Sonoma County.**

Respectfully submitted,



William V. McCormick, CEG

Neighborhood Resident



From: [REDACTED]

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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To Whom It May Concern,

In response to the BIA request for public comments for development of an Environmental Impact Statement, I propose that all issues and concerns raised during the review of the EA be thoroughly addressed. The information presented in the EA was shockingly deficient, often based on outdated information and superficial reference to website information. It should be noted that there is no local support for the Casino Project, not from the nearby residents, the Windsor Town Council, Sonoma County Board of Supervisors, nor the other Sonoma County tribes. (I notice that all support the Koi Project cites is from tribes not in or near Sonoma County.)

Contrary to comments made by the tribe's Chickasaw representative during the public hearing in response to the Environmental Assessment, the parcel under Fee-to-Trust consideration for construction of the Casino Project is NOT in a commercial zone. No other commercial properties are adjacent to the parcel, but residential neighborhoods, a church and a Windsor park containing sports fields used by children and adults currently border 3 sides of the parcel. In fact, the parcel under consideration is zoned as Intensive Agricultural by the County of Sonoma. The project is wholly unsuited for this agricultural location.

The biggest concern I have personally is the effect of such a project in the event of another devastating wildfire, which is more likely than not. The EA's response to this concern was not only impractical, but also insulting to the residents in the immediate area of Shiloh Rd., Faught Rd., Chalk Hill Rd., and Shiloh Ridge. Several thousands of these residents would likely have to use Shiloh Rd. as their only evacuation route. Given the past history of local wildfires in 2017 and 2019 alone, there is no way that 2-lane country Shiloh Rd. can accommodate the 7,000+ cars that will be evacuating to Highway 101.

I am not opposed to tribal self-sufficiency, self-determination and economic development. Nor am I opposed in general to gaming. However, this is not the right location for a casino and resort. Additionally, these are not the Koi ancestral lands; in fact, the tribe is currently involved in a dispute with Lake County regarding their ancestral lands in that county. Their position in that dispute is contradictory to their claim that Sonoma County constitutes their historical lands. They cannot have it both ways.

Their claim to Sonoma County land is unfair to the existing Sonoma County tribes, all of whom are allied in their opposition.

I urge you to deny the Fee-to-Trust proposal from this tribe that has a recorded history of reservation-shopping. I am open to consideration of an alternate, non-gaming project, but prefer a no-action alternative. The tribe has already begun removing the existing vineyards, and the Koi Casino is already shown on Google maps. I'm not sure if these are tactics employed to demoralize or intimidate the local residents and others, but it seems disingenuous of the tribe to claim they want local support.

I request that my personal identifying information be withheld from public review.

Sincerely,

[REDACTED]

**From:** Hank Schreeder <[hschreedersr@gmail.com](mailto:hschreedersr@gmail.com)>

**Sent:** Monday, April 8, 2024 10:46 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, KOI Nation Fee-To-Trust, and Casino Project

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I am writing to let you know my strong opposition to the proposed casino project in our community. As someone who has dedicated their career to law enforcement, I have witnessed firsthand the detrimental effects that casinos can have on communities. The issues associated with this project are numerous and deeply concerning, and I would like you to carefully consider the implications before moving forward.

First and foremost, the proposed casino project fails to adequately address the significant environmental impacts it would have on our area. From increased air and light pollution to the potential disruption of wildlife corridors, the project poses a serious threat to the delicate ecosystem surrounding us. Furthermore, the proposed extraction of 400 thousand gallons of water daily, coupled with the construction of on-site sewage treatment facilities, raises serious concerns about the sustainability of our water resources and the potential for contamination.

Additionally, the proposed location of the casino, accessed by a two-lane rural road already at capacity, would exacerbate existing traffic issues and pose a danger to residents. With hundreds of new apartments planned along the same route, the influx of daily traffic would further strain our infrastructure and negatively impact the quality of life for current residents.

Moreover, the social implications of the casino cannot be overlooked. Casinos are known to attract crime, including theft, prostitution, and addiction, which place an increased burden on our public services and pose a threat to community safety. While the tribes may offer "crime mitigation" funds, these measures are often insufficient to offset the damage caused by the presence of a casino in our midst.

In addition to these concerns, I am troubled by the apparent disregard for the historical and cultural significance of the proposed site, which was not inhabited by the Koi tribe. The Koi tribe historically resided in Lake County. It is deeply troubling that this location is being exploited to undermine the financial stability of neighboring communities.

In conclusion, I implore you to thoroughly consider the long-term consequences of the proposed casino project on our community and take decisive action to address these concerns. Our collective well-being and the future of our area depend on it.

Thank you for your attention to this matter.

Sincerely,  
Robert and Lisa Schreeder  
117 Lafayette Dr  
Santa Rosa, Ca 95403



**From:** Brian Moe <[brian.moe@sonic.net](mailto:brian.moe@sonic.net)>

**Sent:** Monday, April 8, 2024 10:50 AM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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To Whom It May Concern:

I believe the Koi Nation resort and casino project proposed for 68 acres of primarily agricultural land adjacent to Windsor, CA, would be detrimental to the land, to surrounding resources and to established rural and semi-rural neighborhoods. The establishment of such a massive business would forever diminish the character, peace and beauty of southeast Windsor.

This business would cause a huge influx of traffic and congestion. Nearby infrastructure for Highway 101 was designed for 1960s-era traffic and is already strained by daily backups. The property itself is surrounded by two-lane rural byways where even sidewalks are rare. More traffic brings more exhaust and poorer air quality.

Paving over much of the project area, which would be inevitable, would increase runoff into adjacent creeks and raise the risk of downstream flooding.

Residents from all over Sonoma County value nearby Shiloh Ranch Regional Park as one of the area's gems. I worry about the impact to the park from nearby construction, air and water pollution and visual degradation.

I do not object to the Koi Nation developing a sustaining business for itself but I do not think this Windsor project is being pursued in a proper or desirable location. Compare this project to the Graton Casino in Rohnert Park, which is actually much larger, but it was located in an area far from residential neighborhoods. The Graton band of Pomo also located its project within that tribe's established historical territory while the Koi band is known to have traditionally occupied areas far to the northeast in what is now Lake County.

Thank you for your consideration,

Brian Moe  
PO Box 101  
Windsor, CA 95492  
[Brian.moe@sonic.net](mailto:Brian.moe@sonic.net)

**From:** Dahdri McCormick <[dahdrimc@icloud.com](mailto:dahdrimc@icloud.com)>  
**Sent:** Monday, April 8, 2024 11:26 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] KOI NATION SHILOH RESORT & CASINO PROJECT WINDSOR CA

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To Whom it May Concern:

This is my written strong opposition of the proposed Koi Nation Shiloh Resort and Casino in the area at Old Redwood Highway/East Shiloh Road in Windsor. I am a 30-year resident of Sonoma County. I have raised my 3 children in the vicinity of this proposed project and I currently reside in close proximity of this project.

The proposed location of the casino is not conducive to the character of this part of Windsor. Located in close proximity are established neighborhoods, agriculture, churches, parks, playgrounds and baseball fields all of which will suffer tremendously by the proposed casino project.

The small 2 lane Old Redwood Highway as well as East Shiloh Road could not handle any excess traffic that would be brought on by this project. In addition to traffic congestion the environmental impact to this area brought by traffic, noise, air quality, visual resources and destruction of established agricultural land, the area is set up for an impact to residents, their children and the overall "culture" this area currently holds. As seen in the previous years of catastrophic wild fires in this area, these roads could not possibly handle more congestion especially in the event of future fires or other catastrophic events. Expansion of the Shiloh Rd/ East Shiloh Road could not possibly accommodate the projected traffic increase that would impact this neighborhood road. There is lack of adequate circulation to and from this project that would create a domino effect to surrounding roads and neighborhoods.

This particular Koi nation has no known or significant connection to this land or the Town of Windsor. This tribe should investigate land or locations in the vicinity of their origin. In addition, the ignorance of local zoning and building restriction only causes the current area to decrease land and property values for all those in the surrounding areas.

This neighborhood is not the location for a proposed casino . Not even a "resort" with high-end projections. This is a neighborhood with families. These families take walks, play ball, shop, attend school and attend churches in this area.

A proposed casino will increase traffic, crime, decrease the current green space and jeopardize emergency time to respond to any future emergencies in the area. The project jeopardizes land and biological resources. There is direct negative impact on public services, utilities and overall socioeconomics.

There are other areas more conducive to this type of business. Please keep our Town of

Windsor a family community—the reason we chose to live here in the first place.

Thank you for your consideration,

Dahdri McCormick  
5811 Faught Road  
Santa Rosa CA 95403  
[dahdrimc@icloud.com](mailto:dahdrimc@icloud.com)

**From:** Gene Clark <[gclark426@gmail.com](mailto:gclark426@gmail.com)>  
**Sent:** Monday, April 8, 2024 12:34 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Opposition to proposed Shiloh Resort and Casino

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NEPA Lead Agency: Bureau of Indian Affairs Pacific Regional Office 2800 Cottage Way  
Sacramento, CA 95825

Chad Broussard Environmental Protection Specialist

Dear Mr. Broussard,

I am writing to express my strong opposition to the approach taken to support the proposed new Shiloh Resort and Casino.

When members of the Koi Nation of Northern California consider the introduction of a casino, they have sought guidance from consultants to conduct various studies. In this scenario, a consultant, commissioned and funded by entities supportive of the casino's establishment, meticulously crafts a report aimed at bolstering the case for casino development. This tailored study strategically presents biased information favoring the interests of those financing the consultancy. Through selective data interpretation and emphasis on potential economic benefits, such as job creation and revenue generation, the consultant aims to sway public opinion and decision-makers in favor of the casino project. By framing the narrative to downplay or overlook potential negative impacts, such as increased traffic congestion or problem gambling, the consultant endeavors to create a persuasive argument that aligns with the agenda of their benefactors. This orchestrated effort to present a one-sided view of the proposal underscores the influence of vested interests in shaping public perception and policy decisions regarding the casino's introduction.

Empirical evidence reveals the community will face a myriad of compounding factors, as illustrated below, which necessitate the denial of yet another casino in Sonoma County.

1.

1. Traffic Congestion: There is currently no infrastructure in place, nor planned, nor even close to being funded, to accommodate the increased traffic that will

occur traveling to or around the proposed casino location. This will strain local infrastructure and create inconvenience for residents.

2. 2.

3. Crime Concerns: Increased crime associated with casinos, including theft, fraud, and organized crime activities, are commonly understood issues. Therefore, *the study must include full disclosure* of the number and nature of the Graton Casino and River Rock Casino calls over the past 5 years from the Sonoma County Sheriff's Department and associated data from the City of Rohnert Park Police Department. Respectfully, The Bureau of Indian Affairs must consider this as a formal Public Records Access Request through the Freedom of Information Act, whereby such information is promptly and made reasonably available to the public.

4. 3.

5. Problem Gambling: The presence of another casino will undoubtedly contribute to problem gambling behaviors in our community, leading to financial hardship, family disruptions, and depression.

6. 4.

7. Impact on Local Businesses: Casinos will draw customers away from existing local businesses, especially smaller establishments. This will lead to economic challenges for nearby retailers, restaurants, and entertainment venues.

8. 5.

9. Impact on Family Well Being.: In the gaming industry, it's said to never gamble with "scared money." Scared money is what is referred to when a person uses their money to gamble...that in fact was supposed to go to paying the rent, covering a child's nutritional needs at school, or having funds to pay for a medical emergency. Gambling institutions turn a blind eye to such problems! In fact, they multiply and magnify such hardships and stresses by installing personal ATM machines right in the casinos.

10.6.

11. Social Disruption: The introduction of a third casino will inevitably change the social fabric of the community, leading to disruptions in community cohesion, values, and norms. This will heighten the concerns of residents who value their community's identity and sense of belonging.

12.7.

13. Negative Image: Communities fear that the presence of a casino will tarnish their reputation or negatively impact their brand image. This concern will be particularly relevant for areas seeking to promote themselves as family-friendly or culturally rich destinations.

Thank you for allowing me to participate in this process.

Sincerely, Gene Clark, 1036 Elsbree Lane, Windsor, CA 95492



**From:** Yana Ross <[yanaross@yahoo.com](mailto:yanaross@yahoo.com)>

**Sent:** Monday, April 8, 2024 12:40 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard, Environmental Protection Specialist, BIA,  
I am writing to voice my concern and dismay that consideration would be afforded to the southeastern Pomo Koi Nation of Lake County to build a proposed casino and resort in the ancestral territory of the southern Pomo, and the Federated Indians of Graton Rancheria. For years Koi has tried to build a casino in Oakland, in Vallejo and now in Windsor. They have no valid claim to this area, and in fact their own records and media (<https://www.pbssocal.org/shows/kvie-viewfinder/episodes/saving-sacred-hj7xzd>) declare and affirm their ancestral ties to Lake County, about 60 miles away.

I am part Coast Miwok, Southern Pomo and Mishewal Wappo, and an enrolled citizen of the Federated Indians of Graton Rancheria, and as a fellow Indigenous person I am well aware of the injustices Indian people, including my family and ancestors, have had to endure, but two wrongs don't make a right in this case; it would be wrong to allow Koi Nation to usurp our Sonoma County homeland in this way.

The five Sonoma County tribes: Federated Indians of Graton Rancheria, Dry Creek Pomo, Mishewal Wappo, Cloverdale Pomo, and Kashia Pomo all oppose Koi's mistaken assertion that they have a place to advance their economic development here. Their efforts have been refused in the other counties they have audaciously attempted this operation, and they should indeed be turned down again because they are out of line. The overwhelming majority of neighbors, Sonoma County residents and governmental leaders oppose this project based on, but not limited to, legitimate environmental, social, traffic, public safety, and tribal issues. Thank you for considering.

Respectfully,  
Yana Fawn Ross  
Santa Rosa, California

**From:** Gene Clark <[gclark426@gmail.com](mailto:gclark426@gmail.com)>

**Sent:** Monday, April 8, 2024 12:50 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>; Gene Clark <[gclark426@gmail.com](mailto:gclark426@gmail.com)>

**Subject:** [EXTERNAL] Opposition to Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Please use this attached document regarding my position for the proposed Shiloh Resort and Casino, as it will have better formatting.

Thank you.

Gene Clark

**One attachment** • Scanned by Gmai

NEPA Lead Agency: Bureau of Indian Affairs Pacific Regional Office 2800 Cottage Way  
Sacramento, CA 95825

Chad Broussard Environmental Protection Specialist

Dear Mr. Broussard,

I am writing to express my strong opposition to the approach taken to support the proposed new Shiloh Resort and Casino.

When members of the Koi Nation of Northern California consider the introduction of a casino, they have sought guidance from consultants to conduct various studies. In this scenario, a consultant, commissioned and funded by entities supportive of the casino's establishment, meticulously crafts a report aimed at bolstering the case for casino development. This tailored study strategically presents biased information favoring the interests of those financing the consultancy. Through selective data interpretation and emphasis on potential economic benefits, such as job creation and revenue generation, the consultant aims to sway public opinion and decision-makers in favor of the casino project. By framing the narrative to downplay or overlook potential negative impacts, such as increased traffic congestion or problem gambling, the consultant endeavors to create a persuasive argument that aligns with the agenda of their benefactors. This orchestrated effort to present a one-sided view of the proposal underscores the influence of vested interests in shaping public perception and policy decisions regarding the casino's introduction.

Empirical evidence reveals the community will face a myriad of compounding factors, as illustrated below, which necessitate the denial of yet another casino in Sonoma County.

1. Traffic Congestion: There is currently no infrastructure in place, nor planned, nor even close to being funded, to accommodate the increased traffic that will occur traveling to or around the proposed casino location. This will strain local infrastructure and create inconvenience for residents.
2. Crime Concerns: Increased crime associated with casinos, including theft, fraud, and organized crime activities, are commonly understood issues. Therefore, *the study must include full disclosure* of the number and nature of the Graton Casino and River Rock Casino calls over the past 5 years from the Sonoma County Sheriff's Department and associated data from the City of Rohnert Park Police Department. Respectfully, The Bureau of Indian Affairs must consider this

as a formal Public Records Access Request through the Freedom of Information Act, whereby such information is promptly and made reasonably available to the public.

3. Problem Gambling: The presence of another casino will undoubtedly contribute to problem gambling behaviors in our community, leading to financial hardship, family disruptions, and depression.
4. Impact on Local Businesses: Casinos will draw customers away from existing local businesses, especially smaller establishments. This will lead to economic challenges for nearby retailers, restaurants, and entertainment venues.
5. Impact on Family Well Being.: In the gaming industry, it's said to never gamble with "scared money." Scared money is what is referred to when a person uses their money to gamble...that in fact was supposed to go to paying the rent, covering a child's nutritional needs at school, or having funds to pay for a medical emergency. Gambling institutions turn a blind eye to such problems! In fact, they multiply and magnify such hardships and stresses by installing personal ATM machines right in the casinos.
6. Social Disruption: The introduction of a third casino will inevitably change the social fabric of the community, leading to disruptions in community cohesion, values, and norms. This will heighten the concerns of residents who value their community's identity and sense of belonging.
7. Negative Image: Communities fear that the presence of a casino will tarnish their reputation or negatively impact their brand image. This concern will be particularly relevant for areas seeking to promote themselves as family-friendly or culturally rich destinations.

Thank you for allowing me to participate in this process.

Sincerely, Gene Clark, 1036 Elsbree Lane, Windsor, CA 95492

From: [REDACTED]

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Subject: [EXTERNAL] NOI comments Koi nation fee-to-trust casino project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello,

I'm writing to express opposition to the proposed Koi casino in Sonoma County. It would be a decimation of natural resources to help out of state tribal entities profit from our local resources, and there are many adverse environmental impacts should this project come to fruition.

Most notably, the roads infrastructure cannot sustain the expected increase in traffic to the location - neither the highways or surface roads are capable of handling this volume. Additionally, this region has been impacted by wildfires multiple times over the years, requiring evacuation of neighborhoods and entire towns. Adding this volume of vehicles and additional traffic to an evacuation would put local residents lives at risk.

Given the immediate proximity to a high volume of residential neighborhoods, schools, and churches, bringing in such traffic for activities such as gambling will adversely impact the local neighborhoods. I am concerned that the casino will cause an increase in violent and non violent crime to the surrounding areas.

For many years, California has suffered under drought conditions with water restrictions, etc. Only recently have we started to replenish water tables with only two years of sufficient rain. There is not enough water to sustain the anticipated 400,000 gallon DAILY use for this casino. The drain on local environmental resources is too significant to overlook.

Please save the water, save the land, save our local communities, our infrastructure, and our economy by saying no to this casino.

**Please redact any personally identifiable information from this message before distribution.**

If you need any additional information from me, please reach out.

Signed,

concerned resident of Windsor, [REDACTED]

**From:** catherine dodd <[catherine.dodd@gmail.com](mailto:catherine.dodd@gmail.com)>  
**Sent:** Monday, April 8, 2024 1:14 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-trust and Casino project: NO ACTION

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Please find my comments attached and please confirm receipt of comments.  
May you be well,

c.

Catherine Dodd PhD, RN [FAAN](#) she/her  
[linked](#) in

Board Member [Commonweal](#)

Leadership Council [HealingCirclesHealthCare](#)  
[catherine@healingcircleshealthcare.org](mailto:catherine@healingcircleshealthcare.org)

Board Member [National Committee to Preserve Social Security & Medicare](#) [Join TODAY](#)

Advisor, Families Advocating for Chemical and Toxic Safety [FACTS](#)  
[Nurses for America](#) Core Team

**One attachment** • Scanned by Gmail



Catherine Dodd PhD, RN  
Former Region IX Director US Department of Health & Human Services  
5259 Carriage Lane  
Santa Rosa, CA 95403 (Wikiup unincorporated Sonoma County)

April 7, 2024

NOI Comments, Koi Nation Fee-Trust and Casino Project:  
Option 3: No ACTION

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

c/o Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region

Dear Director Dutschke,

I am writing as a resident, an environmental health consultant and senior who moved to the unincorporated area of Sonoma County, where the proposed Koi Casino project is being considered, after a bone marrow transplant in 2014. Only one photo/map in the Environmental Assessment shows our neighborhood even though we are 1.2 to 2 miles away from the proposed casino project. Our neighborhood is called Larkfield-Wikiup and is made up of young families and seniors (like myself). I moved here from the "City" because it is peaceful and *quiet*. People walk their dogs on the sidewalkless streets, there is wildlife, there is a regional park (Shiloh-directly across from the proposed casino not shown in pictures or maps) where we can enjoy nature year-round. Many people bike ride for pleasure and competition because of the *quiet streets and calm surroundings*. Because the EA omits photos of our neighborhood it leads the reviewer to believe that there will be no impact on the several thousand people in this neighborhood and the 10,000 people who live in the "Larkfield-Wikiup" neighborhood at large.

The proposed casino will change the character of and harm the health and well-being of individuals, our community and the neighboring communities north and west of the proposed casino. It will also harm the Regional Park and wildlife east of the proposed casino. It will exacerbate climate change locally and beyond, it will endanger the water supply and system.

**I searched the CFR and located CFR Title 25 Chapter 1 Subchapter N Part 292 and found:**

To satisfy the requirements of [§ 292.16\(f\)](#), an application must contain the following information on detrimental impacts of the proposed gaming establishment: (below a-g) and § 292.18 poses the question: What information must an application contain on detrimental impacts to the surrounding community? I answer this question below.

(a) Information regarding environmental impacts and plans for mitigating adverse impacts, including an Environmental Assessment (EA), an Environmental Impact Statement (EIS), or other information required by the National Environmental Policy Act (NEPA);

(b) Anticipated impacts on the social structure, infrastructure, services, housing, community character, and land use patterns of the surrounding community;

- (c) Anticipated impacts on the economic development, income, and employment of the surrounding community;
- (d) Anticipated costs of impacts to the surrounding community and identification of sources of revenue to mitigate them;
- (e) Anticipated cost, if any, to the surrounding community of treatment programs for compulsive gambling attributable to the proposed gaming establishment;
- (f) If a nearby Indian tribe has a significant historical connection to the land, then the impact on that tribe's traditional cultural connection to the land; and
- (g) Any other information that may provide a basis for a Secretarial Determination whether the proposed gaming establishment would or would not be detrimental to the surrounding community, including memoranda of understanding and inter-governmental agreements with affected local governments

I have not worked with these regulations previously so I will address what has not been adequately described in the EA and items required in a-g.

- (a) The EA was very incomplete. It lacks data and in many instances it is completely unrealistic. The list of topics in the EA does not include **Climate Change** (which is a relatively newly accepted environmental concern and apparently is not yet part of EA ES reviews). What is the projected tonnage of CO2 and GHGs generated/day? How large is the projected carbon footprint? A carbon footprint in tons should be part of this assessment/study.

Sonoma County like other parts of California and the US has been and continues to be significantly affected by Climate Change. Increasing temperatures and earlier spring & summer with accompanying drought which have impacted our **temperatures, air quality** and our **water supply**. Climate change has brought flooding in winter and **unpredictable high winds** in both winter and summer. The summer winds have resulted in catastrophic fires throughout the state but specifically in the area of the proposed casino project.

A 1.2M sq ft building, with a 200-400 (different #s on KOI website than in EA) hotel, with 5-7 (again differing #s) restaurants *and* a parking lot for over 5,000 (visitors and staff) cars will create a giant heat island warming the site and neighborhoods nearby. It will require immeasurable amounts of electricity and gas – largely from fossil fuels. Gas for the restaurants is inevitably released during cooking and is a known GreenHouseGas. 24/7 casino lighting, air conditioning, 5,500 automobiles as well as trucks will also contribute to GHGs.

Extreme heat is a danger to the health of seniors and children. The proposed site is across from a Senior Mobile Home park and a Windsor City recreational park for children and families. There is no prediction regarding dangerous the heat effect that this project will create. Currently the agricultural land has served as a cooling break for the area and absorbs CO2 as well as works as a fire break.

**Fire:** The Wikiup and Oak Park neighborhoods (north and south of the project) have been evacuated for fire twice in the past seven years. Trying to evacuate from a life-threatening fast-moving fire on the two-lane Redwood Hwy and onto the gridlocked HWY 101 is extremely anxiety producing. In the Tubbs fire we had less than 15 minutes to leave, it took an hour to travel half a mile and cross over HWY 101 at Shiloh (which was closed at the closest exit because the fire was heading toward our Mark West exit and in fact crossed the HWY and burned an entire subdivision

of 1,000 homes killing 2 people) onto the 2 lane River Road also blocked. Luckily, we had friends in Sebastopol to go to, but then were evacuated from there so we went to a supermarket parking lot and tried to find a place to stay. There were thousands of people with no place to go who set up at the fairground. Imagine a fire **or earthquake** (the proposed casino is close to a fault line – we had an earthquake 2 years ago that broke our water pipe with 5,000+ cars and 10,000 people trying to escape and to find a safe place none of us knowing where to go. We were out of our smoke damaged home for over a week the fire stopped 8 houses away.

During the Tubbs fire, emergency services were so overwhelmed that staff in a nursing home lined all the patients up for transport and then staff fled for their lives leaving the patients to burn to death.

The proposed mitigation: is completely unrealistic. The suggestion that 12 traffic “attendants” attempting to direct 4-8,000 *panicked* visitors in 4,310 visitor vehicles (not counting employee vehicles) away from a *hot fast-moving fire* (which the Tubbs fire was – as well as Paradise and Malibu fires) will be able to evacuate traffic and not flee themselves is totally unrealistic as is the projection that all will be evacuated in 2.2 hours and the suggestion that “other traffic will be relatively light” is preposterous. This does not consider the thousands of people in the neighborhoods north and south or the senior trailer park west of the proposed project who are also evacuating. The proposed 12 staff (like those in the nursing home) will flee for their life. Most of us in surrounding neighborhoods – near the proposed project have had our fire insurance not renewed and have had to pay high premium through a state insurance program because the risk of fire is so great. If their insurance was not canceled, it will be if the casino project goes forward. The existing vineyard acted as a firebreak in the 2021 Kincaid fire which tinged the vineyards at the top east border for which those of us to the south of the proposed project were grateful. Fire insurance does not reimburse for loss of life, only property. This proposal minimizes the value of human life. One cigarette or marijuana butt tossed out a car window into the dry grass or leaves along the road – not just along the border of the project – but along the road in the neighborhoods or into Shiloh Regional Park will be the end of our lives for thousands of us.

From a health perspective, extreme heat is a danger especially for seniors and the neighborhoods (and Colonial trailer park) that surround the proposed project are home to countless seniors. Air pollution caused by cars and trucks especially in hot weather will exacerbate any pulmonary conditions. Smoke from fires can be deadly for people with pulmonary conditions. Anxiety about fire already causes sleepless nights during warm summer nights and the casino project will only make these worse. Our quality of life will be harmed and there is no mitigating that.

**Water supply:** Larkfield Wikiup relies on well water and is the most expensive water in the state. Rationing has been implemented the past three years charging much higher rates when watering on the wrong day and above the gallons/person limits set by Cal American Water. I have been saving water from the sink and shower to water the garden and flush toilets for over 5 years as have many neighbors.

Cal American Water gets the water from nearby wells relying on aquifers. The aquifers do not only supply the casino project areas, they supply all of us! The state of California passed “Sustainable Groundwater Manageable Act” (SGMA) was passed in 2014 and requires that by 2042 each area of California that uses ground water to replace what is used. Sonoma County wells are on “the Santa Rosa Plains” and is in the process of planning to replace the ground water that it draws out. California has proposed implementing water rationing.

It seems unrealistic to assume that our water table and aquifers are limitless, and 400,000 (includes the so-called treated water) gallons proposed to be used by the casino project will only

make water more scarce and costly. Wastewater processing does not belong between neighborhoods and the possible danger to Pruitt creek cannot be mitigated.

### **Solid waste – landfill:**

Sonoma County like other counties in California is working toward a “zero waste” goal. It is unconscionable that 5,000 – 10,000 people each day will not create a solid waste disaster. All of our individual efforts to reduce, reuse and recycle will be made meaningless. Keep the casino garbage out of our county! **Hazardous waste** – there is a special facility for hazardous waste however it’s much better to prevent it by not needing it to begin with.

### **Light and Noise:**

A casino will light up the night and will eliminate the night sky we cherish gazing at. It will confuse navigation that wildlife require for protection in and near Shiloh Regional Park. Noise in the neighborhoods will create a citylike environment that many of us moved here to avoid.

Traffic noise from HWY 101 will be much louder with 4,000-5,000 additional cars and trucks traveling 24/7. Speeding hotrods will disrupt our quiet neighborhoods and the park. Noise from daily delivery and refuse trucks, and water filtration pumps and systems 24/7 will be disruptive, not to mention noise from the casino itself. We will be unable to sleep with doors and windows open during warm temperatures. The **sound of sirens** from emergency vehicles, which are rare in our quiet neighborhoods will be frequent and unpleasant given an anticipated need for law enforcement and emergency response presence.

### **Regional Park**

Shiloh Regional Park, on the hill adjacent to the east side of the project is home to many wildlife and has wonderful hiking trails. Hiking with views of the “neighborhood casino” will ruin this important natural resource for families.

### **Traffic:**

The traffic evaluation in the EA is inaccurate, it was not performed between Cal Trans “car pool hours” of 7am-9am and 3pm-5pm when there is gridlock on HWY 101 and River Road. An additional 5,000+ vehicles will negatively impact drive times, safety and air quality. Traffic danger along Shiloh near Esposito Park where kids play softball and people walk dogs will increase and is an unacceptable risk. Walking in our Wikiup neighborhood and over to Shiloh Regional Park is one of the nicest parts of living here. Cars taking the “backroad” to avoid traffic or law enforcement will add both danger (especially to kids near San Miguel School 1.2 miles away) and noise to our neighborhoods. There are many bicycle riders who enjoy traffic free neighborhoods for pleasure and competition.

- (b) Anticipated impacts on the social structure, infrastructure, services, housing, community character, and land use patterns of the surrounding community are significant and not addressed in the EA. As described, the two neighborhoods north and south of the proposed project are made up of quiet family homes. The increased traffic and water use will dramatically and negatively impact our neighborhood. Emergency services will be drawn away from those they currently serve and those who pay the taxes that support the services. A casino does NOT fit the quaint small town, safe, outdoor character of the proposed site. Sonoma County is working to build enough affordable housing for the existing workforce, we do not need to add 1,100 employees and families to the lack of affordable housing burden.

- (c) Anticipated impacts on the economic development, income, and employment of the surrounding community; the hospitality industry unless it is unionized does not pay a living wage giving the cost of living in Sonoma County because of this there is a shortage of hospitality workers.
- (d) Anticipated costs of impacts to the surrounding community and identification of sources of revenue to mitigate them; This was not addressed. Windsor police will respond to problems in Windsor, the casino project is in unincorporated Sonoma County and must rely on an increasingly stretched Sheriff department. The cost of law enforcement according to other casino locations will be significant. In addition, how do you quantify (no less mitigate) the health and well-being effects of increased fear of crime, inebriation and accidents for community members in adjacent neighborhoods.
- (e) Anticipated cost, if any, to the surrounding community of treatment programs for compulsive gambling attributable to the proposed gaming establishment; are not addressed. County mental health budgets are challenged, and gamblers who hit rock bottom have nowhere to go. The homeless population continues to increase. There is only one GA meeting in the county (although that is not a cost). The county should not have to bear the cost financially or morally of addictions created and perpetuated by casinos.
- (f) If a nearby Indian tribe has a significant historical connection to the land, then the impact on that tribe's traditional cultural connection to the land; The KOI tribe nor the Oklahoma Chickasaw nation have **no historical connection to this land**.
- (g) There is no question that this project will have a detrimental effect on the lives and health of residents in the community, the community itself, the immediate environment and the larger Sonoma County environment from of climate change, heat, air pollution, traffic, accidents, infrastructure deterioration, and crime. The project does not belong in such close proximity to neighborhoods and parks.

Lastly, It is my understanding that the "Fee to Trust" issue is not yet decided. The two exceptions in that allow this land transfer are described in the "two-part determination" process where the Secretary of the Interior consults with the tribal applicant, the state where the land is located, local governments, and other nearby tribes. **They all need to agree** on two things:

1. That a casino on this land is in the best interest of your tribe, and
2. That a casino or gaming business won't hurt the community around it.

This proposed project WILL hurt the community around it.

**I urge approval of number (3) the NO-ACTION alternative.** The danger of fire from cigarettes on nearby roads can't be underscored. Our communities need the agricultural land to act as a firebreak, to absorb CO2. We need to keep Shiloh Regional Park as a precious natural resource with beautiful views and wildlife, and we need to eliminate added dangerous traffic on HWY 101, Redwood Rd and on the backroads through our Wikiup neighborhoods.

Sincerely,



Catherine Dodd PhD, RN

**From:** [chandler\\_construction@yahoo.com](mailto:chandler_construction@yahoo.com) <[chandler\\_construction@yahoo.com](mailto:chandler_construction@yahoo.com)>  
**Sent:** Monday, April 8, 2024 2:52 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-To-Trust and Casino Project.

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing to provide objection to the proposed Koi Nation Shiloh Resort and Casino Project.

If completed, the project would bring tens of thousands of visitors to the area daily. This will result in a significant increase in traffic congestion, noise, and air pollution, 24/7 artificial light to the surrounding area threatening the natural environment of migratory birds. The proposed project is surrounded by residential and agricultural sections with a community/family park directly across Shiloh Road and an elementary school a mile away.

The size and dominance of the proposed gambling casino and resort at this location will adversely impact the landscape, residential life, and community activities of the whole surrounding area. It will overwhelm the resources of the public, including the diminishing residential water supply, road maintenance, emergency/wildfire evacuation routes and resources for fighting fires and managing crime.

Local air pollution and public health

In addition to greenhouse gas pollution, please study the possibility of local air pollution and public health impacts from increased vehicle traffic on neighborhood roads and highways, as well as the impacts from idling vehicles (including construction, delivery, and passenger vehicles).

The EPA has found that people who live, work, or attend school near major roads appear to have an increased incidence and severity of health problems associated with air pollution exposures related to roadway traffic. It is likely that a project of this size will have a measurable impact on air pollution in nearby neighborhoods. Please assess the possibility that there will be a public health impact due to an increase in particulate matter, air toxics, and NOx, as well as any other foreseeable air pollutant.

Water demands and drought:

California is in the midst of a 1200-year drought. Sonoma County is under mandatory water use restriction and the reality if supplies worsening with global warming is inevitable. Please consider what the water demands, both now and in the future, would be for a resort project of this size vs a



residential development on the same site. The proposed project will decimate the local water table, heavily impacting local water resources for the surrounding community, the community cannot withstand the loss of water supply caused by this project.

**Pressure on local fire/police/emergency responders' capabilities:**

This property, and the whole surrounding area is subject to intense and fast-moving wildfires, not only would visitors to a casino resort be at risk, but the whole community would also be threatened by having the designated escape/evacuation routes overwhelmed and in complete gridlock, with emergency vehicles unable to operate. All roads leading to and from the designated property are only two lanes. For residents in the immediate area and the hills above, Shiloh Road is the main, and in some cases, the only escape route out.

This project, in this location threatens the community with a high potential to greatly contribute to more loss of life and homes.

**Community safety**

Please consider how many thousands of families and individuals live in the actual Area of Potential Effect (APE). The APE is far greater than the project site and extends for miles in all directions. A project of this scope will bring an unprecedented adverse element to the greater surrounding area resulting in unintended consequences for the entire community.

The APE includes Windsor and NE Santa Rosa, Mark West, Fulton, and Wikiup/Larkfield, the inflow of tens of thousands of visitors daily into area will increase rates of crime and traffic accidents in the surrounding areas. Consider police/fire statistics from casinos in Northern California that identify casino resorts in particular that are built in locations surrounded by long-established communities of residential neighborhoods, areas intended and zoned for residential/ agricultural use only and not commercial use.

**Decline in property values:**

The expected decline in property values is both during construction of the project, and in the long term. Homes and housing units impacted by the direct visibility of the large buildings, parking lots, and bright lights, and the flux of vehicles to/from the casino resort -plus the noise of the increased vehicular traffic and entertainment - will most likely experience a decline in property values and quality of life. The 24/7 presence will significantly decrease the desirability of buying into the area and lower current residents ability to rest at night and to use and enjoy their outdoor living spaces.

There are areas in Sonoma County more appropriate for a high volume 24/7 casino business. Please study alternative sites for this project as it is not an environmentally sound project for this location and threatens the well-being of thousands of members of the local community.

The proposed site would be better suited and welcomed as a residential development by the Koi Nation to serve its people with an

affordable residential community where all families would be able to thrive and continue to enjoy living in the area. \_

Thank you for your consideration.

Thanks

Marc Chandler

(707) 889-6381

**From:** Debra <[d\\_avanche@yahoo.com](mailto:d_avanche@yahoo.com)>  
**Sent:** Monday, April 8, 2024 3:20 PM  
**To:** Dutschke, Amy <[Amy.Dutschke@bia.gov](mailto:Amy.Dutschke@bia.gov)>  
**Cc:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments Koi Nation fee to Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Ms. Dutschke, and Mr. Broussard,

I am taking one more opportunity to address the Koi Nation proposal to build a casino in our residential neighborhood on East Shiloh Rd. Santa Rosa, CA

I have written several letters to Chad Broussard as well as contacted the Koi Nation representative to express my serious concerns. I also participated in the zoom meeting a couple months ago.

This 65 acres is located in the middle of a rural, residential, agricultural designated portion of Sonoma County. That in and of itself is reason to reject all the scenarios of this ill fitting project. I have asked that a representative of BIA come and see the site "chosen" by the Oklahoma gaming interests in order to assist the "90" Koi Nation members in forging a better life. It's inconceivable that anyone would find this site appropriate on a purely physical level let alone community level.

The Koi Nation certainly deserves redress for previous actions by others, but they are not from this area. They are Lake County based historically and there's lots of land there that won't disrupt quiet neighborhoods and native species. Wildfires and water also play a part in my serious concerns as well. I know you must know this recent history of evacuations and destruction from two wildfires over the past 4 years. My neighbors and I have private wells and are justifiably worried about a 700 deep well and the proposed sewage treatment plant. Too big a deal and risk so gambling can occur. And let me restate its the Oklahoma gaming powers that will reap the lions share of this project. What do they care about impact to our community?

Please let us address your agency and the Koi Nation members and their representatives in person. We would appreciate hearing how this site was chosen and thoughtful dialogue over why not Lake County. All I have heard is that the move to Sonoma County is a given but I haven't heard why. We already have two large casinos along the 101 corridor.

(Call me, I would love to show you the site and our perspective on the above. The video with Peter Coyote (who I admire) showing how great this will be is deceiving as to impact and scale. I hope you have seen the video by Our Community Matters).

Thank you for your time and consideration,

Debra Avanche

127 E Shiloh Rd  
Santa Rosa, CA 95403

707 494-2660

**From:** [walterbrusz@comcast.net](mailto:walterbrusz@comcast.net) <[walterbrusz@comcast.net](mailto:walterbrusz@comcast.net)>

**Sent:** Monday, April 8, 2024 3:20 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Cc:** [pedwards47@comcast.net](mailto:pedwards47@comcast.net) <[pedwards47@comcast.net](mailto:pedwards47@comcast.net)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project.

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr Broussard,

Please find attached our further comments on the Koi Nation casino project. Thank you for the opportunity to provide input.

With best regards,

Walter Bruszewski and Pam Bruszewski

**One attachment** • Scanned by Gmail



## HIDING A FIVE-STORY HOTEL IN A VINEYARD: Further evidence that the Koi have endeavored to deceive our neighborhood with misleading images of their proposed casino and resort.

April 8, 2024.

**SUMMARY.** The Koi have presented arguments for creating a gambling casino, event center, spa and hotel to host thousands of people, replacing a vineyard in our neighborhood inhabited by no one. In their EA, they attempt to convince our neighborhood that this development will have no significant impact on our environment, our lives, or our safety. The Koi's arguments in their EA are disingenuous and specious. Here I address the Koi's assertions in the EA about:

- the appearance of the planned development;
- the Koi's opaque process of assigning significance to impactful changes created by their project.

The Koi Nation has misrepresented the safety and benign nature of their planned project. They present voluminous "analyses" which give the false impression that they are seeking the truth about the impact of their casino. They have misrepresented the appearance of the development with deceptive photographs which attempt to hide the casino, resort, hotel, etc. in a vineyard. Conclusion: the Koi have produced an EA which gives the appearance diligent analysis, but is actually deception.

I strongly support the efforts of indigenous peoples over the world to assert their rights as individuals and groups. I believe that the United States created a shameful record of genocide, taking of indigenous lands, and destruction of the culture of the first citizens of America. Further, I believe that these people demonstrated a spiritual connection with the land of which they were the custodians. In contrast, I believe that they were confronted with white settlers supported by the United States Government who plundered indigenous lands by mining, logging, and extermination of wildlife. I believe that American indigenous peoples have suffered from systematic racism in the same way as



African Americans. And they have a right to expect support for their livelihood from the government of the United States.

Still, I am opposed to the Koi casino enterprise, which would ruin our peaceful residential neighborhood.

**THE KOI MISREPRESENT THE SIZE OF THE CASINO.** In Figure 1 above, the Koi's conception of what their proposed casino-resort-event center would look like is compared with an actual photograph of the site in which a scale model of the project (based on the site plan and description) is inserted. In the EA, the Koi present Figure 3-13.2 (their post-development illustration of the project), which is shown on the left. The right-hand image is a composite of a recent photograph, made with a 50 mm lens. A 50 mm lens is generally considered to capture a view equivalent to what the unaided eye sees. If one is familiar with the view of the site as one proceeds eastward on Shiloh, the right-hand image looks realistic. The left-hand image is strangely distorted (probably attributable to use of a wide-angle lens) so that everything recedes into the background to the extent that the Mayacamas Mountains are not visible. The distortion is enough that East Shiloh appears nearly parallel to Old Redwood Highway (ORH). (The streets actually intersect at a 60 degree angle.)

Figure 2 shows the image upon which the composite was constructed. Notice that is an accurate image, with respect to the land. The Mayacamas are clearly visible.



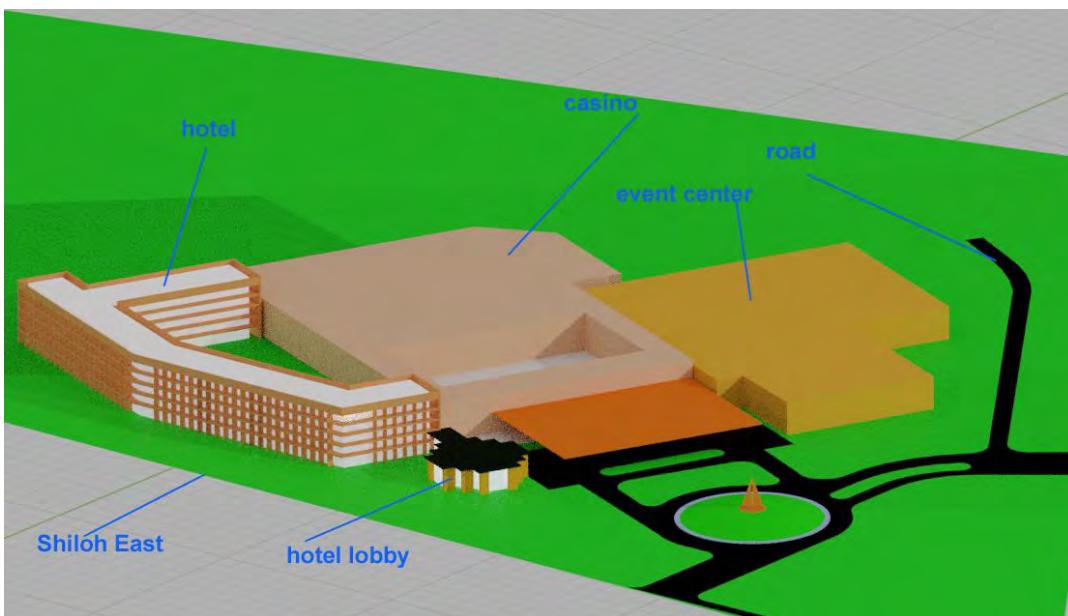
**Figure 2.** Normal, typical view from the corner of ORH and Shiloh East, looking eastward.

Figure 3 shows an early stage in the construction of a scale model of the project. It was built on the site plan furnished by the Koi in their EA (Figure 2.1-1)



**Figure 3.** Building the scale model on the site map with SolidWorks 3D CAD (computer assisted drafting / design) software.

In the following figure, the complete SolidWorks virtual solid model of the project is shown in Blender 2.90, which was used to create a photorealistic model of the project with realistic surface textures and colors. In Blender, a scene was created with the model and naturalistic lighting and shadow simulating the Sun and other light sources. Blender is very similar to Pixar, the software used to produce modern animated movies. SolidWorks is a typical 3D solid CAD program, which mechanical engineers and mechanical designers use for product design.



**Figure 4.** Photorealistic scene of the project created in Blender.

The construction and visualization of this project is well within the capability of an architect, or even an architectural drafter. I am surprised that the architects serving the Koi did not undertake such a project. As it is, it appears that the Koi are not interested in the truth; they have opted to deceive with manipulated photographs which deviate from the truth.

**THE KOI EMPLOY AN OPAQUE AND WORTHLESS PROCESS FOR ASSIGNING SIGNIFICANCE TO A RANGE OF IMPACTS CREATED BY THEIR PROPOSED PROJECT.** In Section 3.13.3 of the EA, impacts on visual appearance, quiet, and darkness are addressed. The EA concludes that “visual impacts . . . would be less than significant. Impacts are partially identified, but assignment of significance occurs by an unknown process. Thus, it has no value. It appears that the Koi’s judgement is essentially arbitrary. In an extreme case, the impact of the water treatment facility is deemed of no significance. Nowhere in their narrative do they seem to be aware that waste treatment plants which process sewage are well known for their emission of foul smells. I have visited several waste treatment plants around the Bar Area: they all stink! It is obvious why these plants are sited far from population centers, not in a residential neighborhood.

For a fair determination of the impact of this project, the Koi need to prepare a truthful EIS. I look forward to this.

Walter Bruszewski

Pam Bruszewski



**From:** Michael Higgins <[mr.mike.a.higgins@gmail.com](mailto:mr.mike.a.higgins@gmail.com)>

**Sent:** Monday, April 8, 2024 3:26 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, KOI Nation Fee-Trust and Casino Project Attn: Amy Dutschke

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Chad Broussard and Ms. Amy Dustschke,

I hope this letter finds you well. My name is Michael Higgins, and I am writing to you today to express my deep concerns about the proposed KOI Nation Casino project in Windsor, CA. Specifically, I wish to address the environmental, traffic, and wildfire risks associated with this development.

First and foremost, the construction and operation of a large-scale project such as the KOI Nation Casino inevitably pose significant environmental challenges. The disruption of natural habitats, increased traffic congestion, and potential pollution from the construction phase alone can have lasting effects on the delicate balance of our local ecosystem. As residents of the immediate area, we have a responsibility to protect and preserve our natural environment for current and future generations.

Additionally, the introduction of a major attraction like the casino will undoubtedly exacerbate existing traffic issues in the area. I understand that this will be 1.2 million square feet of buildings bringing 27,000 to 57,000 visitors per day. That effectively doubles or triples Windsor's current population of 25,271.

Windsor already faces congestion challenges, particularly during peak tourist seasons and events. The influx of visitors drawn to the casino will only further strain our roads and infrastructure, leading to increased traffic congestion, longer commute times, and heightened safety concerns for residents and visitors alike. All of this being proposed in residential neighborhoods.

Furthermore, Windsor and its surrounding areas are highly susceptible to wildfires, especially during the dry summer months. The construction and operation of the casino bring with them increased human activity and potential ignition sources, significantly elevating the risk of wildfires in our community. It is imperative that we take proactive measures to address these wildfire risks and ensure the safety and well-being of our residents.

Thank you for considering these critical issues.

Sincerely,

Michael and Kathleen Higgins

5235 Carriage Lane, Wikiup-Larkfield, CA 95403

From: Bob Cipolla <[bobcipolla65@gmail.com](mailto:bobcipolla65@gmail.com)>

Sent: Monday, April 8, 2024 3:31 PM

To: Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Chad Broussard

Environmental Impact Specialist

US Bureau of Indian Affairs

RE: Proposed Casino at 222 E.Shiloh Rd., Sonoma County, CA 95403

**NO CASINO HERE:** Robert N. Cipolla and Gail C. Cipolla, husband and wife, oppose the concept of creating a gambling casino, of any size, on the 68.6 acre property proposed by the Koi nation. We agree with the detailed 10 page assessment of Anne Gray, dated April 7, 2024, in its entirety. It is not necessary for us to repeat the specifics contained therein.

**SOLIDARITY WITH TRIBES:** Gail C. Cipolla is a member of the Yankton Sioux Tribe of South Dakota, and her mother grew up on the reservation. Gail and I are respectful of her ancestral history and particularly supportive of legitimate efforts of tribes to reclaim land taken from them by force, whether by military or legislative process. The purchase of this land, by the Koi nation, does not qualify as an effort of restoration.

**FIRE LOSS:** We are survivors of the October 2017 Tubbs Fire, where we lost the Larkfield home we now live in, as did 5,300 others in Sonoma and Napa counties at that time. I



would unlikely be able to write words which could come close to the experience of that disaster. Our home and community were obliterated then we experienced a grueling rebuilding process, which some have still not completed. All of the resources that were needed in the rebuilding effort were subject to the low supply and the high demand of that time, meaning cost and availability of materials and labor skyrocketed as insurance companies attempted to diminish claim amounts at the same time. Enough about that.

**FIRST EVACUATION:** On October 23, 2019, as we were about one month away from moving into our rebuilt home, the Kincade Fire started near Geyserville, 22 miles north of our rebuild project. Authorities evacuated 186,000 residents, including us from the Windsor CA home at which we were then living and our son, his wife, two children and their cat and dog. Gail and I drove to our son's north Windsor home, contrary to evacuation orders, to help them and escape together. Together we headed south to the expected safety of our newly constructed, solar powered, battery backed up home, which wouldn't be affected by the gas and electricity shut-offs that the evacuation and fire-fighting efforts required.

**TRAVELING DURING FIRE:** Normally, it takes us about 9 minutes to travel the six mile distance from our son's Windsor home to ours. That day it took us 90 minutes to drive down the Old Redwood Highway, past the proposed Koi Casino site on Shiloh Road, to our 250 Darbster Place address in Larkfield. There were no beds, no furniture, nor carpets or window coverings, but at least we felt safe to unload food, sleeping bags, the dog, cat and people to spend the night. The fire came within

a quarter mile of our son's Windsor home, causing smoke damage and considerable remediation efforts to remove the smokey smell, while our home was untouched.

**SECOND EVACUATION:** Even though our Larkfield home was not directly threatened, this time, we were ordered to evacuate from there, the same day we arrived and unloaded. Our home is near a major intersection of Mark West Springs Road and Old Redwood Highway, and next to Sutter Hospital, an essential community resource. At that location were placed fire trucks, tanker trucks, personnel carriers, police vehicles, semi-truck and trailers with bulldozers and other heavy equipment, as well as all the personnel needed to operate the equipment and staff the fire fighting crews.

**CONCLUSION:** From our experience, and those of the 186,000 other citizens whose homes were evacuated, as well as all those involved in the evacuations and fire fighting efforts, it is CHAOS! No one wants to do it again but evacuation will be required of those living in our location, in a future time, in a significantly more populated area than the historic fires we have already experienced. The location chosen to propose a casino which will make any future evacuation efforts significantly more difficult is not well considered. During the 2017 Tubbs Fire fighting efforts both Highway 101 and Old Redwood Highway were closed. If that happened again, how would you plan an evacuation?

Bob and Gail Cipolla  
250 Darbster Place

Santa Rosa, CA 95403  
707.3212450

**From:** Mary Euphrat <[euphrat@sonic.net](mailto:euphrat@sonic.net)>

**Sent:** Monday, April 8, 2024 3:37 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

From: Mary Euphrat, [euphrat@sonic.net](mailto:euphrat@sonic.net); 6203 Lockwood Drive, Windsor, CA 95492

RE: NOI Comments, Koi Nation Fee-to-Trust & Casino Project

Dear Administrator,

I am writing to voice my strong opposition to the proposed casino from the Koi Nation off Shiloh Road in unincorporated Sonoma County adjacent to the Town of Windsor, California.

The Koi Tribe from Lake County (not Sonoma County) has purchased vineyard acreage adjacent to a series of single- family homes, parks, schools, a church, and other nearby residential neighborhoods. The proposal of a large casino complex including restaurants and a hotel will have a negative impact on our local environment adding traffic congestion, infrastructure strain, lack of emergency access especially during fires, disturbance of wildlife habitat, lack of water supply especially during drought conditions and much more.

While I understand that tribal land developments are not held to CEQA standards, the surrounding areas are. We have red tailed hawks, barn owls, foxes, coyotes, bobcats, mountain lions, deer, endangered wildflowers and salamanders and many more forms of wildlife. The building of the casino would significantly destroy their habitat and feeding grounds. The current land is a vineyard of which the wildlife can roam freely. There is also a regional park right across from the proposed development that is used by bike riders, hikers and horse back riders. The parking is already overfilled on the small street adjacent and across the street from the proposed casino.

Water is always a huge focus. During drought years our community has had to regulate use of water based on hours and days of the week. The casino leaders are proposing setting up their own wells and wastewater systems. This will affect the aquifers in the area and many of the residential homeowners that are on wells adjacent to the property. Their wells could go dry as a result of a well water system placed on the casino property.

Fire has been a huge issue since 2017. The lack of roadways to support evacuation or residential areas in a timely manner has been a major challenge taking up to 8 hours to evacuate only 15,000 people. The Kincaid Fire came down close to the proposed casino. Imagine trying to evacuate hotel and casino guests along with the residential neighbors before the fire reaches the property. We don't have the infrastructure to support this project including street structure and utilities, and first responder personnel.

Safety is a major concern. There are several elementary and two high schools within a seven mile area of the proposed casino. Human Trafficking, Drugs, and Sex crimes along with other crimes are known to increase near or at casinos, a rate of 6.7% higher than expected based on a study by Thompson, Gazel and Rickman (1996). Do you want to expose our youth to those possible crimes including underage drinking? On the northeast corner of Old Redwood Hwy and Shiloh Road there is Esposti Park. It is a local park for our youth and adult athletes to play teeball, baseball, soccer, and for families to host family parties. Many bicycle enthusiasts park their cars in the adjacent parking lot as a start off point for their

bike rides which usually last a full day as they tour the beautiful backroads. I am concerned for the safety of our town's children with a park so close to the adjacent proposed casino. This is a residential area. Not a commercial area.

Lastly, the stress that a casino brings to the mental wellness of people that are living in a quiet neighborhood must be considered. Mental health is very important and although not "environmental" in nature it is a condition that risks the well-being of an individual. This area is quiet, residential, with parks and trails and bike trails, soccer and baseball fields directly adjacent to a casino that will exude the opposite, a transient population seeking the solace of gambling, drinking, and entertainment.

For these environmental reasons I strongly oppose the development of the proposed casino. If the casino was directly adjacent to Highway 101 it would be in a more appropriate development area. The current property is again in a quiet, residential, non-commercial area and not environmentally sustainable. Thank you for your time and consideration.

Sincerely,  
Mary Euphrat  
6203 Lockwood Drive  
Windsor, CA 95492  
[euphrat@sonic.net](mailto:euphrat@sonic.net)

--

Mary Euphrat

**From:** Paul Browning <[paul.browning@comcast.net](mailto:paul.browning@comcast.net)>  
**Sent:** Monday, April 8, 2024 3:51 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Mr. Broussard,

Please include the attachment document in the NOI comments for the Koi Nation Fee to Trust and Casino Project.

Kind regards,  
Paul and Stephanie Browning  
**One attachment** • Scanned by Gmail

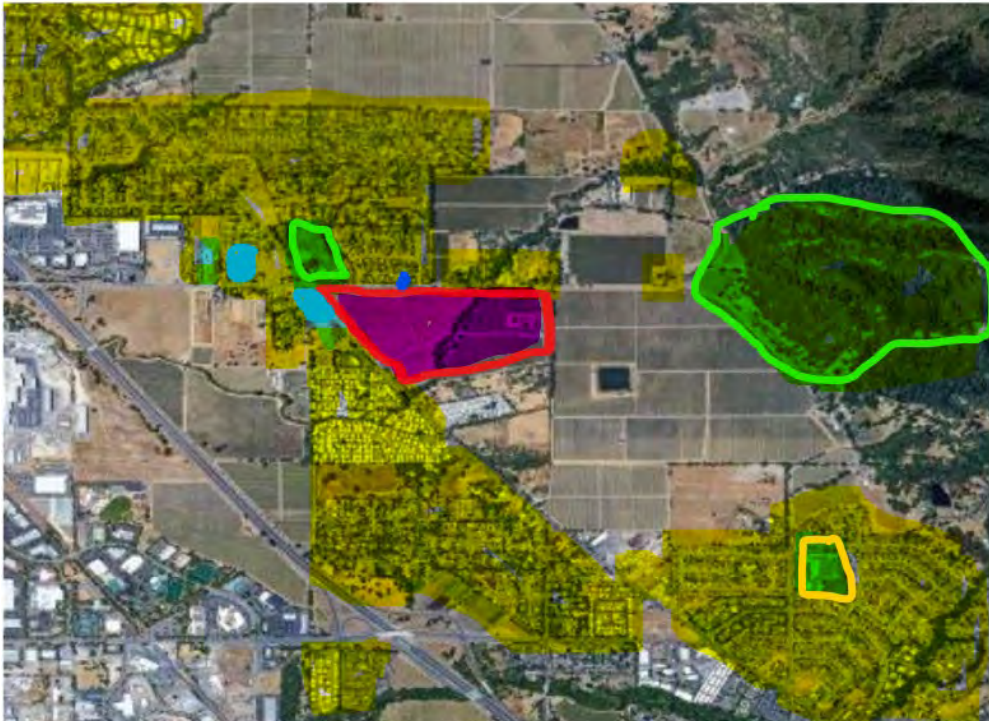


Dear Chad Broussard, Environmental Protection Specialist, Amy Dutschke, Region Director of the Bureau of Indian Affairs and other BIA officials,

Topic: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

I am once again writing in opposition to the Koi Nations attempt to build a casino at 222 East Shiloh Road in unincorporated Sonoma County, abutting the Town of Windsor and next to my current home of over 25 years. **I strongly support Option D, no project.**

My home sits directly adjacent to the proposed casino. As you can see by the pictures, this development will have a profound effect on my family's quality of life. The hotel portion of this project will look directly into the windows of our home. Based on the supplied information, the hotel portion of this project, will be roughly 85 feet from my home. The main entrance to the casino will be roughly 95 feet from my home as well. On the colored aerial map the blue dot is my home and the other picture looks out from my family room to where the hotel and casino will be.



In referring to the aerial photo above, the proposed casino will be constructed among family homes (yellow), churches (blue), parks (green), Esposti Park which hosts T-ball and Little League baseball games during the week and on weekends is highlighted in green across the street from the proposed casino and schools (orange/green). This would be the first full scale casino ever allowed to be built in the state of California that would be constructed among ***an already existing community***. There is no such precedence at this time.

The Environmental Assessment report is far from impartial and factual. I would go as far as to say it is purposely misleading and written with the explicit intent of falsifying information to gain approval of the Bureau of Indian Affairs. The contracted party was only looking out for the interests of the Koi Nation which I am sure is what they paid for.

There are so many false or fabricated points made in the Environmental Assessment, here are just a few as it is overwhelming to try and speak to each and every one of them:

**Noise:** the EA states that there will be limited if any increases in noise. How can this be? 222 East Shiloh Road is all vineyards with one residence. The only noticeable noise generated from this property is the occasional spraying in the spring and harvest in the fall, which this year lasted only one night. The proposed casino will employ over 1,000 people and will generate thousands of car trips per day which will extend to all hours of every night. This will result in an endless increase in noise at all hours. It will be impossible for us to keep our windows open, all night during the summer, this added noise that will be created by cars, buses and delivery trucks. From 9 PM to 6 AM there is virtually zero traffic on East Shiloh Rd., if built the traffic will be exponential at all hours of the day and night. The noise will be life changing for us. And to add to this, as I work from home 50% of the time, the noise generated during the construction phase would be intolerable.

**Traffic:** the same principles regarding noise will extend to traffic. The property currently generates almost zero traffic. The EA states it will only marginally increase, this is incredibly deceptive. For all intents and purposes, East Shiloh road only sees traffic from the residences in the Mayacama development and those visiting Shiloh Regional Park. With over 5,100 parking spaces for both cars and buses, as well as ongoing delivery trucks, the anticipated impact will be overwhelming. The stretch of Shiloh Road from Interstate 101 to the proposed casino entrance will be one of the heaviest travelled roads, Interstate or Highway in the entire county. Every casino patron, employee and vendor/supplier will have to pass by homes, churches and youth ball fields.

**Crime:** my neighbors and I have experienced zero crime over the last 25 years. The EA report suggests very little if any additional violent crime will be seen. I find this incredibly hard to believe. By putting a casino amongst neighborhoods, the inevitable crime that this type of establishment will draw will spill into our streets. Here is a list of just a few of the reported crimes generated by the Graton casino in Rohnert Park. Please keep in mind, there are no residential neighborhoods close to this property so at the very least, the communities were buffered, that will not be the case with the Koi's proposal. This is in addition to knowing there will be an increased likelihood of drunk driving taking place on the roads in our neighborhood.

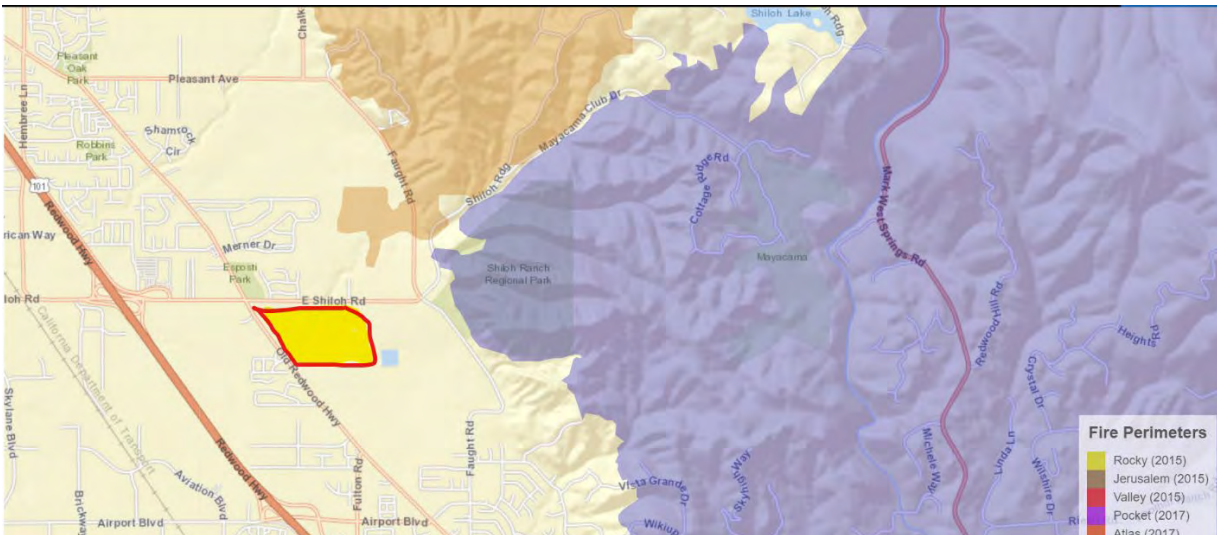
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- <https://www.pressdemocrat.com/article/news/at-graton-casino-east-bay-couple-arrested-on-drug-weapons-charges/>
- <https://lakeconews.com/news/57880-lake-county-man-arrested-in-assault-at-graton-casino>
- <https://www.nbcbayarea.com/news/local/man-arrested-in-connection-with-assault-with-deadly-weapon-at-graton-casino/1968921/>
- <https://www.cbsnews.com/sanfrancisco/news/lake-county-man-gets-4-years-for-fatal-casino-parking-lot-confrontation/>
- <https://www.cbsnews.com/sanfrancisco/news/2-arrests-made-in-christmas-eve-robbery-outside-graton-casino/>
- <https://www.sonomanews.com/article/news/cops-find-borrowed-car-at-graton-casino/>
- <https://www.kron4.com/news/bay-area/bus-driver-arrested-on-dui-charges-at-graton-casino/>
- Here is a posting from the Sonoma County Sheriff's office from just 2 weeks ago





**Wildfire Evacuation:** over the last 6 years we have lived through 2 devastating fires, Tubbs and Kincaid. Both of these fires required the surrounding communities to evacuate which caused gridlock and panic. In both instances, the fires burned down to and across Faught Rd. making it completely impassible, for the Tubbs fire south at Shiloh Rd. and the Kincaid fire north at Shiloh Rd. Please see the map below. If a mass evacuation of the community and casino were required, people exiting the casino and heading west would effectively create a roadblock while entering Shiloh Rd. while backing up traffic onto Faught Rd. and into the Mayacama development. This would have the potential of repeating what happened in Maui with gridlock resulting in people burning to death in their vehicles while trying to escape. The EA states that a potential evacuation would be handled by having an individual(s) direct traffic at the entrance of the casino at Shiloh Road. Based on what we experienced during past evacuations, there is nothing one, two or even three people could do to prevent a complete blockage of vehicles that could result in people attempting to flee on foot. The links below are to videos from the Tubbs fire, the last 20 seconds of the helicopter video is of Wikiup Dr. area less than 3/4 mile from the proposed casino site and then the second video is from Vista Grande Drive less than one mile from the proposed casino. A fire in this area could have catastrophic consequences. The EA's suggestion that a few casino employees could direct traffic to avoid gridlock in such a firestorm is ridiculous.

- <https://www.youtube.com/watch?v=zmAmxkTdElo>
- [https://www.youtube.com/watch?v=f2QXrR\\_zmvM](https://www.youtube.com/watch?v=f2QXrR_zmvM)



Here is an estimated amount of time it would take to evacuate the casino and the surrounding area taken directly from the EA. The Tubbs Fire, fueled by 65 mph winds traveled over 12 miles in less than 2 ½ hours. If a fire were to start closer to this area with similar conditions, the results would be catastrophic due to the roads being blocked by fleeing patrons and residents.

- At the signalized exit onto Old Redwood Highway, the exiting would be less efficient due to the signal itself and a higher proportion of other traffic using the signalized intersection. At a service rate of about 800 vehicles per hour, it would take about two hours and 45 minutes to handle all the traffic at this location.

**Property Values:** the EA did not use apples to apples examples of casino impacts on property values. In those examples only a few existing homes were already located near the preexisting tribal lands were used for comparative analysis. 99% of all homes were built after the casino was already in operation. Those examples do not even remotely come close representing established communities like those that surround the property at 222 East Shiloh Rd. How can anyone think a casino and what goes with it would not affect my property value vs. the existing vineyard? Additionally, there is no account given to the expenses current homeowners would incur if they made the decision that living next to a casino and the impacts brought by it would cost. After calculating in 6% realty fees, thousands of dollars in both inspection reports, appraisals and closing costs, the cost to relocate would be \$70,000 or more. This amount would be enough to prevent a family from being able to purchase a similar home in Windsor or the surrounding areas.

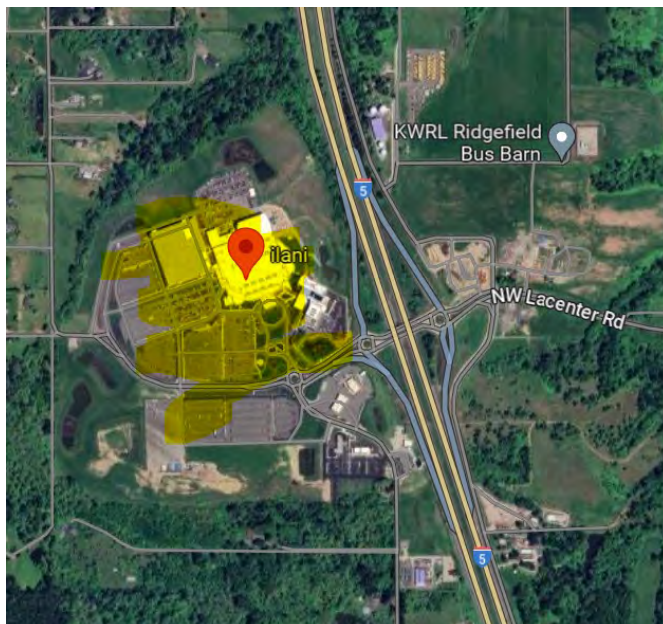
**Koi's claim that the property is part of their ancestral home range:** it is a well know fact that the Koi tribe does not call any part of Sonoma County home. Their ancestral home is in Lake County. This is proven by their August 2023 lawsuit against the City of Clearlake because a sports complex was going to be built on what they consider is a major cultural site next to the city. Their claim was also supported by a local Attorney General in their case. This is the Koi's third attempt to seek property outside of their indigenous lands. Please see the supporting information.

- <https://oag.ca.gov/news/press-releases/attorney-general-bonta-files-amicus-brief-supporting-koi-nation-lawsuit-against>
- <https://www.pressdemocrat.com/article/news/koi-nation-sues-city-of-clearlake-over-development-of-sports-complex/>
- The Koi Nation should be encouraged to seek a viable alternative in their true ancestral home range of Lake County

I would like to add a few additional items in relation to the Koi Nations proposed casino project.

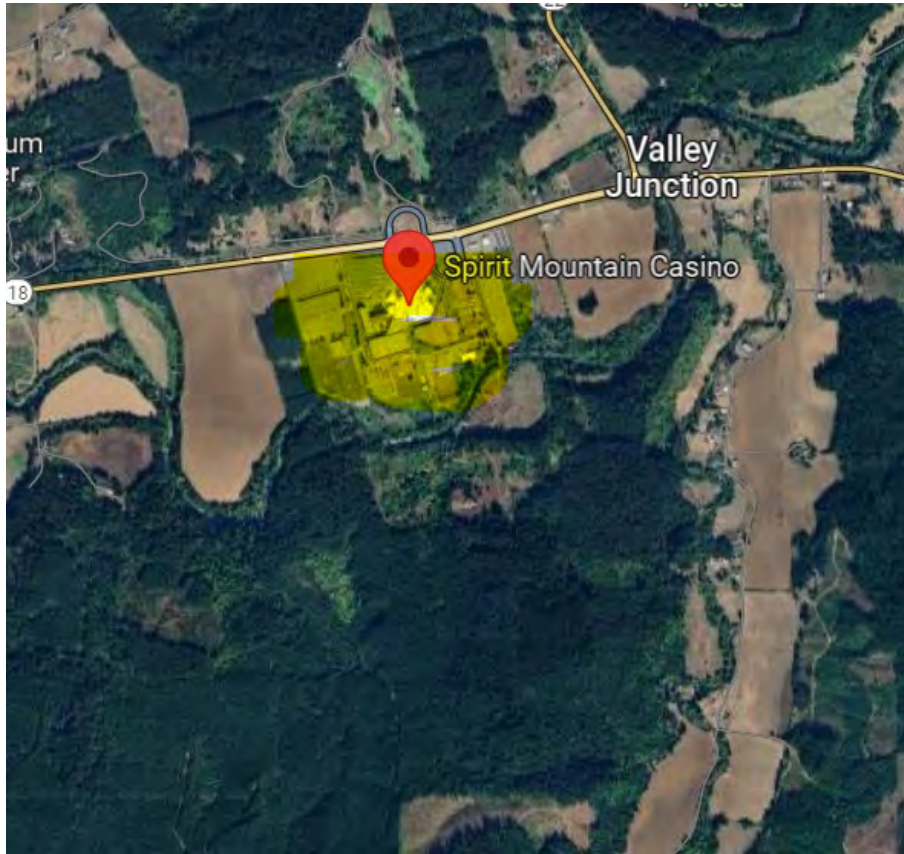
- Over the last 2 years as I have conducted business travel attending meetings, seminars and tradeshow, several of these events have been hosted at tribal gaming facilities in California, Oregon and Washington. Given my personal situation I have paid close attention when attending these events to the surrounding areas where these gaming facilities have been located. I am specifically referring to The Ilani (Washington State), Spirit Mountain Casino (Oregon), Rolling Hills Casino and Resort) and Thunder Valley Casino (California). What is abundantly clear is that NOT one of these properties is amongst any type of residential development. There is zero residential on entrance or surrounding these facilities. By allowing this property to be taken into trust and thus allowing a casino to be built, it is setting a precedent of allowing large scale gaming facilities to be build in the middle of **preexisting** family neighborhoods.

Ilani:

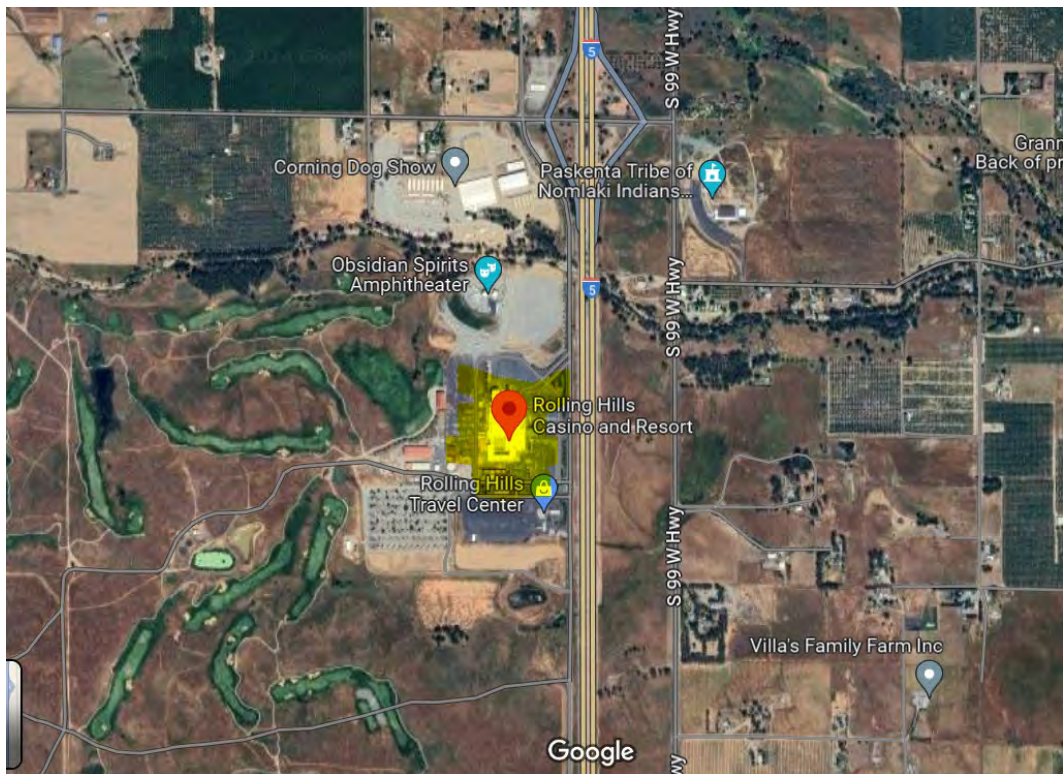




Spirit Mountain Casino:



Rolling Hills Casino and Resort:



## Thunder Valley Casino:



- With spring, the youth baseball league's season has now started with games being played at Esposti Park (directly across the street from the proposed property, see my attached map, highlighted in green). Last weekend was the first round of T-ball games. I couldn't help but think of the dangers that this mass influx of traffic could have on 5-6 years old being directly in this vicinity, there were kids everywhere. Also, it would be naïve to believe that at least a few of these drivers will not be inebriated to at least certain extent.
- The previous Environmental Assessment reads like a paid advertisement in support of the Koi Nations attempts to push this project through. There are so many inaccuracies and borderline lies that only those who live in this area can recognize. When looking at the number of parking spaces, stated number of employees and anticipated customer visits, the claims of minimal traffic and noise impacts can only be determined as factually untrue. How can you increase traffic by 50 times or more and claim the additional noise will be minimal? Especially considering this will be operating 24/7. The light and noise created at night will be exponential to what it currently is, it is currently zero as it is a vineyard. I would hope that all decision makers would make a personal/physical visit to the location to truly recognize just how detrimental this development would mean to our community.
- Based on the fact that the Koi Nation's ancestral home is NOT in Sonoma County but in Lake County (they continue to litigate against the City of Clearlake because of development on what the Koi claim is one of their cultural sites) I do not support allowing them to take any Sonoma County land into trust. However, if acquiring property in Sonoma County was deemed acceptable (which it shouldn't be), there are other much more appropriate locations such as the former Oluf farm (40 acres) at the corner of Conde and west Shiloh Rd, the old residence and barn was recently bulldozed. It is light industrial/commercial with no residential in the immediate area with direct freeway access. See map:





- Wildfire safety issues. Given the congestion a facility of this type and size will cause. There is the real possibility of mass casualties in the event of another evacuation is needed. In October 2017, the Tubbs fire killed 22 individuals unable to evacuate quickly enough, one death being only ½ of a mile from the proposed property. Other similar events would include the Paradise fire with 85 deaths in 2019 and the Maui fire with 101 deaths just last year. Residents located directly east will be caught in a bottleneck.

It is very obvious that the Koi Nation directed the consulting firm that put the EA together to paint a picture favoring the construction of the casino and gloss over any negative effects. It is long, in some cases confusing and reads like a paid advertisement. There are too many false details to list in the EA report.

It is no accident that both United States Senators, both surrounding United States House of Representatives members, Sonoma County Board of Supervisors, Town of Windsor officials, historically based local Indian tribes and many others, have spoken out against the Koi Nations efforts, in addition to hundreds of community members. The only local supporter has been the Northern California Carpenters Union who obviously have entered into a lucrative agreement with the Koi Nation. The opposition has been broad and comprehensive.

For all of these reasons, I am asking you to decide option D, **NO Project.**

Thank you for your time and consideration,

Paul and Stephanie Browning

**From:** jeneal wells <[tjash@sbcglobal.net](mailto:tjash@sbcglobal.net)>

**Sent:** Monday, April 8, 2024 3:58 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Kenneth and Jeneal Wells(230 Lea St, Windsor) NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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To whom it may concern,

We would like to voice our concerns regarding the proposed Koi Nation Casino. We live in the Oak Park neighborhood directly across from the proposed space. We are concerned with the noise, lights, traffic, and public safety. We have two elementary schools, two parks, 2 churches and residential homes directly surrounding this space and it is of grave concern that a casino would bring unwanted theft, property destruction and a multitude of other safety concerns for our children, young adults and elderly alike. We are also very concerned with the extra traffic and all the extra cars that will be traveling on an already well traveled road. We are in an area that doesn't need another casino, but aside from that in a space that is in a residential area.

We are overwhelmingly against this project moving forward.

Kenneth and Jeneal Wells  
230 Lea Street  
Windsor, CA 95492

**From:** CATHERINE ADAMS <[cathywayneadams@verizon.net](mailto:cathywayneadams@verizon.net)>  
**Sent:** Monday, April 8, 2024 4:31 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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To Whom it May Concern,

I would like to thank the BIA for the determination to require an Environmental Impact Statement to further analyze the effects of the proposed development of the Koi Nation Casino project.

As a resident of the Town of Windsor, I have many concerns related to the impacts on our town's "family-friendly" environment which prompted my decision to relocate to Windsor, California from Virginia four years ago.

This casino project, due to its size and location will have many significant impacts on the residents and visitors to our local community, and does not fit the General Plans, visions or land use plans of the town, or the county, because its location is directly adjacent to neighborhoods, shops and parks used by residents on a daily basis.

Traffic and mitigations: The casino project is not in the Town and no impact fees would be provided to the Town of Windsor. Given the size and scope of the proposed casino/hotel/entertainment facility, the mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network of the proposed casino and should be required to be mitigated by the developer of the project before the casino opens. In addition, **the traffic analysis should consider the impacts of large events in addition to typical daily operations and needed improvements should be built and paid for by the project developer.**

As previously pointed out by Town and County officials, the Project Site is currently developed with a vineyard and, in recent wildfire events, vineyard sites have served as buffers to developed urban areas and have been used as staging areas for firefighting activities. The Casino Project would replace a wildfire mitigating resource with a development of combustible materials (vehicles, structures, landscaping). Currently, some Windsor residents are being denied home and fire liability insurance because the insurance companies feel there are insufficient mitigations to protect from major fire events. **Removal of fire buffers to build large projects will only worsen the situation and increase the fire risk.**

The Town of Windsor, City of Santa Rosa, and the County of Sonoma have insufficient funds for housing, education and socioeconomic supports to accommodate such a project. Along with many environmental consideration, this is not a proper location for the Koi tribe to build a casino/hotel and entertainment facility.

Thank you for your consideration.

Catherine Adams  
Windsor Resident and Home Owner

**From:** Mary Foley <[maryfoleyrn@att.net](mailto:maryfoleyrn@att.net)>  
**Sent:** Monday, April 8, 2024 6:44 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Please see my comments in opposition to the proposed casino in Northern CA. Please do not hesitate to contact me if you have questions.

Thank you,  
Mary Foley

Mary Foley RN ,PhD, FAAN  
Professor Emeritus  
415-505-2931  
[maryfoleyrn@att.net](mailto:maryfoleyrn@att.net)

**One attachment** • Scanned by Gmail

**Mary Foley PhD, RN, FAAN**  
**Professor Emeritus, University of CA San Francisco**  
**Nurse Researcher, San Francisco Veterans Administration**

*963 Duncan Street, San Francisco, CA 94131*

*Maryfoleyrn@att.net*

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

c/o Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
Dear Director Dutschke,

I am writing as a frequent visitor to the Windsor and Santa Rosa area. I have a dear older friend and mentor who lives in a home off Pleasant and Faught Road at the intersection of Windsor and Healdsburg. I have assisted her when she has had to evacuate from fires in Sonoma County (2017 and 2019) and in 2019, she almost lost her home, and her cats.

I am very concerned about the proposed casino on a number of levels (gambling/excessive alcohol/cigarette smoking) but I am particularly concerned about the adverse environmental dangers posed by the proposed casino. I am also concerned about the safety of the people who live in this lovely area, and the visitors who come to Sonoma County to safely enjoy the outdoors, the food, and the farms.

This mega casino (more than double the size of Graton) will have a major carbon footprint at a time when we are concerned about climate change, as evidenced by the hotter summers and the frequency of fires in this area.

The proposed footprint for the casino will overwhelm a lovely rural/residential community. The estimated ten million annual visitors and over a thousand employees will generate car-induced pollution and congestion. I have observed Old Redwood highway in rain and sun, and it is not equipped for heavy use. Neither is Faught Road, which is winding and two small lanes, one going north and one going south. There are bicyclists, agriculture, horse trailers, and hikers using that road, but it is not designed for major traffic.

The casino will require large parking lots and those will create heat island for neighborhood across Shilo and increase temperatures in the area. Right now, the parks, trees, and fields help absorb heat.



This is a quiet residential and rural area, not designed for a around-the-clock casino. The power requirements for operation will disrupt the residents, and will also be unreliable given the frequency of wind-generated red-flag warnings and outages. The around-the-clock lighting will also disrupt the night sky and affect wildlife navigation systems necessary for protection.

The fire danger should not be underestimated. This is concern is based on actual experiences in this area of Sonoma County. Even in years when there is average rain (2023) by late summer, grasses and brush is dry, winds are increased, and fire is a real threat. There will be extreme crowding on the small and limited routes in the event of a fire, and in an evacuation, there is substantial risk to visitors and residents alike.

This Spa/Casino with 6 restaurants will compound water shortage and if/when they drill more wells it will jeopardize the water table. This area continues to try to balance water resources and conservation, and this casino will throw that balance way off.

This proposed casino will not benefit the community and will stress a finely balanced and delicate part of northern California. The environmental impacts of this proposal endangers the health and well-being of residents and places them at risk from environmental hazards. It is not worth the risk.

Mary Foley, RN

415-505-2931

**From:** Phil Essner <[philusc1@icloud.com](mailto:philusc1@icloud.com)>  
**Sent:** Monday, April 8, 2024 7:26 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Casino project

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April 8, 2024

To: Amy Dutschke, Regional Administrator BIA  
Chad Broussard, Environmental Protection Specialist BIA

From: Phil Essner  
656 Greenview Drive  
Santa Rosa, Ca 95403

RE: NOI Comments KOI Nation Fee-Trust and Casino Project: Request option "no action"

My name is Phil Essner and I live in the Wikiup neighborhood of unincorporated Sonoma County approximately 4 miles from the proposed Casino Project. I manage property and own a Tree Service and have lived here with my family for 25 years. I work all over Sonoma County.

Over the past 10 years, I have witnessed traffic in both directions on HWY 101 gridlock especially during rush hour and despite the carpool lanes. The last thing we need is to add an estimated 4,000+/day cars onto Old Redwood Highway and Highway 101. This is especially true should there be a need to evacuate any part of the county. My family has been evacuated twice in the last 7 years. I know many families who lost their homes in the recent fires and some who lost loved ones.

Sonoma County continues to suffer from drought as climate change causes hotter and hotter temperatures during the summer months. High winds during these heat waves make stopping fires almost impossible. Fire crews from all over California have come to our aid despite that thousands of people have lost their homes and many their lives.

Water is very precious, much of my work is helping clients both fireproof their homes and help make their landscape drought resistant. The projected water use of the casino 400,000 gallons/day (with 179,000 being waste water treated on site) will jeopardize our aquifer.

This is not the right location for a casino of any size particularly one of over a million square feet with a hotel, spa and entertainment venue with a projected visitor attendance plus employees requiring 5,000 parking spaces. The proposed area is between three neighborhoods: directly across Shiloh road to the north is the Oak Park Neighborhood within the Windsor town limit lines, to the South 1.4 miles away is the Wikiup neighborhood where I live and across to the south is a senior trailer park neighborhood. Adding thousands of people and traffic to our quiet calm neighborhoods some of whom might toss a cigarette out the window is irresponsible. The traffic, the noise, the light, and the questionable activities that casinos bring are not part of what characterizes our quiet safe community.

I urge the BIA to take NO ACTION and not move forward with a casino or facility of any type. The rural fire break between Wikiup and the town of Windsor adjacent to a Regional park is part of our community for walkers, bicyclists, and hikers. Don't replace that with yet another casino. Don't jeopardize our fire safety.

Sent from my iPhone

**From:** Scott Campbell <[campbesk@gmail.com](mailto:campbesk@gmail.com)>  
**Sent:** Monday, April 8, 2024 7:58 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Koi Nation Shiloh Casino

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I have many questions and need more information about this casino.

#There are currently two casino's within 30 minutes of each other currently on the 101 corridor

#Is the proposed site federal land or a private purchase (I recognize the land was taken from the Koi nation)

#The Koi nation has joined with an outside investment group and what are the details and expected income and costs for this venture

#Wouldn't purchasing land closer to the original Koi land make more sense or is the 101 corridor the real draw

#I noticed that River Rock and Graton tried to choose an more industrial and River Rock more rural location, the proposed site is right in between two residential communities

#Two major fires since 2017 affected Shiloh area and I personally sat for 3 hours to go two miles in 2017 trying to evacuate from the fire. What are the fire mitigation and traffic control plans if the freeway is shut down.

#Insurance companies are canceling homeowner policies until some more negotiation is done with the major companies

#Casino's bring in potential tax revenue but what of the liability for more security, police, and infrastructure

# Finally what happens to Shiloh regional park down the road. I would like to protect these open site area.

# What about water and pollution for such a project?

These are just a few of the concerns but the main concern I have is what a casino brings in good and bad and is that what the people currently living in this area want? Just because you can build a Casino what determines that you should. Can a local ballot measure be possible to find out the thoughts and feelings of the community it affects most. The Koi nation has been wronged in the removal of their land, but I have always been taught two wrongs do not make it right.

Thank you for your time and consideration.  
Scott

**From:** JONATHAN D STARR <[jstarj@aol.com](mailto:jstarj@aol.com)>  
**Sent:** Monday, April 8, 2024 8:04 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Casino project

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April 8th 2024  
To Amy Dutschke & Chad Broussard

From Marta Starr  
5255 Carriage Lane  
Santa Rosa, CA 95403

RE: NOI Comments KOI Nation Fee-Trust and Casino Project: Request Option "no action"

I live in Wikiup/Larkfield area and my name is Marta Starr. My house burned down in Coffee Park in the 2017 Tubbs Fire and I have been evacuated twice since living in Wikiup. There are 2 ways out... Faught Road is one of them. More traffic increases our danger of being trapped. Thank you for your time.  
Marta Starr  
Sent from my iPhone

**From:** Scott & Casey Snow <[snkcsnow@comcast.net](mailto:snkcsnow@comcast.net)>  
**Sent:** Monday, April 8, 2024 8:53 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** [windsorcup2005@comcast.net](mailto:windsorcup2005@comcast.net) <[windsorcup2005@comcast.net](mailto:windsorcup2005@comcast.net)>  
**Subject:** [EXTERNAL] EIS comments for the proposed KOI Nation Casino and Resort Project on Shiloh Rd. Windsor

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Mr. Chad Broussard  
Bureau of Indian Affairs,  
Pacific Region 2800 Cottage Way  
Sacramento, CA 95825

RE: EIS for the proposed KOI Nation Casino and Resort Project on Shiloh Rd. Windsor

My wife and I are longtime residents of the Town of Windsor, CA and we have lived in our home at 6267 Lockwood Dr. Windsor in the Oak Creek subdivision since January 1984. Our home is approximately 2,584 feet (.49 miles) from the proposed Koi Nation Casino project on Shiloh Road so we have a vested interest in the environmental impacts of this venture. I'm providing the following comments regarding the proposed EIS to be performed for the above project.

In my profession as a senior commercial credit office at a major national commercial bank, I've had the opportunity to review many environmental impact reports and traffic studies over the years and I find the following areas need to be addressed:

- A. The high risk of harm or death to individuals in the event of a fire evacuation because of traffic congestion.
- B. What are the proposed mitigations to this risk because of the increased traffic the casino will create?
- C. The safety impacts to the many bicyclists who use Shiloh Road and Old Redwood Hwy as these are the major North-South and East-West arteries utilized by the many bicyclists touring/riding in this section of Sonoma County
- D. Address the health and wellbeing impacts to individuals from noise, air pollution and light pollution that will be generated at and around the casino.
- E. A detailed study of the Endangered California Tiger Salamander needs to be performed for the proposed parcel.

**Traffic Study:**

- In regards to the traffic study, a tribal casino Sky River Casino Elk Grove, CA was utilized as a comparable in the Environmental Assessment. Sonoma



County is a major tourist destination as compared to Elk Grove and in all likelihood more people would be drawn to the Koi Nation Casino as a result of the desirable tourist opportunity Sonoma County affords which could lead to more customer visits than as indicated in the traffic studies. The comparable in the assessment doesn't address that there are numerous mentions by surrounding residents of noise impacts and lack of parking in the surrounding area caused by the casino.

The traffic impacts between the Sky River Casino location and the Shiloh Road Casino location are night and day and this needs to be addressed fully. Access to the Sky River Casino in Elk Grove is via a 6 lane divided thoroughfare/hwy with median divider and turn lanes. Access to the proposed Shiloh Road Casino is via a two lane (one in each direction) East-West non divided road known as Shiloh Road or by North-South road known as Old Redwood Hwy which is also a 2 lane "one lane in each direction" road also. The town of Windsor has no plans to widen Shiloh Road until at least 2040 and in order to do so they would need to impose eminent domain on many properties on Shiloh Road just to increase the road by 2 lanes. Similar action would be need to be taken to increase the size of Old Redwood Hwy. It should be noted that every major/large Indian Casino in the Northern California sector has access to their casinos with 4 to 6 lane roadways, whereas the Shiloh Road Casino would be only 2 lanes "one in each direction". Why is it that all of these large casinos have great access to their casinos when they are in remote areas? Because traffic to the casinos demands it. No stop light control would mitigate this negative impact and major traffic jams would be inevitable.

It should be noted that the Elk Grove Casino is the only major newly constructed comparable sized casino of the 42 operating Indian casinos in the Northern California sector that is near residential homes. These homes are separated by a major 6 lane thoroughfare and vacant land. The nearby homes appeared to have been recently constructed during or post construction of the casino so those homeowners chose to move there knowing a casino was there or was to be constructed there. This is not the same situation as the Shiloh Road proposed casino where nearby "across the street" homes have existed years before. Every other major Northern California casino plus the many smaller casinos are all located in remote areas and a remote distance from any residential dwellings except for a couple small casinos with tribal homes nearby but not directly across from their casino. Note: San Pablo Lytton Casino is not referenced as a casino built next to homes because the casino building's footprint was previously there prior to it becoming a casino and its surrounding homes were already impacted by the previous on Indian use.

- The traffic study took place during the wet month of January 2022 when you would historically find less cars and bicycles on the road and that study doesn't take into account the additional traffic count that will be created by the nearly completed 134 unit apartment complex at the corner of Shiloh Rd and Old Redwood Hwy opening later in 2024 and the under-construction of the

174 unit apartment complex at the corner of Shiloh Rd and Hembre Lane opening in 2025. **See exhibit #1 attached.** These two new projects alone will create an additional 7 household trips per day, 0.7 per peak hour per ITE Trip Generation reports for apartments, condos & townhouses. The traffic on Shiloh Rd, which would be the main access point to the proposed casino, is already backed up on many weekdays, late mornings to late afternoons from Old Redwood Hwy to Hwy 101 on-ramps on Shiloh Rd in both directions. When these two new apartment complexes are fully occupied, they will both negatively add to the traffic impacts to Old Redwood Hwy and Shiloh Rd with their primary ingress and egress points from the apartment complexes coming onto Shiloh Rd. Adding 1,104 daily trips from these two apartment complexes where their access and egress to these complexes comes directly onto Shiloh Road, will create major traffic jams and backups and potentially backups on the freeway off-ramp on Hwy 101 making for an extremely dangerous situation for drivers. The traffic study should measure the cars coming off of the freeway including the number of cars coming from the new apartments and the proposed casino.

- Since the Town of Windsor has no immediate plans to widen Shiloh Rd from its current configuration, Shiloh Rd would not be capable of handling the added vehicle count in a safe manner coming from the two new apartment complexes and the proposed casino. Adding additional stop lights or adjusting the timing on the stoplights on Shiloh Road in this very short stretch of roadway from Hwy 101 to Old Redwood Hwy will only compound the traffic backup issue on Shiloh Rd for those trying to enter onto Shiloh Road or for those driving on Shiloh Rd. In any traffic study, vehicle counts would need to be taken on Old Redwood Hwy also, near the intersection of Old Redwood Hwy and Shiloh Road to obtain a good understanding of the traffic patterns on both roads and the potential impacts. A traffic study of at least one week in duration should be required to obtain a good understanding of our traffic patterns on both roads.

#### **Safety Issues to Bicyclists:**

- Shiloh Road is also one of the major bicycle routes used by all of the road cyclists who ride and tour around Sonoma County and I did not see any mention of the impacts to bicycle riders. On any given day in the Spring, Summer and Fall months and even on nice days in the winter, there are a substantial number of road bike cyclists who utilize Shiloh Rd as a means to get from the west side of Hwy 101 to the east side of Hwy 101. Most cyclists ride the back roads of West Sonoma County and East Sonoma County because they offer some of the most dynamic and scenic riding opportunities in the area and Shiloh Rd is the main artery for this crossing. With the addition of the two new apartment complexes let alone the addition of the proposed casino, Shiloh Rd will become very dangerous for bicycle riders with vehicles trying to exit and enter the two new apartment complexes. With the current emphasis to put more people on bicycles and get them out of their automobiles, bicycling impacts need to be taken seriously into consideration

with any approval for a casino. The traffic study needs to address the safety impacts to bicyclists on Shiloh Road and on Old Redwood Hwy.

**Fire Evacuation and safety Impacts:**

- All of the above traffic impacts lead to my biggest concern and that is evacuation in the **event of major fires**. Since 2017, we've had to evacuate our home twice "2017 & 2019" and been under evacuation orders 4 separate times from different fires. I've attached **exhibit 2** for the two fires we had to evacuate to show how close the fires came and the direction of the fires. This exhibit also shows the number of homes, limited road and evacuation points for over 6000 plus homes to be evacuated on this side of Windsor. With global warming and drought conditions California is experiencing on a more regular basis, this concern cannot be overlooked and brushed under the carpet like it was in the report.

You would have to have lived here and experience being evacuated to understand my concern. Cars were backed up to a crawl in both directions on Old Redwood Hwy and Shiloh Road trying to get out of the area and this happened without the added pressure of 134 new apartment units at the corner of Shiloh Rd and Old Redwood Hwy and 174 apartment units at the corner of Shiloh Rd and Hembre Lane. If and when another fire occurs, it will come from the direction of the hills behind us and behind the proposed casino and the primary way out to safety would be on Shiloh Rd. driving to the west towards Hwy 101.

To burden our area with the expected 11,213 daily trips to the proposed casino per the EA report would at least be equal to a minimum of 1,000 additional cars trying to evacuate onto Shiloh Rd and Old Redwood Hwy which would cause a total disaster for these two small 2 lane roadways. We don't want our area to be another Paradise, California or Santa Rosa, CA where many people died because they couldn't get out of the area fast enough because of the fast-moving fires. If the proposed casino is approved and another fire like the ones we've had in the past in Windsor area occur again, this expected disaster will lay at the hands of the Bureau of Indian Affairs for approving such a project. The EIS needs to address fully the impact of fire and evacuation of residents without loss of life

**Noise, Light and Air Pollution:**

I could go on and on why it doesn't make environment sense to build a casino in the proposed area especially when it comes to noise, light and air pollution. Just go park near the front or rear entrance to the Graton Casino in Rohnert for 24 hours and see if that is the type of noise or night light exposure you would want 24/7 as a homeowner living near or right across the street from this proposed casino. I live ½ mile from Home Depot/Walmart shopping area and on most nights, I can hear the noise of trucks' "beep beep" from backing up and a casino would just add to this noise and more so because of the 24/7 nature of casino operations. It's a known fact the Indian Casinos daily bus in many customers to earn revenue and these busses run night and day. Nobody in their right mind would ask to live next the noise, vibration,

light and air pollution this casino will create so why should we be subject to these impacts?

There's no mention of the health effects coming from automobile, diesel bus and commercial trucks' road noise. There are many major medical health studies that have come out over past few years that indicate the road noise over 45 decibels from motor vehicles increase the likelihood of stroke by 27% for people over 65 years old who live near noisy roadways and increase risk of ischemic heart disease with daytime noise levels of 55-60 decibels and above. The existing traffic study indicates common traffic noise levels of 78db which is well above these health effect levels. Epidemiological studies have shown that traffic noise increases the frequency of arterial diseases, hypertension and vascular dysfunctions in people. Why should the folks living near the proposed casino be subjected to this noise 24/7? The EIS needs to address these impacts to nearby residents' health.

Since the Casino will have diesel busses and diesel trucks coming to the area 24/7 and right near residential homes on both Shiloh Road and Old Redwood Hwy, the diesel and gasoline particulate matter needs to be measured and calculated for the exposure to these residents. Residents exposed to diesel exhaust on a continued basis face the risk of health effects ranging from irritation of the eyes and nose, headaches and nausea, to respiratory disease and lung cancer per California OEHHA. The EIS should address these environmental impacts to a person's health.

Light pollution from the casino is another area that needs to be addressed by the EIS. If you've gone to any major Indian casino, they put out a substantial amount of light pollution to the surrounding area. Research suggests that artificial light at night can negatively affect human health, increasing risks for obesity, depression, sleep disorders, diabetes, breast cancer and more per the American Medical Association. The EIS needs to address this environmental impact regarding how the massive lights coming from this proposed casino will impact the health of the residential neighbors and the abundant wildlife in this area.

#### **California Tiger Salamander Endangered Species:**

The California Tiger Salamander is listed as an endangered species on the EPA's endangered species list. **"See exhibit # 3"**. The subject casino parcel lies in the potential range of the Salamander's living territory per the US Department of Interior Fish and Wildlife Service. **"See exhibit #4"**. The California Tiger Salamanders potentially live in this area because the subject parcel has seasonal vernal pools and an area that typically floods next to Old Redwood Hwy coming from the seasonal creek located on the property. These particular salamanders are typically found in the winter months when they come above ground to mate. They actually have been found in nearby residential swimming pools following winter storms so we know they live in this area. The construction of the casino and resort would pave over a substantial portion of the subject property which in all likelihood would destroy the endangered California Tiger Salamander's habitat. The EIS needs to include a winter study of the property to

determine the extent of endangered California Tiger Salamander habitat in the subject area.

I'm not opposed to Native Americans having the ability to be self-supporting but there are numerous other locations that could have been chosen in and around their home territory of Clear Lake, CA. There is plenty of space in Lake County or more remote areas of Sonoma County where you won't be putting the neighboring community at risk, creating major traffic and pollution impacts that would greatly affect those of us living in this community and destroy an endangered species habitat.

Regards,

*Scott Snow*

Scott and Kathleen Snow  
6267 Lockwood Dr.  
Windsor, CA  
415-309-2533

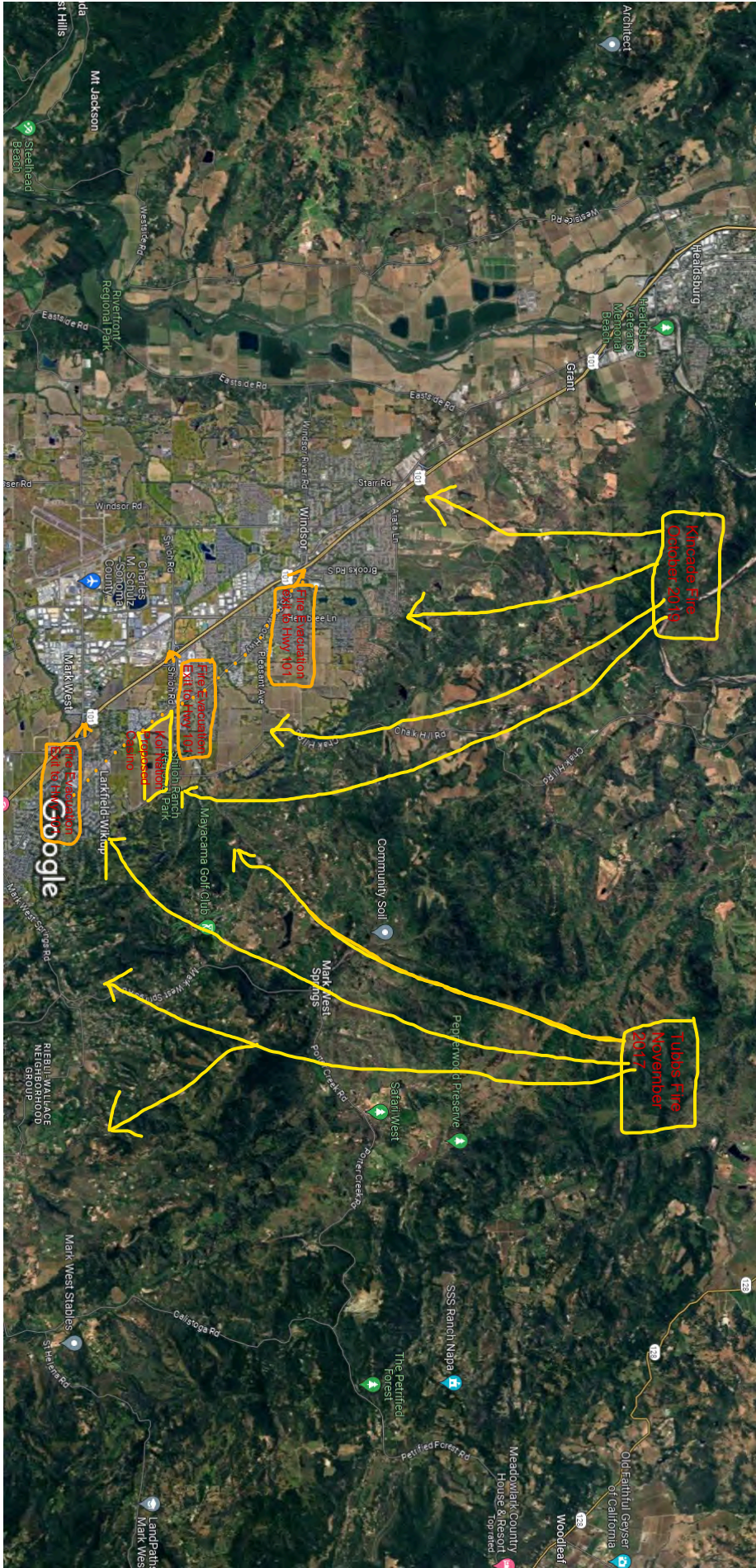








Click on the + marker above to  
Zoom in on Photo



- This orange dot indicates  
Old Redwood Hwy.

- ➔ Orange arrow indicates  
access to Hwy 101 or  
cross over to the West  
side to evacuation purposes.

- ➔ Yellow arrow reflects  
the paths of the Kincadee  
and Tubbs fires.

Note: Old Redwood Hwy along with Shiloh Road and Airport Blvd are all one lane in each direction roadways.





# U.S. Environmental Protection Agency *Endangered Species Facts*

## California Tiger Salamander

*Ambystoma californiense*

### Description and Ecology

**Status** Santa Barbara Distinct Population Segment (DPS), Threatened, listed January 19, 2000. Sonoma DPS, Endangered, listed July 22, 2002. Central California DPS, Threatened, listed August 4, 2004.

**Critical Habitat** Designated for Santa Barbara DPS 2004, Sonoma DPS 2005, and Central California DPS 2005.

**Appearance** The California tiger salamander is now considered to be a distinct species within the more widespread *Ambystoma tigrinum* complex. Like other members of the complex it is a fairly large and stocky salamander. Adult males are about 8.0 inches in length, females are about 6.8 inches in length, and snout-vent length for both is about 3.6 inches. The salamander's head is large and rounded and its wide mouth appears to smile. Small eyes protrude from the head; its dark irises appear large. All California tiger salamanders have some amount of dots or bars in pale yellow or white against the black background of its back, sides, legs and tail. Their bellies may be white, pale yellow, or a variegated pattern of white, pale yellow and black.

**Range** The range of the California tiger salamander is limited to the grasslands and foothills (to elevations of 1,500 feet) of central California and does not overlap the range of any other species of tiger salamander. Along the coast ranges, it occurs in southern San Mateo County south to central San Luis Obispo, and also in the vicinity of northwestern Santa Barbara County. The Santa Barbara population is considered a separate DPS and is "endangered." The population in Sonoma County is also considered a separate DPS and is "endangered." That these two populations have been classified as separate DPSs means that there has been little genetic exchange with the Central California DPS for some time. In the Central Valley and the surrounding Sierra Nevada foothills the California tiger salamander occurs from northern Yolo County southward to northwestern Kern County and northern Tulare County.

Critical habitat has been designated in Yolo, Solano,



*California tiger salamander from Alameda County*  
© Gary Nafis, californiantigers.com

The California tiger salamander is both an endangered species and a threatened species.

Endangered species are plants and animals that are in immediate danger of becoming extinct.

Threatened species are plants and animals whose population numbers are so low that they may become endangered in the future.

The U.S. Environmental Protection Agency's (EPA) Endangered Species Protection Program (ESPP) will help ensure that pesticide use does not jeopardize the survival of listed species.

Sacramento, San Joaquin, Amador, Calaveras, Stanislaus, Merced, Madera, Alameda, Fresno, Tulare, Santa Clara, San Benito, Monterey, Kern and San Luis Obispo counties.

**Habitat** Salamanders of the genus *Ambystoma* are referred to as mole salamanders because of their use of burrows for hibernation and shelter or, as in the case of the California tiger salamander, aestivation and shelter during the warm, dry months of summer and autumn. Because California tiger salamanders dig poorly, the burrows of small mammals are essential. Their dependence upon the upland burrows of California ground squirrels and Botta's pocket gopher is called a commensal relationship: it neither helps nor harms the burrowing mammals, but is of great benefit to the salamanders. Because the ground squirrel and pocket gopher tunnels collapse within 18 months of abandonment, the ongoing co-location with these animals is critical for the survival of California tiger salamanders that spend the majority of their life in upland habitat. This habitat is usually grassland or oak savannah, and sometimes oak woodland.

California tiger salamanders exhibit a biphasic life cycle and as a result require two distinct habitats. At the onset of the winter rains, these salamanders will emerge from their burrows to feed and migrate as far as one mile to their wetland breeding ponds. These are vernal pools or seasonal ponds within the grasslands or oak savannah, or even stock ponds that mimic seasonal ponds. In years of "normal" amounts of rainfall these ponds will retain water long enough for salamanders to complete their larval stage and metamorphose, but not long enough, as in the case of permanent ponds, to be habitable by major predators such as fish and bullfrogs. Within that range of water retention, larvae develop faster in smaller, more rapidly drying ponds. However, the longer larvae remain in the pond, the larger they will be and the more likely they are to survive and reproduce. It is estimated that during the life of an average female California tiger salamander, just 11 of her offspring will reach metamorphosis. Other estimates further suggest that

# California Tiger Salamander

only 5 percent of juveniles survive to become breeding adults.

Adult California tiger salamanders have been found as far as 1.3 miles from their breeding pond; most remain closer. One study located 95 percent of the salamanders within 2,100 feet of their breeding pond in Solano County.

**Biology and Behavior** Following metamorphosis in late spring or early summer, juvenile salamanders migrate into the uplands and settle into animal burrows. Like adults they will leave their burrows to feed on insects and worms during nights of high humidity, and return to the burrow before morning. Eventually, they will aestivate there until the onset of the next rainy season.

It will take two or more (as much as 4 to 6) years for California tiger salamander larvae to reach maturity. Like other adults, they will then leave their burrows as the rainy season begins and migrate to the breeding pond, most often their natal pond. Males will go first and stay longest. Females will leave the pond shortly after laying their eggs. They attach the eggs singly, or in groups of two or four, to twigs, grass and plant stems, boards, rocks and debris. In 10 to 14 days the eggs hatch.

Salamander larvae look very little like the adults. They are yellowish-gray with a broad dorsal fin extending well onto the back. The head is large and broad with feathery gills on each side. They are among the top predators of the seasonal pond system. During the first six weeks they eat zooplankton, small crustaceans and aquatic insects and then switch to larger prey such as the small tadpoles of Pacific treefrogs and California red-legged frogs. They will remain in the pond for 3-6 months depending on the season. In seasons of drought many of the ponds may not be able to retain larvae fully to a critical body size that would enable metamorphosis. In extreme droughts, a seasonal pond that fails to fill means there will be no breeding season.

## California Tiger Salamander Information Sources

### Listing Notice

Santa Barbara DPS - US. Fish and Wildlife Service, 2000. Federal Register 65, No. 12, pp. 3096-3109, January 19, 2000. [http://ecos.fws.gov/docs/federal\\_register/fr3498.pdf](http://ecos.fws.gov/docs/federal_register/fr3498.pdf)

Sonoma DPS - US Fish and Wildlife Service, 2002. Federal Register 67 No. 140, pp. 47726-47740, July 22, 2002. [http://ecos.fws.gov/docs/federal\\_register/fr3498.pdf](http://ecos.fws.gov/docs/federal_register/fr3498.pdf)

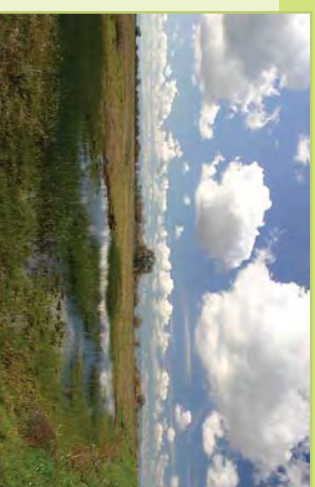
Central DPS - US. Fish and Wildlife Service, 2004. Federal Register 69, No. 149, pp. 47212-47248, August 4, 2004. [http://ecos.fws.gov/docs/federal\\_register/fr4278.pdf](http://ecos.fws.gov/docs/federal_register/fr4278.pdf)

**Critical Habitat Designation** Santa Barbara DPS - US. Fish and Wildlife Service, 2004. Federal Register 69, No. 226, pp. 68568-68609, November 24, 2004. [http://ecos.fws.gov/docs/federal\\_register/fr4355.pdf](http://ecos.fws.gov/docs/federal_register/fr4355.pdf)

Sonoma DPS - US Fish and Wildlife Service, 2005. Federal Register 70 No. 239, pp. 74137-74163, December 14, 2005. [http://ecos.fws.gov/docs/federal\\_register/fr4495.pdf](http://ecos.fws.gov/docs/federal_register/fr4495.pdf)

Central California DPS - US. Fish and Wildlife Service, 2005. Federal Register 70, No. 162, pp. 49379-49458, August 23, 2005. [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2005\\_register&docid=fr23au05-22](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2005_register&docid=fr23au05-22)

**Species Account** U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2009. [http://www.fws.gov/sacramento/es/animal\\_spp\\_acct/california\\_tiger\\_salamander.pdf](http://www.fws.gov/sacramento/es/animal_spp_acct/california_tiger_salamander.pdf)



*California tiger salamander breeding pond, Marcedon County*  
©Gary Nafis, [californiatigers.com](http://californiatigers.com)



*California tiger salamander larva, Sonoma County* © 2006 Jiffey Mitchell



*California tiger salamander, Santa Barbara County*  
©Gary Nafis, [californiatigers.com](http://californiatigers.com)

# Potential Range of the Sonoma County California Tiger Salamander



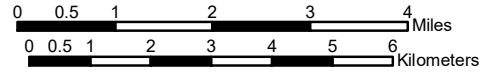
United States  
Department of the Interior  
Fish and Wildlife Service  
Sacramento, California



Potential Range of the Sonoma Co. CA Tiger Salamander

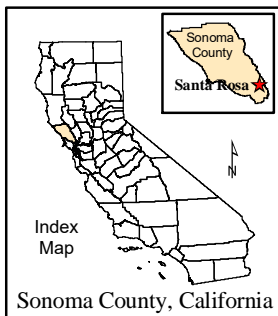
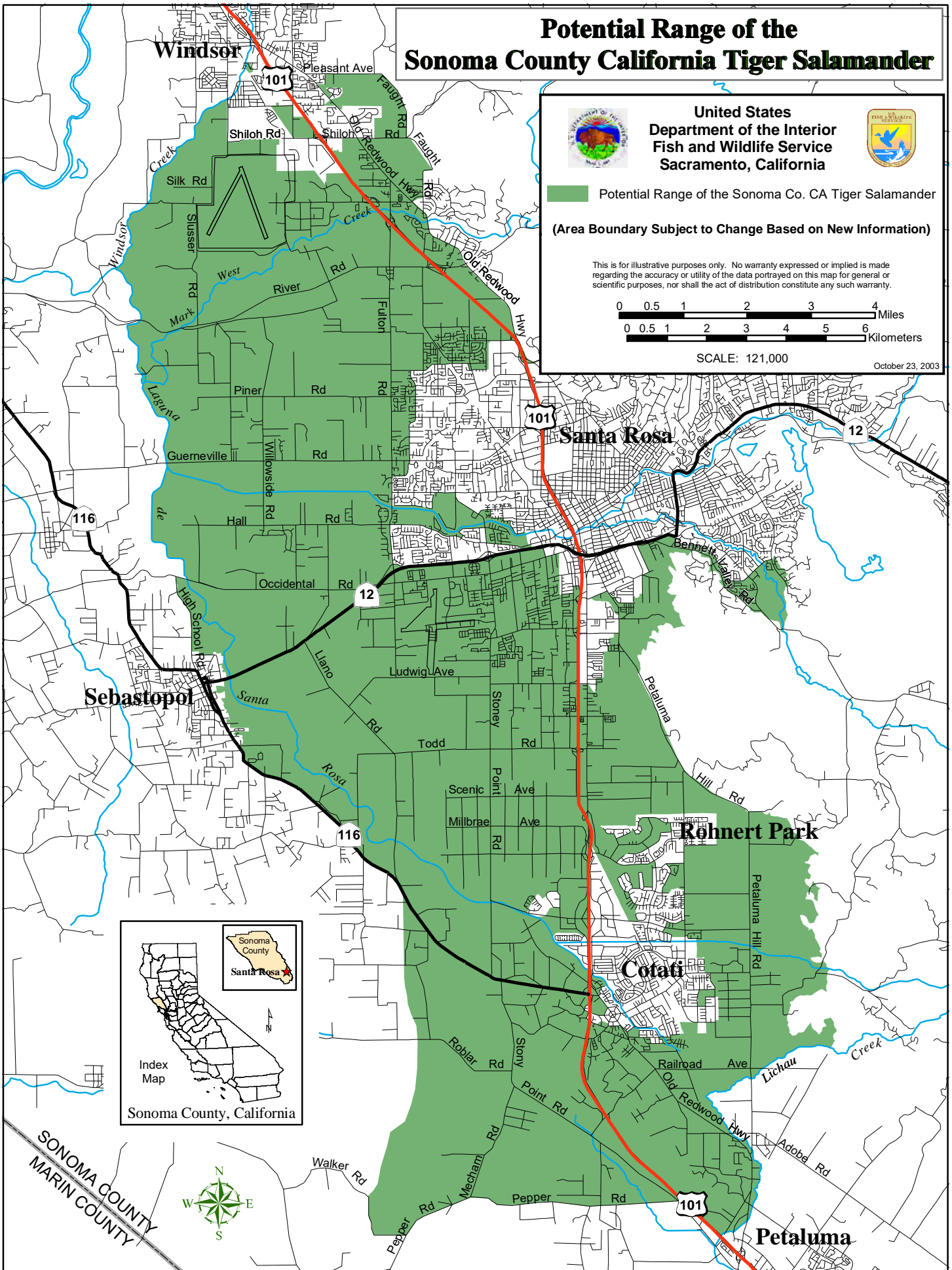
(Area Boundary Subject to Change Based on New Information)

This is for illustrative purposes only. No warranty expressed or implied is made regarding the accuracy or utility of the data portrayed on this map for general or scientific purposes, nor shall the act of distribution constitute any such warranty.



SCALE: 121,000

October 23, 2003



SONOMA COUNTY  
MARIN COUNTY





**From:** [lbarber@sonic.net](mailto:lbarber@sonic.net) <[lbarber@sonic.net](mailto:lbarber@sonic.net)>

**Sent:** Monday, April 8, 2024 10:07 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Cc:** 'David Hansen' <[mana1943@yahoo.com](mailto:mana1943@yahoo.com)>; 'Catherine Dodd' <[catherine.dodd@gmail.com](mailto:catherine.dodd@gmail.com)>; 'Peter J. Lescure, PE' <[plescure@lescure-engineers.com](mailto:plescure@lescure-engineers.com)>; [heidiwould@gmail.com](mailto:heidiwould@gmail.com) <[heidiwould@gmail.com](mailto:heidiwould@gmail.com)>

**Subject:** [EXTERNAL] Koi Nation of Northern California Shiloh Resort and Casino Project

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April 8, 2024

Mr. Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs

Re: Shiloh Resort and Casino

Dear Mr. Broussard,

I have nothing against Native Americans and their search for economic development. I have Cherokee blood – my great grandmother collected checks from Standard Oil for reparations for the displacement of native peoples in Oklahoma.

I do object to your proposal to develop subject property. The site is adjacent to residential neighborhoods, which include children, and in close proximity to a well frequented regional park, neither of which have anything in common with a casino use. I reside approximately 1.5 miles south of the backside of your site and most days walk the designated “Scenic Corridor” of Faught Road where there are other walkers, joggers, and cyclists on a consistent basis. The sunset view from Faught Road is one of the most beautiful in the County of Sonoma.

I always understood that the Native American held a strong philosophy of “stewardship of the land.” If this is true, could you not uphold these values now?

Please do not destroy our local beauty.

Respectfully,

Lori Barber

231 Candlelight Dr.

Santa Rosa, CA 95403

35 year resident of lower Wikiup and  
concerned citizen

**From:** Dawn Chandler <[d\\_e\\_chandler@yahoo.com](mailto:d_e_chandler@yahoo.com)>  
**Sent:** Monday, April 8, 2024 10:19 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-To-Trust and Casino Project

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Dear Mr. Broussard,

I am writing to provide objection to the proposed Koi Nation Shiloh Resort and Casino Project.

If this project goes forward, it will bring tens of thousands of visitors to the area daily, resulting in a significant increase in traffic congestion, noise, and air pollution, artificial light to the surrounding area threatening the natural environment of migratory birds. The proposed project is surrounded by residential and agricultural sections with a community park directly across Shiloh Road, and an elementary school a mile away. The size of the proposed project at this location will adversely impact the landscape, residential life, and community activities of the whole surrounding area. It will overwhelm the resources of the public, including the diminishing residential water supply, road maintenance, emergency/wildfire evacuation routes and resources for fighting fires and managing crime.

In addition to greenhouse gas pollution, please study the possibility of local air pollution and public health impacts from increased vehicle traffic on neighborhood roads and highways, as well as the impacts from idling vehicles, including construction, delivery, and passenger vehicles. The EPA has found that people who live, work, or attend school near major roads appear to have an increased incidence and severity of health problems associated with air pollution exposures related to roadway traffic. It is likely that a project of this size will have a measurable impact on air pollution in nearby neighborhoods. Please assess the possibility that there will be a public health impact due to an increase in particulate matter, air toxics, and NOx, as well as any other foreseeable air pollutant.

California is in the midst of a 1200-year drought. Sonoma County is under mandatory water use restriction and the reality of this worsening with global warming is inevitable. Please consider what the water demands, both now and in the future, would be for a casino and resort of this size vs. a residential development on the same site. The proposed project will decimate the local



water table, heavily impacting local water resources for the surrounding community. The community cannot withstand the loss of water supply caused by this project.

This property, and the whole surrounding area is subject to intense and fast-moving wildfires. Not only would visitors to a casino resort be at risk, but the whole community would also be threatened by having the designated evacuation routes overwhelmed in gridlock, with emergency vehicles unable to operate. All roads leading to and from the designated property are only two lanes. For residents in the immediate area and the hills above, Shiloh Road is the main, and in some cases, the only escape route out. This project in this location threatens the community with a high potential to greatly contribute to more loss of life and homes.

Please consider how many thousands of families and individuals live in the actual Area of Potential Effect (APE). The APE is far greater than the project site and extends for miles in all directions. A project of this scope will bring an unprecedented adverse element to the greater surrounding area resulting in unintended consequences for the entire community. The APE includes Windsor and NE Santa Rosa, Mark West, Fulton, and Wikiup/Larkfield. The inflow of tens of thousands of visitors daily will increase rates of crime and traffic accidents in the surrounding areas. Consider police/fire statistics from casinos in Northern California that identify casino resorts in particular that are built in locations surrounded by long-established communities of residential neighborhoods, areas intended and zoned for residential/ agricultural use only and not commercial use.

The expected decline in property values is both during construction of the project, and in the long term. Homes and housing units impacted by the direct visibility of the large buildings, parking lots, bright lights, and the increase in traffic to/from the casino resort, plus the noise of the entertainment will most likely experience a decline in property values and quality of life. The 24/7 presence will significantly decrease the desirability of buying into the area and lower current residents ability to rest at night and to use and enjoy their outdoor living spaces.

There are areas in Sonoma County more appropriate for a high volume 24/7 casino business. Please study alternative sites for this project as it is not an environmentally sound project for this location and threatens the well-being of thousands of members of the local community. The proposed site would be better suited and welcomed as a residential development by the Koi Nation to serve its people with an affordable residential community where all families would be able to thrive and continue to enjoy living in the area.

Thank you for your consideration.

Dawn Chandler  
(707) 975-7481

**From:** Michael Moran <[moranx5@att.net](mailto:moranx5@att.net)>

**Sent:** Monday, April 8, 2024 10:26 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-trust and Casino Project

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No Casino!

Bad location period.

Reasons:

1. Impact to already crowded hospitals and shortage of emergency personnel and ambulances
2. Traffic in area already congested without a casino and will get worse once apartment complex opens up on corner of Shiloh and old red hwy
3. Will increase crime and DUI drivers
4. Roads gridlocked during Last evacuations for fires were dangerous. People will lose lives in the event of another major emergency.
5. Wells in danger of drying up for some residents in the area

Christina Moran  
Amie Drive, Windsor ca

Sent from my iPhone

**From:** Cliff Dylan <[clifftun7@yahoo.com](mailto:clifftun7@yahoo.com)>  
**Sent:** Monday, April 8, 2024 10:41 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation fee to trust and casino project

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Koi Nation fee to trust and casino project  
April 8, 2024

I am writing again to express my strict opposition to the proposed casino/land use by the Koi tribe on East Shiloh Road. The previous EA that was performed left me in shock and with one main thought...There is NO WAY that EA was done with boots on the ground. All those pages and no real life assessments were made nor were there accurate statements of real impacts to this area, nature, wildlife, the people and the neighborhoods.

I would like to focus on that human aspect in the immediate proximity of this proposed casino. There is a Mark West School District bus that goes through my neighborhood twice a day, every single weekday during the nine month school year. It enters from Shiloh Road with a left turn on Gridley Drive, makes a right on Chris Street, a right on Mathilda Drive, a right on Lea Street, a left back on Gridley Drive and finally back out to Shiloh Road. I see it on my driveway camera every time that it passes by. This is a grammar school bus! No place for a casino of any size.

Esposti Park is located at the corner of Shiloh Road and Old Redwood Hwy. It is directly across from the proposed casino site. This park is used daily by the community along with baseball, softball and soccer leagues. No place for a casino of any size.

There are two community churches within sight of this proposed casino. One of these churches is across the street from the proposed casino and acts as a food distribution center for people in need. This is run by The Redwood Empire Food Bank. No place for a casino of any size.

Fire danger and evacuation. No assessment would be complete without going door to door and talking with the real people who went through real Hell being evacuated and fearing for their safety while sitting in traffic trying to get to highway 101. The area filling with wind and smoke along with the flow of fire over the Shiloh Ridge is something that this area will never forget. The Koi's response to this is that their employees will stay back in a fire emergency to help with traffic...Pure nonsense and laughable. Except for the fact that people will likely die in their cars. Lahaina, Hawaii. Casino employees are not first responders. Even if they did stay, they couldn't do a single thing about the gridlocked roads. During the Kincaid fire, my daughter left our house on Lea Street and

it took her 20 minutes to go one mile to reach a gridlocked Hwy 101. NO PLACE FOR A CASINO OF ANY SIZE!

Speaking of crowded roads, the area of Shiloh Road and the corner of Shiloh Road and Old Redwood Hwy are already being developed with hundreds of apartments and retail shops. This will increase traffic immensely. These two developments that are on the way to completion will stress the infrastructure even if any widening of roads is proposed/completed. No place for a casino of any size.

I really could go on and on stating facts and real life situations making this proposed land use a disaster that will happen. The ONLY option for this proposed land use is the "no action alternative." That is, the land NOT put into trust for the Koi Nation or any entity looking to put a large establishment there. No Action Alternative is the only way, as anything less will lead to annual applications to build that giant \$\$\$ casino.

This is no place for a casino of any size...Ever.

Signed,  
Cliff Whittemore

Cliff Whittemore  
237 Lea Street  
Windsor, CA 95492

**From:** Mike Landon <[landonmikes@gmail.com](mailto:landonmikes@gmail.com)>

**Sent:** Monday, April 8, 2024 6:53 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Mr. Broussard,

I would like to go on record as being in complete opposition to the Koi Nation Casino Project referenced above. I live in the immediate vicinity of this proposed project, and am convinced that it would be a disaster for the local neighborhoods, as well as for the county at large. Among the many negative impacts of this project would be:

1. Destruction of the beauty and peace of the pastoral natural environment which drew people to live here.
2. A huge drain on water, power, and other resources and utilities, of which the area is already in short supply. (PG&E is currently having great difficulty providing power for construction projects many times smaller than this which have already been approved.)
3. Air quality impact, along with noise, night light, and a host of other environmental impacts.
4. Tremendous volume of added stress on transportation infrastructure, with thousands and thousands of additional cars and trucks on the few available roads.

There are many more specifics which I could outline here, but suffice it to say for the moment that this proposed project is a wholly inappropriate use for this land. Our area was Ground Zero in Santa Rosa for the 2017 catastrophic Tubbs Fire, and we are not yet fully rebuilt all these years later. The last thing we need or want as we strive to pull our neighborhoods together is the spectre of a huge casino and entertainment complex rising here from the ashes.



Regards,  
Mike Landon

[landonmikes@gmail.com](mailto:landonmikes@gmail.com)

**From:** Mike Landon <[landonmikes@gmail.com](mailto:landonmikes@gmail.com)>  
**Sent:** Tuesday, April 9, 2024 5:31 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] FW: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Dear Mr. Broussard,

Please see below the letter that I sent yesterday, with my address appended to the end of it.

Thank You,  
Mike Landon

**From:** [Mike Landon](#)  
**Sent:** Monday, April 8, 2024 6:53 PM  
**To:** [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)  
**Subject:** NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Dear Mr. Broussard,

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3. Air quality impact, along with noise, night light, and a host of other environmental impacts.
4. Tremendous volume of added stress on transportation infrastructure, with thousands and thousands of additional cars and trucks on the few available roads.

There are many more specifics which I could outline here, but suffice it to say for the moment that this proposed project is a wholly inappropriate use for this land. Our area was Ground Zero in Santa Rosa for the 2017 catastrophic Tubbs Fire, and we are not yet fully rebuilt all these years later. The last thing we need or want as we strive to pull our neighborhoods together is the spectre of a huge casino and entertainment complex rising here from the ashes.

Regards,  
Mike Landon

[landonmikes@gmail.com](mailto:landonmikes@gmail.com)

358 Wikiup Drive  
Santa Rosa, CA

**From:** Nina Cote <[nina.cote@sbcglobal.net](mailto:nina.cote@sbcglobal.net)>

**Sent:** Thursday, April 4, 2024 2:28 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Cc:** Nina Cote <[nina.cote@sbcglobal.net](mailto:nina.cote@sbcglobal.net)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Attention: Chad Broussard

Regarding: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

From: Nina Cote', 5828 Mathilde Drive, Windsor CA 95492

Our community is appreciative that the BIA has decided to perform an Environmental Impact Statement (EIS) for the proposed Koi Nation of Northern California Shiloh Resort and Casion Project.

The Environmental Assessment was significantly lacking in all aspects, was disappointing, and honestly a bit ridiculous. After surviving two fires that devastated the area surrounding the proposed site, I continue to feel that we will perish in the next fire because we won't be able to evacuate our own subdivision which is directly across from the proposed site. There will be thousands of additional cars exiting the proposed casino, many of whom have no idea where they are, or the evacuation routes, competing with the neighboring communities, churches, schools, parks all of which encountered gridlock during the last two events. There is no mitigation possible, but the fact that it was stated in the report that the casino would provide employees to direct traffic was laughable. When people are in survival mode, there is no predicting their behavior, and the unpredictability of fires makes it impossible to implement a way to increase the area population by thousands and not have it irreparably impact the community in the event of any type of emergency. The current vineyard is a fire break that needs to remain available for the surrounding community.

Additional education into our fire seasons. Regardless of the season we can have RED FLAG WARNINGS in in effect whether someone feels it is "so late in the season" and after "all that rain." This is now reality for those of us living in California and especially in Sonoma County. This link below is to an article from the Western Fire Chiefs Association website.

<https://wfca.com/articles/california-fire-season-in-depth-guide/>

The area surrounding the proposed site is already increasing in population with planned housing that is desperately needed in our community. The

infrastructure in this area can't handle any business/recreational facility of the proposed magnitude on the chosen site.

For the past few years, Sonoma County businesses have had significant difficulty recruiting employees and we have watched as more and more businesses have closed due to lack of staffing. This has gotten worse in the past year and the fact that the proposed casino resort says they will need 1000 employees would decimate small businesses who are desperate for employees. I'd also like to know where these 1000 employees will live with the shortage of affordable housing in our community.

[From hiring bonuses to job fairs, inside county's 'unprecedented' effort to fill hundreds of vacancies](#)



In the original report it referenced that there aren't endangered species found on the proposed casino site. A beautiful ecosystem will be permanently harmed. The impact on the large population of wildlife, that may not be considered endangered, but currently populate this agricultural property will be devastating! Our days and nights are filled with the sights and sounds of Coyotes, Foxes, Squirrels, Snakes, Skunks, Owls, Quail, Hawks and many other species of Birds, Frogs, Salamanders and the list goes on. The proposed site and surrounding area who are currently home to these animals will experience displacement, 24x7 lighting, noise, pollution, and increased physical risk due to thousands of additional cars daily. It will impact their nesting and migration habits and more.

Our local indigenous tribes care about the environment, land and living creatures. This is not the same for the Koi Tribe who is only thinking of financial gain by choosing this site. Proposing a mega business in an agricultural area, home to wildlife is wrong!!! This will decimate the beautiful creatures that call that land home.

The physical, emotional health and well being of our community will significantly decline from this proposed large business by being impacted by the additional pollution directly related to running the large buildings, cars, people smoking outside the casino, as well as the noise (that no, dual paneled windows won't help), and 24/7 lighting (we'll no longer see stars).

No casino in California has been built directly across a small two lane road from an existing neighborhood. The only example of a casino this close to a neighborhood is one that the casino was already built and in existence, and then homes were purchased. So, in that example anyone buying a home was conscious of what they were getting into. The danger that is being proposed so close to this community is not appropriate on any level.

All of the other casinos in our area were thoughtfully and appropriately segregated from communities of residential neighborhoods. Our community doesn't need another casino with two others very close by, but especially not on a property zoned for agriculture, scenic view, county separator, protected valley oak trees, flood way and flood plain.

In the past two years we have had flooding in this area. Removing a flood way and floodway increases the risk to flooding into our neighborhoods. I've attached photos from recent storms. Pruitt Creek came right up to the roadway and threatened traffic and homes this year. Once again, the current zoning is appropriate for the area and modifying it would be a travesty.

Up until the past two years, we have been in a severe drought causing mandatory water rationing. The amount of water needed by this mega resort is an abomination. Knowing with climate change we will experience droughts on an increasing magnitude how can building something that will use more water than any of the other community? How can this be justified? We skip showers, have buckets we carry out to water of our plants and the building directly across the street will be using more than any of us!!

I wish the Koi Nation well in their endeavors to gain financial independence, but only in an appropriate location, not here on Shiloh Road.

Sincerely, Nina

Nina Cote'



**From:** Anne Gray <[annegray123@sbcglobal.net](mailto:annegray123@sbcglobal.net)>

**Sent:** Sunday, April 7, 2024 12:20 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

Attached is my Comment on the above Project. Could you please reply so I know it reached you?

Sincerely,

Anne Gray  
Santa Rosa CA

**One attachment** • Scanned by Gmail

# Anne Gray

459 Country Club Drive  
Santa Rosa, CA 95401  
[annegray123@sbcglobal.net](mailto:annegray123@sbcglobal.net)  
630.815.9277

April 7, 2024

**Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project**

To: Chad Broussard  
Bureau of Indian Affairs  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Dear Mr. Broussard:

First, could you please send me an email acknowledging receipt of this Comment?

I again ask that the Bureau reject the Koi Nation's effort to build a casino of **any size** in Sonoma County. All proposed options for **"Shiloh Resort & Casino"** at 222 E. Shiloh Road, Santa Rosa, 95403 are unacceptable. I spoke in opposition at the Zoom September 2023 Public Hearing, and sent you a follow-up letter last November.

Sources used for the following information and my understanding of the facts are listed below, and at the end of this letter. As you know, the current proposal will include:

- A 540,000 square foot casino, 400-room hotel and a 2,800-seat event center
- More than 5,000 parking spots hosting up to 57,000 visitors daily
- Two ballrooms and five restaurants
- Additional support and entertainment facilities
- Resort style expansive pool and aquatic/spa center
- Up to 400,000 gallons of water used daily

## **CLIMATE CHANGE IMPACT ON WATER TABLES & THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA)**

During the September 2003 Zoom meeting which you hosted, and in reading related resident testimonials thereafter, one common theme emerged regarding the devastating impact the proposed Shiloh Resort & Casino would have on the Santa Rosa Plains water supply. Nearby residents are already seeing their wells dry. And while California is technically no longer in a drought, we would be fools to think severe drought won't return. Moreover, **we are not "water neutral" now** - we are taking out far more than nature gives back. Ao how can we ever get there with massive growth?

Meanwhile, multi-family housing construction in Sonoma County is undergoing a significant boom, supported in part by the state's **Prohousing Designation** program. Under this aggressive housing growth program, cities "selected" for participation must achieve significant housing growth by 2031 or lose general state funding. **Santa Rosa, Windsor, Healdsburg, Rohnert Park and Petaluma** are all in this program, which I will go back to later in this Comment.

Santa Rosa alone is adding almost 4,685 new housing units by 2025 with many already completed, and well before the 2031 deadline. It's also planning for much more high-density housing development to meet county needs, and grow revenue. Developers are exempt from dealing with many infrastructure requirements to support this massive growth. **Demand for Santa Rosa Plains water will increase dramatically as a result.**

In addition to fast-track housing development, think for a moment about water usage to support up to 57,000 daily gaming visitors, a 400-room hotel, five restaurants, a large resort-style pool complex and supporting facilities. **Has the BIA taken into consideration what the impact would be of taking an additional 400,000 gallons of water from our water supply every day?**

Much of Sonoma County uses water from the Santa Rosa Plains. **The Santa Rosa Plains water system is where 222 E. Shiloh Road, Santa Rosa, 94303 gets its water from, and the Santa Rosa Plains are included in the mandated “Sustainable Groundwater Manageable Act” (SGMA).**

This act was passed in 2014 and requires that by 2042 each area of California that uses ground water – like the Santa Rosa Plains -- must enact a plan to replace the ground water that it draws out. This basically requires that communities don’t use more water than nature puts back, using metered systems to determine natural replenishment versus usage. Extensive planning is already underway to meet this state requirement.

Withdrawing an additional 400,000 daily gallons of water from the Santa Rosa Plains will make adhering to the SGMA much more difficult, especially with so much mandated new housing growth in the Santa Rosa Plains that the state is also requiring. **If we are already using more than nature puts back now, how will we become “water neutral”?**

Will the Oklahoma Chickasaw who would fund, build and manage the casino be required to comply with the SGMA? Do they have a plan to address this future requirement? Will they be required to “break even” on the amount of water used versus what nature puts back like others who draw water from the Santa Rosa Plains?

Or would they be exempt from this program? If that’s the case what happens? Do other Santa Rosa Plains water users get a daily 400,000-gallon discount reflecting the Shiloh Resort & Casino usage? Or does the rest of the community need to make up for the massive Shiloh Resort & Casino deficit, putting another strain on water consumption needs.

Moreover it would negate the important SGMA goal – sustainable water usage and environmental protection. What is the responsibility of the Oklahoma Chickasaw Nation here and the small Koi Nation tribe they appear to be using just to get the largest California resort and casino built in Sonoma County? Here is a link to the SGMA program.

<https://water.ca.gov/programs/groundwater-management/sgma-groundwater-management>

## **IMPACT ON AIR QUALITY, NOISE POLLUTION AND AIR TRAVEL VIA CHARLES SCHULZ SONOMA COUNTY AIRPORT (STS)**

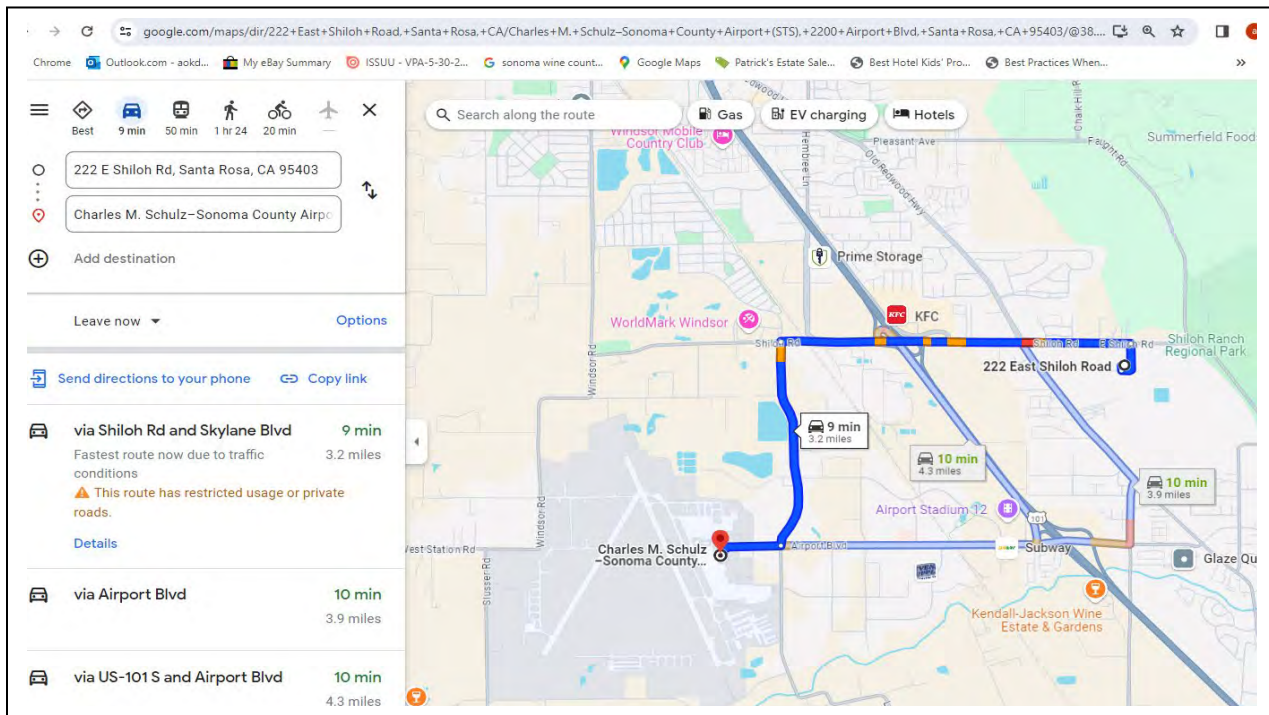
Sonoma County residents are already struggling with air quality and noise pollution caused by the growth of our STS regional airport. Demand for air travel via STS will skyrocket when up to 57,000 daily Shiloh visitors enter the mix. Air and noise pollution from low flying commercial aircraft will worsen.

Moreover, **the ability for area residents to actually use STS will decline sharply as many of those 57,000 casino visitors compete with local residents for seats on crowded planes at our small regional airport.** I use this airport regularly and value the ability to fly directly into Sonoma County versus being required to drive to San Francisco (SFO), Oakland (OAK), San Jose (SJC) or Sacramento (SMF) in order to access air travel.

The most logical alternative is SFO, which is 84 miles or about a 1.5-hour drive away from STS and inaccessible to many. While tourism is key to the Sonoma County economy, adding up to 57,000 daily visitors along with massive housing growth, will overwhelm our community’s ability to afford flying via STS.

The STS airport would be about four miles from the Shiloh Resort & Casino as you can see from the map below. This will also drastically increase road traffic, air, and noise pollution. It would most likely require significant roadway expansion

and improvement – to be paid for by Sonoma County taxpayers, not taxpayers Oklahoma where the Oklahoma Nation Global Gaming Group resides.



## IMPACT OF NEW URGENT STATE MANDATED PROHOUSING COMMUNITY MULTI-FAMILY HOUSING

As mentioned above, there is already a very aggressive housing development program being undertaken in Sonoma County. Have you considered this in your assessment? Have you analyzed what if any Enhanced Infrastructure Financing District funds will apply around the area where the casino would be built to ease congestion? (The Enhanced Infrastructure Financing District, or EIFD, is a special finance district that will use property tax increment revenues from community growth in specifically defined areas to finance public infrastructure and economic development projects of community-wide significance.)

Governor Newsom’s Fiscal Year 2019-20 budget established the **Prohousing Designation Program** help meet California’s goal of adding 2.5 million new homes over the next eight years. **Santa Rosa, Windsor, Healdsburg, Rohnert Park and Petaluma are part of this designated, fast-growth housing program.** According to the City of Santa Rosa:

“In its application, the City outlined multiple pro-housing policies it has enacted or will enact to increase housing production and to improve access to affordable housing. These included streamlining and expediting application and review processes, deferring fees for affordable housing construction, **incentivizing increased housing density**, speeding approvals for accessory dwelling units, **reducing parking requirements for new housing**, and creating an Enhanced Infrastructure Financing District to help support affordable housing development, among many other policies the City has adopted or is pursuing.

One project highlighted in the City’s application that received high marks was adoption of the Southwest Greenway Plan, which will preserve up to 47 acres of parklands and open space and provide **244 multi-family housing units in an underutilized area previously designated for Highway 12 expansion.**

Santa Rosa is on track to create **4,685 units of new housing by 2031**, including 1,919 affordable housing units. With 397 units under construction from June 30, 2022, and later, the City's [2023-2031 Housing Element](https://www.srcity.org/CivicAlerts.aspx?AID=2253#:~:text=Santa%20Rosa%20is%20on%20track,total%20Regional%20Housing%20Needs%20Allocation) accounts for 163% of Santa Rosa's remaining total Regional Housing Needs Allocation. There are **more than two dozen affordable housing developments in the pipeline**, including Caritas Homes - Phase One set to open soon in Downtown Santa Rosa, South Park Commons at the former City-owned Bennett Valley Senior Center site, and The Cannery at Railroad Square. Recently completed affordable housing projects include the Linda Tunis Senior Apartments in Rincon Valley and Laurel at Perennial Park located on Mendocino Avenue at the former Journey's End Mobile Home Park site, among others." Source:

<https://www.srcity.org/CivicAlerts.aspx?AID=2253#:~:text=Santa%20Rosa%20is%20on%20track,total%20Regional%20Housing%20Needs%20Allocation>.

Again, according to Gustavo Velasquez, Department of Housing and Community Development (HCD) Director:

"I'm thrilled that we now have 30 communities that have achieved the Prohousing designation," said HCD Director Gustavo Velasquez. "The cities and counties are leading the way by **reducing unnecessary barriers and red tape** that discourage new housing production, instead they are **signaling to developers that are ready to build more housing faster.**"

(California Department of  
Housing and Community Development, August 7, 2023)

"This isn't hype. If it becomes law, the bill could really revolutionize California cities. As currently written, SB 827 would essentially **exempt all new housing built within half a mile of a train stop or quarter mile of a frequent bus stop from most local zoning rules**. So, if a city had zoned an area for single-family homes, developers could invoke the bill to build multifamily apartment buildings **between four and eight stories high.**"

(Cal Matters June 23, 2020)

One only has to look at the large multi-family housing developments going up all over Santa Rosa now to know there will be major issues going forward with transportation gridlock, parking, community services and water needs; eliminating the "red tape" needed to successfully incorporate new housing into Sonoma County will negatively impact quality of life. Highways, roads, and community services such as grocery stores and medical facilities are not equipped to deal with the **Prohousing Community** requirements, **let alone a third Las Vegas style casino.**

## **SONOMA COUNTY RESIDENTS ARE CONFUSED ON WHERE IS THE SHILOH RESORT & CASINO IS GOING TO BE LOCATED**

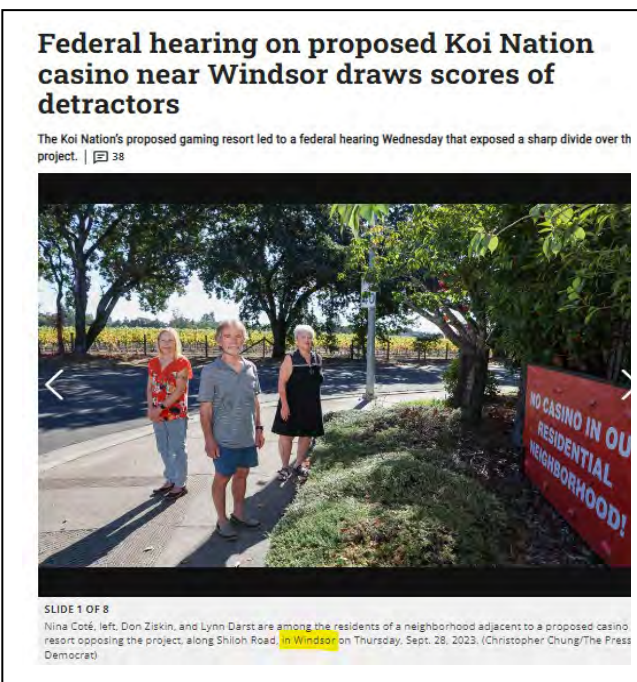
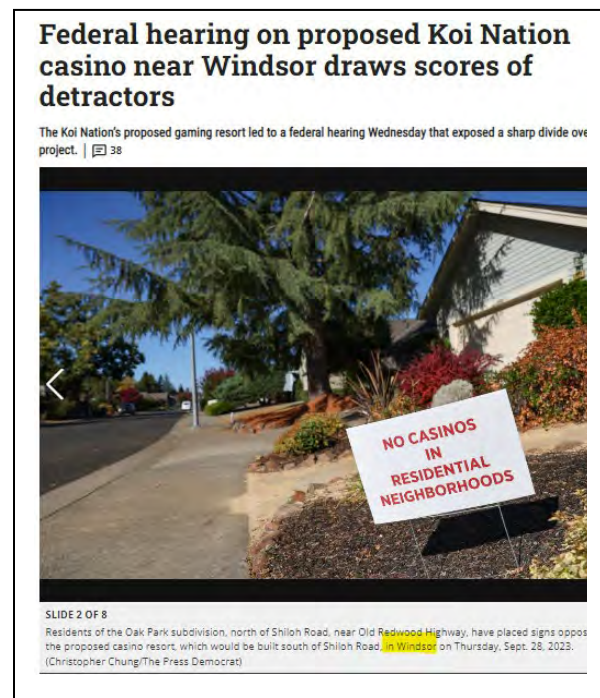
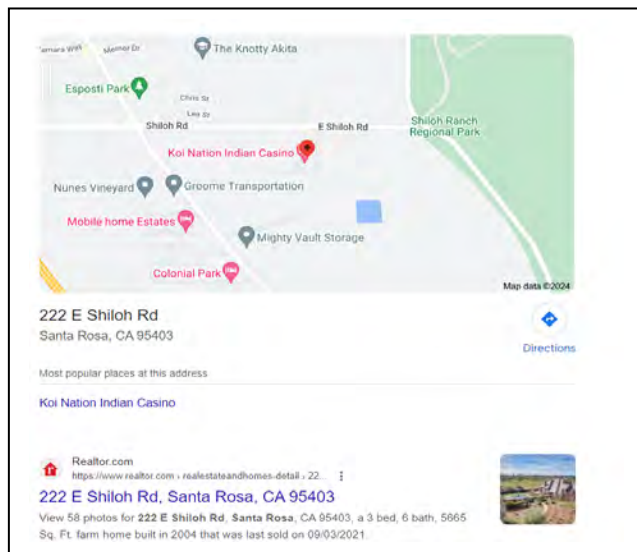
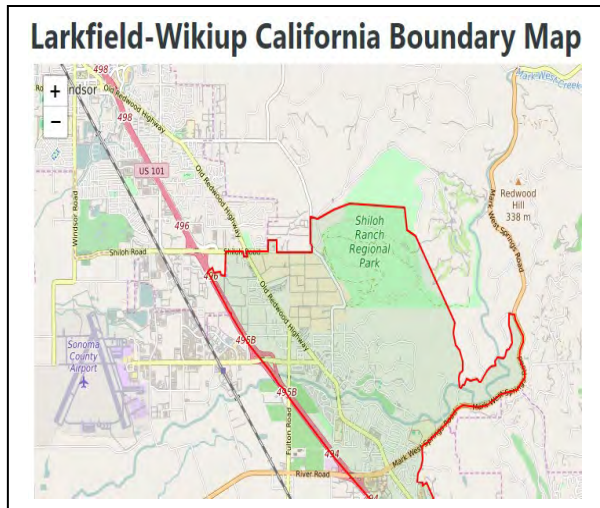
There is confusion within the community as to where the proposed casino will be built. **The Press Democrat insists on telling readers it will be located in Windsor even when corrected.** I asked someone just the other day who reads the Press Democrat daily where it was going to be built and the response was "Windsor up by the Healdsburg border".

The casino is **not going to be located in Windsor as they continue to publish. The address is 222 E. Shiloh Road, Santa Rosa, 95403.** It is in unincorporated Sonoma County within the **Larkfield-Wikiup boundary map** with a Santa Rosa street address. The Press Democrat even changed an April 3, 2024 published Letter to the Editor I wrote. I provided the Santa Rosa address, and they changed it to "Windsor" twice without my permission, then refused to issue a correction. **They are confusing the public which in turn limits the feedback you receive.**

Below are Google Map showing the location and two Press Democrat photos stating it will be in Windsor. **Note:** the Press Democrat has also published that the location would be in unincorporated Sonoma County, and south of Windsor, but also keeps printing "Windsor".

**I am hereby requesting that the BIA publish an announcement in the Press Democrat, with the exact address or request a Press Democrat correction as Sonoma County is being misled with respect to Shiloh's proposed location.**





## PAYING FOR INFRASTRUCTURE IMPROVEMENTS

Federal law makes it clear that the Koi and Chickasaw nations will not be required to fund road, flood and wildfire containment and evacuation “improvements”, or contribute to additional housing requirements needed for staff. Therefore the impact on Sonoma County residents would be enormous as vast changes would be needed to deal with up to 57,000 additional daily visitors to Shiloh Resort & Casino.

What would Sonoma County residents get for this massive investment – up to 1,000 new jobs while the bulk of the revenue and profit goes to the **Oklahoma-based Chickasaw Nation**? This is not practical, fair or advantageous. Especially when you consider the impact on our environment, sustainability and quality of life.

Here is the relevant federal law link regarding funding public projects:



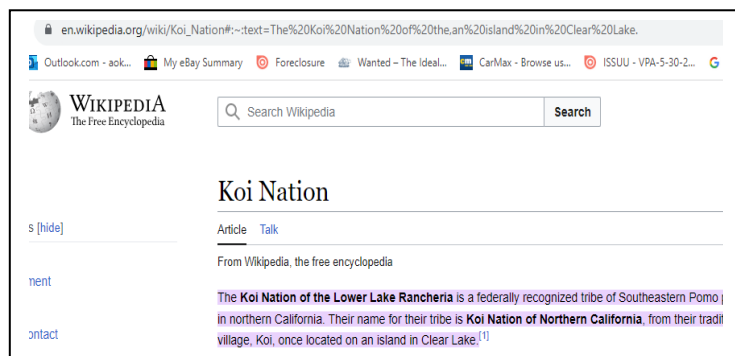
## KOI NATION IS INDIGINOUS TO LAKE NOT SONOMA COUNTY

It is my understanding that the Koi Nation are **indigenous to Lake not Sonoma County** and therefore have **no significant historical connection or inherent rights** to build this casino anywhere in Sonoma County. Their website acknowledges this history (below). ABC News and others also reported that “Five other tribes question Koi Nation's "historical connection" to Sonoma County, saying their ancestors lived 50 miles away in Lake County.” All Sonoma County tribes are strongly against this proposal.

The **Clearlake City Council, in Lake County** approved increasing funding the city will devote to **defending itself against legal challenges involving major park and road projects filed by the Koi Nation**. The reference notes that **“The tribe, whose traditional territory includes the city of Clearlake and Lower Lake...”**. They go on to note that the money is needed because the tribe, **indigenous to Lake County**, approving \$250,000 for legal defense... “after the tribe sued to stop the city’s extension of 18th Avenue as part of a new hotel development at the former Peace Field airport site.” (Lake County News, October 20, 2023)

Yet in 2021, the Koi Nation purchased 68 acres in Sonoma County at 222 E. Shiloh Road, Windsor, for \$12.3 Million. They did not have approval to build the casino before this purchase and are now requesting permission. Is this a version of **"It's easier to ask forgiveness than it is to get permission"**? Why buy the land first? To make it hard for the BIA to say “no”?

***So, which is it? Is the Koi Nation indigenous to Sonoma County? Lake County?***



## LARGE CASINOS ALREADY EXIST IN SONOMA COUNTY ARE ALREADY HAVING PROBLEMS COMPETING

By building the Shiloh Resort & Casino, the biggest in California, Sonoma County will become the Las Vegas of California. Forever changing our cherished rural landscape and sense of community, while creating new crime and safety challenges, and contributing to transportation gridlock for all.

**Just 14 miles, or 15 minutes south** off Highway 101 is the 2013 built **Graton Casino**. It has a:

- 135 square foot casino – 25% the size of one proposed for Windsor
- 200-room hotel, and others built nearby to support it

**In June 2023 Graton began a \$1 Billion expansion** which will add a:

- Second hotel wing with 200 rooms
- 3,500-seat theater for live entertainment
- Rooftop restaurant seating for 480 guests
- 144,000 square feet of gaming space

- Five-level parking structure for 1,500 additional vehicles

Upon completion, **Graton will be the second largest casino in California. The Shiloh Resort & Casino would easily become the largest in the state.** Surrounded by other massive casinos just a few miles away. Also relevant, on March 1, 2023, Sonoma County Supervisors approved the **Dry Creek Rancheria Band of Pomo Indians' new River Rock resort and casino in nearby Geyserville.** (Rendering Below.) **This is only 18 miles or 30 minutes north of Windsor.**



Why are they tearing down their existing facilities to build a bigger new luxury resort and casino? **During the approval process they argued that business *slowed significantly* after Graton opened. They were granted permission for a complete rebuild as they need it to compete and not go out of business!**

This suggests that **Sonoma County cannot sustain *three (or four)* massive casinos requiring high revenue targets for financials to meet expectations.** If this turns out to be the case, it will lead to owner neglect as operating funds diminish. **Sonoma County taxpayers** may in the end need to step in with taxpayer monies to fund basic maintenance and security functions.

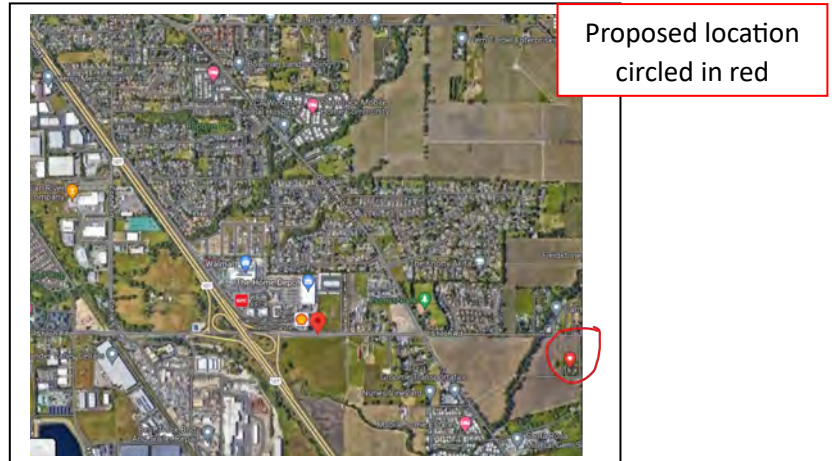
**Twin Pine Casino & Hotel in Middleton, Lake County,** is also just one hour by car from the proposed Windsor site.

The Dry Creek Rancheria Band of Pomo Indians also plan to build a **large casino in Petaluma south of Windsor.** They have delayed it until 2032 but it is still a strong and viable possibility.

Again, just 14 miles from Graton Casino and 18 miles from River Rock Casino, **the proposed Shiloh Casino in Windsor would easily become California's largest casino.** Built in a residential area and location Sonoma County cannot support.

**Sonoma County residents do not need *three* massive Las Vegas style casinos within a 32-mile radius of each other.**

## PROPOSED SHILOH RESORT AND CASINO WOULD BE LOCATED IN THE MIDDLE OF ESTABLISHED RESIDENTIAL NEIGHBORHOODS



The above images show the proposed site abuts established residential communities, and the stores, restaurants, churches and other operations the local community relies on. **This includes about six densely populated mobile home parks, five of which serve senior citizens only;** and seniors often require additional help during evacuations, which adds to the risk associated with putting a major resort/casino in their backyards.

### CURRENT TRAFFIC CONGESTION

The Wal-Mart and Home Depot right off Highway 101 along with other stores and restaurants located there are already destination points for many residents **outside of Windsor**, which also leads to much more traffic.

My understanding from the recent public Zoom hearing is that your transportation study was done in the early morning on a winter day. Have you re-evaluated it during afternoons when schools let out and people leave work? Highway 101 already becomes a parking lot at many busy travel times of the day.

### ADDITIONAL NEW MULTI-FAMILY HOUSING GOING UP AT 295 SHILOH ROAD, WINDSOR

The Corporation for Better Housing and Integrated Community Development received \$40 million in construction financing for Shiloh Crossing, **a 171-unit housing complex**.

The development will have two buildings plus 8,000 square feet of commercial space. The North Building will include 130 apartments, while the South Building will consist of the remaining residential units, administrative offices, community space and two commercial spaces. It will have a swimming pool, community room and bocce court.

The development will be located at **295 Shiloh Road** near Route 101. Just one mile or a 3-minute drive from the proposed new Shiloh Resort & Casino. This development, one of many fast-tracked to deal with California's housing shortage, will also add to traffic congestion, slow wildfire evacuation efforts and pull from depleted water reserves.

### IMPACT ON RESIDENTIAL PROPERTY VALUES

Can you please tell me what the impact will be on residential property values all around the proposed site in Windsor, and Santa Rosa, including those who reside in the Larkfield-Wikiup boundary map? How much property value will be lost when the biggest casino in California moves in next door? How will this impact current residents?



Proposed locations for the new casino and 171 new multi-family housing circled in red; 1 mile apart.



## ALREADY STRESSED WILDFIRE EVACUATION ROUTES

It is also quite easy to see from the above map that the proposed casino would hamper wildfire evacuations as evacuees travel west on narrow roads to get to Highway 101. It is also unrealistic in my view to **expect casino employees to risk their lives trying to evacuate patrons as the road traffic quickly comes to a standstill and a death trap.**

Here is a snip from the Koi's Proposal Appendix N – Wildfire Evacuation Memorandum. Many assumptions and conclusions in this Addendum are debatable, and it also shows clearly that significant public infrastructure improvements would be required for any extra degree of mitigation when wildfire strikes.

If the Koi Nation's proposal is approved the BIA will share the blame should more wildfires lead to death due to an inability to flee, and destruction that would not have happened if the proposed site was left as is. The BIA knows locating the largest casino in California at this location – **or anywhere in Sonoma County** - will add significant wildfire evacuation hurdles.

## SONOMA COUNTY BOARD OF SUPERVISORS UNANIMOUSLY OPPOSES THE KOI NATION PROPOSAL

There has been great Sonoma County opposition to the Koi Nation plan. In April, 2022, the "Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Nation's proposed casino and resort outside Windsor while discounting the tribe's historical ties to the county". (CDC Gaming Reports, April 6, 2022). Many other groups also oppose this new development.

### Elements of Mitigation Plan

The following mitigation measures are recommended to achieve a safe, efficient and organized site evacuation:

- **Trained on-site personnel will direct roughly half of the 4,310 vehicles** from the rear of the site to each of the two access points (the east Shiloh Road access point and the signalized Old Redwood Highway access point.) Thus, each access point connecting to adjacent public streets would handle about 2,155 vehicles.
- The two-lane two-way loop road serving the 4,310 vehicles should be converted to two outbound lanes during evacuation. However, only a single lane of traffic would enter the single westbound lane on Shiloh Road, so the extra outbound lane would be for storage of vehicles that would be directed onto the westbound lanes of Shiloh Road by **two on-site attendants** to keep traffic flowing.
- To accommodate any opposite flow emergency vehicles, the loop road should be designed with at least one paved shoulder wide enough to handle in-bound traffic during evacuation. This design should be available at all three access points.
- The Old Redwood Highway access point will be signalized and it also only has a single receiving lane on southbound Old Redwood Highway. All evacuation traffic should be directed to the south. This exit should also have two outbound lanes but only one vehicle at a time can use the outbound lane at the signal. **Two attendants** will be necessary to direct traffic.
- At the signalized exit near the entry area, also only a single lane can exit onto Shiloh Road. There would be two westbound receiving lanes at this location allowing both the vehicles exiting from the entry area and the other evacuating vehicles from the east access point to have their own westbound lane approaching the signalized intersection of Shiloh Road and Old Redwood Highway. To keep traffic flowing smoothly, **two attendants** should be present at this location.
- There should be at least six traffic attendants to direct the 4,310 vehicles exiting the garage and surface parking areas. In addition, at least two attendants would be needed at each of the three casino parking lot exit points. **A total of 12 persons** would be needed during evacuation. These traffic attendants should be specially trained employees of the casino.
- It is assumed that the approximate 2,155 vehicles exiting the site on the east Shiloh Road access point would have a maximum service rate of about 1,000 vehicles per hour. This is a typical rate assumed in urban areas and assumes that other traffic will be present, although at this location other traffic should be relatively light. This exit can therefore handle the exiting evacuating traffic in 2.2 hours or about two hours and twelve minutes.

The Koi Nation (and the Press Democrat) also indicated that a **Letter of Intent with Sonoma County Firefighters** equaled an endorsement. I checked with this firefighter organization directly; they have NOT endorsed the proposed casino.

## SUMMARY

Sonoma County is already being over-built without regard to water requirements, air quality, noise and road transport needs. Threats from wildfires and required evacuation infrastructure are easier to overlook when the drought abates, but severe drought due to climate change is predicted, along with future wildfires. The land and water impact of adding this casino to our county and its long-term impact on our fragile environment - already being fast-tracked to build more densely populated housing - should not be brushed aside.

I urge you to deny the Koi Nation Shiloh Resort & Casino **in any form anywhere in Sonoma County.**

Sincerely

Anne Gray

Anne Gray

Data sources and links not listed above include:

- The September 27, 2023, Public Hearing, Zoom-moderated by C. Broussard, BIA
- Publications:
  - <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - <https://www.lakeconews.com/news/76942-clearlake-sets-aside-half-a-million-dollars-to-defend-against-tribal-lawsuits-over-city-projects>
  - <https://www.pressdemocrat.com/article/news/sonoma-county-supervisors-approve-casino-agreement-with-dry-creek-rancheria/>
  - <https://www.pressdemocrat.com/article/news/federal-hearing-on-proposed-koi-nation-casino-near-windsor-draws-scores-of/>
  - <https://www.townofwindsor.com/1303/Koi-Nation-Resort-and-Casino-Project>
  - [https://en.wikipedia.org/wiki/Koi\\_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.](https://en.wikipedia.org/wiki/Koi_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.)
  - <https://www.koinationsonoma.com/history/>
  - <https://www.koinationsonoma.com/project/>
  - <https://www.srcity.org/CivicAlerts.aspx?AID=2253>
  - <https://www.hcd.ca.gov/about-hcd/newsroom/california-department-of-housing-and-community-development-awards-prohousing-designation-to-five-new-jurisdictions>
  - <https://www.hcd.ca.gov/about-hcd/newsroom/governor-newsom-designates-three-more-california-communities-prohousing-strides-made-to-accelerate-housing-production>
  - <https://www.townofwindsor.com/DocumentCenter/View/27736/3818-23-Authorizing-Town-Manager-to-Submit-Prohousing-Incentive-Pilot-Program-App-to-CA-HCD?bidId=>
  - <https://calmatters.org/housing/2018/03/what-to-know-about-the-housing-bill-that-has-people-freaking-out-from-marin-to-compton/>
  - <https://www.pressdemocrat.com/article/news/public-hearing-announced-for-koi-nations-proposed-casino-project-near-wind/>
  - <https://huffman.house.gov/media-center/in-the-news/sonoma-county-elected-leaders-react-to-koi-nation-proposal-for-casino-near-windsor>
  - [https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/?utm\\_campaign=trueAnthem%3A%20Trending%20Content&utm\\_medium=trueAnthem&utm\\_source=facebook&fbclid=IwAR2VfpsWJpFRLIH8visWcOb8hd\\_IQqZd2bwOTuM3lvK7rOnxKjc6u53MWvo](https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/?utm_campaign=trueAnthem%3A%20Trending%20Content&utm_medium=trueAnthem&utm_source=facebook&fbclid=IwAR2VfpsWJpFRLIH8visWcOb8hd_IQqZd2bwOTuM3lvK7rOnxKjc6u53MWvo)
  - <https://www.petaluma360.com/article/north-bay/sonoma-county-dry-creek-tribe-poised-to-extend-agreement-banning-casinos-n/>
  - <https://cdcgaming.com/brief/california-sonoma-county-supervisors-unanimously-oppose-koi-nations-casino-near-windsor/>
  - <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - <https://www.landispr.com/wp-content/uploads/2019/11/PD-Coverage-Koi-Nation-casino-battle-091821.pdf>
  - <https://www.healdsburgtribune.com/windsor-casino-would-increase-fire-risk-impact-residential-communities-opponents-say/>
  - <https://www.shilohresortenvironmental.com/>
  - <https://www.multiphasingnews.com/california-affordable-development-lands-40m/>
  - <https://www.srcity.org/CivicAlerts.aspx?AID=2253#:~:text=Santa%20Rosa%20is%20on%20track,total%20Regional%20Housing%20Needs%20Allocation.>

**To: Amy Dutschke, Regional Director**

**S-I498**

Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA. 95825

From : Richard Abend  
5925 Old Redwood Hwy  
Santa Rosa ,CA. 95403


"NOI Comments, Koi Nation Fee-to-trust and Casino Project"

I am a resident that has lived in the area across the street from this proposed nightmare of a casino project for 38 years . I have experienced continued increase of busyness in this area and oppose any type of casino project on this proposed property! This casino resort plan is not acceptable to our community on any level !

For starters ,this is a community with residential homes, churches, schools, recreational parks, a rural county park with creeks and wildlife that stretch to the creek on this property and vineyard agricultural. Daily traffic and noise is already at it's maximum with more recent high density /low income and senior / memory care housing added and planned on Shiloh Road . Fire evacuation and ER services will also be even more impacted with this current increase of population . Area flooding is a current and continuous problem . This casino project would be a negative impact on this already strained community. This project would bring an added appx 4 times the influx of traffic on Old Redwood Hwy and Shiloh Road ! This traffic would undoubtedly include a population of impaired driving ,drugs , violence and individual bad behavior (prostitution and sex criminal histories). This project would cause the existing community to experience even more difficult Emergency services, evacuation, poor air quality , more increased noise , increased area flooding and ground water depletion and contamination ( many in this rural area have ground water wells) . This peaceful beautiful area and community needs to be available for my grandchildren to enjoy! This area does not deserve the abuse of a casino resort project with constant in and out traffic of people that don't care about it's quality of life .

The Koi nation needs to stay in their own Lake County area for land trust plans and development . Sonoma County has enough casinos .

Respectfully,  
Richard Abend



2021 APR -8 AM 11:43  
PACIFIC REGIONAL OFFICE  
BUREAU OF INDIAN AFFAIRS



From: Marquel Abend-Satterwhite  
2523 Sonoma Ave  
Santa Rosa, CA. 95405

**"NOI Comments, Koi Nation Fee-to-trust and Casino Project"**

Amy Dutschke Regional Director,

I am a resident that was raised and lived in the area across the street from this proposed nightmare of a casino project for 38 years. I have experienced continued increase of busyness in this area and oppose any type of casino project on this proposed property! This casino resort plan is not acceptable to our community on any level!

For starters, this is a community with residential homes, churches, schools, recreational parks, baseball park, a rural county park with creeks and wildlife that stretch to the creek on this property and vineyard agricultural. Daily traffic and noise are already at its maximum with more recent high density /low income and senior / memory care housing added and planned on Shiloh Road. Fire evacuation and ER services will also be even more impacted with this current increase of population. Area flooding is a current and continuous problem.

This casino project would be a negative impact on this already strained community. This project would bring an added appx 4 times the influx of traffic on Old Redwood Hwy and Shiloh Road! This traffic would undoubtedly include a population of impaired driving, crime, narcotics use, violence, narcotics sales and prostitution. The regional park which families currently use will be flooded with people using narcotics/ selling narcotics, and homeless encampments. My husband is a police officer for Rohnert Park and that is the behavior that takes place at the Graton Casino leaching out into the surrounding areas of Rohnert Park. The difference is that the Rohnert Park casino is surrounded by businesses not residential housing. All around this proposed casino are residential and low-income housing. People in low-income housing are struggling enough they do not need the influence of increased crime, drugs and prostitution around their families. This project would cause the existing community to experience even more difficult Emergency services, evacuation, poor air quality, more increased noise, increased area flooding and ground water depletion and contamination (many in this rural area have ground water wells). This peaceful beautiful area and community needs to be safe for my children and other families to enjoy! This area does not deserve the abuse of a casino resort project with constant in and out traffic of people that don't care about its quality of life.

From: Marquel Abend-Satterwhite  
2523 Sonoma Ave  
Santa Rosa ,CA. 95405



2021 APR -3 AM 11:37  
OFFICE OF REGIONAL OFFICE  
SANTA ROSA / CALIFORNIA

**To: Amy Dutschke, Regional Director**

**S-I500**

Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA. 95825

PAKIFIC REGIONAL OFFICE  
BUREAU OF INDIAN AFFAIRS  
2021 APR -8 AM 11:42

From : Claudia Abend  
5925 Old Redwood Hwy  
Santa Rosa ,CA. 95403

**"NOI Comments, Koi Nation Fee-to-trust and Casino Project"**

I am a resident that has lived in the area across the street from this proposed nightmare of a casino project for 38 years . I have experienced continued increase of busyness in this area and oppose any type of casino project on this proposed property! This casino resort plan is not acceptable to our community on any level !

For starters ,this is a community with residential homes, churches, schools, recreational parks, a rural county park with creeks and wildlife that stretch to the creek on this property and vineyard agricultural. Daily traffic and noise is already at it's maximum with more recent high density /low income and senior / memory care housing added and planned on Shiloh Road . Fire evacuation and ER services will also be even more impacted with this current increase of population . Area flooding is a current and continuous problem . This casino project would be a negative impact on this already strained community. This project would bring an added appx 4 times the influx of traffic on Old Redwood Hwy and Shiloh Road ! This traffic would undoubtedly include a population of impaired driving ,drugs , violence and individual bad behavior (prostitution and sex criminal histories). This project would cause the existing community to experience even more difficult Emergency services, evacuation, poor air quality , more increased noise , increased area flooding and ground water depletion and contamination ( many in this rural area have ground water wells) . This peaceful beautiful area and community needs to be available for my grandchildren to enjoy! This area does not deserve the abuse of a casino resort project with constant in and out traffic of people that don't care about it's quality of life .

The Koi nation needs to stay in their own Lake County area for land trust plans and development . Sonoma County has enough casinos .

Respectfully,  
Claudia Abend



~~March 22, 2024~~

April 4, 2024

Sam Salmon, Windsor Town Council Member

956 Milsom Place, Windsor, Ca. 95492 email- mayorsalmon@gmail.com

PACIFIC REGIONAL OFFICE  
BUREAU OF INDIAN AFFAIRS  
2024 APR -8 AM 11:41

Amy Dutschke

Regional Director

Bureau of Indian Affairs, Pacific Region

2800 Cottage Way, Sacramento, Ca. 95825

NOI Comments, Koi Nation Fee-to Trust and Casino Project

The Windsor Community knows many of the impacts Alternate A and B will have on our Town and there are yet some impacts we can only speculate on. What concerns me most is that the Casino project will be the impact to the Shiloh area, which was the subject to a September 4, 2001 Shiloh Road Village Vision Plan. I have been an elected Windsor Council Member since 1994 and know the time, effort and money allocated to this section of Shiloh Road encompassing the vision plan area which terminates at the Koi project. The Town took on the visioning project because it became apparent that this area was going to become a focal point for growth and development. The Town desired to provide a guide to the growth and development through this visioning process with the clear goal of providing a livable and vibrant residential community with walkability and sustainability in the forefront.

Over 20 years have passed since the Plan's adoption and development is currently occurring with two large multi-family apartments under construction on the north side of Shiloh totaling over 300 units combined. The Vision Plan

acknowledged a guiding principle of safe movement of traffic. Since 2001, the need to enhance pedestrian and bicycle access and safety has become imperative. Reduction of climate warming is a priority, and which means Shiloh Road must be adapted to accommodate modes of transportation in addition to the car. The Koi project Alternatives A & B will create such additional auto traffic that it will basically eliminate people's choice of walking or biking to shopping which is available in the Shiloh Center which serves all shopping needs.

The Koi's choice of a casino/hotel project in Alternative A and somewhat in Alternative B, is replica of the Graton Tribe's Casino and Hotel in Rohnert Park, just 15 miles to the south. From review, the project and the current casino are very similar in size and the uses. What is different is the access. The Koi project is not situated in an area such as the Graton Casino/Resort. While the Graton facility is adjacent to Highway 101 with Wilford Ave., a four-lane road basically serving the Graton facility, the Koi project would utilize Shiloh Road, currently two lanes, for access with Shiloh Road currently serving our industrial park, golf course and thousands of residential properties on our west side of Town. On the project or east side of the highway, Shiloh Road serves Walmart/Home Depo Shopping Center, as well as the entire southern portion of the Town of Windsor. The impacts are not comparable and the highway 101 overpass is not capable of handling the traffic generated by the Koi Project.

What the Town desires of Shiloh Road is a boulevard consisting of mixed-use development, small businesses on ground floor levels with housing, two to three stories above, parking behind the buildings, wide sidewalks and safe bike lanes along the street, two lanes, one each direction with landscaped islands for pedestrian safety and limited turning lanes and crosswalks of shorter distances for safety and efficient traffic movement. This design is specifically for the livability of the Shiloh community. The Koi Casino project, Alternates A and B, will make this vision unattainable and render those of our

future Shiloh community not having the benefits that the Town of Windsor has stood to provide, a community that it's residents love.

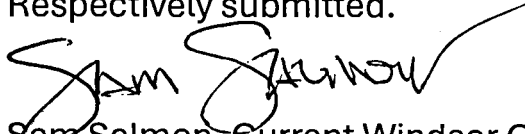
There has been concern regarding the same environmental consultant performing the EIS who submitted the EA with conclusions of no impacts that could not be mitigated. As an elected representative, I am held to a level of impartiality that includes prohibition of bias. Is it not understood that the consultant who provided the conclusions in the EA would be inclined to find that their conclusions were justified through a deeper EIS investigation? Certainly, any conclusions made in the EIS which appear to be made to justify prior determinations will be scrutinized.

Finally, the Koi's are known in their community in Lake County as involved and concerned citizens and residents. The Tribal leaders who I have met are genuine and concerned. It is the scope of their project Alternates A and B which raises the issue of the Town of Windsor's capacity to deal with their potential impacts. As I have stated at the beginning of these comments, the Town's goals are to continue building our community as a safe and welcoming place to live and to be grateful for living here. Our plans in the Shiloh Road corridor are for just that. The Koi Tribe is said to constitute 92 members. While I certainly understand the Department's goals in providing our indigenous people compensation for their terrible losses of their lands and the atrocities afflicted, it would seem a 600-million-dollar project financed by the Chickasaw Nation of Oklahoma is a too much. The burden placed upon the Town of Windsor is beyond its capacity. The 68 acres is adjacent to the Town and Town services will be used because of the project's location and the location of Town services and facilities.

Finally, there may be alternative sites or specifically an alternative site on the northwest corner of Shiloh Road and Highway 101. There are three undeveloped adjoining parcels totaling about the equal acreage of the current Koi project, two currently for sale and one taken off the market in the past year. The parcels are zoned commercial for the most part and are in our light industrial zoned area of Town. Impacts of traffic and cohesiveness of development would seem to be much more mitigatable. Almost direct

freeway access as well as complete visibility from the freeway would lead to a more successful project. This acreage is adjacent to the Town's newly created Beverage District and a project such as the Koi's could benefit the town while still retaining it's sovereignty and providing for the benefit of our indigenous people.

Respectively submitted.

A handwritten signature in black ink, appearing to read "Sam Salmon", with a large, sweeping flourish extending from the end of the name.

Sam Salmon, Current Windsor Council Member and past Mayor



April 3, 2024

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Comments: to Koi Nation Fee-to-Trust and Casino Project

Dear Ms Amy Dutschke:

Since moving here in 1989, I've witnessed Windsor's traffic challenges, particularly during events like the Ironman race. Adjustments were made, but the recent low-cost housing construction has exacerbated congestion. Traffic at Shiloh and Old Redwood, and Hembree and Shiloh intersections are common, especially the post-3 pm commuter hours. Proximity to the freeway often results in gridlock, and flooding has occasionally forced detours from our usual exits.

The prospect of a new casino intensifies my concerns. It could lead to traffic scenarios similar to those near Coddington or Costco in Santa Rosa, with potential freeway backups. Unlike retail stores like Home Depot and Walmart, a casino's traffic impact is less predictable and harder to manage. The city's roundabout plan at Old Redwood and Shiloh seems incompatible with the added casino traffic.

I'm also concerned about having casino traffic in the event of a natural disaster such as a fire. There have been multiple times we have had to evacuate and if there was a casino down the road it may make it difficult to leave. With two major casinos already in the county, a third seems unnecessary, especially near residential areas with children. Casinos should be situated away from dense housing to mitigate traffic surges from events and promotions.

As Windsor braces for more traffic from a new apartment complex, I urge reconsideration of adding another high-traffic establishment like a casino. Our community's past experiences should guide future planning to preserve Windsor as a worthwhile and comfortable place to live.

Gayle and Jim Cunningham  
213 Chris Street  
Windsor, CA 95492

2024 APR -3 2011:41  
BUREAU OF INDIAN AFFAIRS  
PACIFIC REGIONAL OFFICE

S-I503

March 21, 2024

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs  
Pacific Region  
2800 Cottage Way  
Sacramento CA. 95825  
email: amy.dutschke@bia.gov  
Re: Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke,  
I am a resident of Windsor CA and am strongly opposed to the to the proposed Koi Resort and Casino. I feel it would be environmentally devastating to our community.. This casino would drastically affect the towns and area's limited water supply. It would greatly affect our traffic especially on the Old Redwood Hwy which many of us seniors use to get to our doctors and hospitals in Santa Rosa. We have a large senior population that avoids driving on the Freeway and this proposed casino is right off Old Redwood Hwy. It's also proposed in a residential community. It will affect the property values, parking and noise in that residential community.

We are always being threatened with rolling power blackouts and have already been asked to limit our power use to specific times. Presumably they will be using an exorbitant amount of power for a casino etc.

With regard to water we are encouraged to tear up our lawns and conserve water use. There are restrictions for both our homes and businesses. This proposed resort and casino would require both a heavy use of power and water which are already in limited supply.

This casino would have an extreme negative impact on our daily lives in this community!

I strongly oppose this Koi Casino Resort and Casino Project!

Thank you for your considerations of my comments.

Sincerely,



cc: Chad Broussard, Environmental Protection Specialist Bureau of Indian Affairs  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

cc: TribalAffairs@sonoma-county.org

2024 APR -8 AM 11:39  
BUREAU OF INDIAN AFFAIRS  
ADDITIONAL OFFICE

April 6, 2024

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825  
RE: NOI Comments, Fee-to-Trust and Casino Project

2024 APR 10 PM 4:06  
PACIFIC REGIONAL OFFICE  
BUREAU OF INDIAN AFFAIRS

Dear Ms. Dutschke:

I have lived in the Town of Windsor for 28 years, approximately 3 miles from the proposed Koi Shiloh Resort project. This letter is to once again voice my extreme opposition to this project, which would destroy the quality of life and safety in our town. In addition to the quality of life concerns in this proposed residential area such as traffic and noise as well as environmental impacts, I would like to emphasize the following two serious safety concerns.

- **Wildfire Evacuation** – I have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first-hand how dangerous this situation is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would very likely cause gridlock and a real potential for loss of life robbing us of our peace of mind and will cause constant fear for our safety in our own homes. The EA is faulty in the assumption that we will have adequate warning to evacuate the casino property prior to evacuating the Town of Windsor.
- **Crime** – The proposed mitigation to address this issue by staffing up the police department in response to the increased crime is not acceptable. The proposed location of the casino project is right across the street from neighborhoods with families and retired people. The knowledge that police are available to respond after a dui accident or worse occurs will not alleviate the impact and fear of these crimes in our community.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired live, children go to school and play in the park, wildlife live, and we all enjoy the incredible natural beauty of this area. The proposed location is absolutely **not** the right location for this project.

I wholeheartedly request that you implement **Alternative D, no action**.

Sincerely,



Bruce DeCrona  
1206 Eagle Drive  
Windsor, CA 95492

*also, it seem that anyone who supports this doesn't live anywhere around here. I invite them to come see for themselves what a poor & inappropriate location it is.*

To: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

From: Mary Euphrat, [euphrat@sonic.net](mailto:euphrat@sonic.net); 6203 Lockwood Drive, Windsor, CA 95492

RE: NOI Comments, Koi Nation Fee-to-Trust & Casino Project

Dear Administrator,

I am writing to voice my strong opposition to the proposed casino from the Koi Nation off Shiloh Road in unincorporated Sonoma County adjacent to the Town of Windsor, California.

The Koi Tribe from Lake County (not Sonoma County) has purchased vineyard acreage adjacent to a series of single- family homes, parks, schools, a church, and other nearby residential neighborhoods. The proposal of a large casino complex including restaurants and a hotel will have a negative impact on our local environment adding traffic congestion, infrastructure strain, lack of emergency access especially during fires, disturbance of wildlife habitat, lack of water supply especially during drought conditions and much more.

While I understand that tribal land developments are not held to CEQA standards, the surrounding areas are. We have red tailed hawks, barn owls, foxes, coyotes, bobcats, mountain lions, deer, endangered wildflowers and salamanders and many more forms of wildlife. The building of the casino would significantly destroy their habitat and feeding grounds. The current land is a vineyard of which the wildlife can roam freely. There is also a regional park right across from the proposed development that is used by bike riders, hikers and horse back riders. The parking is already overfilled on the small street adjacent and across the street from the proposed casino.

Water is always a huge focus. During drought years our community has had to regulate use of water based on hours and days of the week. The casino leaders are proposing setting up their own wells and wastewater systems. This will affect the aquifers in the area and many of the residential homeowners that are on wells adjacent to the property. Their wells could go dry as a result of a well water system placed on the casino property.

Fire has been a huge issue since 2017. The lack of roadways to support evacuation or residential areas in a timely manner has been a major challenge taking up to 8 hours to evacuate only 15,000 people. The Kincaid Fire came down close to the proposed casino. Imagine trying to evacuate hotel and casino guests along with the residential neighbors before the fire reaches the property. We don't have the infrastructure to support this project including street structure and utilities, and first responder personnel.

Safety is a major concern. There are several elementary and two high schools within a seven mile area of the proposed casino. Human Trafficking, Drugs, and Sex crimes along with other crimes are known to increase near or at casinos, a rate of 6.7% higher than expected based on a study by Thompson, Gazel and Rickman (1996). Do you want to expose our youth to those possible crimes including underage drinking? On the northeast corner of Old Redwood Hwy and Shiloh Road there is Esposti Park. It is a local park for our youth and adult athletes to play teeball, baseball, soccer, and for families to host family parties. Many bicycle enthusiasts park their cars



in the adjacent parking lot as a start off point for their bike rides which usually last a full day as they tour the beautiful backroads. I am concerned for the safety of our town's children with a park so close to the adjacent proposed casino. This is a residential area. Not a commercial area.

Lastly, the stress that a casino brings to the mental wellness of people that are living in a quiet neighborhood must be considered. Mental health is very important and although not "environmental" in nature it is a condition that risks the well-being of an individual. This area is quiet, residential, with parks and trails and bike trails, soccer and baseball fields directly adjacent to a casino that will exude the opposite, a transient population seeking the solace of gambling, drinking, and entertainment.

For these environmental reasons I strongly oppose the development of the proposed casino. If the casino was directly adjacent to Highway 101 it would be in a more appropriate development area. The current property is again in a quiet, residential, non-commercial area and not environmentally sustainable. Thank you for your time and consideration.

Sincerely,  
Mary Euphrat  
6203 Lockwood Drive  
Windsor, CA 95492  
euphrat@sonic.net



PACIFIC REGIONAL OFFICE  
BUREAU OF INDIAN AFFAIRS  
2024 APR 10 PM 4:07

Don Ziskin  
5862 Leona Court  
Windsor, CA. 95492  
Phone 707.292-0779  
[donziskinlaw@comcast.net](mailto:donziskinlaw@comcast.net)

November 8, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

**Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project,**

This correspondence includes comments and concerns for evaluation by the BIA/BLM in the Environmental Impact Statement (EIS) regarding the Koi Tribe Casino application; and the impact the Koi Casino Resort will have on the local community. I will not repeat the several topics addressed in my original letter concerning the Environmental Assessment (EA). It is my understanding they are already part of the analysis. I will address changed circumstances concerning Traffic and Circulation since last year. Before doing that I would like to make a few preliminary comments.

According to the current design for the proposed Casino Report, the driveway entrance to the casino will be 45 feet from the two closest homes; and an entire street will have bedroom windows (also 45 feet away) facing the proposed casino. To local residents watching rows of existing, healthy grape vines being ripped out and surveyors making measurements, it feels as if the casino is a foregone conclusion. This is despite unwavering opposition from residents, local, state, and federal elected officials, and numerous organizations.

The Koi have not reached out to the local community and have published false information giving the indication they have widespread support for their application. Recently they claimed the Sonoma County Fire District and Santa Rosa City Council Member and former mayor Tom Schwedholm supported the project. In fact, they did not. (see attached correspondence).

I would also like to restate my concern over the neutrality of Acorn Environmental who prepared the EA and will apparently be doing the EIS.

Acorn Environmental is a company that is, and has been, utilized by other tribes applying for Fee to Trust Applications in efforts to acquiring land for gaming purposes. Their website identifies Fee-to-Trust Applications, NEPA Compliance for Fee-to-Trust and Two-Part Determinations and Tribal-State Compact Environmental Analysis as areas of specialty. The EA previously prepared in this matter glossed over and minimally analyzed the concerns expressed in the scoping comments preceding the report. This was evident during the comments from callers at the public



forum. While not questioning their qualifications or professionalism, they are making many subjective assumptions and reaching subjective determinations. The NEPA procedure should incorporate some safeguards to verify neutral professional analysis. Acorn consistently concluded that essentially all concerns raised in the scoping questions last year were determined to be insignificant after their evaluation. Examples of their common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.

Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

### **Transportation and Circulation/ Fire/Evacuation**

Since the round of scoping for the EA, there has been significant development in the immediate area. There are 3 projects approved and/or under construction between the Highway 101 Shiloh offramp and Old Redwood Highway that will result in over 500 residential units in addition to retail ground floor ventures. The EA did not incorporate the increased traffic and circulation coming from these developments; and the impact they will have in addition to the proposed Koi Casino. The area has already seen a significant increase in traffic since the preparation of the EA. During busy hours traffic on eastbound Old Redwood Highway backs up to the freeway. The additional daily trips to and from the casino will result in constant traffic congestion.

The EA study was done over two winter days and the traffic during that time of year was not representative of conditions on E. Shiloh Road. During spring and summer months the park is full of young children playing baseball/softball as well as other groups utilizing the park. Several bike riding groups meet at the park for rides on Wednesdays and on weekends. The park parking lot during the weekends is full, with overflow parking on E. Shiloh Road and Old Redwood Highway. There will also be significant increased demand for street parking for the 131 units nearly completed catty-corner to the proposed site (at the intersection Old Redwood Highway and Shiloh Road). There are an additional 300 residential/senior units plus retail space approved or under construction between Old Redwood Highway and the 101 freeway.. The conclusions of the TIS concerning the impact the casino project will have on traffic circulation did not incorporate these actual conditions. The EIS should conduct a new traffic study, during spring/summer months to evaluate how the 500 plus units as well as parkgoers will impact the community.

Most importantly to residents who have been through multiple evacuations, it is concerning that the only time evacuation is mentioned is in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. No specific plan is referenced nor is the increase in residential and retail space incorporated. The infrastructure of the area cannot sustain this increase in housing and retail and the proposed casino resort.

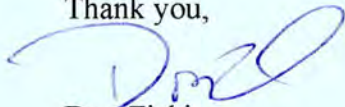
How will the addition of 500 plus residential units and commercial retail businesses on Shiloh Road impact traffic in addition to the casino traffic.

What will be the impact of the loss of available street parking from the casino project and new development to local residents and park users.

How will the traffic signals at Gridley and the Shiloh casino entrance impact residents of Oak Park?

In lieu of suggesting "an alternative project be investigated, it is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. A, B and C all bring the same issues, albeit at different levels. It is unprecedented for a casino resort of this size to be developed in a residential neighborhood. From a precedent standpoint, allowing this project by an out of county tribe, funded by an out of state tribe, in a residential neighborhood, would be sanctioning casino development throughout the state.

Thank you,



Don Ziskin  
5862 Leona Court  
Windsor, CA. 95492  
707.292-0779



OUR COMMUNITY MATTERS  
PO Box 1421  
Windsor, CA. 95492  
[ourcommunitymatters2@gmail.com](mailto:ourcommunitymatters2@gmail.com)

February 9, 2024

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Sacramento, CA 95825

Subject: Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke:

The purpose of this correspondence is to correct certain misinformation being circulated by the Koi Tribe in the media concerning supporters of their application to build the Shiloh Casino. This misinformation causes confusion and alarm as our community continues to oppose this project.

In a recent newspaper article<sup>1</sup> the Koi listed 25 supporters, almost all of which were outside of Sonoma County and the proposed casino site. 18 of the supporters were other Tribes and Rancherias located outside of Sonoma County. The project is opposed by the Sonoma County indigenous tribes, the Sonoma County Board of Supervisors, and the Windsor Town Council. With the exception of the two former Santa Rosa Town Council members listed in the article, virtually all of our local and California government representatives oppose the Shiloh Casino project. The only local agency listed in support was, surprisingly, the Sonoma County Fire District as we had previously only heard negative comments from them in prior communications.

A group of local residents toured the fire ravaged areas surrounding the proposed casino with a Sonoma County fire captain and a representative of former senator Diane Feinstein's office in 2022. At that time the captain expressed considerable concern over the placement of such a large commercial development in a residential area that was fire prone and had already experienced fire. The chief concerns were over evacuation of local residents and casino patrons as well as access to the area by first responders. Following that meeting, Dianne Feinstein generated a letter to the Bureau of Indian Affairs opposing the project.

Being participants in the meeting with Ms. Feinstein's office and the Sonoma County Fire District, it was surprising for us to read that the Sonoma County Fire District was listed as a supporter of this project. In response to the article, we contacted the Sonoma County Fire Department and spoke with Ron Bush. He advised us that the Sonoma County Fire District is "totally neutral" with reference to the project. They did generate a "letter of intent" in an effort to


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<sup>1</sup> <https://finance.yahoo.com/news/koi-nation-announces-support-coalition-175400472.html?>

maintain “continuity of service” ... in the event the project does go through. The letter of intent was not a letter of support! The purpose for that letter was to protect taxpayers and the community in the event the project is approved. Identifying the Sonoma County Fire District as a supporter is inaccurate, according to Mr. Bush.

The Koi tribe are currently very active in Lake County, their indigenous homeland, asserting their legal rights as an indigenous tribe. This third attempt to build a casino resort in a neighboring county will have a significant negative impact on the community as was evidenced by the public comments during the public zoom hearing on September 27, 2023, refuting the Environmental Assessment prepared by Acorn Environmental. Our Community Matters joins the others in requesting No Action on this project.

Thank you,

  
Our Community Matters



OUR COMMUNITY MATTERS  
PO Box 1421  
Windsor, CA. 95492  
[ourcommunitymatters2@gmail.com](mailto:ourcommunitymatters2@gmail.com)

February 9, 2024

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Sacramento, CA 95825

Subject: Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke:

On February 9, 2023, we sent a correspondence to you clarifying information in a newspaper article concerning a list of claimed supporters of the Koi Tribe's casino application (enclosed). As mentioned in that letter there is virtually no support for this project in Sonoma county and the community surrounding the proposed project. In addition to misrepresenting the posture of the Sonoma County Fire District as supporting the casino project, the article listed Tom Schwedhelm, a former Santa Rosa police chief and later a Santa Rosa City Council member as a supporter.

Following the Press Democrat article, I was contacted by mutual friend of mine and Tom Schwedhelm who advised me that Mr. Schwedhelm was not contacted about the article and is not a supporter of the casino project. I thereafter spoke Mr. Schwedhelm personally concerning the article. He stated that he was asked, while a council member by a consultant to meet with the Koi Tribe concerning the project. He and another council member did meet with the Beltran brothers but did not (and does not) "support" the Casino project.

He advised the Koi to reach out to the community and discuss items such as crime mitigation funds and other issues impacting the community.

with correct certain misinformation being circulated by the Koi Tribe in the media concerning supporters of their application to build the Shiloh Casino. This misinformation causes confusion and alarm as our community continues to oppose this project.

In a recent newspaper article<sup>1</sup> the Koi listed 25 supporters, almost all of which were outside of Sonoma County and the proposed casino site. 18 of the supporters were other Tribes and Rancherias located outside of Sonoma County. The project is opposed by the Sonoma County

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<sup>1</sup> <https://finance.yahoo.com/news/koi-nation-announces-support-coalition-175400472.html?>



indigenous tribes, the Sonoma County Board of Supervisors, and the Windsor Town Council. With the exception of the two former Santa Rosa Town Council members listed in the article, virtually all of our local and California government representatives oppose the Shiloh Casino project. The only local agency listed in support was, surprisingly, the Sonoma County Fire District as we had previously only heard negative comments from them in prior communications.

A group of local residents toured the fire ravaged areas surrounding the proposed casino with a Sonoma County fire captain and a representative of former senator Diane Feinstein's office in 2022. At that time the captain expressed considerable concern over the placement of such a large commercial development in a residential area that was fire prone and had already experienced fire. The chief concerns were over evacuation of local residents and casino patrons as well as access to the area by first responders. Following that meeting, Dianne Feinstein generated a letter to the Bureau of Indian Affairs opposing the project.

Being participants in the meeting with Ms. Feinstein's office and the Sonoma County Fire District, it was surprising for us to read that the Sonoma County Fire District was listed as a supporter of this project. In response to the article, we contacted the Sonoma County Fire Department and spoke with Ron Bush. He advised us that the Sonoma County Fire District is "totally neutral" with reference to the project. They did generate a "letter of intent" in an effort to maintain "continuity of service"... in the event the project does go through. The letter of intent was not a letter of support! The purpose for that letter was to protect taxpayers and the community in the event the project is approved. Identifying the Sonoma County Fire District as a supporter is inaccurate, according to Mr. Bush.

The Koi tribe are currently very active in Lake County, their indigenous homeland, asserting their legal rights as an indigenous tribe. This third attempt to build a casino resort in a neighboring county will have a significant negative impact on the community as was evidenced by the public comments during the public zoom hearing on September 27, 2023, refuting the Environmental Assessment prepared by Acorn Environmental. Our Community Matters joins the others in requesting No Action on this project.

Thank you,

  
Our Community Matters



S-I507  
2024 APR 10 PM 4:08  
PACIFIC REGIONAL OFFICE  
BUREAU OF INDIAN AFFAIRS

April 7, 2024

TO: Ms, Amy Dutschke  
Region Director  
Bureau of Indian Affairs -Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

CC: chad.broussard@bia.gov

SUBJECT: NOI Comments  
Koi Nation Fee-to-Trust and Casino Project

FROM: William V. McCormick, CEG  
5811 Faught Road  
Santa Rosa, CA 95403

Dear Ms. Dutschke:

One again I find it hard to believe that I am actually obligated to respond to such a preposterous land development proposal as this one put forward by the Koi tribe for a casino and resort at the border of the Town of Windsor, within Sonoma County. My property is bounded by Shiloh and Faught Rd, immediately east of this project. I am a local, licensed, Certified Engineering Geologist (CEG) who has spent the last 38 years evaluating the engineering and environmental feasibility of proposed development projects in Northern California, and I must say I have never seen such a ludicrous development proposal such as this one; ***a casino in a residential neighborhood is almost comedic....however, in my case it is an on-going tragedy.*** I spent 11 years opposing the fee-to-trust development on the western edge of Windsor with another tribe, only to find that even though I moved to the other side of town, I now have to defend my rights and way of life again!

From a professional perspective, I can't say that I have ever read a more flawed, incomplete and down-right unprofessional environmental document than the EA that was produced for this ludicrous development by Acorn Environmental. Clearly this firm is a paid advocate for the Koi tribe and their conduct and work product is subject to further scrutiny and professional investigation. This out-of-town firm clearly has no understanding of the local conditions and has produced this document using desktop study procedure, outdated data and no true field ground-truthing. Miraculously, all issues are deemed to be less than significant, to the public. This clearly shows that the EA was written only to the benefit of the Koi tribe and WITHOUT consideration to the surrounding neighbors or current environmental reality. This study is so flawed that it never even defines what the phrase less than significant means, and to whom. In order to accurately point out the numerous flaws of this 217-page study, it would take another 217-page letter.

***The flawed nature of the EA was clearly demonstrated in letters by neighbors, Sonoma County Native American Tribes and local government officials that the BIA has found it necessary to issue a NOI and the requirement for a formal EIS for this land and project.*** For sanity sake, I will reiterate only a few examples that clearly demonstrate why the Fee-to-Trust should not be considered for acceptance and that the only project that is acceptable is Alternative D – No Action Alternative.

## **TRAFFIC**

The provided traffic study is extremely flawed and incomplete. First of all, new traffic volumes will increase by up to 16,000 cars a day, within a residential neighborhood with **NO mitigations whatsoever proposed**. We cannot accept or be forced to accept such a degradation to our way of living. This amount of traffic will severely decrease the safety of our neighborhood.

In addition to this, the previously presented traffic study is completely flawed because it does not even consider traffic generated from the major intersection of Shiloh and Faught Rd; the corner I live on. Casino patrons will try to go around the traffic created on Old Redwood Highway at the main entrance, for the Faught Road/Shiloh back entry. For us who live here, we all know that Shiloh road is a part-time drag strip already....adding 16,000 cars to this will result in many injuries, death, property damage and overall degradation to our current peace and lifestyle with endless, 24-hour traffic noise. ***Let's be clear...there is NO practical or theoretical traffic solution than can reduce traffic impacts to a less than significant rating.***

## **WATER SUPPLY**

The EA claims that daily groundwater use needs on the site will be 170,000+ gallon per day and require additional wells to be drilled. This will severely affect neighboring supply wells with typical yields of only 10 to 20 gallons per minute and will cause a drawdown effect, possibly drying up adjacent domestic wells. This will also limit firefighting efforts in this wildfire hazard zone. ***Commercial use wells by the casino project will permanently overtax existing well and groundwater supplies for all citizens that rely on well water.***

## **WASTEWATER**

This category is especially disturbing. The previous EA estimates up to 400,000 gallons of waste per day. The proposed on-site system will include pipes under Pruitt Creek, the need for up to 16 million gallons of onsite storage and/or discharge into Pruitt Creek...which would permanently damage the existing creek environment. There will be so much excess sewage water that the EA states that up to 11 acres of offsite irrigation is possible, if they can find someone willing to take it...if not, the excess will be pumped into Pruitt Creek. ***We cannot allow Pruitt Creek to become a sewage canal.***

The proposed plans call for an on-site sewage treatment plant which will use hazardous chemicals for treatment which would be environmentally disastrous if spills were to occur.

What's most important here is that private sewage treatment plants on tribal lands are not subject to local operating guidelines, inspections or oversight. In addition, all waste biosolids would have to be continually trucked offsite to some other disposal site, presenting additional commercial traffic and potential environmental hazards for Sonoma County citizens.

***\*If this casino is permitted, the Town of Windsor will be bordered by TWO UNREGULATED WASTEWATER TREATMENT PLANTS.***

## **OTHER UNMITIGATABLE ISSUES**

There are many other unmitigable issues associated with having a casino in this neighborhood. It has been proven that areas surrounding casinos experience a sharp and lasting increase in **criminal activity**. Even though my property is located somewhat in a rural setting, I have had prostitutes and drug users use my driveway and vineyard access for their business. ***Criminal activity will increase exponentially with the Casino making our neighborhood unsafe.*** The tribe erroneously assumes that Sonoma County Sheriffs and Fire will service the project.

There is no way to eliminate new **NOISE** associated with traffic access to the site from patrons and deliveries, parking for over 5,000 cars and general **24-HOUR-A-DAY** operation of the casino itself. Other forms of **POLLUTION** will be car exhaust and light pollution. ***All of these factors will permanently damage our peace and SEVERELY reduce the VALUE of our properties.***

## **SUMMARY**

In a nutshell, this proposal to take this land into Fee-to-Trust status and permit a casino in a residential neighborhood is absolutely ludicrous and since there are numerous issues that cannot be adequately mitigated, any future environmental study will be flawed and unacceptable. Let me summarize the fatal flaws for this project:

- NO additional environmental study can adequately characterize the overwhelming negative effects to the neighborhood and Sonoma County Citizens and **WILL BE A WASTE OF TIME.**
- The tribe has not presented mitigating factors for critical issues
- There is no definition of Less than Significant and this implication for all issues clearly ignores the concerns of neighbors and Sonoma County citizens
- The proposed development is opposed by every civic organization and the overwhelmingly majority of Sonoma County citizens.
- The proposed development is opposed by existing Tribes that originate from Sonoma County
- We already have two casinos in Sonoma County, we don't need a third

**What is completely omitted from the previous EA document and will most likely be omitted in future studies is the description and acknowledgment of the permanent damage to the existing residential and agricultural culture that exists in this area.**

No credence is given to forever changing the lives of the current residents, which far outnumber the 90 Koi members who would be the beneficiaries of residential neighborhood destruction. ***Clearly none of the Koi would live in this neighborhood once the casino is built. I would also like to point out that NEVER has permission been granted in the past for a tribal casino more than 15 miles from their native origins nor has a casino EVER been permitted next to a residential neighborhood...***this policy should not be changed!

I have one final comment that needs to be taken into consideration by the BIA. This current process of **RESERVATION SHOPPING** at will needs to cease, and the Federal Government needs to find other more positive ways to assist tribal communities that doesn't destroy the lives of others in the process and is not based on a monopoly of casino greed. Where is it written in BIA policy that the only way for Tribes to become financially self-supporting is by granting Fee-to-Trust land specifically for casino building. Tribal rights should not be more important than all other citizens' rights. We are all **US Citizens** and one group should not be allowed to infringe upon the rights of others for selfish means, especially since the citizens that could be negatively and permanently affected have lived here for many decades.

In closing, I implore the BIA to reject any future EIS studies and considering granting Fee-to-Trust for the Koi Nation on this Parcel of land, and only consider **Alternative D- No Action Alternative**. **I also strongly encourage you to guide the Koi Nation into finding fee-to-trust land opportunities outside of Sonoma County.**

Respectfully submitted,



William V. McCormick, CEG

Neighborhood Resident

## Public Hearing

PUBLIC MEETING  
KOI NATION SHILOH RESORT AND CASINO PROJECT  
September 27, 2023  
6:00 p.m.

Reported by:  
Brooke Silvas  
CSR 10988  
Job No. 1031079



1                   SEPTEMBER 27, 2023; 6:00 P.M.

2

3                   CHAD BROUSSARD:   Okay.   We're going to  
4   go ahead and start the hearing.   We were having  
5   some audio difficulties there for a second.   But I  
6   think we have fixed that.

7                   So good evening.   The Bureau of Indian  
8   Affairs welcomes you to this public hearing for  
9   the proposed Koi Nation fee-to-trust and casino  
10   project environmental assessment, or EA for short.  
11   My name is Chad Broussard.   And I'm an  
12   Environmental Protection Specialist for the  
13   Pacific Regional Office of the Bureau of Indian  
14   Affairs, or BIA for short.   The BIA is the agency  
15   within the United States Department of the  
16   Interior.   I will be your facilitator for this  
17   evening's public hearing.   Here with me are the  
18   representatives from Acorn Environmental, the  
19   BIA's consultant.   This hearing will be closed  
20   captioned for the hearing-impaired.   To activate  
21   this feature, please click on the closed  
22   captioning icon at the bottom of your screen.

23                  The purpose of tonight's hearing is to  
24   facilitate public review and comments on the  
25   Environmental Assessment, or EA, for the proposed

1 fee-to-trust land acquisition in unincorporated  
2 Sonoma County near the Town of Windsor and the  
3 subsequent proposed development of a casino for  
4 the federally recognized Koi Nation. If the BIA  
5 approves the proposed fee-to-trust acquisition, it  
6 will hold the property in trust for the Tribe,  
7 allowing for the development of a gaming facility  
8 on-site. However, the National Environmental  
9 Policy Act, also known as NEPA, requires that the  
10 BIA conduct an environmental review before  
11 deciding whether or not to accept the land into  
12 trust. An EA has been prepared as the first step  
13 in this environmental review. We published the EA  
14 on September 12, 2023. The purpose of this  
15 evening's hearing is to facilitate public review  
16 and comments on the EA. We will consider all  
17 comments received during the public comment  
18 period, which ends on October 27, 2023. After the  
19 close of the comment period, we will review all  
20 comments and decide whether to issue a finding of  
21 No Significant Impact or initiate the  
22 Preparation of an Environmental Impact Statement.

23 If you would like to make a spoken  
24 comment at the hearing tonight, please use the  
25 Zoom raised hand feature. To raise your hand,

1 click the hand symbol at the bottom of your screen  
2 or enter star 9, if joining by phone. This will  
3 place you in line to speak. We will do our best  
4 to take speakers in the order that hands are  
5 raised. When it is your turn to speak, I will  
6 call your name and unmute your connection so you  
7 can give your comment. Everyone will be given 3  
8 minutes to make their remarks to ensure that  
9 everyone has the opportunity to speak. A public  
10 hearing is not the best forum for lengthy  
11 comments, due to the constraints of time. If you  
12 have a lengthy comment, we encourage you to submit  
13 a written letter. Either a hard copy letter, a  
14 paper letter, or you can send your comments in via  
15 e-mail. All comments will receive equal weight,  
16 whether spoken or written. We have a stenographer  
17 here that will record your spoken comments word  
18 for word, so that they can be considered fully as  
19 comments on the record. With that said, please  
20 restate your name for the record before giving  
21 your comment and please speak as clearly as  
22 possible so that the stenographer can understand  
23 and accurately document your words.

24 Please understand that the purpose of  
25 tonight's hearing is not to have a

1 question-and-answer session or a debate of any  
2 kind. We will not respond to questions or engage  
3 in debate. Instead, we are here to listen and  
4 document your comments for the record. We will  
5 then carefully consider your spoken and written  
6 comments received by the close of the comment  
7 period on October 27, 2023, and decide whether to  
8 issue a Finding of No Significant Impact or  
9 initiate the preparation of an Environmental  
10 Impact Statement.

11 Now, we have asked our consultant, Acorn  
12 Environmental, to provide you with a brief  
13 presentation on the Proposed Action, its Purpose  
14 And Need, the alternatives analyzed in the EA, and  
15 also an overview of the NEPA process.

16 ACORN ENVIRONMENTAL: Thank you, and  
17 good evening.

18 As noted, we will be going over the  
19 purpose for this public hearing. In addition, we  
20 will be giving an overview of the environmental  
21 assessment process under the National  
22 Environmental Policy Act, commonly known as NEPA,  
23 the proposed action and alternatives, issues  
24 analyzed in the environmental assessment, and how  
25 to make public comments on the environmental

1     assessment.

2                 The purpose of the hearing tonight is to  
3     obtain public comments and feedback on the  
4     Environmental Assessment, also known as an EA,  
5     prepared for the Koi Nation Shiloh Resort and  
6     Casino Project, which will be referred to as "the  
7     Proposed Project" during this presentation.

8                 It should be noted that public feedback  
9     and input is an integral part of the NEPA Process,  
10    which will be explained in detail later in the  
11    presentation. However, first some background on  
12    the Proposed Action and Proposed Project.

13                NEPA requires federal agencies to take  
14    into account the environmental impact of federal  
15    actions and resulting projects prior to their  
16    implementation.

17                EAs are prepared to determine whether or  
18    not a federal action has the potential to cause  
19    significant environmental effects. In this case,  
20    the Koi Nation of Northern California has  
21    submitted an application to the BIA requesting  
22    that the Department of the Interior take  
23    approximately 68.6 acres, located in Sonoma  
24    County, into federal trust for gaming purposes in  
25    accordance with the Indian Gaming Regulatory Act.

1 This is the proposed federal action being  
2 considered by the BIA.

3 If the property is taken into federal  
4 trust, the Tribe proposes to build a resort  
5 facility that includes a casino, hotel,  
6 ballroom/meeting space, event center, spa, and  
7 associated parking and infrastructure.

8 This slide illustrates the key steps in  
9 the NEPA process for the Proposed Action. To  
10 commence the process, a notice of preparation, or  
11 NOP, was sent to interested parties, the State  
12 Clearinghouse and published in the local  
13 newspaper. The NOP announced the BIA's intent to  
14 prepare an EA, and solicited comments from the  
15 public and agencies on the scope of potential  
16 issues, alternatives, and impacts to be assessed  
17 in the EA.

18 When scoping was concluded, the EA was  
19 prepared. Once the EA was drafted and ready for  
20 public review, a notice of availability was sent  
21 to interested parties in addition to being  
22 published in the newspaper. The notice of  
23 availability kick-started the public comment  
24 process.

25 Once the public comment period ends on



1     October 27, 2023, the comments received are  
2     reviewed and responses are prepared by the BIA.  
3     The BIA will then consider the EA, comments  
4     received, their responses, and decide on one of  
5     two actions: issuance of a Finding of No  
6     Significant Impact, or FONSI, signaling the end of  
7     the NEPA process, or the preparation of an  
8     Environmental Impact Statement, or EIS, another  
9     step in the NEPA process.

10                 As seen on this slide, the components of  
11     the EA are organized into seven chapters. An  
12     overview of the Proposed Project and the  
13     alternatives to the Proposed Project will be shown  
14     on the following slides.

15                 This map shows the location of the  
16     Project Site in unincorporated Sonoma County,  
17     outside of, but adjacent to, the Town of Windsor.

18                 As shown, the Project Site is located  
19     southeast of the intersection of Old Redwood  
20     Highway and Shiloh Road. Regional access is  
21     provided by Highway 101. The Project Site is  
22     currently developed with a residence and operating  
23     vineyard and is bisected by Pruitt Creek. The  
24     site is zoned by the County as Land Intensive  
25     Agriculture and land uses in the immediate

1 surrounding area are a mixture of residential,  
2 agriculture, commercial, and recreation.

3 The EA assesses three development  
4 alternatives within the Project Site, including  
5 the Tribe's Proposed Project, or Alternative A, a  
6 reduced intensity alternative, and a non-gaming  
7 alternative, as well as the No Action Alternative  
8 as required by NEPA. These alternatives will be  
9 described in sequential order, starting with  
10 Alternative A.

11 Alternative A, the Tribe's Proposed  
12 Project, includes the before mentioned transfer of  
13 68.6-acres of land into trust, and subsequent  
14 development by the Tribe of a three-story casino  
15 with amenities in addition to ballrooms/meeting  
16 space and event center, five-story hotel with pool  
17 and spa area, parking garage, and surface parking  
18 lots. Circulation facilities would include two  
19 clear span bridges across Pruitt Creek riparian  
20 area, including a pedestrian bridge and vehicular  
21 bridge. Support facilities would include onsite  
22 wells, a water treatment plant, and wastewater  
23 treatment plant.

24 This figure shows the site plan for the  
25 Proposed Project. As can be seen, the riparian

1 area along Pruitt Creek and some of the existing  
2 vineyards around the perimeter of the Project Site  
3 would be retained, but the onsite residence would  
4 be removed.

5 This slide shows an architectural  
6 rendering of Alternative A from the corner of  
7 Redwood Highway and Shiloh Road.

8 This slide shows additional renderings  
9 of Alternative A from the viewpoints of Shiloh  
10 Road and Old Redwood Highway with retained  
11 vineyard buffer areas in the foreground.

12 Alternative B would be similar to  
13 Alternative A, including the size of the gaming  
14 facility. However, the hotel would be smaller  
15 with fewer guest rooms and the event center would  
16 not be constructed. Less parking would also be  
17 constructed, and the support facilities would be  
18 smaller in size.

19 This figure shows the site plan for  
20 Alternative B. As shown here, the development  
21 components would be in similar positions as  
22 Alternative A. Under this scenario, more of the  
23 existing vineyard would be preserved due to the  
24 lack of the surface parking lot.

25 Under the non-gaming alternative,

1 Alternative C, development would include a hotel  
2 with 200 guest rooms with spa and pool area as  
3 well as a restaurant, winery, and visitor's  
4 center. Alternative C would not include a casino  
5 element. Parking would be reduced in size, and  
6 support facilities would still be similar to  
7 Alternative A and B, but smaller in size.

8 This figure shows the site plan for  
9 Alternative C. Under this alternative, more of the  
10 vineyard would be preserved than would occur under  
11 Alternative A and B.

12 With the last alternative, Alternative  
13 D, the No Action Alternative, no land will be  
14 taken into trust for the benefit of the Tribe and  
15 no change in the current land use of the Project  
16 Site would occur. The BIA would take no action  
17 under this alternative.

18 Section 3 of the EA, titled Affected  
19 Environment and Environmental Consequences,  
20 provides an analysis of the impacts of the project  
21 alternatives associated with the issue areas  
22 listed on this slide, including direct, indirect,  
23 and cumulative effects.

24 Within each environmental issue area  
25 examined in Section 3, the EA provides a

1 description of the regulatory setting, the  
2 affected environment, and the environmental  
3 consequences associated with implementation of  
4 each alternative to an equal level. Mitigation  
5 measures necessary to reduce impacts to less than  
6 significant levels are provided in Section 4.

7           The EA identified a number of Best  
8 Management Practices, known as BMPs, and  
9 mitigation measures to avoid or reduce the  
10 potential adverse environmental effects resulting  
11 from the alternatives. For the sake of brevity,  
12 this presentation only summarizes key BMPs and  
13 mitigation measures identified for Alternative A.  
14 For a full description of the BMPs and mitigation  
15 measures, please refer to Sections 2 and 4 of the  
16 EA.

17           To prevent impacts associated with soil  
18 erosion and water quality, the Tribe would comply  
19 with the National Pollutant Discharge Elimination  
20 System General Construction Permit requirements,  
21 which includes the preparation of a Stormwater  
22 Pollution Prevention Plan, also known as SWPPP.  
23 To ensure effectiveness of the SWPPP, a sampling  
24 and monitoring program would be implemented.  
25 Other measures to reduce impacts to water

1 resources include the Tribe using Low Impact  
2 Development measures for operational stormwater  
3 conveyance, detention, and treatment, and  
4 implementing a groundwater monitoring program to  
5 reduce the impacts to other groundwater wells in  
6 the vicinity of the Project Site.

7 Air Quality effects during construction  
8 would be reduced through the implementation of  
9 fugitive dust and wind erosion prevention measures  
10 and other measures to reduce air pollutant and  
11 greenhouse gas emissions, such as limiting  
12 equipment and vehicle idling time. During  
13 operation, air pollutant and greenhouse gas  
14 emissions would be reduced through building to the  
15 minimum Silver standard of Leadership in Energy  
16 and Environmental Design, better known as LEED,  
17 and minimizing the use of natural gas, providing  
18 EV charging ready parking spaces, and giving  
19 preferential parking to vanpools and carpools.

20 The biological resource analysis  
21 identified potential impacts to habitats and  
22 special-status species. These impacts would be  
23 reduced through conducting pre-construction  
24 surveys for potentially affected special-status  
25 species and nesting birds. Habitat preservation



1 measures include avoiding riparian habitat and  
2 Waters of the U.S. to the maximum extent feasible,  
3 limiting ground disturbance activities near  
4 wetlands during the dry season, and construction  
5 personnel awareness training.

6 While there are no known Cultural  
7 Resources within the project site, there is a  
8 potential for buried resources. Therefore, all  
9 ground disturbing activities within 150 feet of  
10 Pruitt Creek would be monitored by a qualified  
11 archeologist and Native American monitor. In the  
12 event of an inadvertent discovery, work would stop  
13 and the appropriate agency and Tribe would be  
14 notified.

15 A traffic study was prepared to  
16 quantitatively assess the impacts of the  
17 alternatives on the surrounding road network and  
18 included recommended measures to mitigate  
19 identified impacts down to less-than-significant  
20 levels. For Alternative A, these measures include  
21 restriping, adjusting signal timing, and  
22 installation of signals. While the timing for the  
23 off-site roadway improvements is not within the  
24 jurisdiction or control of the Tribe or BIA, the  
25 Tribe shall make good faith efforts to assist with

1 implementation of the opening year mitigation  
2 improvements recommended in the traffic study  
3 prior to opening day. The Tribe shall make fair  
4 share contributions to the cumulative 2040 traffic  
5 mitigation measures. Funding shall be for design  
6 standards consistent with those required for  
7 similar facilities in the region.

8 Water and wastewater services would be  
9 entirely onsite. Therefore, no impacts to public  
10 water or wastewater services will occur. Per  
11 Public Law 280, the Project Site once taken into  
12 trust would fall under the criminal jurisdiction  
13 of the Sonoma County Sheriff's Office after tribal  
14 consent. The Tribe proposes to contract for law  
15 enforcement services to the Project Site from  
16 Sonoma County Sheriff's Office in order to provide  
17 compensation for the services provided. A Letter  
18 of Intent between the Tribe and Sonoma County Fire  
19 District specifies the intention of the Tribe and  
20 Sonoma County Fire District to enter into a  
21 Memorandum of Understanding for the provision of  
22 fire response and emergency medical services to  
23 the Project Site. If a service agreement is not  
24 reached with the Sonoma County Fire District or  
25 other provider, then an onsite fire station would

1 be built, equipped, and staffed to reduce  
2 potential fire service impacts.

3 Noise generated during construction and  
4 operation could negatively affect nearby sensitive  
5 receptors, and therefore mitigation measures are  
6 proposed during construction and operation.  
7 Construction noise reduction measures include  
8 limiting construction hours, equipping mufflers,  
9 and modifying certain construction activities  
10 within 250 feet of sensitive receptors.

11 Operational noise would be reduced through  
12 shielding HVAC systems in addition to the  
13 wastewater treatment plant. To address potential  
14 cumulative noise impacts due to increases in  
15 traffic, the Tribe would make fair share payments  
16 towards sound-reducing pavement on certain  
17 segments on Shiloh Road and Old Redwood Highway,  
18 or, at the request of the homeowner, pay for the  
19 installation of dual pane exterior windows.

20 Measures to reduce the potential for  
21 impacts associated with hazardous materials  
22 include following best management practices for  
23 filling and servicing construction equipment and  
24 vehicles to prevent hazardous materials release or  
25 fire ignition. Other measures would be

1 implemented to further reduce potential fire  
2 hazard impacts. This includes adhering to National  
3 Fire Protection Association standards; developing  
4 an evacuation plan; performing regular testing,  
5 maintenance, and inspections of on-site equipment,  
6 and different forms of vegetation management, such  
7 as onsite vineyard maintenance and developing a  
8 riparian corridor wildfire management plan.

9           An emergency evacuation plan shall be  
10 prepared to complement the County of Sonoma's  
11 Emergency Evacuation Plan and will at a minimum  
12 include, but not be limited to the procedures for  
13 early evacuation of the Project Site unless  
14 specifically directed otherwise by the lead  
15 authority for evacuations, protocols for vehicles  
16 evacuating the site, providing transportation for  
17 visitors and employees that do not have a mode of  
18 transportation on-site, and use of an emergency  
19 notification system. Management and staff at the  
20 casino-resort shall be trained on evacuation  
21 procedures for guests and visitors as part of  
22 their new hire orientation and shall receive  
23 updated evacuation procedures training annually.

24           Finally, best management practices to  
25 address potential effects associated with visual

1 resources include a number of measures to shield  
2 and minimize lighting. This would include fully  
3 or partially shielding outdoor light fixtures and  
4 designing lights to be in accordance with the  
5 International Dark Sky Association's Model  
6 Lighting Ordinance to reduce cast light or glare  
7 on the nearby creek. Other lighting features  
8 include limiting pole-mounted lighting to 25 feet,  
9 using LEDs with cut-off lenses and downcast  
10 illumination where applicable, and not using  
11 strobe lights, spotlights, or flood lights. For  
12 aviation safety, marking and lighting per the  
13 Federal Aviation Administration requirements would  
14 be installed.

15 A hard copy version of the EA can be  
16 reviewed at the Windsor Regional Library, located  
17 at 9291 Old Redwood Hwy #100, Windsor, CA 95492.  
18 A digital copy can be reviewed and downloaded from  
19 the project website at  
20 [www.shilohresortenvironmental.com](http://www.shilohresortenvironmental.com).

21 Written comments on the EA can be mailed  
22 or hand delivered to the Bureau of Indian Affairs  
23 Pacific Regional Office, whose address is shown on  
24 this slide, or you can email comments to  
25 [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov).

1           When submitting written comments, please  
2   include "EA Comments, Koi Nation Shiloh Resort and  
3   Casino" in the email subject line or at the top of  
4   a written comment letter.

5           For further information on anything  
6   mentioned in the presentation today or other  
7   issues, you can contact Mr. Chad Broussard with  
8   the BIA Pacific Regional Office via email. This  
9   slide concludes the presentation.

10          CHAD BROUSSARD: Okay. Thank you for  
11   that presentation. Now we will proceed with  
12   public comments. Remember that all comments will  
13   be limited to three minutes. Also, please  
14   remember to state your name before speaking and  
15   speak as clearly as possible. Also, to best  
16   participate in this hearing process, I offer the  
17   following ground rules and suggestions.

18          First, summarize your main points within  
19   your three-minute public speaking period. Be as  
20   specific as you can and only substantive comments  
21   will be considered for our NEPA process. In other  
22   words, if you tell me that you do not like the  
23   analysis in the EA, but give no specific  
24   rationale, there will be very little to which we  
25   can consider in our review. Second, avoid



1 personal attacks. We understand there may be  
2 strong feelings, pro and con, regarding the  
3 Proposed Project. The best opportunity to state  
4 your views convincingly is through a brief factual  
5 presentation. Third, this hearing is not a  
6 referendum. We are not here to count the number  
7 of people for or against the project. The purpose  
8 of the hearing is to collect comments on the  
9 adequacy or the scope of the EA only. And all  
10 comments will be considered equally, no matter how  
11 many times they're made. Please limit the  
12 substance of your comments accordingly. If  
13 someone ahead of you has made your point, there is  
14 no need to repeat it.

15 Remember to unmute your microphone  
16 before speaking. I will let you know if your  
17 microphone appears to be muted. And then fifth,  
18 we may ask you to adjust your system if audio  
19 feedback noises are heard. Typically these noises  
20 can be eliminated by turning down the volume on  
21 the speakers of your computer. And then finally  
22 offensive language or behavior will not be  
23 tolerated and will result in your immediate  
24 removal from the hearing and possible referral to  
25 the appropriate authorities.

1                   Okay. With that introduction, our first  
2 speaker will be representative vice chairman of  
3 the Koi Nation, Dino Beltran.

4                   DINO BELTRAN: Good evening, everyone.  
5 Welcome to the Bureau of Indian Affairs Public  
6 Comment Hearing on the Koi Nation of Northern  
7 California Shiloh Casino and Resort Project. I'm  
8 the Koi Nation Vice Chairman Dino Beltran. And  
9 I'm joined by Chairman Darren Beltran and Council  
10 Secretary Judy Fast Horse. Our nation is  
11 committed to hearing testimony on our project.  
12 The Department of Interior will analyze all  
13 comments on the Koi's environmental assessment and  
14 will ultimately make the decision on whether the  
15 EA is approved, which we believe is merited. The  
16 Koi Nation believes the project is in the best  
17 interest of the Pomo citizens and will also serve  
18 the local community, Sonoma County, and the region  
19 at large through an economic development  
20 opportunity and government-to-government  
21 partnerships. As a Pomo tribe with thousands of  
22 years of history in the Russian River Valley, we  
23 will continue to protect the environment, be a  
24 good neighbor, and construct our facility in a  
25 manner consistent with best practices, energy

1 conservation, presentation, and local community  
2 standards. We want a resort that the community  
3 can be proud of. Our nation has had a long tragic  
4 history with respect to the U.S. and the  
5 California governments, including forest  
6 displacement, bloody massacres, and a lack of  
7 resources. In this modern age, the Nation can at  
8 long last foster its own self-determination,  
9 cultural revival, and economic self-sufficiency,  
10 laying a foundation for the next generations. We  
11 have partnered on this project with the Chickasaw  
12 Nation, on Oklahoma tribal nation, nationally  
13 respected in the medical, business, and gaming  
14 fields. As part of the federal environmental  
15 process, the Koi Nation has partnered with Acorn  
16 Environmental, a Sacramento-based environmental  
17 consultancy firm whose principals have decades of  
18 experience nationally with successfully approved  
19 environmental assessments for tribal gaming  
20 facilities. Over a dozen experts in the field of  
21 traffic, crime, air quality, jobs, fire safety,  
22 water quality, air quality have provided a  
23 well-documented EA that address any and all  
24 potential impacts and demonstrates that the  
25 project will cause no significant impacts to the

1 environment. We believe our project can co-exist  
2 in a beneficial manner, not only with the large  
3 commercial shopping area just a couple  
4 streetlights away with Home Depot and Walmart, but  
5 also with the local neighborhood. The Koi Nation  
6 is committed to transparency with our project has  
7 a website with information on the nation and the  
8 project. We also have a Facebook page with  
9 important information. Tonight's hearing is not  
10 required by federal law, but the Nation believed  
11 it is important for the public to have the  
12 opportunity to put its views on record. We are  
13 pleased with over 17 Native-American tribal  
14 governments supporting our project, as do labor,  
15 like the Carpenters Union, and hundreds of local  
16 citizens. While we know some of the community  
17 have concerns about the project with respect to  
18 traffic, safety, and fire protection, we believe  
19 these items have been addressed in the EA in a  
20 prudent, comprehensive, and thoughtful way. In  
21 conclusion, and keeping in mind that comments are  
22 limited to three minutes, I appreciate all of the  
23 attendees that have joined together tonight and we  
24 look forward to your comments. Thank you.

25 CHAD BROUSSARD: Thank you, Chairman.

1 The next speaker will be Greg Sarris, Chairman of  
2 the Federated Indians of Graton Rancheria.

3 GREG SARRIS: Thank you, Mr. Broussard,  
4 and all attending tonight. I am Greg Sarris,  
5 chairman of the Federated Indians of Graton  
6 Rancheria, a tribe of over 1500 enrolled citizens  
7 of Coast Miwok and Southern Pomo descent. We  
8 share the borderlands area of Windsor with two  
9 other dry -- Southern Pomo Tribes, Dry Creek and  
10 Lytton. We are opposed to this project for  
11 several reasons. One, of course, is for our  
12 concern for the local citizens. The fire issues  
13 are huge, as you all know. And given an  
14 evacuation of the casino in a fire, which has been  
15 estimated at a two -- two-and-a-half-hour  
16 evacuation of the casino should such a thing have  
17 to happen, a delay for those other citizens trying  
18 to get out. But our main concern tonight is with  
19 our sovereignty, as a sovereign nation. Should  
20 this project go through and this land be deemed  
21 trust land for the Koi Nation, the Federated  
22 Indians of Graton Rancheria and other Southern  
23 Pomo tribes would lose the opportunity to protect  
24 their sacred sites, burial grounds, traditional  
25 plants and species that we have taken care of

1 since the beginning of time, as we like to say.  
2 These things are important to us, and our tribe  
3 now is currently overseeing the sacred sites,  
4 burial grounds, and species of this area. We  
5 don't oppose a restored tribe getting land in a  
6 trust. We, in fact, were a tribe that were  
7 taken -- land was restored and land taken into  
8 trust, but it was in the heart of our aboriginal  
9 territory, seven miles from the original  
10 Rancheria. It is 49 miles from the proposed site  
11 here. 49 miles from their original reservation.  
12 And never, never has a Department of Interior  
13 taken land into trust, restored lands, that far.  
14 Never further than 15 miles from their original  
15 Rancheria. It would set a terrible precedent,  
16 affecting the sovereignty of many federally  
17 recognized tribes, now and in the future. So  
18 please understand and see this. We know from the  
19 documents that we have our histories, our family  
20 histories, that we are -- our language, which is  
21 distinct and different from that of the Eastern  
22 Pomo, of which Koi Nation speaks is very  
23 different. We're different languages, cultures,  
24 and so forth. Those must be respected. And we  
25 must be able to protect them.



1                   Finally, we ask that you give us a  
2   60-day delay in responding with written comments.  
3   We did -- you did not meet with us before, and the  
4   document is very thick. Again, thank you for  
5   hearing me out and taking the time.

6                   CHAD BROUSSARD: Thank you, Chairman.  
7   The next speaker will be Lauren S.

8                   LAUREN S.: Hello. My name is Lauren.  
9   I have a degree in econometrics from California  
10   State University. And I've been in the ag  
11   industry for over 15 years. I live very close to  
12   the proposed site. And I know that Sonoma County  
13   does not have the necessary safety infrastructure  
14   to support a casino and event center with the  
15   capacity of 20,000 people, especially not in the  
16   fire-prone Shiloh area. Sonoma County usually has  
17   only two deputies to cover the entire  
18   unincorporated area of the Sonoma County. This  
19   leads to average response times of up to 30  
20   minutes currently. This unincorporated area runs  
21   from the coast and south to Petaluma. There is  
22   barely enough coverage and long wait times for  
23   emergency response as is. The impact report for  
24   the proposed Shiloh casino admits there will be an  
25   increase in crime whenever there is an increase in

1 people. But the report falsely claims empirical  
2 evidence on an increase in crime with casinos. In  
3 reality, there is a plethora of empirical studies  
4 published in journals shows statistically  
5 significant increase in crime with casinos.  
6 Casinos do not just shift crime from neighboring  
7 regions, but creates crime. We estimate -- this  
8 is a quote from them -- crime-related social costs  
9 in casino communities at \$75 per adult per year.  
10 Their study shows increases in the four to five  
11 years after a casino opens, including at five  
12 years a hundred assaults more per 100,000  
13 population. At three years, over 16 more  
14 robberies per 100,000. And at four years, six and  
15 a half to ten more rapes per 100,000 people. This  
16 data studied -- data and study compares their  
17 findings to high volume sites such as Disney World  
18 and Mall of America. I request that this proposal  
19 be rejected wholesale. At the very minimum, it  
20 must be paused until a truthful and realistic  
21 impact report can be presented to the residents of  
22 Sonoma County, including the results of the  
23 evacuation rate analysis within the county. Thank  
24 you.

25 CHAD BROUSSARD: Thank you for your

1 comment.

2 The next speaker will be Patricia  
3 Kempton.

4 Ms. Kempton, I think you're on mute. If  
5 you can unmute your microphone.

6 PATRICIA KEMPTON: My name is Patricia  
7 Kempton. I live very near -- adjacent. I live on  
8 Shiloh Road. I was here during the 2017 fire and  
9 the other ones. My husband would not evacuate  
10 when everybody else did. We stayed on our  
11 property. I saw cinders up off of Shiloh Mountain  
12 and the area behind us across our property and  
13 some of them are probably the ones that exploded  
14 and landed in Coffey Park and in Fountain Grove  
15 and near the Kaiser hospital on Old Redwood Road.  
16 I don't know that the developers of this property  
17 have any concept of what it was like. We have a  
18 two-lane road. Part of the environment would  
19 be -- in order to get people out, I would assume  
20 they would have to widen the roads maybe to four  
21 lanes. That would mean eminent domain, taking my  
22 home away from me. There's a lot of homes on my  
23 street. Not a lot. But some are within 30 feet  
24 of the actual street. So those homes I suppose if  
25 this project goes through in the environmental

1 impact negates those people's homes and their  
2 rights to live there, they would lose their homes.  
3 I'm concerned we live on a well. And although I  
4 depend on that well not only for the water for my  
5 family and to feed -- to take care of the small  
6 farm crops that we have to feed ourselves, I also  
7 depend on that water, if I had to put out a fire  
8 on my own property and stand my ground against a  
9 fire. We've had several major fires where entire  
10 blocks and blocks and blocks of people were  
11 literally burned out within a matter of an hour  
12 and a half to two hours. To put a huge complex  
13 right in the middle of the path of everything  
14 coming down off of that mountain and fill it with  
15 thousands and thousands of people and expect them  
16 to be able to drive out on these two narrow roads  
17 or even if they were widened is -- I think it is  
18 irresponsible. Also, it may mean if those people  
19 were being evacuated, those of us who live here  
20 may not be able to evacuate and we may perish as a  
21 result. I'm concerned about the eminent domain  
22 that may have to happen to take my property. I'm  
23 concerned about the impact on the water. The  
24 water table here in the community. I'm very  
25 concerned about the fire hazard. I know I can

1 take care of my property. But if 20,000 people  
2 were on the road ahead of me, I would hate to  
3 think that I would burn to death just so the Koi  
4 Tribe can have a casino right across the street  
5 from me. I thank you for your time.

6 CHAD BROUSSARD: Thank you, Ms. Kempton,  
7 for your comments.

8 The next speaker will be Curtis  
9 Ferreira.

10 CURTIS FERREIRA: Hi. My name is Curt  
11 Ferreira. I'm calling in support of the Koi  
12 Nation's proposed resort and casino. This project  
13 will be great for the construction workers and the  
14 community. I strongly urge the BIA to approve  
15 this project. Thank you.

16 CHAD BROUSSARD: Okay. Thank you,  
17 Mr. Ferreira, for your comments.

18 The next speaker will be Francisco  
19 Martinez. Mr. Martinez -- thank you.

20 FRANCISCO MARTINEZ: Hello. Good  
21 evening. My name is Francisco Martinez. And I'm  
22 a field rep with the Carpenters Union. And I just  
23 want to say that these jobs will create maybe over  
24 1500 permanent jobs once fully operational. And  
25 the Koi Nation's partnership with Northern

1 California Carpenters Union is going to bring  
2 hundreds of union jobs to Sonoma County, including  
3 a lot of Sonoma County residents that are members  
4 of the union. So -- and I just want to say this  
5 too. This project's mitigation plans include  
6 provisions for on-site security, a law  
7 enforcement, traffic management, fire mitigations,  
8 and use of readily available on-site water. Okay.  
9 So I encourage you to -- to go forward with this  
10 project. We are really in favor of it. Thank you  
11 so much for your time.

12 CHAD BROUSSARD: Thank you,  
13 Mr. Martinez, for your comments.

14 The next speaker will be Lisa Lellis.

15 Ms. Lellis, I think you might be on  
16 mute. Please unmute your microphone. Lisa  
17 Lellis, are you there?

18 Okay. We're going to go to the next  
19 speaker. And, Ms. Lellis, if you're able to come  
20 back to your computer, please raise your hand  
21 again and we will call you later. So the next  
22 speaker will be Albert Lustre.

23 ALBERT LUSTRE: Good evening. My name  
24 is Albert Lustre with the Carpenters Union  
25 organizing department. I'm calling to fully



1 support this project. This project is going to  
2 bring hundreds of jobs, not just for construction  
3 workers but for the community. It is going to  
4 bring so much revenue. It will help the economy  
5 in the Sonoma area and all around the area. And  
6 it is going to help many, many new apprentices  
7 from our construction background to get into a  
8 construction career and build a career path. I  
9 encourage you to approve the project. And then  
10 let's make this happen. Thank you for your time.

11 CHAD BROUSSARD: Okay. Thank you for  
12 your comment.

13 The next speaker will be William  
14 McCormick.

15 WILLIAM MCCORMICK: Thank you. Bill  
16 McCormick. My property is bounded by Shiloh and  
17 Faught Road, just east of the project. I'm a  
18 licensed certified engineering geology engineer,  
19 who spent the last 30 years evaluating the  
20 feasibility of proposed projects in Northern  
21 California. And I must say I've never seen such a  
22 ludicrous development proposed such as this. A  
23 casino in a residential neighborhood is almost  
24 comedic. However, in my case, it is an ongoing  
25 tragedy. I spent 11 years opposing the

1 fee-to-trust bill on the western side of Windsor  
2 with another tribe, only to find that even though  
3 I moved to the other side of town, I have to  
4 defend my rights and way of life again. When we  
5 talk about some of the negative impacts initial  
6 period of time, the provided traffic study is  
7 extremely flawed and incomplete. First of all,  
8 all new traffic volumes will increase up to 16,000  
9 cars a day without -- within a residential  
10 neighborhood, with no mitigations whatsoever  
11 proposed. We cannot be forced to accept such a  
12 degradation to our way of living. The increased  
13 traffic will impact the safety of our  
14 neighborhood. In addition to this, the present  
15 traffic study is completely flawed because it does  
16 not even consider traffic generated at the  
17 intersection of Shiloh and Faught Road, where I  
18 live. The casino patrons will try to go around  
19 the traffic on Old Redwood Highway at the main  
20 entrance of Shiloh and Faught Road. For us who  
21 live here, we all know that Shiloh Road is a  
22 part-time drag strip already. Adding 16,000 cars  
23 a day to this will result in many injuries, death,  
24 and property damage.

25 The water supply. There's -- 170,000

1 gallons a day. That will drain my well that I  
2 rely on to live.

3 The wastewater. This category is  
4 especially disturbing. The EA -- the proposed  
5 system will include pipes, the need for 16 million  
6 gallons of on-site storage. The creek seems to be  
7 the default in either one of their categories.  
8 The proposed plan calls for on-site which will use  
9 hazardous chemicals and for treatment which would  
10 be environmental disastrous. Not only that, if  
11 this would allow, the Town of Windsor will be  
12 bounded by two unregulated wastewater treatment  
13 plants.

14 In summary, this is ridiculous. I want  
15 to -- I want a personal quote. I did some work  
16 for another tribal member up in Lake County. And  
17 this quote has always stayed with me that he told  
18 me. And I quote, you White people crack me up.  
19 There is only one Pomo nation, but your government  
20 decided to split us into 16 separate groups. And  
21 now you will have to deal with 16 different  
22 casinos instead of one. We should all be treated  
23 equally. And this -- we need to stop this  
24 federally guided reservation shopping from  
25 happening all over Sonoma County. Thank you.

1 CHAD BROUSSARD: Thank you,  
2 Mr. McCormick, for your comments.

3 The next speaker will be Ronald  
4 Calloway.

5 RONALD CALLOWAY: My name is Ronald  
6 Calloway. I'm the recently retired superintendent  
7 of the Mark West School District. The proposed  
8 casino is within the school district. I highly  
9 oppose the casino where it is being placed, as it  
10 is within a mile radius of an elementary school,  
11 San Miguel. Additionally, driving will now take  
12 place not only on -- going up the road, but onto  
13 Faught Road, into the casino, which will directly  
14 impact the elementary school within the district.  
15 I propose housing in that area so that the Mark  
16 West School District can educate the children of  
17 the Koi Nation. We will be proud and give them an  
18 outstanding education. Thank you.

19 CHAD BROUSSARD: Thank you,  
20 Mr. Calloway, for your comments.

21 The next speaker will be Matt Kelly.

22 MATT KELLY: Can you hear me?

23 CHAD BROUSSARD: Yes, I can. Thank you.

24 MATT KELLY: Okay. Good evening. My  
25 name is Matt Kelly. I'm a proud union carpenter.

1 And I'm calling in support of the Koi nation of  
2 the proposed Shiloh casino and resort. What we  
3 see are on the projects aren't held accountable  
4 for the hardworking men and women of the  
5 construction industry are treated on the project.  
6 This project is different. Amazing jobs for  
7 thousands of people working and hundreds of  
8 construction workers will come for this project.  
9 But it will continue to provide careers benefiting  
10 the community as a finished project exists.  
11 Economic impact of this project will be felt on  
12 many different levels, from ground-up construction  
13 to daily operations. I believe the Koi Nation has  
14 done a great job reaching out to the public about  
15 this project. With all of these benefits, I  
16 strongly urge the BIA to approve this project.  
17 Thank you.

18 CHAD BROUSSARD: Okay. Thank you,  
19 Mr. Kelly, for your comments.

20 The next speaker will be Seth Howard.

21 SETH HOWARD: Hi. Can you hear me?

22 CHAD BROUSSARD: Yes, I can. Thank you.

23 SETH HOWARD: Good evening. My name is  
24 Seth Howard. I want to voice my support for this  
25 project. It will create over a thousand permanent

1 jobs and many more jobs that pay well and the  
2 benefits during the construction project. Many  
3 people in the area depend on these types of  
4 construction projects to support their family. It  
5 is in our community's best interest to approve  
6 this project. Thank you.

7 CHAD BROUSSARD: Okay. Thank you,  
8 Mr. Howard, for your comments.

9 The next speaker will be --

10 SETH HOWARD: All done. Yep.

11 CHAD BROUSSARD: The next speaker will  
12 be Josh Ratiani.

13 JOSH RATIANI: I'm Josh Ratiani, pastor  
14 of the Shiloh Neighborhood Church. The casino's  
15 main driveway would be built at the entrance to  
16 our church. I also live on the property, so my  
17 personal home would be less than 100 yards from  
18 the event center. Our mailbox is on Old Redwood  
19 Highway, where the casino entrance would be built.  
20 On page 3-57 of the EA, special attention is given  
21 to socioeconomic conditions. Shiloh Neighborhood  
22 Church is an ethnically diverse church with no  
23 ethnic majority. Over 10 percent are church  
24 members of registered members of Native-American  
25 tribes from California. We provide weekly meeting



1 space for a religious minority group of Jewish  
2 Christians. And we host one of the two Unitarian  
3 churches in Sonoma County. Building the driveway  
4 for the casino at our entrance would increase  
5 noise for all of these groups, as cars would be  
6 accelerating in front of our worship spaces  
7 instead at Shiloh Road. This is not considered in  
8 the noise report. The headlights of thousands of  
9 cars leaving the casino would shine directly onto  
10 the platform of our worship building. Development  
11 would disrupt the culture community of these  
12 minority cultural groups. We also host a food  
13 bank. Each week, over 500 people receive food at  
14 our church. The traffic generated by the casino  
15 would disproportionately affect these impoverished  
16 people. Our church is known in Sonoma County as a  
17 leading church caring for foster children. Many  
18 of the families in our church are foster families.  
19 In fact, the majority of the children in our  
20 church have been in foster care. In addition, we  
21 have hosted mentoring programs for other foster  
22 children for many years, requiring strict  
23 protocols of who is on our property. If the  
24 casino prohibits smoking, drinking, and loitering  
25 on their grounds, what is to prevent these people

1 from crossing the street and disrupting these  
2 at-risk children. While the casino could mitigate  
3 loitering for itself, we cannot afford a security  
4 guard or ground maintenance, as it is done by  
5 volunteers. Our budget for the year is under  
6 \$120,000. We can barely afford to have a pastor  
7 by providing on-site housing, which would become  
8 undesirable. Therefore casino development  
9 threatens the viability of our church's existence.  
10 Lastly, our church hosts recovery groups like  
11 Alcoholics Anonymous. In fact, 2016, we became  
12 the site for Sonoma County's chapter of Gamblers  
13 Anonymous. In 2021, when the casino was proposed,  
14 I thought that choosing this site for the casino  
15 location perhaps the worst location for a casino  
16 in the entire county. Our church is small, but  
17 has a big impact on the neighborhood and the  
18 community at large. Building a casino would  
19 likely remove our church from this community and  
20 affect the well-being of thousands of lives we  
21 benefit. Thank you.

22 CHAD BROUSSARD: Thank you, Mr. Ratiani,  
23 for your comment.

24 The next speaker will be Zachary Vaden.

25 ZACHARY VADEN: Hi. My name is Zachary

1 Vaden. I'm a senior field rep from the office of  
2 Senator Dianne Feinstein. The senator was asked  
3 to give public comment by the county, the local  
4 community, and the local tribes. She has sent a  
5 letter to the department last year in opposition  
6 to the development. It's surprising that we've  
7 gotten this far, given that the senator doesn't  
8 believe that this proposal meets the significant  
9 historical connection to Stanford for a casino  
10 such as this. And she has reiterated time and  
11 time again her concerns for -- her main concerns  
12 when it comes to California now, our fire and  
13 water. And so as my former coworker Dominic  
14 Faria, he went up earlier this year to meet with  
15 local community members who [indiscernible] during  
16 Tubbs Fire in 2017 and the Kincade Fire of 2019.  
17 And looking at the environmental impact report, it  
18 does not look to be where the senator -- that this  
19 would be -- that there is sufficient evacuation  
20 procedure in place for fire. And then the  
21 increased strain on water and wastewater  
22 facilities for the county would be a little bit --  
23 it would just be too much. So that's what I've  
24 got to offer. Thank you.

25 CHAD BROUSSARD: Okay. Thank you,

1 Mr. Vaden, for your comment.

2 The next speaker will be Matthew  
3 Beeston.

4 MATTHEW BEESTON: Are we good now?

5 CHAD BROUSSARD: I can hear you now.  
6 Thank you.

7 MATTHEW BEESTON: Okay. Thank you.

8 Sorry. Good evening. My name is Matthew Beeston.

9 I'm calling in support of the Koi Nation proposed  
10 resort and casino. During construction, this  
11 project will provide jobs and livelihood for  
12 countless skilled trades people. Upon project  
13 completion, this resort will provide ongoing  
14 employment for well over a thousand citizens and  
15 community members within the resort, as well as  
16 mitigation-related employment for community-based  
17 services. Furthermore, with a partnership with  
18 the Chickasaw Nation, we can feel confident that  
19 the project will be built responsibly with  
20 sustainability in mind. Thank you.

21 CHAD BROUSSARD: Okay. Thank you, Mr.  
22 Beeston, for your comment.

23 The next speaker is Giovanni Ottolini.

24 GIOVANNI OTTOLINI: Good evening. My  
25 name is Giovanni Ottolini. And I'm calling to

1 voice my strong support for the Koi Nation's  
2 proposed resort and casino. This project will  
3 create thousands of good-paying construction jobs  
4 and much needed long-term career opportunities for  
5 the local community. As a carpenter, I would like  
6 an opportunity to work on a project close to home  
7 instead of driving an hour away to the city.  
8 Approving this project will be an economical boost  
9 to the Sonoma County residents. I feel the Koi  
10 Nation has done a fantastic job of working with  
11 the community, collaborating with members of the  
12 community to address their concerns, and mitigate  
13 the issues. Given all the positive economic  
14 benefits of this project, I'm respectfully asking  
15 that the BIA approve this project. Thank you for  
16 the opportunity to speak on this.

17 CHAD BROUSSARD: Okay. Thank you for  
18 your comments.

19 The next speaker will be S. Salmon. I  
20 think you may be on mute.

21 SAM SALMON: Yes. Can you hear me?

22 CHAD BROUSSARD: I can hear you now.

23 SAM SALMON: Good evening. I'm Sam  
24 Salmon. As a 20-year Windsor council member  
25 involved in the planning of the town with my

1 entire political career based on city-centered  
2 growth and the preservation of open space, I'm  
3 here to provide testimony in opposition to the  
4 Koi's trust application for the casino hotel  
5 resort on the 68-acre Shiloh Road site identified  
6 as Alternative A and Alternative B in the  
7 Environmental Assessment. The current and  
8 intended use for the property located within the  
9 county -- within the county jurisdiction is  
10 strictly agriculture. The practical use of the  
11 property adjacent is community separator open  
12 space and fire prevention area. And most  
13 importantly, is outside of our voter-mandated  
14 urban boundary. In an adverse environmental  
15 impact that cannot be mitigated is the  
16 conversion from intensive agriculture to intensive  
17 commercial development associated with  
18 Alternatives A and B. The potential for  
19 catastrophic fire event. I refer you to Figure  
20 3.12-2 on page 149 of your environmental  
21 assessment. The map provided by -- the county  
22 wildfire risk index illustrates how the property  
23 is at risk for wildfire. And Alternative A and B  
24 provide the catalyst for catastrophic events that  
25 would affect the town and the surrounding



1 businesses and residents. Just to the east of the  
2 property is the very high number 4 risk area  
3 leading to the high designation number 3 for the  
4 actual property. What we experienced in the  
5 devastating Tubbs Fire is a funneling effect, with  
6 winds up to 41 miles an hour and a fire that fell  
7 more than 12 miles in the first three hours,  
8 ultimately killing 22 people and destroying 5,600  
9 structures. That same funneling effect can be  
10 witnessed in the wildfire risk map in your EA as  
11 provided. Wildfires destroy structures and  
12 killing people are becoming all too common to  
13 ignore the risk that Alternative A and B  
14 represent. No amount of fire personnel and  
15 equipment can provide fail-safe protection. We,  
16 you, the county, and the town must provide  
17 protection to all of our people.

18 I would ask you to offer Alternative C  
19 to the Kois. It would provide -- I think it would  
20 provide an economic opportunity that they deserve.  
21 I believe in reparations to our native and  
22 indigenous peoples. I understand that these  
23 opportunities are your charge. I would ask you to  
24 ask the Kois to look closely at an alternate site  
25 that has just been raised, but not able to be part

1 of this application. That is the 39-acre property  
2 at 895 Shiloh Road. It is in the town of Windsor.  
3 And perhaps Windsor would take a close look at  
4 supporting this land going into trust for a casino  
5 resort as proposed in Alternatives A and B. It  
6 would make a lot sense. Thank you for your time.

7 CHAD BROUSSARD: Thank you, Mr. Salmon,  
8 for your comments.

9 The next speaker will be Anthony  
10 Lavaysse.

11 I think you may be on mute. Unmute your  
12 microphone.

13 ANTHONY LAVAYSEE: Good evening. Can  
14 you hear me now?

15 CHAD BROUSSARD: Yes, I can. Thank you.

16 ANTHONY LAVAYSEE: Thank you. My name  
17 is Anthony Lavaysse. And I'm a 24-year member of  
18 Nor Cal Carpenters. I'm calling to urge your  
19 support for the Koi Nation proposed resort and  
20 casino. I believe the project will provide  
21 much-needed jobs for local construction workers,  
22 while stimulating the economy with minimum impact  
23 to the surrounding environment. The long-term  
24 benefits of this project will be a huge asset to  
25 Sonoma County for years to come. So please, BIA,

1 vote yes to approve this project. Thank you for  
2 letting me speak.

3 CHAD BROUSSARD: Thank you. The next  
4 speaker will be Robin Goble.

5 ROBIN GOBLE: Can you hear me?

6 CHAD BROUSSARD: I can. Thank you.

7 ROBIN GOBLE: My name is Robin Goble.  
8 For decades, Windsor has established urban growth  
9 boundaries and community separators. We have  
10 passed voter initiatives on this so that sprawl  
11 does not occur. What is proposed is the worst  
12 case of sprawl. It is choosing not to be in a  
13 community but adjacent to it. We have already  
14 lost our land use control at our western edge of  
15 town to a sprawling housing project that will  
16 ultimately house a hotel convention center for the  
17 Lytton Nation, who, by the way, refuse to  
18 cooperate with our town in the least. Now, our  
19 28,000-population-sized town is supposed to  
20 accommodate a large casino development on our  
21 eastern border. I cry foul to that.  
22 Interestingly, 40 years ago when I moved here, no  
23 one wanted any part of Windsor. It was known as  
24 poor man's flat. Now that we have developed a  
25 community, Indian nations want to border us

1 without being us. This Koi Nation has its roots  
2 more than two counties away. This is not  
3 historically their land. A casino is not what a  
4 family-friendly Windsor is about. Our public  
5 services will be highly compromised with this  
6 proposed use. Please deny its application and  
7 adopt Alternative D, no action. I ask that as a  
8 former two-time mayor of Windsor. Thank you.

9 CHAD BROUSSARD: Thank you for your  
10 comment.

11 The next speaker will be Richard Kluck.

12 Mr. Kluck, I think your microphone may  
13 be muted. If you're there, can you unmute your  
14 microphone. Richard Kluck, are you there?

15 Okay. We're going to move on to the  
16 next attendee. And, Richard Kluck, if you come  
17 back and want to speak, raise your hand again, and  
18 we will get you in.

19 Next speaker will be William Bridges.

20 WILLIAM BRIDGES: Hello. This is  
21 William Bridges. And I would like to thank you  
22 for taking our comments tonight. I am opposed to  
23 this project. It was alluded to in a scoping  
24 report. And even the leader of the Koi Nation  
25 earlier tonight indicated it is located in a

1 commercial area. It is not a commercial area. It  
2 is in an agriculture -- agricultural and  
3 residential area. Not commercial. Especially  
4 when you look at 5,000 parking spaces being  
5 proposed. Over 5,000. I think it would be better  
6 if this project were in a commercial area. And  
7 what I really am disturbed about, in looking  
8 through the scoping report on page 13, that  
9 alternative was rejected out of hand or rejected  
10 from full analysis. I don't quite understand  
11 that. No real reason was given. No data to  
12 support that conclusion. So I would certainly  
13 support this project if it were in a true  
14 commercial area, such as Sam Salmon indicated  
15 earlier tonight.

16 Also, the impacts on our water supply.  
17 We've been in a drought for many years. And that  
18 is going to continue. The wildfire evacuation  
19 concerns people have voiced. And then the level  
20 of traffic. Again, with a 5,000-parking-space  
21 facility, that's going to generate a huge amount  
22 of traffic. So for these reasons, I'm very  
23 opposed to this project. It's just the wrong  
24 project in the wrong place. So I would like to  
25 thank you for taking our comments tonight.

1 CHAD BROUSSARD: Okay. Thank you,  
2 Mr. Bridges, for your comment.

3 The next commenter will be Jesse  
4 Peralez.

5 JESSE PERALEZ: Good evening, BIA. My  
6 name is Jesse Peralez. And I strongly ask that  
7 you approve this proposed casino and resort for  
8 the Koi Nation. Not only will this provide a lot  
9 of careers for our community, but also a lot of  
10 construction jobs. I am a union carpenter. I  
11 would love to be working on this project. So  
12 please approve this project. I'm in strong  
13 support. Thank you.

14 CHAD BROUSSARD: Okay. Thank you,  
15 Mr. Peralez, for your comment.

16 The next speaker will be Jerry  
17 Santarpia.

18 JERRY SANTARPIA: Hello. Can you hear  
19 me?

20 CHAD BROUSSARD: Yes, we can. Thank  
21 you.

22 JERRY SANTARPIA: Very good. My name is  
23 Jerry. And I'm calling in support of the Koi  
24 Nation proposed resort and casino. Not only will  
25 it create thousands of good-paying construction



1 jobs, but great careers for thousands of local  
2 people in the community. And it will be an  
3 amazing economic boost to Sonoma County and all  
4 surrounding businesses. And especially to the  
5 mall down the block. I mean, hopefully -- I'm  
6 hoping -- it will be great to see it built. I  
7 urge the BIA to approve this project. Thank you.

8 CHAD BROUSSARD: Thank you for your  
9 comment.

10 The next speaker will be SRT Singer.

11 I think you may be on mute. Please  
12 unmute your microphone.

13 Okay. We're going to move to the next  
14 attendee. If you would like to speak later, just  
15 please raise your hand again, and we will put you  
16 in the queue to speak.

17 The next speaker will be Beatrice  
18 Mirelez.

19 BEATRICE MIRELEZ: Good evening. My  
20 name is Beatrice. I'm in full support of the Koi  
21 Nation proposed resort and casino. This will not  
22 only create amazing jobs for thousands of  
23 construction workers in apprenticeship programs,  
24 but it will continue to provide careers for our  
25 local community for years to come. This project

1 will bring an economic boost to Sonoma County. I  
2 believe the Koi Nation has done a great job  
3 reaching out to the public about this project.  
4 With all of these benefits, I strongly urge the  
5 BIA to approve this project. Thank you.

6 CHAD BROUSSARD: Thank you, Ms. Mirelez,  
7 for your comments.

8 The next speaker will be Sidnee Cox.

9 SIDNEE COX: My name is Sidnee Cox. I  
10 live on Leona Court, very close to the proposed  
11 construction of the casino. First of all, I find  
12 it really interesting that most of the callers  
13 that are opposed -- for this project are  
14 construction workers or wanting construction jobs,  
15 which, of course, will be all over once it is  
16 done. So then we have to live with the  
17 consequences. And the other thing is that they're  
18 talking about a thousand employees working at  
19 this. Well, you know, there are other places  
20 where employees can work. So I just want to say  
21 that that's very interesting. This has nothing to  
22 do with the environment or the environmental  
23 impacts. It just has to do with construction jobs  
24 and a thousand employees.

25 And the other thing is twice we have

1    been evacuated in the last few years. It was  
2    very, very hard getting out of our neighborhood.  
3    And that's without the new huge complex of  
4    apartments that have been built right down the  
5    street from us. And my fear is that we're going  
6    to be incinerated in our cars when we're trying to  
7    evacuate. Just like what happened in Maui. I  
8    mean, that just happened, what, a month ago.  
9    You're going to create an extremely dangerous  
10   situation for all neighbors nearby. As well as  
11   the workers and the patrons of the casino project.  
12   The mitigation measures that were outlined, I want  
13   to understand how these mitigation measures are  
14   going to be policed. Who is going to make sure  
15   that all of these mitigation methods will occur?  
16   Even in the best-case scenario. This is  
17   definitely the wrong place. This is definitely  
18   the wrong place for this kind of project. 16,000  
19   cars a day. I mean, you know, our -- it's so  
20   mind-boggling that this is even being considered.  
21   It's like I can't hardly believe it. Anyway, this  
22   talks about the environment. This is an  
23   environmental impact report. Not about  
24   construction jobs or employees. This is about our  
25   environment and what is going to happen and what

1 kind of danger we're all going to be in if this  
2 casino goes through. Thank you.

3 CHAD BROUSSARD: Thank you, Ms. Cox, for  
4 your comments.

5 The next speaker will be Chris Wright.

6 CHRIS WRIGHT: Hi. Can you hear me?

7 CHAD BROUSSARD: Yes, we can. Thank  
8 you.

9 CHRIS WRIGHT: Thank you. My name is  
10 Chris Wright. I'm the chairman for Dry Creek  
11 Rancheria Band of Pomo Indians. We're an  
12 aboriginal tribe, native to the lands in Sonoma  
13 County. We do not come from another place. We  
14 have always been here. I want to say that I  
15 support everything that Greg Sarris, Chairman of  
16 Graton, has already said in this meeting. But  
17 what I really -- this is pretty simple. I see a  
18 lot of people who are opposing it. And some that  
19 are for it. And really I think someone just said  
20 the people that are for it is the union. They're  
21 looking for jobs. This has nothing to do with the  
22 unions or the jobs. This has to do with right and  
23 wrong. The BIA knows it. Everybody knows it.  
24 You know, I think all tribes in Sonoma County  
25 would support Koi in getting land in a trust where

1 they're from, which is Lake County. We all know  
2 Lake County is where they're from. There is no  
3 dispute on that. Everybody can prove it. But,  
4 you know, I think that trying to come into Sonoma  
5 County and say that that is their land is for I  
6 think for the tribes is wrong. Tribe Rancheria  
7 has fought for 20 years with the County and the  
8 State to get to where today. And for a tribe who  
9 is from Lake County to come in and say that is  
10 their aboriginal land is insulting and should not  
11 happen. And so I urge the BIA to turn this  
12 application down. And we as Tribe Rancheria, we  
13 do not support Koi coming into Sonoma County. We  
14 support them going into Lake County, but not here.  
15 And I want to thank you for giving me the  
16 opportunity to speak tonight. Thank you very  
17 much.

18 CHAD BROUSSARD: Thank you, Chairman  
19 Wright, for your comments.

20 The next speaker will be Nick Ratiani.

21 NICK RATIANI: Hi. My name is Rick  
22 Ratiani. I am retired pastor of Shiloh  
23 Neighborhood Church. You heard earlier from our  
24 current pastor, my son. I live in the Wikiup  
25 area. And I attend the church. It is right

1 across Old Redwood Highway from the proposed  
2 casino. For 22 years as a pastor, I would drive  
3 often on Faught Road from where I live in Wikiup  
4 over to the church because it was a beautiful  
5 narrow, windy, bumpy road. I'm terrified about  
6 what will happen with all of the increase of  
7 traffic on that narrow road. It is the back way,  
8 as people have mentioned already. It is the way  
9 that people would take as a shortcut. They will  
10 zoom right past San Miguel School either on the  
11 way to the casino or worse after they've been  
12 drinking, after they have been losing money,  
13 whatever, on the way out. But I'm also concerned  
14 about how that will impact our church, Shiloh  
15 Neighborhood Church. That isn't mentioned in the  
16 environmental assessment. The church sign is  
17 right across Old Redwood Highway from the proposed  
18 main entrance for the casino. It shows one wide  
19 entrance with a stoplight, yes. But we have two  
20 driveways, north and south of our sign. How is  
21 that intersection going to work? Who is going to  
22 pay for those changes? This isn't addressed in  
23 this assessment. The security of our church will  
24 be at risk because as people leave the casino,  
25 however they're feeling, they're going to be



1 facing right into our church, as was mentioned  
2 earlier. We're going to need to put up gates.  
3 Who is going to pay for that? We took them down  
4 years ago because we thought they were  
5 unwelcoming. But who is going to take care of  
6 those kinds of things? Who is going to help us  
7 with fencing to protect the folks on our property?  
8 We partner with the Redwood Empire Food Bank.  
9 Today we fed 542 individuals as they drove through  
10 to pick up their food. As hungry people drive  
11 onto the property to receive the food, they  
12 frequently cause traffic slowdowns on Old Redwood  
13 Highway. I as a volunteer now am in charge of the  
14 parking, the traffic control. I see this. They  
15 exit right where the proposed main entrance for  
16 the casino will be. None of this is addressed in  
17 this thing.

18 I've heard a lot about the job creation.  
19 That's great. But the reality is restaurants and  
20 other service industries are having a hard time  
21 hiring people. We don't need more jobs. We need  
22 more houses. And there are many things not  
23 addressed in this report. So for these and many  
24 other reasons, a casino is wrong for this area.  
25 It is wrong for the Shiloh neighborhood. It is

1 wrong for the Wikiup neighborhood. It will  
2 drastically impact my church, the Shiloh  
3 Neighborhood Church, in many negative ways. So I  
4 do hope you will deny its application. Thank you.

5 CHAD BROUSSARD: Thank you, Mr. Ratiani,  
6 for your comment.

7 The next speaker will be Chris Lamela.

8 CHRIS LAMELA: Can you hear me now?

9 CHAD BROUSSARD: I can.

10 CHRIS LAMELA: Wonderful. Thank you. I  
11 know this has been raised before. Let me  
12 reiterate, if I can. Most people in support of  
13 this are carpenters and construction folks who  
14 support this only for short-term jobs. The EA  
15 speaks to this. The construction may last, what,  
16 three years. After that, the jobs will be gone.  
17 There's no reason to believe that a few jobs for a  
18 short time is worth a terrible, terrible disaster  
19 that this development will bring to our community.  
20 Please, we request that you deny this application.  
21 Thank you for your time.

22 CHAD BROUSSARD: Thank you for your  
23 comment.

24 The next speaker will be Bill Bolster.

25 CHRIS LAMELA: How did I do?

1 BILL BOLSTER: Can you hear me?

2 CHAD BROUSSARD: I can. Thank you.

3 BILL BOLSTER: Okay. My name is Bill  
4 Bolster. I live on Faught Road. I have lived  
5 here for 46 years. When we moved here, there were  
6 trains at night. And soon there will be trains  
7 again. That -- different kinds of trains now.  
8 The smart train. Long-time residents. Two wells  
9 on seven acres. Never had any problems with the  
10 wells. Great water. The last five years, the  
11 water has gone down. One well is basically dry.  
12 And we're limping by on the second. The casino  
13 will increase water usage by pumping water from  
14 the water table. They should not be allowed to --  
15 if this project goes through, they should not be  
16 allowed to do that. They should have to get water  
17 from the County of Sonoma or the City of Windsor  
18 and pay for it and not pump down the water table.  
19 It's crazy. We can't use the water table to  
20 support developments of this size.

21 The second big thing if this goes  
22 through -- and I -- I don't know why it couldn't  
23 be at the location that Sam Salmon proposed. Near  
24 the freeway.

25 Traffic. How the heck are you going to

1 get people in and out of this with Shiloh narrow?  
2 Who is going to pay for widening Shiloh? Who is  
3 going to pay for widening Old Redwood Highway?  
4 For those two reasons, it should be denied or  
5 changed. You can't just walk in and -- and build  
6 a big huge thing like this and forget about the  
7 impact. And people brought up the fire stuff. My  
8 place virtually burned down during the Kincade  
9 Fire. So I lived that. You know, it's -- it's  
10 wrong. This impact report doesn't cover any of  
11 that. Those are my comments.

12 CHAD BROUSSARD: Thank you, Mr. Bolster,  
13 for your comments.

14 The next speaker will be Bob Janes.

15 BOB JANES: Bob Janes. I live on Leona  
16 Court in the Oak Creek -- Oak Park subdivision,  
17 just to the north of the proposed development.  
18 And I have gone through the EA twice. It is a  
19 very complicated, convoluted,  
20 difficult-to-understand document that, frankly, I  
21 think is an embarrassing document. But at any  
22 rate, each of the potential impacts addressed in  
23 that EA -- noise, traffic, pollution, crime, fire  
24 safety -- both pre- and post-construction, are  
25 deemed to have less than significant impacts on

1 the environment and on the people surrounding it.  
2 My wife and I have lived in our home on Leona  
3 Court for 34 years. We have raised our family  
4 here. Common sense tells me that living through  
5 this type of construction, immediately outside of  
6 our subdivision, both preconstruction and  
7 post-construction, would be anything other than  
8 less than significant. So common sense, in my  
9 view, has to prevail here.

10 Secondly, the obvious fire safety issues  
11 of the proposed casino have already been raised  
12 here. So I will not understand that. Very  
13 important issue. But it is a big concern to all  
14 of us who live in that area. I'm opposed to the  
15 project. And I encourage the BIA to do the right  
16 thing and deny it. Thank you very much.

17 CHAD BROUSSARD: Thank you, Mr. Janes,  
18 for your comment.

19 The next speaker will be someone who has  
20 called in. So I don't have a name. Last four of  
21 the phone number is 0154. Are you there? 0154  
22 call-in.

23 CLAUDIA ABEND: Can you hear me?

24 CHAD BROUSSARD: Yes, I can. Thank you.  
25 I can't hear you now. Are you still speaking?

1 CLAUDIA ABEND: What about now?

2 CHAD BROUSSARD: Yes.

3 CLAUDIA ABEND: I guess I wasn't pushing  
4 the right button.

5 I'm Claudia. And my husband and I, we  
6 raised our kids here. We've been here for 37-plus  
7 years. And started out seeing across the street  
8 area is an old prune orchard. And then it went  
9 into -- they mowed down all of the oaks and made  
10 it a vineyard with Kendall-Jackson. So this is --  
11 we kind of get used to this as a -- an agriculture  
12 green area buffer. And it really did help us out  
13 for the fire. This -- we were here for both  
14 fires. It was a bottleneck. Definitely with what  
15 we got took more than two hours for people to go  
16 down the street and get out of here, out of this  
17 area. This is a disaster to come into our  
18 neighborhood. A disaster waiting to happen, for  
19 us and others.

20 Construction jobs, I agree. These  
21 people are just looking at temporary. I mean,  
22 look at Lahaina. Just like the other gal said.  
23 It was a funnel. We don't have an ocean to  
24 retreat to. We have Highway 101. And it would  
25 burn us clear to there. You know, this is just



1 ridiculous. And to think that not even the school  
2 residents around is considered in the impact  
3 report is just disastrous too. We have kids  
4 that -- in these neighborhoods that are  
5 surrounding this proposed project. They ride  
6 buses and they walk to school. And the traffic  
7 for that, I don't care how wide you put the road,  
8 this is dangerous. And you know that people will  
9 come from this resort drunk driving and in  
10 crime -- and crime -- and cause crime around this  
11 area. It is just -- it is just out there.

12                   And then the water. Wells drying.  
13 We're on a well, too. We live behind the Mark  
14 West Neighborhood Church. And I'm totally afraid  
15 of that. That our well would dry up after being  
16 sunk by this casino, all because they want to  
17 build a resort for 400 people to stay. And the --  
18 and the construction workers can work. I mean,  
19 that is just all temporary. We even got a new  
20 development across the street on Shiloh and one  
21 that is being developed close to Walmart. That is  
22 going to increase the traffic to get out of here  
23 terribly. This is not included in the impact  
24 report. And that creek that divides the property,  
25 that is not a buffer for a riparian area or

1 wildlife. That is not a buffer. That casino is  
2 too, too close for any wildlife to reside there.  
3 It is just going to ruin the area for that. Leave  
4 it as a vineyard.

5 CHAD BROUSSARD: Thank you. Your time  
6 is up. Can I ask you to finish up your comments  
7 please.

8 CLAUDIA ABEND: Opposed definitely. And  
9 not only that, going to the creek with extra water  
10 on a higher rain year is going to flood us out.  
11 It has happened before. And this is a high flood  
12 plane area. Very high.

13 CHAD BROUSSARD: Thank you for your  
14 comment. Can I ask you to -- if you're still  
15 there, to restate your name for the record.

16 CLAUDIA ABEND: I'm Claudia Abend.

17 CHAD BROUSSARD: Okay. Thank you very  
18 much for your comment.

19 The next speaker will be Lynda Williams.

20 LYNDA WILLIAMS: Thank you, Mr. Chad  
21 Broussard. My name is Lynda Williams. And I'm  
22 here to speak about the environmental assessment  
23 as a neighbor whose home is less than 40 feet from  
24 this Proposed Project. And I'm not alone. There  
25 are many, many homes in my situation. Let me tell

1 you how this is going to affect me and all of my  
2 neighbors. Reading through this environmental  
3 assessment, it repeatedly states impact less than  
4 significant. Significant is never defined. So  
5 let me just define it for a bit. Widening Shiloh  
6 to four lanes and installing signals eight feet  
7 from residential homes is significant. Increasing  
8 traffic by 95 percent is significant. Using a  
9 minimum of 295,000 gallons of brown water per day  
10 is very significant to folks here whose wells have  
11 already run dry. Listening to all of the  
12 equipment to process sewer, recycle water, run  
13 air-conditioning, and continuous traffic noise and  
14 pollution while inside your home day and night is  
15 significant. Socioeconomic conditions are  
16 significant when the value of our homes is  
17 degraded because this project was built literally  
18 on top of us. And this is not offset by  
19 economics. We already cannot fill job vacancies  
20 in Windsor. All due respect to the Carpenters  
21 Union, construction jobs are temporary.

22 But finally, and most importantly, let  
23 me address the most important issue, which is  
24 evacuation. The next time a wildfire roars  
25 through this area -- not if, but when -- I will be

1     unable to evacuate due to the additional 15,000  
2     cars per day, according to your own assessment.  
3     When the Tubbs Fire and the Kincade Fire came  
4     through here and embers were falling on our homes  
5     and cars and on the roads as we tried to get to  
6     Highway 101, we were gridlocked for hours. As we  
7     know from both fires, as well as other fires like  
8     the Camp Fire and most recently Maui, if we can't  
9     evacuate, we will die in our homes. We will die  
10    trapped in our cars. There is no roadway  
11    mitigation for this threat. All roads lead to  
12    101. It took 60 years to get a third lane added  
13    to 101. And it is still gridlock. The Tubbs Fire  
14    jumped 101 to the south of this, closing 101. The  
15    Kincade Fire jumped 101 to the north of here,  
16    closing 101. And now we're told that  
17    24-hour-a-day, 7-days-a-week casino will be built.  
18    I have to put this on the public record. When the  
19    next fire roars through, people will die.  
20    Possibly even your casino customers. And you were  
21    warned today. And did nothing to prevent it. You  
22    still have the power to prevent this tragedy. Do  
23    not approve this project. This is the wrong  
24    location for this project for any large-scale  
25    enterprise. There is no mitigation.

1 CHAD BROUSSARD: Thank you,  
2 Ms. Williams.

3 LYNDA WILLIAMS: The evacuation route --  
4 I'm almost done. Because there is nowhere to go  
5 from here. Thank you, Mr. Broussard.

6 CHAD BROUSSARD: Okay. Thank you.  
7 Next speaker will be Betsy Mallace.

8 BETSY MALLACE: Hi. My name is Betsy.  
9 While I support the Koi Tribe's need for  
10 self-determination, this parcel is the wrong  
11 location. I'm, therefore, requesting the BIA find  
12 significant unmitigable environmental impacts to  
13 A, B, and C projects listed. I request that they  
14 approve Alternative D. And if not, further extend  
15 the NEPA and continue an Environmental Impact  
16 Statement. This is the wrong location as it is in  
17 a residential neighborhood. This is the wrong  
18 location for any commercial business, especially a  
19 casino. This is the wrong location due to the  
20 adjacency to the church and parks and schools.  
21 These are all unmitigable situations. This is the  
22 wrong location due to the parcel being a working  
23 vineyard which has served during the last two  
24 wildfires as a natural fire break. If that fire  
25 break is gone, as people have said, people will

1     die. This is the wrong location due to two sides  
2     of the project being accessible by only a narrow  
3     tiny two-lane road. One side is the bigger  
4     two-lane road. And on the portside, there is no  
5     accessibility. This is the wrong location due to  
6     no way to mitigate the additional emergency  
7     evacuation it is going to cause. It is currently  
8     not significant. More will make it deadly.

9             The description on the document, the EA  
10    is not accurate and it is not based on the last  
11    two actual current -- last two wildfires. This is  
12    the wrong location due to no significant  
13    mitigation for the current creek and the wildlife  
14    that already exist on this property. This is the  
15    wrong location due to no historical or ancestral  
16    significance to the property. This is further  
17    confirmed by the current litigation by the Koi  
18    Tribe where they're litigating against their  
19    historical remains being disturbed. This is the  
20    wrong location due to the very name of the tribe  
21    of Koi, which is indigenous to Lake County -- to  
22    Clear Lake in Lake County. Please do not approve  
23    any of these listed projects on this application  
24    as their impacts are significant -- are  
25    significant and cannot be mitigated. This is the



1 wrong location for any commercial business,  
2 especially a casino. Please find a way to support  
3 the Koi Tribe on their ancestral land in Lake  
4 County. And I am requesting a 60 -- an additional  
5 60-day extension for public comments for this  
6 project. Thank you for your time.

7 CHAD BROUSSARD: Thank you, Ms. Mallace,  
8 for your comment.

9 The next speaker will be Michael Adler.  
10 Next speaker will be Michael Adler.

11 CAROLYN ADLER: Can you hear me?

12 CHAD BROUSSARD: Yes.

13 CAROLYN ADLER: Hello.

14 CHAD BROUSSARD: Yes, I can hear you.  
15 Thank you.

16 CAROLYN ADLER: All right. Fine. I'm  
17 speaking for Michael Adler. I'm his wife. My  
18 name is Carolyn. And the reason that I wanted to  
19 say something is that I live in this area. I know  
20 what the traffic impacts are going to be. And so  
21 far I agree with everyone who is questioning the  
22 standards that were set to determine that there  
23 would be no significant impact in particular on  
24 traffic in the case of a fire. My husband and I  
25 barely got out alive in the last fire, the Tubbs

1 Fire. And we know what it feels like to have the  
2 fire breathing down your neck, literally, as  
3 you're in your car, trying to get away from it,  
4 and imagining that you're going to burn inside of  
5 your car. We moved to Windsor after this time,  
6 hopefully to be away from the fire potential. We  
7 did not rebuild on our lot. We sold it because we  
8 didn't want to be anywhere near fire potential. I  
9 would like to know what it is that stands for the  
10 standards that say there is going to be no  
11 significant impact in the case of a fire  
12 emergency. I don't know what standards they were  
13 looking at. I just have to believe that they're  
14 just fantasy. There's no way to believe that  
15 there's not going to be a significant impact in  
16 the case of fire trying to get out of here.  
17 Traffic is one of the issues. The other issue is  
18 where does the fire come from? It creates a  
19 tunnel right in this area. We don't have any  
20 buffers if the casino is built. So my point is, I  
21 think that the assessment is just plain wrong.

22 CHAD BROUSSARD: Does that conclude your  
23 comments?

24 CAROLYN ADLER: Yes.

25 CHAD BROUSSARD: Okay. Thank you very

1 much for your comments.

2 The next speaker will be Christie  
3 Wilfey. I apologize if I butchered your name. It  
4 probably won't be the last time. Christie, I  
5 think you may be on mute.

6 CHRISTIE WILFEY: Hi. Good evening.  
7 Thank you. My name is Christie Wilfey. I  
8 appreciate the opportunity to comment tonight. I  
9 want to call in support of this project,  
10 particularly in respect to the jobs. There are  
11 going to be hundreds of good union construction  
12 jobs, as this project is constructed for Sonoma  
13 County, but also 1500 permanent jobs once it's  
14 operational, as well as ongoing economic support  
15 for the county. So I'm supporting this project.  
16 Thank you.

17 CHAD BROUSSARD: Okay. Thank you for  
18 your comment.

19 The next speaker will be  
20 Oswaldo Ocegueda de Horta.

21 Oswaldo, you may have your speaker on --  
22 or your microphone on mute. We can't hear you.  
23 Oswaldo, are you there?

24 Okay. We're going to move on to the  
25 next attendee. If you come back and want to

1 speak, raise your hand, please.

2 Next speaker will be Lilian Fonseca.

3 LILIAN FONSECA: Hi. My name is Lilian  
4 Fonseca. And I have lived in Windsor since 1990.  
5 I raised my family here. I'm a retired educator.  
6 And I love my community. I could go on and say --  
7 repeat all the things that other people said, but  
8 I just want to approach it from a different way.  
9 I'm adamantly opposed to this project. Adamantly.  
10 My support would be for D, for don't build a  
11 casino in Windsor, please. As a grandmother, one  
12 of the only ways we could get my grandson to go to  
13 sleep sometimes is take a drive. Guess what road  
14 we drive? Yeah, we drive down that very exact  
15 road by -- down Shiloh, back around Faught, and  
16 around. That's the only place that we could get  
17 him to go to sleep because there are no bright  
18 lights. The stars are out. The moon is  
19 beautiful. And it is peaceful and calming. That  
20 would be something that we would lose. That makes  
21 my heart break. That makes my heart break. I  
22 also would like to support the statements that  
23 Greg Sarris made. I fully agree with him. I know  
24 that that EPA report, I read it over three times  
25 totally. And it was very vague, very hard to

1    decipher.    The sentences just kept going around  
2    and around.    And it just never really made  
3    complete sense to me.    I question it.    And it also  
4    upsets me because a lot of regular people, normal  
5    people, don't have access to computers and don't  
6    have access to Zoom.    They don't know how to go  
7    through a lengthy report like that.    And they  
8    don't have a voice then.    So that concerns me.    I  
9    think that you should have some town halls or  
10   something if you want to hear from the community.  
11   But just to reiterate, our community will be  
12   impacted.    No matter what the studies stated.    It  
13   will be impacted.    It is inevitable.    And it just  
14   devastates me.    It really gets me deeply, deeply.  
15   Because I just retired from teaching for 30 years.  
16   37 years.    And now I have to worry that my  
17   community is going to be changed into something  
18   that I never dreamed it would come to.    Please  
19   don't build a casino by my house.    There's -- it  
20   is just not the right location.    It is a beautiful  
21   agricultural spot.    Wildlife is there.    The hills  
22   are there.    And I was trapped on the road when I  
23   was trying to evacuate.    So I know what it feels  
24   like for hours.    So thank you.    And I will be  
25   continuing to send my comments.    Thank you.

1 CHAD BROUSSARD: Okay. Thank you,  
2 Ms. Fonseca, for your comments.

3 The next speaker will be Hank Shreeder.

4 HANK SHREEDER: Hi. Can you hear me?

5 CHAD BROUSSARD: Yes, I can. Thank you.

6 HANK SHREEDER: My name is Hank  
7 Shreeder. I'm a retired Sonoma County chief of  
8 police and a resident located near the  
9 construction of the casino. For this particular  
10 issue, I want to focus on some of the  
11 environmental and then we will talk about some of  
12 the other. One, Alternative A and B, the  
13 stormwater alone on creating flooding in the area  
14 and these kinds of things, displaced water from  
15 parking lots, things like that will end up in  
16 Pruitt Creek. The loss of the open space and the  
17 increase in those hazards are also a problem. The  
18 other problem is the impact on Pruitt Creek  
19 itself. Alternative A and B don't really take  
20 into account Pruitt Creek and the aspect that it  
21 actually provides flood prevention and/or wildlife  
22 habitat for the area. The other thing is  
23 wastewater on-site. As a homeowner in the area  
24 and a well owner, I am very concerned about this  
25 issue because our wells are shallow, at best, less



1    than a hundred feet. And wastewater production at  
2    that magnitude for Alternative A and B is  
3    substantial and could impact our wells and our  
4    personal lifestyle as residents in the area. Even  
5    though monitoring is talked about, it doesn't talk  
6    about what happens if you monitor and you actually  
7    produce pollutants in those wells that you have  
8    never seen before after it.

9                   And finally, traffic impact -- not  
10   finally, but traffic impact is also a problem. We  
11   live on two-lane roads in this area. I've been  
12   evacuated twice for fires in this area and seen  
13   fires on Shiloh Park between my house and where  
14   this casino proposal is supposed to be built. The  
15   challenges have not been considered. Also, the  
16   current developments that Windsor has already  
17   approved in the area which will impact traffic and  
18   fire evacuation.

19                   As far as labor goes, they're not  
20   talking about the environment. They're talking  
21   about temporary jobs. And honestly, it doesn't  
22   talk about -- labor doesn't talk about noise  
23   concerns, trucks, and traffic on the roadway.  
24   Finally, from my experience as a former chief of  
25   the police, gaming does have an impact on the

1 community. The churches and schools in the area  
2 are impacted. Crime does increase based on money.  
3 And this is based on moneys that the casinos pay  
4 to police departments to mitigate those issues.  
5 They do it everywhere. DUI, prostitution, drugs,  
6 and traffic accidents will have an impact on our  
7 community. Thank you for my comments.

8 CHAD BROUSSARD: Thank you,  
9 Mr. Shreeder, for your comments.

10 The next speaker will be Joan Chance.

11 Joan Chance, I think you might have your  
12 microphone on mute. Joan Chance. Are you there?

13 Okay. We're going to move on to the  
14 next speaker. Joan, if you would like to speak  
15 later, please raise your hand again.

16 The next speaker will be Eric Chazankin.

17 ERIC CHAZANKIN: Yep. I'm here. Can  
18 you hear me?

19 CHAD BROUSSARD: I can.

20 ERIC CHAZANKIN: My name is Eric  
21 Chazankin. So my family owns a house in Shiloh  
22 Estates, where my mom now lives. And then I have  
23 a house in Windsor, on the other side of the  
24 freeway off of Shiloh Road. I am tasked with  
25 taking care of her. She is 81 years old with

1 Alzheimer's, moderate dementia, and takes a lot of  
2 taking care of. I make multiple trips every day  
3 back and forth on Shiloh Road, right past where  
4 the casino will be. We're talking per this report  
5 473 trips an hour on that road. 7.8 trips per  
6 minute. There is no way that the amount of  
7 mitigation that is set forth in this report could  
8 possibly allow proper access back and forth for  
9 the kind of access that I need to do and the kind  
10 of access that many people need to do. Not only  
11 for day-to-day, but in an emergency. I was there  
12 when these fires started. I was there for the  
13 Tubbs fire. That house up in Shiloh had to be  
14 evacuated multiple times. My mom was not capable  
15 of getting out on her own. I had to go up there,  
16 up that road, past where the casino goes, get her,  
17 and take her back down the road. How would that  
18 have been possible with the casino development  
19 there? The answer is a lot of people would have  
20 died in that situation that did not die. So I  
21 want to make this very personal. When my father  
22 passed on 2018, he made me promise that I would  
23 take care of my mom. She is the widow of a Marine  
24 Corps veteran. I can't fulfill that promise to my  
25 father if you build this casino here. I don't

1 know how you get much more personal than that.

2 I would also like to point out that the  
3 water use portion of the report is flawed and  
4 based on the analysis of water use historically  
5 from 1999 to present. So it fails to take into  
6 account the fires, the droughts, the extreme  
7 problems with water drawdown and the water tables  
8 in wells that have happened during that time.  
9 Instead, it simply uses a historical average,  
10 which is not a proper reflection of the actual  
11 rainfall and water availability in this community  
12 in the present day on the ground.

13 There is no way that the 5,000 parking  
14 capacity that the event center, all of the other  
15 construction could be stated as not government  
16 action and possibly stated to have no significant  
17 impact, as stated -- as alleged in this EIA, which  
18 seems to be a piece of advocacy rather than a  
19 truly impartial study. So an EIS is required  
20 prior to further action. Thank you for listening  
21 to all of us. I appreciate your attention.

22 CHAD BROUSSARD: Yes. Thank you,  
23 Mr. Chazankin, for your comment.

24 The next speaker will be Nina Cote.

25 NINA COTE: Hi. This is Nina Cote.

1 Building a casino resort this close to a  
2 residential neighborhood can't be mitigated. I  
3 feel the proposed mitigations fall severely short.  
4 There has been no casinos built this closely to an  
5 existing residential neighborhood in California,  
6 as stated in the report. All of the report  
7 examples were very different situations. One  
8 entrance is directly across from one of our only  
9 entrance exits into our neighborhood. I have  
10 evacuated twice during wildfires. And there are  
11 no realistic mitigations for wildfire evacuation.  
12 I've been on the road with fire in front of and  
13 beside my car wondering if my family would  
14 survive. Adding even the low estimate of cars  
15 will be pure gridlock, and my family will not even  
16 be able to exit the neighborhood. Having parking  
17 attendants directing traffic as a mitigation is  
18 laughable. The new housing developments along  
19 Shiloh are already adding hundreds, if not  
20 thousands, of additional cars on our already  
21 congested roads. The impact of adding the  
22 thousands of daily vehicles that the casino would  
23 bring is unacceptable. The cycle of day and night  
24 is important for the natural rhythms of all living  
25 things. The light, noise 24/7 means disruption to

1 wildlife and humans. And we will no longer be  
2 able to enjoy the stars at night or have a quiet  
3 sleep environment. The information on water usage  
4 used in the report is from 2011 and before that  
5 time. That's before we experienced severe  
6 long-term droughts and rationing. We have been  
7 rationing water for years due to droughts. The  
8 proposed drilling into our water table for the  
9 extreme amount of water usage for the casino will  
10 put unexpected strain on our water system.

11 Our local businesses have been closing  
12 because they do not have enough staff. So the  
13 arguments that the casino will provide many jobs  
14 falls a bit short when we have local businesses  
15 that are closing. I do find it interesting that  
16 the sole proponents for this casino location are  
17 people that will be financially benefiting. There  
18 has been no collaboration with the community by  
19 the Koi, except for communicating and  
20 collaborating with people that they can  
21 financially compensate in the future.

22 I'm also concerned that I didn't see  
23 anything about schools or churches included or our  
24 wildlife in the report. The report seemed to  
25 focus only on endangered species, but not all of



1 the wildlife that our habitats at that location  
2 and the location close to our neighborhood.

3 CHAD BROUSSARD: Thank you, Ms. Cote,  
4 you're out of time.

5 NINA COTE: I appreciate your time.  
6 Thank you.

7 CHAD BROUSSARD: Thank you very much for  
8 your comment.

9 Okay. Our next speaker will be Rosa  
10 Reynoza.

11 ROSA REYNOZA: Hello. Thank you for  
12 this opportunity to speak. My name is Rosa  
13 Reynoza, the current elected mayor of Windsor.  
14 And I want to start by saying that I do understand  
15 the intentions that the Koi tender. And they're  
16 good intentions and they want to provide for their  
17 tribal members. However, this location for the  
18 project is just not the right one, as others have  
19 mentioned. Some of my greatest concerns is the  
20 proximity of this project to the residential  
21 community. And then the roads and  
22 infrastructures, it is going to take a lot. It is  
23 going to take a lot to build those roads to  
24 support that kind of traffic. That will not be  
25 something easy to take on. And there's definitely

1 other unmitigable impacts. I do want to share  
2 that the council is currently looking at the EA,  
3 the staff. And they're going to prepare an  
4 official comment. And we will bring it to the  
5 town council on October 18th to share with the  
6 residents and also get more feedback from the  
7 residents on that date.

8 But I also want to share with you that  
9 back on April 20th of 2022, the Town of Windsor  
10 adopted a resolution that supported the resolution  
11 by the Board of Supervisors on April 5th, 2022,  
12 opposing the establishment of the casino by the  
13 Koi Nation within the county. We also continue to  
14 stand and support the Sonoma County Board of  
15 Supervisors and the federally recognized Sonoma  
16 County tribes who all agree this is not the proper  
17 place for this project. Thank you for your time.

18 CHAD BROUSSARD: Thank you, Mayor  
19 Reynoza, for your comments.

20 The next speaker will be Noah Starr.

21 NOAH STARR: Good evening,  
22 Mr. Broussard. And thank you for your time. I'm  
23 here to support the project. Specifically for its  
24 potential to create and spur meaningful economic  
25 development across the entire North Bay region,

1 bringing hundreds of good union construction jobs  
2 to Sonoma County during construction, and over  
3 1500 permanent jobs once the project is fully  
4 operational. I also want to salute the tribe for  
5 its predevelopment agreement with the Chickasaw  
6 Nation of Oklahoma. This agreement is going to  
7 ensure that the casino is going to be managed and  
8 operated by a world-class gaming expert with a  
9 proven track record of success. Thank you for  
10 your time.

11 CHAD BROUSSARD: Thank you, Mr. Starr,  
12 for your comment.

13 The next speaker will be Sean Boyd.

14 SEAN BOYD: Good evening. This is Sean  
15 Boyd. And I represent the Chickasaw Nation and  
16 have been working on this project with the Koi  
17 Nation since we met the Koi Nation over 18 months  
18 ago. In our work with tribes across the country  
19 and in the state of Oklahoma, we have a deep  
20 dedication to both the Indian Gaming Regulatory  
21 Act and the support of tribal sovereignty. We  
22 have worked with jurisdiction after jurisdiction  
23 to support the federal standards placed on tribes  
24 so that they may exercise their tribal standards  
25 and their tribal sovereignty. We found in the Koi

1 Nation a deep commitment to this project and a  
2 deep commitment to this federal process. We are  
3 in support of the EA that is before the BIA today.  
4 And we are dedicated to see this process through  
5 the fee-to-trust process, as we have for the past  
6 20 years with over 25 gaming establishments in  
7 multiple jurisdictions. We thank you for your  
8 time. We thank you for your commitment to the  
9 process. We do understand the community concerns.  
10 We work with communities all across our  
11 jurisdictions and we believe that a rising tide  
12 truly does lift all ships. We're thankful for the  
13 opportunity to work through these concerns. And  
14 we believe the Koi Nation is fully committed to  
15 working with the community through their concerns  
16 upon successful completion of a fee-to-trust  
17 process. There will be great time for the Koi  
18 Nation and the Chickasaw Nation and our subsidiary  
19 entity, Global Gaming Solutions, to solve and work  
20 through these challenges, the concerns that have  
21 been voiced today and an ongoing manner. We have  
22 faced those before. And we have a deep regard to  
23 listen and work with the community. From an  
24 environmental standpoint, we believe deeply in  
25 this project and the work before the BIA today.

1 And we thank you for your commitment to this  
2 project.

3 CHAD BROUSSARD: Thank you, Mr. Boyd,  
4 for your comment.

5 The next speaker will be Jeanne Powell.

6 JEANNE POWELL: Hi, Chad. This is  
7 Jeanne Powell.

8 CHAD BROUSSARD: Jeanne, thank you.

9 JEANNE POWELL: Hi. I am a very  
10 fortunate Windsor resident for over 35 years. I  
11 own two properties here at -- in Windsor. One  
12 home that my son and his wife and two  
13 granddaughters live in, which is right next to the  
14 proposed project. I'm greatly concerned about the  
15 possibility of a casino coming to Windsor and  
16 would like to share those concerns. Research has  
17 shown that casinos lead to a number of social  
18 ills, including increased substance abuse, mental  
19 illness, suicide, violent crime -- crime, auto  
20 theft, larceny, and bankruptcy. The last three  
21 all increase by 10 percent in communities that  
22 allowed gambling. Casinos aren't even considered  
23 a particularly good source of tax -- tax revenue.  
24 Studies have shown that Indian casinos cannibalize  
25 business at nearby restaurants and bars. And

1 doing so actually reduce state tax revenue.

2 Lastly, as an RN who has worked at Providence  
3 Santa Rosa Memorial Hospital for over 27 years and  
4 has seen the repercussions of violent crime,  
5 mental illness, and substance abuse, please do not  
6 build a casino in this location. Thank you.

7 CHAD BROUSSARD: Thank you, Ms. Powell,  
8 for your comments.

9 Our next speaker will be Cameron  
10 Barfield.

11 CAMERON BARFIELD: Hi, Mr. Broussard.  
12 Can you hear me?

13 CHAD BROUSSARD: Yes. I can hear you.

14 CAMERON BARFIELD: My name is Cameron  
15 Barfield. And I'm opposed to the Shiloh recent --  
16 Shiloh casino -- casino project. I would like to  
17 address the issues regarding Alternatives A, B,  
18 and C. I live on Matilda Drive, which is a street  
19 that abuts the proposed casino. In fact, if  
20 Alternatives A, B, or C are approved, from my  
21 front yard, I would be looking down the street,  
22 directly at a five-story hotel where there will be  
23 lots of light and noise from drunk, drugged, and  
24 disorderly people that come and leave via cars,  
25 motorcycles, and loud buses at all hours of the



1 night and day. We spent our lives earning enough  
2 money to be able to afford the house we live in in  
3 the setting we believe would stay the same because  
4 it was a vineyard in the county agricultural  
5 preservation program. To be able to move here, we  
6 did not have the benefit of a Bureau of Indian  
7 Affairs giving us a free hand to destroy a  
8 community around us so we can enrich ourselves or  
9 the wealthy Oklahoma Indian corporation that backs  
10 us. If A, B, or C are approved, it would  
11 personally cost us a lot due to loss of property  
12 value, moving costs, and increased property taxes  
13 to move so we can have a home where we can sleep  
14 at night in quiet and beauty and safety. It would  
15 also cost us our network of friends and neighbors  
16 that we have created over the years by being part  
17 of the Oak Park neighborhood, which is right  
18 across the street from the casino. At our age of  
19 68 and 81, we need all of the friends that we can  
20 get.

21 My safety -- main safety concerns have  
22 to do with the congestion on Shiloh Road that will  
23 be created, especially during a fire. And there  
24 will be more fires like the Tubbs Fire of 2017,  
25 where we needed to evacuate fast and could not

1 because of the congestion on Shiloh Road at that  
2 time. Since the Tubbs Fire, there has been lots  
3 of development along Shiloh Road. A 300-unit  
4 apartment complex is currently being under  
5 construction at the corner of East Shiloh Road and  
6 Old Redwood Highway. More development is underway  
7 already right next to Home Depot, further adding  
8 to the construction on Shiloh Road. Your EA  
9 suggestions do not adequately address the fact  
10 that the roads are not adequate enough to evacuate  
11 the people who already live here, much less are  
12 going to be living here on Shiloh Road.

13 CHAD BROUSSARD: Thank you, sir.

14 CAMERON BARFIELD: No amount of --

15 CHAD BROUSSARD: Your time is up.

16 Please wrap up your comments. Okay. Thank you,  
17 Mr. Barfield. I appreciate your comment.

18 Our next speaker will be Riley Ahern.

19 RILEY AHERN: Good evening, everyone.

20 My name is Riley Ahern. And I'm Congressman Jared  
21 Huffman's Sonoma County field representative. I'm  
22 here on behalf of the congressman who wanted me to  
23 share with you that Congressman Huffman continues  
24 to oppose the proposed casino as noted in  
25 correspondence with Representative Mike Thompson

1 to BIA in April of 2022. Thank you.

2 CHAD BROUSSARD: Okay. Thank you for  
3 your comments.

4 The next speaker will be Kristi Selby.

5 KRISTI SELBY: Hi. Can you hear me?

6 CHAD BROUSSARD: Yes, I can. Thank you.

7 KRISTI SELBY: Perfect. I'm writing  
8 on -- or I'm calling in on behalf of myself and my  
9 family. We live in the neighborhood adjacent to  
10 the proposed site. I'm also a nurse at the  
11 hospital two miles away. And, you know, I feel  
12 like there's several issues. One being the park  
13 that this proposed casino is wanting to be right  
14 next to. My kids go there to play. They play  
15 softball. They play baseball at that park. It  
16 would greatly damage the ability to do that  
17 safely. I think that every person who has called  
18 in to want this proposal to go through, with all  
19 due respect to the Koi Nation, to the Tribe in  
20 Oklahoma, they weren't here in 2017 and they  
21 weren't here in 2019 when it took hours for us to  
22 leave our homes. And we almost lost our home.  
23 The fire came right up to our backyard. We almost  
24 lost our home. We almost lost everything. I  
25 don't -- my kids' safety and my kids' lives come

1 before any economic growth or jobs the casino  
2 might bring. Not to mention that the hospital is  
3 already impacted highly. We are at capacity  
4 almost 100 percent of the time. We can't house  
5 the sick people and residents. To add 20,000 more  
6 people to that, being the closest hospital to the  
7 proposed casino, would greatly impact that area as  
8 well. Not to mention, you know, I think we have  
9 all talked about the traffic and the fact that,  
10 you know, our kids -- our kids ride their bikes.  
11 We ride our bikes all over. We walk. The  
12 elementary schools that are within one mile in  
13 Windsor and Mark West, this is just a bad idea.  
14 I've never heard of a casino going in the middle  
15 and being surrounded by residential neighborhoods.  
16 I grew up in the Wikiup area. And now I'm raising  
17 my family in the Windsor area. You know, my  
18 husband is a member of the Pomo tribe. I want the  
19 Koi Nation to have their casino. I don't want  
20 them to have it next door to my home. And we  
21 don't want them to have it when we're already  
22 struggling. It is not if another fire happens,  
23 but when. They are impacting the survival for  
24 thousands of people. And there is no mitigation  
25 for that. And I think the EA is joke. And I

1 think that a third party who has no connections to  
2 the Koi Nation really needs to have another  
3 environmental study. And that's it.

4 CHAD BROUSSARD: Thank you, Ms. Selby,  
5 for your comments.

6 The next speaker will be Monicqua Brown.

7 Monicqua Brown, are you there? I think  
8 you might be on mute.

9 Okay. We're going to go to the next  
10 speaker. If you would like to speak later, please  
11 raise your hand.

12 The next speaker will be Kevin Maxemin.

13 Kevin, I think you might be on mute.

14 KEVIN MAXEMIN: Can you hear me?

15 CHAD BROUSSARD: I can. Thank you.

16 KEVIN MAXEMIN: Okay. My name is Kevin  
17 Maxemin. I'm a homeowner in Sonoma County. I'm  
18 in strong support of this project for the Koi  
19 Nation proposed casino and resort. It will not  
20 only create amazing jobs for thousands of  
21 construction works, but provide careers for local  
22 community for years to come. It will bring an  
23 incredible economic boost for Sonoma County. I  
24 believe the Koi Nation has done a great job  
25 reaching out to the public about the project.

1 With all of the benefits, I strongly urge BIA to  
2 approve this project. That's my time. Thank you  
3 very much, sir.

4 CHAD BROUSSARD: Okay. Thank you,  
5 Mr. Maxemin, for your comments.

6 The next speaker will be Tiffany Wolvek.

7 OGDEN STINSON: Hi. I'm Ogden Stinson.  
8 And I'm the son of Tiffany Wolvek. Can you hear  
9 me?

10 CHAD BROUSSARD: I can. Thank you.

11 OGDEN STINSON: And I go -- and I go San  
12 Miguel, which is part of the Mark West District.  
13 And I'm -- I'm in fifth grade. And I walk to  
14 school. And I'm worried that I could be -- I  
15 could be unsafe if like there's a bunch of cars  
16 coming in. And like right next to where I'm  
17 walking. And I feel that -- and I feel that it  
18 could be unsafe for me and my fellow classmates to  
19 be walking where there are 16,000 cars coming and  
20 going each day. And also the environmental  
21 impacts. Like -- I mean like the -- like  
22 you're -- it's like the -- like 400,000 gallons of  
23 semi-treated wastewater going into Pruitt Creek  
24 each day. I mean, imagine the effect that could  
25 have. It flows into Mark West Creek, which flows

1 into the Russian River. Imagine -- and I swim in  
2 the Russian River all the time. So that's all I  
3 wanted to say. And thank you for your time.

4 CHAD BROUSSARD: Thank you very much for  
5 your comment.

6 Our next speaker will be Mary Ann  
7 Bainbridge-Krause.

8 MARY ANN BAINBRIDGE-KRAUSE: Hi. Can  
9 you hear me?

10 CHAD BROUSSARD: Yes, I can. Thank you.

11 MARY ANN BAINBRIDGE-KRAUSE: Thank you  
12 for taking my call. I had to wait quite a while.  
13 First of all, I want to address something that I  
14 noticed. One other person also mentioned this.  
15 And that is all of the union members calling in  
16 about the great union jobs that this is going to  
17 create. It is pretty obvious that they are  
18 reading from a script, that they were contacted by  
19 their union and told to, hey, you know, call in  
20 tonight in favor of this project. I want to thank  
21 the office of Dianne Feinstein, senator; Sam  
22 Salmon, town council member; Robin Goble,  
23 ex-council member of Windsor and ex-mayor; Rosa  
24 Reynoza, the current mayor of Windsor; the board  
25 of supervisors; Jared Huffman, all of them calling



1 in tonight or representatives calling in tonight  
2 against this project. This is the wrong project  
3 in the wrong location. They are a tribe from Lake  
4 County. They need to build their facility in Lake  
5 County. I support everything that Lynda Williams  
6 and Betsy Mallace stated tonight. I am a 30-year  
7 member resident of Windsor. I love my town. I  
8 don't want to see it destroyed by a casino and a  
9 hotel and a parking garage and all of the cars in  
10 the environment and everything that goes along  
11 with that. Thank you for taking my time. And I  
12 hope the BIA listens to the residents and the  
13 governments represented here tonight of Windsor.  
14 Thank you.

15 CHAD BROUSSARD: Thank you,  
16 Ms. Bainbridge-Krause, for your comment.

17 Our next speaker will be Carlos  
18 Resendez.

19 CARLOS RESENDEZ: Thank you,  
20 Mr. Broussard, for allowing me to speak tonight.  
21 My first thought concerning the project is the  
22 third time shouldn't be the charm. The Koi Tribe  
23 has asked for land in Merritt Island and Oakland  
24 for a casino. So what makes Windsor special?  
25 This proposed project site is not well thought out

1 or well planned. There are only two lanes into  
2 this area. No matter which way you drive. The  
3 amount of construction traffic that is going to  
4 come through and all of the semis and 18-wheelers  
5 and the wide loads are going to detriment these  
6 whole entire infrastructure. In addition, that  
7 large wildlife park right across the way sees  
8 wildlife going into the adjacent area, across the  
9 proposed state. There is no mitigation for the  
10 wildlife staying in their own area. This will  
11 increase road kill along the roads leading into  
12 the casino. The project site itself leads into  
13 the Russian River watershed. Every winter, this  
14 is evident as the entire area ends up under water  
15 by over six inches. Paving this area and reducing  
16 bare ground absorption will greatly impact those  
17 properties and homes directly across from Old  
18 Redwood Highway.

19 As far as the community, the Koi Nation  
20 has failed to live up to their own statements of  
21 being a collaborative partner. They have  
22 [indiscernible] local community groups with the  
23 proposal, but immediately leave and will not allow  
24 for any questions or concerns to be raised by  
25 those who will be impacted by this project. Thank

1     you for your time.

2                   CHAD BROUSSARD:   Thank you for your  
3     comment.

4                   Our next speaker will be Martin  
5     McCormick.

6                   MARTIN McCORMICK:   Can you hear me?

7                   CHAD BROUSSARD:   I can.   Thank you.

8                   MARTIN McCORMICK:   Great.   Great.   Thank  
9     you, Chad.   And, Chad, I hope that you will come  
10    and spend some time with us here in this  
11    community.   You've got to see how beautiful this  
12    land is.   I raised ten children at the end of  
13    Gridley Drive.   I have 14 grandchildren who are  
14    here within our area.   Shiloh is a beautiful  
15    place.   There's an aura about it.   I get up at  
16    5:30 in the morning.   There's the chickens,  
17    there's the hawks, and all of that will be gone if  
18    this casino is built.   This is a place for  
19    children.   Like I said, I've raised ten kids here,  
20    14 grandkids.   They all congregate here.   They  
21    come to Esposti Park.   We walk along Shiloh.   And  
22    I have to tell you that there's an aura about this  
23    place.   It is a spiritual place.   I mean that.  
24    Okay.   And I have raised these kids.   And I have  
25    been here for almost 35 years.   And now it could

1 end. This is the wrong place. I'm a realtor.

2 I'm a former president of the Savings and Loan.

3 And as far as the construction guys are  
4 concerned, guys, this can be built someplace else.

5 Not here. Okay. I'm big with jobs. I'm big with  
6 building. But it is not the right place. Okay.

7 All right. This is a community of beautiful  
8 people. We have a lot of elderly. And I'm going  
9 to tell you something, there is something  
10 special -- special spiritual about Shiloh and  
11 Faught Road. And it is not the place for a  
12 casino, a winery, or a hotel.

13 And so, Chad, I hope you just come and  
14 see it. There's something special here. And so  
15 I'm not opposed to them building someplace else.  
16 This is not the right place. This is family. You  
17 know, this is nature. This is spiritual. I have  
18 to say, again, 35 years. I want you to please  
19 take the time, come and meet us here. We would  
20 love to tell you why this place is special. This  
21 should not be a casino. I'm advocating for all of  
22 us. Please do not approve any of this. Thank  
23 you, Chad.

24 CHAD BROUSSARD: Thank you,  
25 Mr. McCormick, for your comment.

1 Our next speaker will be Jessica Sutton.

2 JESSICA SUTTON: Hello.

3 CHAD BROUSSARD: Yes. I can hear you.

4 JESSICA SUTTON: Okay. Great. Thank  
 5 you for your time. I was interested to hear the  
 6 comment from Mr. Beltrain or Beltran in the  
 7 beginning of the sequence tonight where he said  
 8 the company they hired to do the BIA was well  
 9 known and very successful in helping Indians  
 10 create casinos. Okay. That was interesting to  
 11 hear. What I would say is the BIA study as it  
 12 stands has a serious lack of depth. There is  
 13 no -- there are no metrics. There's no analysis.  
 14 As someone who has been a teacher and a professor  
 15 in college for years, I was reading it. And I  
 16 was -- I was actually chagrined and mollified.  
 17 What is this? There is nothing against to --  
 18 there is nothing to substantiate any of this. The  
 19 best that I can say is that I would hope that the  
 20 BIA would go back and take their job seriously,  
 21 and look at the water, fire, and traffic problems.  
 22 Their analysis was thin and shallow, at best.  
 23 Plus, we already have a lack of affordable  
 24 housing, which we are trying to make up here in  
 25 Sonoma County, especially in Windsor. When I hear

1 these gentlemen who are in the construction  
2 business, I -- of course, everyone needs a job and  
3 we want to support growing families. But I'm so  
4 curious, in a small district in Sonoma County  
5 where there is no housing and we're already  
6 underhoused for the vineyard workers that bring in  
7 a lot of the money for -- where are these houses  
8 going to come -- going to appear for these new  
9 workers that are -- first, the construction  
10 workers, and then the 1500 workers they say are  
11 actually going to work in this casino? There's  
12 just no people to hire now. I would like to ask  
13 that the BIA either redo their study or go to  
14 NEPA. There is no metrics. There's no solid  
15 basis. And I actually want the best for the Koi  
16 Nation. And I feel as though someone has put on  
17 rose-colored glasses for them as a reservation  
18 shock. This is their third try. And I expect  
19 that they're being chaperoned or helped by the  
20 Chickasaw Nation. And I'm sorry because I want  
21 them to succeed. But someone has led them down  
22 the false path. There is no way that we can have  
23 anything in this area of the county without true,  
24 true devastation, whether it be water, lack of  
25 water in water -- water tables, fire, or housing.

1 And I wish the Koi Nation the best. But this is  
2 not the place for their casino. I'm done. Thank  
3 you, sir.

4 CHAD BROUSSARD: Thank you, Ms. Sutton,  
5 for your comments.

6 Our next speaker will be Heidi Jacquin.

7 HEIDI JACQUIN: Hi. Am I on?

8 CHAD BROUSSARD: Yes. I can hear you.

9 HEIDI JACQUIN: Okay. Thank you. So I  
10 have to agree with everyone who is opposing this  
11 project. I think what surprised me the most about  
12 the EA was how thin it was. It looked like  
13 something I could type up in about an hour and a  
14 half. It didn't seem to contemplate any of the  
15 issues that we have that everyone has talked  
16 about. From water wells to fire. You know, we  
17 live in an extreme fire danger area. And I don't  
18 know if anyone has really contemplated that, if  
19 you don't live here and you haven't lived through  
20 it. I lost my home in the Tubbs Fire on a nearby  
21 hill called Redwood Hill. I now live up in Shiloh  
22 Estates. And if you weren't moved by water,  
23 traffic, schools, churches, everything else,  
24 wildlife, the creek, maybe you would be moved by  
25 death and people burning to death in their homes,



1 burning to death in their cars. Because two-lane  
2 roads are not going to evacuate the amount of  
3 people that would need to get out of the casino.  
4 And as someone who is behind the casino, where do  
5 I fit in to get my family out? I think the  
6 residents, we have all lived here a long time.  
7 And it is really scary to think that we could be  
8 trapped in because you have all of those people  
9 filling up the casino to play games and hang out  
10 here. It's very devastating to think about. The  
11 other thing that I read in the EA that made me  
12 laugh out loud was the concept that you were going  
13 to hire people during a fire evacuation. The  
14 employees were going to stand there and usher  
15 people out of your parking lot. And, you know,  
16 let people go one at a time and mitigate traffic.  
17 And after living through the Tubbs Fire, that --  
18 nobody was standing -- the only people standing  
19 and mitigating traffic were the police. Your  
20 employees -- I don't know they're going to make an  
21 hour. \$15, \$22, whatever it is. If fire is  
22 roaring down or on their back, they're not going  
23 to mitigate traffic. They're going to run for the  
24 hills and find their own car. It is not well  
25 thought out. It is very scary. And I can't think

1 of anyone who lives in this area that wants this  
2 project. As for jobs, there's so many jobs  
3 available. I'm sorry. But drive half an hour to  
4 a different job. I love for people to be able to  
5 work. I love economic activity. But this is just  
6 the wrong place and the wrong time. And the last  
7 thing I'll say, when we first -- when my husband  
8 and I first heard about this, I said, it will  
9 never happen. It's an agricultural zone. It is  
10 low-density housing. It's neighborhoods. There's  
11 parks. There's schools. There's churches. It  
12 will never happen. This is never coming here.  
13 And I'm really surprised we have gotten this far.

14 CHAD BROUSSARD: Thank you for your  
15 comment. Your time is up.

16 HEIDI JACQUIN: Thank you.

17 CHAD BROUSSARD: Thank you.

18 Our next speaker will be Lori Thomas.

19 LORI LAIWA THOMAS: Hello?

20 CHAD BROUSSARD: Yes. I can hear you.

21 LORI LAIWA THOMAS: My name is Lori  
22 Laiwa Thomas. And I'm an enrolled citizen of the  
23 Hopland Band of Pomo Indians, just down the road  
24 here. I live here in Santa Rosa. Typically I  
25 support tribal economic development projects, but

1 I cannot support this one. All tribal nations  
2 have ancestral territories and boundaries. And  
3 Koi does not belong in Sonoma County. Bottom  
4 line. They do not belong here. They belong in  
5 Lake County, where my husband is from. He is from  
6 Elem. It is disrespectful to the five Sonoma  
7 County tribes -- Cloverdale, Dry Creek, Kashia,  
8 Lytton, and Graton -- to even think about bringing  
9 economic development here into another tribe's  
10 turf. You just do not do it. Please do not  
11 approve this land and trust proposal. I just  
12 think it is the wrong thing to do. Thank you.

13 CHAD BROUSSARD: Thank you for your  
14 comment.

15 Our next speaker will be Ross Yana.

16 YANA ROSS: Hi there. My name is Yana  
17 Ross. And I'm an enrolled citizen of the  
18 Federated Indians of Graton Rancheria. I am Coast  
19 Miwok, Southern Pomo, and Mishewal-Wappo. I  
20 believe and respect tribal sovereignty and  
21 economic development for all Indian Nations when  
22 they are within traditional aboriginal homeland of  
23 their own. Every tribal nation is indigenous to  
24 someplace in this country. That is a natural  
25 fact. And while Indian people live with a legacy

1 of profound injustice and unfairness, two wrongs  
2 don't make a right. And the Koi Nation belong to  
3 Lake County, not Sonoma County. Please listen to  
4 and respect the unanimous opposition to the Koi's  
5 attempted encroachment from all Sonoma County  
6 tribal nations. My own, Federated Indians of  
7 Graton Rancheria, Kashia Pomo, Lytton Pomo, Dry  
8 Creek Pomo, Cloverdale Pomo, and Mishewal-Wappo.  
9 The Koi are indigenous to Lake County and they  
10 have no jurisdiction and no entitlement to  
11 overstep these traditional and lawful boundaries.  
12 We are just recovering from a critical fire  
13 response and multi-year drought. We have untold  
14 increased development in Sonoma County and we have  
15 enough casino resorts. This project is not smart,  
16 not ethical, or not sustainable. I implore the  
17 BIA to decline this egregious assertion from the  
18 Koi Nation and join all Sonoma County tribal  
19 nations that oppose this proposal. Thank you for  
20 considering and for this public forum. Good  
21 night.

22 CHAD BROUSSARD: Thank you, Ms. Ross,  
23 for your comments.

24 The next speaker will be David George.

25 DAVID GEORGE: Good evening,

1 Mr. Broussard. My name is David George. I live  
2 directly across the street from the site. I back  
3 to a vineyard. I have a vineyard out my front  
4 drive as I drive out, which is the proposed site.  
5 I bought this land because of the agricultural  
6 nature around me. I didn't buy it to drive out  
7 and look at the huge parking structure nor a  
8 65-foot-tall resort. I have concern about the  
9 amount of water that will be taken out of the  
10 groundwater. I know my well will run dry. Not  
11 may, but it will. As far as economic impacts,  
12 your report talks about 2.6 unemployment rate for  
13 Sonoma County, historic low. We have a severe  
14 shortage of workers in this area, whether it is  
15 construction or any other business. The  
16 construction -- the short-term construction jobs,  
17 I have been in the construction industry for 39  
18 years. So I know the industry. And these casinos  
19 are built by general contractors out of Vegas. A  
20 lot of this money that they're talking about that  
21 will be generated here will go back to Vegas.  
22 That general contractor, their subcontractors, and  
23 employees that come out of that area. We have a  
24 shortage of construction industry workers, along  
25 with every other industry here. And we do not

1 have enough to staff that. The rest of the folks  
2 will come out of Sonoma County -- outside of  
3 Sonoma County. Very little is going to stay here.  
4 As far as the ongoing full-time jobs they're  
5 talking about, the 2,220, again, there's a  
6 shortage of workers right now. There's plenty  
7 enough jobs out there that businesses need. And  
8 many businesses have gone out of business here  
9 because of the shortage of lack of workers. The  
10 2.6 percent out of work, if they wanted to work,  
11 there is plenty of jobs for them. They don't want  
12 to work. The Koi Tribe if they build this, that  
13 2,220 workers will be taken from other small  
14 businesses that are hurting for workers currently  
15 and they will go out of business. It is going to  
16 ruin their lives and their family's lives. This  
17 is not a good spot for it. It is bordered by  
18 three residents on three different sides. The  
19 65-story [sic] monstrosity will look down into the  
20 backyard of some of those that are directly across  
21 the street. They will have people peering into  
22 their windows. Their privacy will be ended. This  
23 is not the place for it. They need to put it  
24 somewhere else. The tribal Chairman Beltran  
25 talked about transparency. Where was the

1 transparency when they underhandedly and secretly  
2 bought that property without divulging who they  
3 were and their intent. If they were transparent,  
4 they would have been open on it and divulged their  
5 intent. They have not been transparent or honest.  
6 Please do not allow this project to be built or  
7 any other of their options. It needs to stay as  
8 agricultural land as been zoned.

9 CHAD BROUSSARD: Your time is up. Thank  
10 you very much for your comment.

11 Our next speaker will be Edward Evans.

12 EDWARD EVANS: Hi. Can you hear me?

13 CHAD BROUSSARD: Yes, I can. Thanks.

14 EDWARD EVANS: Thank you very much. My  
15 name is Edward Evans. I'm calling on behalf of  
16 Nor Cal Carpenters Union. [Inaudible] the  
17 environmental impact approve and let the project  
18 go forward. You have heard it before tonight.  
19 The jobs it will create, the apprenticeship  
20 opportunities for folks here in San Mateo -- in  
21 the county, in Sonoma County. Also, I do want  
22 to -- on behalf of labor, I do want to point out  
23 something. People keep harping on the fact that  
24 these construction jobs are temporary, as if -- as  
25 if something -- as if there is something about



1 construction jobs that is less than. Let me tell  
2 you something. Every construction job is  
3 temporary. And good carpenters, good  
4 tradespeople, they make a living out of going from  
5 one temporary job to the next one. As carpenters,  
6 we're always working ourselves out of a job. So  
7 we're looking for this one and we're going to be  
8 looking for others afterwards. So I can't sit  
9 here and let the Carpenters Union and let labor be  
10 told that we don't have the right to advocate for  
11 work in our communities. You're using the -- the  
12 opposition is using the environment as a reason to  
13 kill this project. So therefore, we have the  
14 right -- if you're going to try to do that, you're  
15 going to take work away from us, we have the right  
16 to advocate for the work. So that's my two cents  
17 on it. Thank you very much. Please -- please  
18 push the project forward and approve it. Thank  
19 you.

20 CHAD BROUSSARD: Thank you, Mr. Evans,  
21 for your comments.

22 Our next speaker will be Laura Pierce.

23 LAURA PIERCE: Hi. My name is Laura  
24 Pierce. And I moved to Windsor when I was about  
25 6 years old. So that was over 50 years ago.

1 And -- [indiscernible] the nice family  
2 environment. And somebody had mentioned the word  
3 earlier about disrespect. I do think it is very  
4 disrespectful to all of the people who have lived  
5 here for decades and planned to retire here. I  
6 think there would be a pretty mass exodus. I live  
7 on Tamara. And all my neighbors that I have  
8 talked to have all mentioned probably moving.  
9 Having to move. I have family members that are  
10 buried in the cemetery. I don't want to move.  
11 There's four generations of my family here. But I  
12 also can't see myself -- can't see myself trying  
13 to go to work two and a half miles away and  
14 needing it -- you know, taking 40 minutes to get  
15 there during the construction period. I'm  
16 wondering where these people are going to park.  
17 We already have -- from the housing developments  
18 that are being put up right now, right across from  
19 Esposti Park, there are people who are already  
20 parking all the way down to Tamara. So I'm  
21 wondering where all of these thousand construction  
22 workers are going to park while it is being built.  
23 And Esposti Park is right there. It is supposed  
24 to be used for children and for games and whatnot.  
25 If I -- if I had a child going there right now, I

1 would be pretty upset because I can't even get a  
2 parking spot. And when my kids were at Windsor  
3 High School and I took them to school, it already  
4 took 30 minutes to get there during commute time.  
5 Let alone, you know, the fire that everyone is  
6 talking about. What about the day-to-day effort  
7 to get to work or to get to the freeway mainly  
8 during these construction periods. I think it is  
9 such a disservice to the community. And I really  
10 truly hope that you decline this proposal. Thank  
11 you for your time.

12 CHAD BROUSSARD: Thank you, Ms. Pierce,  
13 for your comment.

14 Our next speaker will be SRT Singer.

15 Singer, are you there? Or you may be on  
16 mute. You can unmute your microphone.

17 Okay. We're going to move on to the  
18 next speaker. Singer, if you would like to speak,  
19 please come back and raise your hand.

20 Next speaker will be Angela Adams.

21 ANGELA ADAMS: Hello. Can you hear me?

22 CHAD BROUSSARD: Yes, I can. Thank you.

23 ANGELA ADAMS: Okay. Good evening. My  
24 name is Angela Adams. And I'm calling in support  
25 of the Koi Nations proposed resort and casino.

1 This will not only create amazing jobs for  
2 thousands of construction workers, but it will  
3 continue to provide careers for our local  
4 communities for years to come. This project will  
5 bring an incredible economic boost to the Sonoma  
6 County. I believe that the Koi Nation has done a  
7 great job reaching out to the public about this  
8 project. With all of these benefits, I strongly  
9 urge the BIA to approve this project. And thank  
10 you for your time and hearing me out. Thank you.

11 CHAD BROUSSARD: Thank you, Ms. Adams,  
12 for your comments.

13 Our next speaker will be Janice Sexton.

14 JANICE SEXTON: I live about 50 feet  
15 from the northern edge of the proposed project in  
16 Oak Park. There are three residential  
17 neighborhoods that surround -- that border this  
18 proposal, as well as two public roads. Both of  
19 those two public roads are two-lane roads. Shiloh  
20 Road is the only evacuation route that some 100  
21 homes across from the project have in case of  
22 wildfires. There have been two such wildfire  
23 evacuations in the past six years. Adding as many  
24 as 15,000 additional vehicles as proposed on any  
25 one day will result in gridlock and an inability

1 to safely evacuate. This applies not only to the  
2 residents, but also to the Tribe's customers,  
3 which they can't -- and employees, which they  
4 couldn't possibly want. I also want to note that  
5 I absolutely support the Sonoma County tribes.  
6 This is just not the right place for a casino.  
7 And as far as the jobs that would be created,  
8 carpenters jobs would be created no matter what  
9 was built. It does not have to be a casino. And  
10 I just wanted to make that point. And thank you  
11 very much.

12 CHAD BROUSSARD: Thank you for your  
13 comment.

14 Our next speaker will be Terri Jenson.

15 TERRI JENSON: Can you hear me?

16 CHAD BROUSSARD: Yes, I can.

17 TERRI JENSON: Okay. My name is Terri  
18 Jensen. I live on Gridley Drive with my husband,  
19 Don. We are directly across the street from where  
20 the proposed casino is planned. We have lived  
21 there for 34 years and raised our family here.  
22 There is really no question that a project of this  
23 magnitude will create jobs and benefit contractors  
24 and unions. But the issue here is not jobs. I  
25 think everybody is just missing the point. The

1 issue, why we're all here tonight, is because of  
2 the profound and permanent impact that this  
3 project will have on the quality of all of our  
4 lives and our environment. And the main issue is  
5 that this proposed site is absolutely without  
6 question the wrong location. And we could go on  
7 and on and talk about all of the different -- the  
8 different issues that were brought up tonight.  
9 The traffic, the noise, the air safety, what have  
10 you. And what we're repeatedly hearing is that  
11 the negative impacts for all of these will be  
12 minimized. But we don't want anything minimized.  
13 [Indiscernible] I have yet to hear an argument  
14 tonight in favor of this project, other than those  
15 who are interested in creating jobs. And I really  
16 would like to [indiscernible] argument for this  
17 besides jobs. Because as the gentleman before me  
18 just said, he will do this job, and it is  
19 temporary. And once he is finished, they will  
20 move on and get another job. But this is our  
21 home. We don't move to another home. This is a  
22 home that we have created for over 30 years. And  
23 when it's -- when that's impacted and the comfort  
24 of our home is taken away from us, we just don't  
25 get to pick up and move like the folks who are

1 looking for another job. And we just feel  
2 strongly about opposing this project. And I know  
3 I probably haven't said anything that hasn't  
4 already been said. But I just couldn't sit here  
5 and listen without voicing my strong opinion about  
6 how both my husband and I feel about opposing  
7 this. But I do want to thank you for allowing us  
8 all to speak and taking the time to listen.

9 CHAD BROUSSARD: Thank you for your  
10 comment.

11 The next speaker will be Debra Avanche.

12 DEBRA AVANCHE: Can you hear me?

13 CHAD BROUSSARD: Yes, I can. Thanks.

14 DEBRA AVANCHE: Thank you. My name is  
15 Debra Avanche. And I live on East Shiloh Road.  
16 I've been here for 33 years. And I raised my kids  
17 and my grandkids here. First of all, I would like  
18 to say that the Koi Nation has been given a raw  
19 deal for decades. It seems appropriate that they  
20 are given recognition as a tribe from Lake County.  
21 The members deserve land and an opportunity to  
22 thrive and to make up for lost time and resources  
23 that they were denied. That being said, I have to  
24 go on record as emphatically opposing this  
25 particular project. I'm not familiar with a



1 history of the BIA approving gaming operations of  
2 this magnitude in the middle of a rural  
3 agricultural designated area. To plot such a  
4 massive project on this land closely surrounded by  
5 a church, mobile home park, baseball/soccer  
6 fields, residential development, and single-family  
7 housing right directly across the two-lane east  
8 Shiloh Road, as well as the beautiful Shiloh  
9 Regional Park, and all of these directly abutting  
10 the Proposed Project. Not to mention the  
11 elementary schools, which I'm appalled wasn't  
12 mentioned in the report. My and my neighbors'  
13 properties are on self-maintained wells. We try  
14 hard to use every drop of water and reuse often.  
15 I divert my laundry largely to buckets which I use  
16 to water my trees and other landscaping. This  
17 project proposes a 700-foot-deep well. So rich  
18 people get to take long leisurely showers at the  
19 hotel while we haul buckets and go without a lawn.  
20 The EA addresses well impact mitigation but says  
21 that we will be fine. When the vineyard went in,  
22 in this area, quite a few years ago, the Pruitt  
23 Creek stopped running year-round. It was running  
24 in the winter when it rained, but not year-round.  
25 So wildfires and timely evacuation are another

1 main concern for me and my family. We would have  
2 a very difficult time getting out in a wildfire  
3 emergency, when we have experienced this twice in  
4 past few years. This environmental assessment  
5 seems to address the different concerns which  
6 would occur and then quickly say it probably won't  
7 be a big deal. Not a big problem. There's  
8 literally nothing about this project that isn't a  
9 very big deal. It is reasonable to find a more  
10 suitable setting for a casino hotel than that is  
11 situated in Lake County in a commercial and  
12 industrial area. I very much oppose this project.  
13 Thank you, Mr. Broussard.

14 CHAD BROUSSARD: Thank you for your  
15 comment.

16 At this time we're going to take a very  
17 short break. We have a stenographer who is  
18 recording every word of this hearing to make sure  
19 that we have an accurate record. And we want to  
20 give her a short break. It is about a 10-minute  
21 break. So we're going to reconvene at about 8:55.  
22 And we will have a timer on the screen that will  
23 show specifically when we're going to reconvene.  
24 So go ahead and start that. And then we will  
25 start right back up again, taking comments when

1 this timer gets down to zero. Thank you,  
2 everyone, for your participation. And we will be  
3 back in just a little over nine minutes to  
4 reconvene the hearing.

5 (A brief recess was taken.)

6 CHAD BROUSSARD: Okay. Thank you for  
7 your patience. We're going to go ahead and  
8 reconvene and start taking comments again.

9 So our next commenter will be Steve  
10 Plamann.

11 STEVE PLAMANN: Okay. You're unmuted.

12 JILL PLAMANN: Hello. I'm actually Jill  
13 Plamann, Steve's wife. Can I speak? Can you hear  
14 me?

15 CHAD BROUSSARD: Yes. Yes, I can.

16 JILL PLAMANN: Thank you. Okay. My  
17 name is Jill. I live close to this development.  
18 I regularly hike in the beautiful Shiloh Park,  
19 which borders this project. I personally witness  
20 the hell flames spewing from this park during the  
21 last two major fires. The fire department worked  
22 tirelessly for days to keep it from reaching the  
23 neighborhoods as it was attempting to lick the  
24 rooftops. It was horrifying. There is no way  
25 this casino won't -- won't impact the safety of

1 our neighborhood and its evacuation efforts.

2 There is no way that we can fill this agricultural  
3 space with a casino development safely. I urge  
4 the BIA to look at this narrow passageway. It's  
5 narrow. We can't survive with a casino here.

6 Thank you for your time.

7 CHAD BROUSSARD: Thank you, Ms. Plamann,  
8 for your comments.

9 Our next speaker will be Pam Bruszewski.  
10 Pam, are you there? You may have your microphone  
11 muted.

12 WALTER BRUSZEWSKI: Hello.

13 CHAD BROUSSARD: Yes. I can hear you.

14 WALTER BRUSZEWSKI: I'm Walter  
15 Bruszewski. And I am speaking for Pam.

16 CHAD BROUSSARD: Okay. Thank you.

17 WALTER BRUSZEWSKI: Okay. Hello. My  
18 name is Walter Bruszewski. I am opposed to the  
19 project. My comments are on fire risk, noise, and  
20 the idea that our neighborhood is at risk of being  
21 made uninhabitable by things that are not local  
22 and known to us. First of all, fire. I live  
23 directly across Shiloh Road from the project site.  
24 My wife and I evacuated during both the Tubbs fire  
25 and the Kincade Fire. We watched trees burn in

1 the Shiloh Regional Park. The Koi and their  
2 consultants who wrote the EEA are either ignorant  
3 of the realities of local wildfires or  
4 disingenuous. The fact that the Koi plan to  
5 create a very large casino, hotel, and performance  
6 venue which will accommodate thousands of people  
7 in a region with a local history of deadly  
8 wildfires. The Koi maintains that there will be  
9 no significant impact on the evacuation of people  
10 living in the neighborhood. On page 3-118, the EA  
11 says, quote, therefore Alternative A would not  
12 significantly impede evacuation traffic as patrons  
13 and staff would be evacuated early before  
14 community-wide evacuation. The EA offers no  
15 support for this claim. It is generally accepted  
16 that recent California wildfires are a  
17 manifestation of global warming. On page 328, the  
18 EA directs the reader to Appendix E for a summary  
19 of potential effects of climate change in the  
20 region. In Appendix E, among the impacts of  
21 climate change, wildfires are not even mentioned.  
22 This represents either considerable ignorance or  
23 just deception.

24 Not local. As the resident who will be  
25 substantially affected by the project, my clear

1 impression is that my neighborhood is now at the  
2 mercy of unknown financially powerful entities.  
3 Who are these entities? First of all, the  
4 Chickasaw Nation. Global Gaming Solutions, LLC.  
5 Another entity is the source of the \$12.3 million  
6 which enabled the Koi to purchase the land.  
7 Thirdly, the Koi Nation, whose geographic base is  
8 Clearlake, not Windsor. In fact, the Koi continue  
9 to litigate against the City of Clearlake on the  
10 basis of claims of Koi cultural artifacts in the  
11 Clearlake region.

12 Finally, I would like to address noise.  
13 The EA claims that the project will have no  
14 significant impact on noise and light pollution.  
15 It claims that proposed mitigations will render  
16 the project benign. How can this be so? How can  
17 a site that is currently inhabited by no one?

18 CHAD BROUSSARD: I'm sorry, but your  
19 time is up.

20 WALTER BRUSZEWSKI: I have one more  
21 word.

22 CHAD BROUSSARD: Okay.

23 WALTER BRUSZEWSKI: Point. Inhabited by  
24 no one, how can that site be no quieter than a  
25 casino and event center with thousands of 24/7

1 visitors.

2 CHAD BROUSSARD: Thank you. Thank you  
3 for your comment.

4 Our next speaker will be Jennifer Klein.  
5 Jennifer Klein. I think you may be on  
6 mute.

7 JENNIFER KLEIN: Can you hear me now?

8 CHAD BROUSSARD: Yes, I can.

9 JENNIFER KLEIN: Can you hear me now?

10 CHAD BROUSSARD: Yes. Thanks.

11 JENNIFER KLEIN: My name is Jennifer  
12 Klein. I'm a chief deputy county counsel with the  
13 County of Sonoma. We are -- well, first, thank  
14 you for holding this meeting. We did request that  
15 you hold community meetings as part of our  
16 comments on the scoping and -- or the notice of  
17 preparation rather. The County is closely  
18 reviewing the EA. So my oral comments here will  
19 be supplemented with written substantive comments.  
20 But I have just a few things that I want to  
21 highlight tonight. One, I want to emphasize that  
22 this NEPA document is the federal government's.  
23 It is to support your decision. And so the  
24 adequacy of it, the comprehensiveness of it, is  
25 essential to your decision. And we believe that



1 an EIS is required. The impacts are significant.  
2 They are not mitigated. And cumulative impacts  
3 really must be examined, something that BIA do not  
4 do. The speakers tonight have highlighted  
5 groundwater, water, water quality, traffic,  
6 aesthetics, noise, air quality. And really the  
7 highlight of tonight, sadly, is the flood and  
8 wildfire evacuation hazards. Wildfires do not  
9 discriminate. That's what Lahaina found when many  
10 native Hawaiians lost their lives there. We are  
11 concerned with native populations. We're  
12 concerned about the citizens of Sonoma, whoever  
13 they are. It is a very important issue to our  
14 community. And it is something that your agency  
15 must consider.

16 Two, I would like to draw your attention  
17 to Section 4, mitigation measures, and the  
18 statement that the mitigation measures are  
19 enforceable. And the basis for that is that they  
20 are either part of the project or required by  
21 federal law or tribal law. So my question is, how  
22 exactly and by whom is that enforceable? May any  
23 of the county citizens enforce tribal law?  
24 Will -- will the federal government insist that  
25 certain elements of this project that are designed

1 to mitigate impacts be built or not built? So I  
2 think you need a lot more detail on what you mean  
3 by enforceable. And I say that because the county  
4 recognizes and understands tribal sovereignty and  
5 the extent of state, local, and federal  
6 jurisdiction. And we know that when this land  
7 goes into trust, we will not have land  
8 jurisdiction or any kind of civil jurisdiction.  
9 There will be public law 280. And we heard the  
10 chairman mention that he tends to reach agreements  
11 with our sheriff. But no indication of any kind  
12 of comprehensive enforceable agreement where the  
13 Tribe waives its sovereign immunity for the  
14 purposes of allowing these types of mitigations to  
15 actually be meaningful and real.

16 CHAD BROUSSARD: Thank you. Your time  
17 is up. Thank you for your comment.

18 Our next speaker will be Carrie Marvin.

19 Carrie Marvin. If you're there, you may  
20 be -- have your microphone on mute. If you could  
21 unmute.

22 CARRIE MARVIN: Here we go. Can you  
23 hear me now?

24 CHAD BROUSSARD: Yes, I can.

25 CARRIE MARVIN: Great. Great. One

1    thing -- everyone said a lot of great things, so I  
2    don't want to rehash everything. But what I would  
3    like to say is I haven't heard every single  
4    speaker, but what I did notice was that the union  
5    people that were calling in, none of them said  
6    that they were local, except one that I heard that  
7    said that they were from Rohnert Park. And no one  
8    else mentioned where they were from. Someone  
9    started to say San -- maybe it was San Mateo. I'm  
10   not sure. So I thought that was interesting. But  
11   they're not local people who are saying -- it  
12   didn't appear to me to be that they were local  
13   people.

14               My other comment is that definitely  
15   concerned about the fire, as everyone else is.  
16   And that is a very, very real thing. And for  
17   people who haven't experienced it, people that are  
18   calling in or the Chickasaw tribe, they haven't  
19   experienced the fires the way we have. It is very  
20   real and very frightening. And to think about the  
21   thousands of people and thousands of cars in  
22   addition in this area trying to escape. And I  
23   also agree with Heidi, whoever she was. But she  
24   was laughing at the people in the parking lot that  
25   were going to guide people out. I mean, you're

1 fleeing for your life. You're not helping people  
2 get out of a parking lot.

3           Anyway, as we all know, this tribe is  
4 not from Windsor. It is a Lake County tribe. And  
5 we are definitely against this. It is the wrong  
6 place to have this venue. So please, please do  
7 not -- do not approve this. Thank you very much.  
8 I appreciate your time.

9           CHAD BROUSSARD: Thank you, Ms. Marvin,  
10 for your comments.

11           Our next speaker will be Walter  
12 Bruszewski.

13           WALTER BRUSZEWSKI: Hello. I already  
14 spoke on my wife's spot.

15           CHAD BROUSSARD: Okay.

16           WALTER BRUSZEWSKI: Okay.

17           CHAD BROUSSARD: Thank you very much for  
18 your comments.

19           WALTER BRUSZEWSKI: Thank you.

20           CHAD BROUSSARD: Our next speaker will  
21 be Paul Fisette.

22           PAUL FISETTE: Hi, Chad. Thank you. My  
23 name is Paul Fisette. I'm a Windsor resident.  
24 I'm raising my family here. And I just want to  
25 speak in objection to this casino being built.

1 There's been a lot of good comments tonight. I  
2 have a few more points. The first being that in  
3 the scoping report and in the presentation made  
4 earlier today, I didn't see any sort of  
5 projections of what this casino is going to look  
6 like at night. This is a five-story hotel,  
7 four-story garage, a three-story casino. And all  
8 of that is going to be lit. And this is being put  
9 directly in a residential area. I haven't seen  
10 any evidence that the mitigation mentioned in the  
11 scoping report is going to reduce the level of  
12 light that is going to be surrounding this casino  
13 and this facility and how that is going to impact  
14 the residents.

15 I also want to speak a little bit about  
16 Pruitt Creek. Now, this is going to have a garage  
17 and parking for approximately 5,000 cars. And  
18 I've looked at the map in your scoping report.  
19 And the parking facility is going to be about  
20 30 feet away from Pruitt Creek. That is  
21 potentially the runoff, the -- from an entire  
22 garage area going directly into the creek during  
23 the rainy season. Not to mention what happens if  
24 that wastewater treatment plant has any issues.  
25 It is all going to go into the creek. And, you

1 know, during the winter, we've had up to  
2 eight inches of rain in one day. That will all  
3 dry -- whatever pollutants go into that creek,  
4 into our watershed, and also directly into the  
5 mobile home park that is less than half a mile  
6 away from this proposed facility. And one of the  
7 things in the scoping report that you're asked to  
8 consider is the impact of this building on  
9 lower-income residents around the area. And I  
10 would propose that -- or I would ask that a lot of  
11 effort be taken to see what kind of impact would  
12 actually occur to the folks that are in the --  
13 folks that are in the mobile home area next to  
14 this proposed casino. How a wastewater treatment  
15 plant will impact them. How the runoff from, you  
16 know, the cars and sort of the -- everything that  
17 is going to be involved in having 20,000 people in  
18 a facility, you know, 60 acres large, is going to  
19 impact these folks.

20 And so, again, I would just say the  
21 folks that have called in today, advocating for  
22 this have been benefiting monetarily. And the  
23 folks objecting to it live here and want to raise  
24 their kids here. Thank you.

25 CHAD BROUSSARD: Thank you, Mr. Fisette,

1 for your comments.

2 Our next speaker will be Lynn Darst.

3 LYNN DARST: You can hear me?

4 CHAD BROUSSARD: Yes, I can. Thank you.

5 LYNN DARST: Okay. My name is Lynn  
6 Darst. I moved to Windsor 24 years ago. I live  
7 in a residential neighborhood closer to the  
8 proposed project. My husband and I selected  
9 Windsor due to the close proximity of businesses  
10 that would suit our needs during the time we age  
11 in place. It has been reported in the press and  
12 mentioned this evening that the estimated amount  
13 of employees for this project would be between  
14 1100 and 2,000. And that it would be a  
15 significant boost to Sonoma County. I strongly  
16 disagree, as it would devastate the businesses and  
17 the towns of Windsor, Santa Rosa, and outlying  
18 towns of Sonoma County where we have experienced a  
19 significant shortage of staff. Businesses have  
20 closed due to lack of staffing. Hours of  
21 operation have been altered due to lack of  
22 staffing. Customer service in many businesses has  
23 been affected due to lack of staffing. The  
24 existing local businesses will suffer greatly. As  
25 a result, we, the residents, will be severely



1 impacted. The now hiring signs are evident  
2 throughout Sonoma County. I support the BIA to  
3 assist the Koi Nation to find property in Lake  
4 County where they can fulfill their dream of  
5 building a casino resort. For many reasons  
6 mentioned this evening, I am highly opposed to the  
7 Proposed Project on East Shiloh Road. Simply put,  
8 it is in the wrong location. Thank you.

9 CHAD BROUSSARD: Thank you, Ms. Darst,  
10 for your comments.

11 Our next speaker will be Debora Fudge.

12 DEBORA FUDGE: Hi. Thank you for  
13 listening to all of us tonight. I'm a 27-year  
14 council member and a six-time mayor. And this  
15 casino proposal is actually adjacent to my council  
16 district. There are a few things that I'm going  
17 to try to bring up that haven't been brought up or  
18 have been -- or I'm going to try to add more  
19 information. The urban growth boundary that  
20 people talk about was voted in by the residents in  
21 1998. And I'm one of the authors of it. The  
22 property that they discussed tonight was actually  
23 purposefully left out of the original town  
24 boundary and the urban growth boundary. So it has  
25 always been proposed to remain viniculture, as it

1 is now. Also, in Windsor, we have a Shiloh Road  
2 Vision Plan. So we have a 20-year plan for this  
3 whole vision -- this whole Shiloh Road. It is  
4 supposed to be a two-lane boulevard with a median  
5 of trees to slow traffic in town, going to and  
6 from 101. This project would ruin and dissolve  
7 our plans for the Shiloh Road area. Also, the  
8 town has proposed a roundabout at Shiloh and Old  
9 Red. I'm not sure what would happen to that  
10 proposal with this project.

11 My primary concern is about fire.  
12 People have talked about it. But I was in the  
13 emergency operations center with the fire chief in  
14 2019 during the Kincade Fire. And on the second  
15 night, the fire captain told me at -- it was at  
16 about 3:00 a.m. He said, we're going to lose all  
17 of Windsor tonight. All 27,000 people who live  
18 here were going to lose everything unless the  
19 fire -- unless the wind direction changed  
20 slightly, which it did. If the fire couldn't be  
21 stopped at Foothill Park, where it was eventually  
22 stopped with 200 fire engines, the fire was going  
23 to march all the way to the ocean. And that's  
24 what the fire captain told me. So the fire that  
25 people are talking about, the danger, cannot be

1 understated.

2 Further, the Lytton Pomo Tribe who built  
3 housing here when they were putting their land  
4 into trust agreed in a senate hearing to no gaming  
5 in Sonoma County in perpetuity, which we really  
6 appreciated. So it is sort of shocking to have  
7 another tribe come and propose a casino, when the  
8 Lytton Pomo graciously agreed to not have any  
9 gaming here in Sonoma County.

10 So this is simply the wrong project in  
11 the wrong location. I think there would be  
12 support in town for the Alternative C.  
13 Somebody -- another council member mentioned a  
14 parcel on the other side of 101 and Shiloh. It is  
15 called the Olufs property. I do know the tribe is  
16 listening. The Sonoma County Tourism Bureau would  
17 like to build a convention center and resort  
18 there. They need a partner. So I would propose  
19 that the tribe work with the Sonoma County Tourism  
20 District to build us a convention center, which I  
21 think everybody could support and help support the  
22 tribe.

23 Thank you for listening to all of our  
24 comments tonight.

25 CHAD BROUSSARD: Thank you, Ms. Fudge,

1 for your comments.

2 Our next speaker will be Amy Ramsey.

3 AMY RAMSEY: Hi, hello. Thank you for  
4 holding this meeting tonight and letting us speak.  
5 I know it is late, so I will keep my comments  
6 brief. I'm speaking on behalf of my family and  
7 also my parents who also live in the community.  
8 We were here for the 2017 and 2019 fires. So I  
9 cannot overstate the challenges that we foresee  
10 with getting out if there were another fire here.  
11 That has been really addressed tonight, so I'll  
12 move on from that.

13 But for every reason that has already  
14 been stated, we strongly oppose this. And, you  
15 know, we would love for an alternative location to  
16 be found that does not have such a horrific impact  
17 on the surrounding community that this will have.  
18 We -- one of the things that I really honed in on  
19 with the -- the report that was submitted -- and  
20 it is a huge report to comb through, but it really  
21 was striking to me that there was nothing in there  
22 that talked about the impact to the value of the  
23 homes for the surrounding area. It wasn't even  
24 addressed. And so I'm -- I'm curious about that  
25 because I'm sure there is data about other casinos

1 and the impact of the residential homes in that  
2 neighborhood.

3 And, you know, there are so many reasons  
4 that we have all gone over tonight that really  
5 show that I think the community that is in the  
6 area where this casino could be built is not in  
7 support of it. And the support seems to be coming  
8 from people that will not have to be there and  
9 deal with the impacts of it for the long haul.  
10 And so I'm really happy to go -- to be able to  
11 speak after the previous city councilperson. And  
12 she did a phenomenal job of talking about the  
13 opportunity for this tribe to find a location in  
14 an area where the community is going to  
15 wholeheartedly and resoundingly support their  
16 efforts. And that's what we hope that you will  
17 all look towards. And we hope that you will vote  
18 against and not allow this to happen in our  
19 community. Thank you.

20 CHAD BROUSSARD: Thank you, Ms. Ramsey,  
21 for your comments.

22 Our next speaker will be Sam Singer.

23 You may be on mute. Unmute your  
24 microphone.

25 SAM SINGER: Oh. Mr. Broussard. Sorry

1 about that.

2 CHAD BROUSSARD: Thank you.

3 SAM SINGER: My name is Sam Singer. I'm  
4 a California native. I've had the honor to know  
5 the Koi leadership for more than a decade. And  
6 I've had the privilege to work with the tribe. I  
7 urge the BIA to approve the Koi Nation resort and  
8 casino and its environmental assessment. I read  
9 the EA, and I believe it to be complete and  
10 thorough. The important fire protections,  
11 wildfire evacuation, water, sewer, traffic,  
12 parking impacts, as well as environmental  
13 mitigations are included in the EA, which I  
14 support. There is no significant impact on the  
15 nearby community as it is a commercial area next  
16 to big-box retailers, including Home Depot and  
17 Walmart, as well as an airport and other  
18 businesses. The Koi project has the support of  
19 nearby retired county sheriff and hundreds of  
20 other local citizens. The Koi lived in this  
21 region for thousands of years. They are a  
22 federally recognized Sonoma-area tribe. The  
23 traditional trade route of their people runs  
24 through the proposed resort and casino site. The  
25 Koi have called Sonoma their tribal headquarters

1 for more than a century. The tribe has fought  
2 hard for economic independence. This proposed  
3 project will employ their members and create jobs  
4 in the community, boost travel and tourism, and  
5 employ hundreds when opened. This will allow the  
6 tribe to keep its tribal customs alive and honor  
7 the spirit of its ancestors as they seek to regain  
8 their sovereign land and build a self-sustaining  
9 future for their members and for future  
10 generations. The Tribe has done an excellent job  
11 of reaching out to the public to inform them about  
12 their plans. The Koi Nation has an agreement with  
13 the Carpenters Union to build a union project.  
14 They have an agreement with the Chickasaw Nation,  
15 the most respected tribe in the gaming world, to  
16 manage the facility. The tribe has always been  
17 respectful and been a good neighbor. 17 other  
18 Native-American tribes support the Koi project and  
19 the EA to approve the Koi casino and resort.

20 I find it a little troubling that some  
21 of the voices this evening keep talking about  
22 being local, that they're local. The Koi Nation  
23 lives, works, and has been in Sonoma for thousands  
24 of years, far longer than the speakers this  
25 evening. I have great respect for them, but they



1 have to keep in mind that there are other people  
2 who live in their community as well. Thank you  
3 for your time.

4 CHAD BROUSSARD: Thank you, Mr. Singer,  
5 for your comments.

6 Our next speaker will be Caroline  
7 Gonsalves.

8 Caroline, are you there?

9 I think you may be on mute. Are you  
10 there?

11 Okay. We're going to move on to the  
12 next speaker. And, Caroline, if you want to sign  
13 back up and raise your hand, we can try to get to  
14 you later.

15 Next speaker will be Richard Boyd.

16 RICHARD BOYD: Thank you for listening  
17 to all of us for all of this time. I'm Richard  
18 Boyd. I live two blocks north of Shiloh Road. I  
19 have many concerns about the proposed casino hotel  
20 on the other side of Shiloh Road. I'll just talk  
21 about two of them. The first is what happens to  
22 the Pruitt Creek when we have another atmospheric  
23 river? The one we had last year turned this quiet  
24 little creek into a river, threatening the  
25 residents and their homes near to it. Consider

1    what happens when we get another atmospheric river  
2    when we now have a vineyard that much of the rain  
3    water soaked up and is now paved over for a  
4    parking lot. Well, all of that will also go into  
5    the creek. And now it will turn it into a raging  
6    river. So the residents who lived there during  
7    the first atmospheric episode will be forced to  
8    leave, evacuate.

9                    The more pressing issue is the fire  
10    evacuation order. This certainly has been talked  
11    about a lot, but I will put a couple extra spins  
12    on it. The past evacuations were entirely  
13    orderly, certainly compared to Coffey Park and  
14    Paradise Fire and certainly Lahaina. But that  
15    depends on the wind. And we were luckier than the  
16    people in those other locations. The number of  
17    people who need to pass through the Shiloh 101  
18    interchange to evacuate, though, will soon  
19    increase dramatically with the completion of the  
20    300-unit apartment complex at Shiloh and Old  
21    Redwood, and a comparable one under construction  
22    at the Home Depot and Walmart lot. All of these  
23    occupants, along with the rest of us who live east  
24    of them, will have to pass through the  
25    Shiloh/Highway 101 interchange in order to

1 evacuate. Now add the 2,000 guests and employees  
2 from the casino hotel complex. It is easy to  
3 imagine that hundreds of people might well die in  
4 their cars, incinerated because they were unable  
5 to pass through crush at Shiloh and 101. It  
6 happened in the Paradise Fire where several people  
7 in their cars wouldn't even be close to what would  
8 happen when the casino hotel patrons were added to  
9 the already existing population trying to flee a  
10 fiery death. Further, widening Shiloh Road won't  
11 have any effect either because you also have the  
12 same log jam at the Shiloh/101 junction. No  
13 significant impact? Any EA that concludes that  
14 surely has zero credibility. Thank you.

15 CHAD BROUSSARD: Thank you, Mr. Boyd,  
16 for your comments.

17 Our next speaker will be Anne Gray.

18 ANNE GRAY: Can you hear me?

19 CHAD BROUSSARD: Yes, we can. Thanks.

20 ANNE GRAY: Okay. I'm Anne Gray. My  
21 family has lived in Santa Rosa for over 35 years.  
22 So I don't live in Windsor, but I do go there at  
23 times. I usually go to Home Depot, right off of  
24 101 and Shiloh. And I have to say that one of the  
25 things that I dread about going there now is the

1 traffic, especially at -- you know, when you're on  
2 Shiloh. I'm always thinking, I can't believe it  
3 is so crowded here and there aren't a lot of  
4 accidents because it sure looks like it is ripe  
5 for it. So the idea of adding even more traffic  
6 in that area is I think a mistake. And therefore,  
7 I oppose the casino.

8 I oppose it for reasons already stated.  
9 And I'm also surprised that so many callers  
10 supported it because it would bring short-term  
11 construction jobs for workers, from what it sounds  
12 like, go from one big construction site to another  
13 and don't -- and it doesn't seem that they live in  
14 the area. But I wanted to add one more thing too.  
15 And that is according to Google Maps, there's  
16 already a casino, a huge one just 14 miles or 17  
17 minutes away from the new proposed site. Graton  
18 Casino is just minutes from the nearby site, right  
19 down 101. And as we all know, it is a huge  
20 casino. I don't think that we need another one so  
21 close.

22 Secondly, Santa Rosa and other areas are  
23 building huge buildings, huge apartment buildings,  
24 et cetera, to deal with the homeless situation and  
25 the lack of housing. And I have heard that 4500

1 more homes or apartments will be added by the end  
2 of 2025 in order to meet State requirements. So  
3 when you look at the environmental impact, do you  
4 consider the impact of adding all that traffic  
5 from the casino to already stressed highways?  
6 101, the major one, is also a very important  
7 critical major evacuation highway. And it too is  
8 stressed. I mean, the Tubbs Fire crossed over 101  
9 from the east to the west and went right into  
10 Coffey Park and other areas. And adding even more  
11 traffic could really hurt an already stressed  
12 evacuation system.

13 I think that this site is a poor site  
14 for this new development. We do not need another  
15 casino right down the road from the one we already  
16 have. And there must be some other sites,  
17 commercial, industrial sites that are better --  
18 are better locations for this new casino. Thank  
19 you.

20 CHAD BROUSSARD: Thank you, Ms. Gray,  
21 for your comment.

22 Our next speaker will be Matthew Prott.

23 MATTHEW PROTT: Can you hear me?

24 CHAD BROUSSARD: Yes, I can. Thank you.

25 MATTHEW PROTT: My name is Matt Prott.

1 I'm a resident of Windsor. I would like to point  
2 out a couple things. First off, the -- I listened  
3 to every comment this evening. Every objection --  
4 excuse me, every proponent of the casino has been  
5 from a builder's standpoint. Mostly it sounds  
6 like the Carpenters Union has asked their members  
7 to call in and advocate for jobs and economic  
8 security. The other -- the only two that have  
9 been fallen under this umbrella are a Mr. Boyd,  
10 who called in, I believe, from Oklahoma,  
11 representing the Chickasaw Nation. He seemed to  
12 advocate for the casino based on a bunch of  
13 talking points. He mentioned that he had  
14 represented 20-some-odd casinos that they have  
15 advocated for. They're a money -- you know,  
16 they're a funder of casinos, such as what we're --  
17 you know, the Shiloh -- the -- his telling point  
18 was a comment saying that the rising tide will  
19 lift all ships. I'm not sure what that means. We  
20 just got a comment also from a Mr. Sam Singer  
21 advocating for the casino. I did a quick Google  
22 search, and he is a media PR representative for  
23 the Koi Nation. We have not heard from any Koi  
24 Nation members at all on this. The only advocates  
25 are construction jobs and outlying lobbyists. We

1 have heard from a lot of local opponents  
2 advocating for -- excuse me, explaining the  
3 common -- the water supply issues, the fire danger  
4 issues, the noise issues, the pollution,  
5 wastewater potential issues, the safety and crime  
6 issues, life potential -- life pollution. My  
7 point is more subjective. I believe that there --  
8 this is an agricultural, very rural area. I  
9 bought my home here 32 years ago for the quality  
10 of life that it provided, which was, you know, a  
11 rural, quiet, serene environment. I believe most  
12 of the local residents probably share that.  
13 There's not a -- in the EA, there's not -- any  
14 kind of measurement of the quality of life that  
15 would be affected by this -- this casino or even  
16 Plan C, the hotel. I believe if it goes -- if the  
17 EA does not address this --

18 CHAD BROUSSARD: Thank you, sir, but  
19 your time is up. So please finish your comments.

20 MATTHEW PROTT: The EA should advocate  
21 or measure the quality of life cost of this  
22 proposal. Thank you.

23 CHAD BROUSSARD: Thank you very much for  
24 your comment.

25 Our next speaker will be Paige Mazzoni.



1                   Paige. Yeah. You may be on mute.

2   Unmute your microphone.

3                   PAIGE MAZZONI: Can you hear me now?

4                   CHAD BROUSSARD: I can. Thank you.

5                   PAIGE MAZZONI: All right. My dog is  
6   excited. So a couple of comments. A lot of them  
7   have already been made. One, if you trace the  
8   history of the Koi Nation, which is pretty easy to  
9   do in local history, they came from Lake County.  
10   That is true. Their trade route was through the  
11   Russian River, which is not here. It is about  
12   seven to eight miles north. Also, as has been  
13   stated, the neighborhood adjacent to this proposed  
14   casino are middle class. They are people who came  
15   here, not a lot of money. They built a lifetime  
16   of value in their homes. This will mitigate that  
17   lifetime of value and do irreparable damage to a  
18   lot of life savings for a lot of people. There  
19   are standards. There are statistics across  
20   studies. Thompson, Gazel & Rickman in 1996 that  
21   showed the introduction of a casino raises crime.  
22   This proposed casino would be within a seven-mile  
23   area of several elementary schools and two high  
24   schools. People who would be highly susceptible  
25   to crime. Traffic in our area has already

1 increased exponentially. We now have another huge  
2 apartment building on the corner of Shiloh and Old  
3 Redwood that has inadequate parking. The parking  
4 in our neighborhood, just north of that, has  
5 already started to be impacted. They're parking  
6 on our streets. You introduce more cars to that.  
7 It already can be a 20-minute exit from our little  
8 neighborhood in Merner, all the way to the  
9 highway. It can be 20 minutes already. It is  
10 going to get worse once that apartment gets  
11 filled. If you add 200 people in a hotel, it is  
12 going to get worse. There is no way -- I  
13 understand that indigenous tribes are not -- they  
14 are not required to follow CEQA, but there are  
15 bobcats, flowers, fox, barn owls, all kinds of  
16 wildlife on that piece of property. We see them  
17 every day in our backyards. They will be damaged  
18 by this. We are all subjected to water  
19 restrictions. We can only water on certain days.  
20 We can't water whenever we want. Our gardens have  
21 died over the last couple of years because of the  
22 city water restrictions. And now you're going to  
23 put a resort where there will be water every day  
24 and it will affect every single one of us because  
25 we already have been affected by water

1 restrictions. And then finally, the escape route  
2 for the fires, those fires came over that hill and  
3 it was very difficult to get out. It was very  
4 fast. There is no way that -- putting this resort  
5 on that road, there is no way to create any kind  
6 of transport out that will actually make it safe  
7 for all of these neighborhoods to get out and to  
8 the freeway. It is basically creating a trap  
9 where people are going to die.

10 So I understand that indigenous tribes  
11 have a right to their land. But this is not their  
12 land. This is a really lovely piece of property.  
13 And it's going to endanger the people in all the  
14 surrounding neighborhoods. So we strongly,  
15 strongly, strongly request that you do not approve  
16 this. Thank you.

17 CHAD BROUSSARD: Thank you for your  
18 comment.

19 Our next speaker will be Aaron Hadzess.

20 AARON HADZESS: Hello. Can you hear me?

21 CHAD BROUSSARD: Yes, I can. Thanks.

22 Are you there? I heard you for a  
23 second. But -- is he dropping off?

24 AARON HADZESS: I'm sorry. Can you hear  
25 me now?

1 CHAD BROUSSARD: Yes, I can.

2 AARON HADZESS: Yes. Yes. I -- I'm a  
3 union carpenter. And I've heard all kinds of  
4 opposition to the project from people who are  
5 against the -- against the project. I just want  
6 to say -- I'm a 21-year member -- I'm sorry --  
7 resident of the Sonoma County. And many times  
8 I've had to drive to San Francisco. And I would  
9 like to work on a project here close to town,  
10 where I live. It is a real detriment to travel  
11 long distances. And it is difficult on my family  
12 life. So it's been brought up that the jobs have  
13 been sort of disparaging by calling them  
14 temporary. In the world of construction, as was  
15 mentioned by a previous caller, I believe,  
16 Mr. Evans, all jobs are temporary nature. You  
17 know, you're building a thing. You start the job,  
18 you build it, and then you build another one. So  
19 that's just I think kind of a common misconception  
20 to a lot of people who don't work in construction.  
21 So in closing, I would just like to say that this  
22 project is about supporting working men and women  
23 in Sonoma County. And I strongly urge the BIA to  
24 support this project and do a -- push it forward  
25 for the good of all working people in Sonoma

1 County. Thank you.

2 CHAD BROUSSARD: Thank you for your  
3 comment.

4 Our next speaker will be Joan Chance.

5 JOAN CHANCE: Hello?

6 CHAD BROUSSARD: Yes. I can hear you.

7 JOAN CHANCE: Oh, great. Okay. My name  
8 is Joan Chance. And we've lived on East Shiloh  
9 Road for over 30 years. I'm speaking tonight  
10 against the development of the casino and what it  
11 could do to our neighborhood. I know you've heard  
12 this before, but it would be hard for anyone to  
13 understand an evacuation unless they have been  
14 through it. And we have done it twice. No matter  
15 how well you're prepared for an evacuation,  
16 gathering last-minute belongings, pets, livestock,  
17 and heading out the door is just the beginning.  
18 It took an hour and a half to get a mile down the  
19 road, just to the freeway. And with the casino  
20 going in, the thousands of cars, people partying  
21 and drinking until all hours, it would be total  
22 gridlock. Not just on Shiloh Road, but when you  
23 hit 101. And I can't imagine the horses burning  
24 up in the trailer. That would just be  
25 devastating. It's just not right.

1                   Anyway, most of us in the immediate area  
2   are on wells. And we're pretty conservative with  
3   our water out here. It sounds like the casino  
4   will be using more water in one day than the  
5   locals will use in a year. When the water drops,  
6   the quality of our water drops as well. This  
7   doesn't seem to be a fixable problem at all.

8                   Anyways, with added noise and lights at  
9   the proposed casino, there would be no more  
10   looking at the stars, no more leaving windows open  
11   on warm summer nights, no more peace and quiet.  
12   The casino would not just be a neighborhood  
13   nuisance, it would endanger our community. A  
14   casino does not belong in a residential  
15   neighborhood. Thank you.

16                  CHAD BROUSSARD: Thank you, Ms. Chance,  
17   for your comments.

18                  Our next speaker will be Gregory Heath.

19                  JANINE HEATH: Hello? Can you hear me?

20                  CHAD BROUSSARD: Yes. Yes, I can.

21   Thank you.

22                  JANINE HEATH: Yeah. This is actually  
23   Janine Heath. I'm a retired RN. I live locally.  
24   And I find it interesting that I'm the third RN to  
25   speak tonight. Because a lot of times, you know,

1 we RNs advocate for communities where we live,  
2 the people in the communities. And I have to say  
3 that in reading the report, I was very upset to  
4 read all of the less than significant impact  
5 results, you know, on the noise, traffic,  
6 economics, crime. I mean, I -- I think that it is  
7 going to be an extreme negative -- extremely  
8 negative impact on quality of life and, in fact,  
9 even threat life itself. So I know, you know, it  
10 is something that all the issues have been  
11 addressed that I wanted to address. But I just  
12 wanted to make that emotional statement, that I  
13 think it is going to have a very significant  
14 negative effect on the community. And that's all  
15 I have to say. Thank you.

16 CHAD BROUSSARD: Thank you for your  
17 comment. Our next speaker is Deena Stapleton.

18 DEANA STAPLETON: Yes. Thank you. My  
19 name is Deena Stapleton. You know, one of my  
20 biggest concerns is the lack of consideration for  
21 increased traffic around San Miguel School on  
22 Faught Road. This is the back way. And it will  
23 be used. I live in the neighborhood directly  
24 across the street. And my two sons attend  
25 San Miguel. I already think of Faught Road as a



1 dangerous road due to fast driving. I do not let  
2 my kids cross the road without supervision. And  
3 I'm deeply concerned about the increased traffic  
4 and speeding and drunk driving and decreased  
5 safety to the kids trying to cross Faught Road to  
6 go to school or just to play in other parts of the  
7 neighborhood. I think the EA needs to assess the  
8 small two-lane road between Faught Road at  
9 San Miguel and Shiloh. It is a skinny road with  
10 ditches on either side. It is tree lined. There  
11 are accidents and deaths on the road. You can see  
12 the flowers and crosses when you drive that way.  
13 And people under the influence will drive on the  
14 road no matter what the law says. And they  
15 will -- it is going to happen. And the road needs  
16 to be assessed for those issues. I'm also  
17 concerned about the light pollution. I'm looking  
18 out my back window right now. It faces the fields  
19 and where this proposed site is. And it is black.  
20 You know, the casino will have a significant  
21 impact on light pollution, not only for the people  
22 and their view, but their circadian rhythms, which  
23 are influenced by the light. I'm also a nurse.  
24 So I have to throw that in there. Also the  
25 nighttime animals. That was not addressed. I so

1 resonated with the gentleman that talked about  
2 just that majestic feeling and aura that this  
3 whole area has. You know, that can't be put into  
4 words. I was literally at Shiloh today and just  
5 was looking west on to this proposed site, and it  
6 brought tears to my eyes knowing that was going to  
7 be lost. So I agree with so many of the other  
8 things that people stated in opposition to this  
9 project. This is the wrong place for this  
10 project. And I oppose it. Thank you for your  
11 time.

12 CHAD BROUSSARD: Thank you,  
13 Ms. Stapleton, for your comments and everyone for  
14 your comments. That concludes our list of  
15 individuals who signed up to share their comments.  
16 And I want to thank everyone for their patience  
17 and their participation in this hearing tonight.  
18 If there are no more comments, this concludes the  
19 BIA's public hearing for the Koi Nation  
20 fee-to-trust and proposed casino project. Thank  
21 you again for your participation and good night.

22 (Public meeting concluded at 9:46 p.m.)

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## COURT REPORTER'S CERTIFICATE

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I, BROOKE SILVAS, a certified shorthand  
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I further certify that I am not of  
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or in any way interested in the event of this  
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parties thereto.

Dated: October 11, 2023

*Brooke Silvas*

BROOKE SILVAS

CSR No. 10988



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43:5

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