

Friends of Amador County

"The Voice of Thousands"

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Mr. John Tinger
U.S. Environmental Protection Agency
Region IX
NPDES Permits Branch

Regarding: Buena Vista Rancheria Historic Properties Treatment Plan

Dear Mr. Tinger,

The Friends of Amador County (FOAC) greatly appreciates the opportunity to comment on the Buena Vista Rancheria of Me-Muk's Historic Properties Treatment Plan for the Tribe's proposed gaming facility project (plan).

We have reviewed the Plan as presented by the Tribe and as was the case for the two TEIR's presented by this Tribe, mitigation of clearly identified serious problems are non-existent. Once again the Tribe fails to make even the slightest attempt to mitigate clearly identified problems. As an example, on page twelve, first paragraph the Plan states, **"EPA in consultation with SHPO has determined that the proposed undertaking will adversely affect CA-AMA-411/H (Upusuni Village) and the Buena Vista Peaks located within the indirect APE, due to the introduction of visual, atmospheric or audible elements that may diminish the integrity of the properties significant historical features."**

The Tribes response to that clearly identified problem is simply to deny the existence of the problem by stating on page 19 that, **"Although no known historic properties would be directly impacted by construction or operation of the project it is possible that previously unknown archaeological deposits, including human remains and funerary objects, could be discovered during ground-disturbing activities."**

As if that denial of a problem were not enough, The coordinator of the California Saving Graves Agency reported and documented on that agencies web site on 11-06-00, that Ms. Pope, the current Tribal Leader, reported that there are **"over one-thousand unmarked graves"** at the Buena Vista site.

Further, in May of 2002, Ms. Pope filed suit in the United States District Court – Eastern District of California NO. CIV. S-01-2255 FCD DAD against the United States to seek, **"inter alia to enjoin Potts (the previous Tribal leader) from beginning construction on a casino project on the lands of the Buena Vista Rancheria of Me-Wuk Indians of California.**

The court ruled in favor of Ms. Pope and page 15 lines 1 through 6 state that **"The court agrees that the balance of hardships tilts sharply in Pope's favor. Pope has argued that she will suffer irreparable harm if a casino is built on land upon which her father and ancestors are buried and which has served as the focal point for the tribe's religious and spiritual activities. The court agrees that the harm alleged by Pope is significant."**

The current EPA and SHPO ruling that the proposed gaming facility would have an adverse affect on the site has been supported by a previous ruling from a federal court. That ruling was based on evidence presented by the very proponents of this casino project. To issue a Permit for this project would not only render Section 106 moot, it would defy all logic and force FOAC to seek redress in the courts.

Sincerely,

Jerry Cassesi
President, Friends of Amador County

