



**COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS**

November 21, 2017

The Honorable Randy Fletcher
Chairman, Board Of Supervisors
Yuba County
915 8th Street, Suite 109
Marysville, CA 95901

Dear Chairman Fletcher:

The purpose of this letter is to bring to your attention; Enterprise Rancheria appears to have commenced casino construction without fulfilling its obligations under its Memorandum of Understanding with Yuba County, and without securing the additional mitigation measures recommended in the Final Environmental Impact Statement for the project. Accordingly, the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community respectfully requests that the County issues a stop-work order on this project and takes other necessary steps to hold Enterprise accountable for its obligations under the MOU and the FEIS.

The construction of this off-reservation casino without the required permits threatens significant Tribal and County interests, endangers County residents, and violates the law. It also violates obligations Enterprise Rancheria has with the County and the federal government.

As you know, in December of 2002 the County and the Enterprise Rancheria executed a Memorandum of Understanding ("MOU") outlining the mitigation measures the Tribe agreed to take *prior to commencing construction* of a casino in Yuba County. These measures were intended to offset some of the Tribal casino's negative impacts on the County and its residents and resources. Furthermore, in 2012, when the federal government issued a Record of Decision ("ROD") approving Enterprise Rancheria's request that Yuba County land be placed in federal trust for the Tribe's benefit, the ROD *incorporated* the MOU's mitigation provisions and *added several additional requirements including obtaining several permits*.

Thus, Enterprise Rancheria is obligated to obtain permits and take additional action aimed at mitigation prior to commencing construction, both as contemplated by the Department of the Interior and as a matter of contract with the County.



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To date, our understanding is that Enterprise has failed to take the following actions contemplated by the Department of the Interior and Enterprise's MOU with Yuba County:

1. Adopt and comply with building codes no less stringent than applicable building codes, fire codes, plumbing, electrical and related codes applicable in Yuba County.
2. Adopt and comply with fire safety standards no less stringent than any County ordinances and California state laws dealing with fire safety.
3. Adopt and comply with water quality standards no less stringent than water quality and safe drinking water standards applicable in California.
4. Adopt and comply with food safety and public health standards no less stringent than state standards.
5. Obtain a National Pollutant Discharge Elimination System (NPDES) permit from the US EPA for sediment control and erosion prevention, and adopt a required Storm Water Pollution Prevention Plan (SWPPP).
6. Implement storm water mitigation measures including incorporation of storm drains, vegetative swales, a sediment/grease trap, and development of an on-site detention basin.
7. Make building plans available to the State Reclamation Board for review, given part of the proposed development is within the 100-year flood plain
8. Develop and implement numerous safeguards to prevent air pollution, given that the construction will occur within an EPA non-attainment zone.
9. Obtain a USACE Section 404 Clean Water Act permit to ensure that construction will not impact waterways of the United States.
10. Adopt mitigation measures or notify the County about how it plans to reduce noise pollution during construction.

The construction of this casino cannot be allowed to move forward without requiring the Tribe to live up to the many obligations it assumed in order to obtain the support of the Yuba County Board of Supervisors despite the disapproval of the County's voters in an advisory vote on the project. We strongly urge you to work with the County Government, U.S. EPA, Army Corps of Engineers, and our Members of Congress to stop this disorganized project, at least until the Enterprise Rancheria has complied with its obligations.

It is also worth noting that the legality of the Department of the Interior's decision to accept land on Forty Mile Road in Yuba County into federal trust for the Enterprise Rancheria in order for that Tribe to build a casino remains the subject of litigation in the U.S. Court of Appeals for the Ninth Circuit, and Governor Brown's concurrence in that decision currently is



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under review by the California Supreme Court. If the Ninth Circuit rules against the Department of the Interior, or if the California Supreme Court rules against the Governor, this entire project could be invalidated, rendering any permanent alteration of the project site a unmitigated waste.

We appreciate your time and attention and look forward to future correspondence on this important issue.

Sincerely,

Wayne Mitchum, Jr.
Chairman
Colusa Indian Community Council
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