

Sierra Club Lake Group

PO Box 27 Lakeport, CA 95453

January 7, 2011

Ms. Tracey Avila
Tribal Chair
Robinson Rancheria
1545 E Highway 20
Upper Lake, CA 95485

Dear Ms. Avila:

The Lake Group represents some 400 members of the Sierra Club, the nation's largest and oldest environmental organization, who live in Lake County. Since our inception as a separate entity in 2001 we have actively participated in the discussion of a wide variety of conservation issues in this region; protection of Clear Lake and its watershed has always assumed a central role in our organizational mandate.

We are therefore writing to you now to express our concerns about Robinson Rancheria's proposal to construct a service station on tribal trust land near the tribe's resort and casino, in the hope of facilitating a solution that protects the environment and is beneficial to the Tribe and the larger community.

Although the processes provided by the local Grading Ordinance and the California Environmental Quality Act (CEQA) do not apply to this project, the objectives of those measures are not negated by jurisdictional considerations. Keeping the air and water clean, promoting healthy wildlife habitat, and promoting a high quality of life for Lake County's residents and visitors are goals that we all share. This project has the potential to undermine those objectives in several different ways, and will need careful planning and implementation to mitigate possible harms. Specifically:

**Air Quality.* Project grading could release a number of airborne contaminants, especially since asbestos-bearing soils exist on a portion of the project site. A carefully designed dust-control plan, including provisions for cleaning heavy equipment before it leaves the site, is needed to prevent adverse impacts to Lake County's exemplary air quality and also to avoid undue hazards to human health and safety. Tribal residents and visitors to Robinson Rancheria's resort facilities would be particularly at risk. Operation of the proposed facility will also of necessity involve the use of a wide variety of hazardous chemicals that could negatively affect air quality on an ongoing basis. To mitigate these dangers we strongly recommend that the tribe consult with the Lake County Air Quality Management District, even though it is not required to do so.

**Biological Resources.* This project is located within and adjacent to a wetland area, and its implementation will result in the loss of native vegetation and wildlife habitat. The destruction of some 80 percent of Clear Lake's natural wetlands has had

grievous consequences for the health of the entire ecosystem, and it is generally acknowledged that any proposals to eliminate additional areas of this precious resource should be accompanied by compensatory restoration measures. Necessary Department of Fish and Game permitting will undoubtedly provide additional specifics.

**Cultural Resources.* Archeological sites abound in Lake County, especially in areas near the existing or former lakeshore. It is already known that one prehistoric site exists in the immediate vicinity of the project. Given the project location, the existence of additional cultural resources seems quite probable. Since this is tribal land these resources should be treated with the respect and care that would be required of any project subject to CEQA rules. A professional archaeological survey should take place before ground-disturbing activities occur. If significant resources are discovered, provisions for preservation and / or data recovery should be implemented as required by CEQA and Section 106 of the National Historic Preservation Act. All such work should be monitored by trained tribal cultural observers.

**Geology and Soils.* At a minimum, a thorough evaluation of the project site should be conducted by a professional geologist as a prerequisite to any excavation or construction.

**Hazards and Hazardous Materials.* As mentioned above, hazardous materials of many kinds form a routine part of the operations of any service station. An appropriate plan for dealing with these materials needs to be in place from the beginning.

**Hydrology and Water Quality.* A gas station in this low-lying area near the lake has the obvious potential to severely degrade water quality, not only by creating contaminated surface runoff but also by requiring the construction of underground tanks that would almost certainly lie beneath the water table. Prevention of these deleterious consequences is of the utmost importance to the community, to the ecosystem, and surely to the Tribe itself. We were particularly disturbed to learn that some onsite grading has been taking place during the wet season. The county Grading Ordinance forbids grading between the dates of October 15 and April 15 precisely in order to prevent undue erosion and sedimentation into creeks and ultimately into Clear Lake. Although the Ordinance is of no effect on tribal land, the physical principles on which it is based still apply. Furthermore it is our understanding that the Army Corps of Engineers permit for this project has expired, and a new application will be required. It is our expectation that Corps evaluation will address these issues, at least in part, and that the Regional Water Quality Control Board may have a role to play as well.

**Traffic.* The project will of necessity impact traffic on Highway 20 during both construction and operation. It is our understanding that the Tribe is attempting to avoid the necessity of complying with CalTrans requirements by accessing the site from Reclamation Road rather than directly from the highway, but this arrangement does nothing to reduce net impacts. If this access alternative is implemented it will be necessary to obtain an encroachment permit from the County: we suggest that the project's total impacts be considered in devising the conditions under which that permit may be granted.

**Utilities and Public Services.* Despite its location on tribal land, the project will require water, waste disposal, and a variety of other services from public and private providers. Provisions for all necessary infrastructure should be integral to the planning process.

The preceding partial list of potential environmental impacts (which as is obvious was drawn from CEQA Guidelines) would ordinarily cover the primary issues surrounding a project of this sort, but in this case an additional overarching consideration is of great concern to the Sierra Club. The tribal trust land on which this gas station would be constructed lies just within the borders of the Middle Creek Restoration Area. It is generally agreed that completion of the Middle Creek project will do more to improve Clear Lake water quality, and thus the health of the entire ecosystem upon which we all depend, than any other single action. It is unacceptable to allow a proposal that offers such overwhelming public benefits to be delayed any longer than absolutely necessary. If therefore the tribe has assumed a settled determination to move forward with the construction of this gas station, we believe that the county's best remaining option is to construct a ring levee around this piece of Rancheria property and thus move ahead with the restoration of 1500 acres of wetland. Given the obvious multiple disadvantages of this solution, we hope profoundly that all parties will soon discover a mutually acceptable alternative offering greater benefits.

Please do not hesitate to contact me at any time to discuss this issue, or any other matters of mutual concern.

Sincerely,

Cheri Lee Glenn Holden
Chair, Sierra Club Lake Group

cc. Senator Barbara Boxer, Senator Dianne Feinstein, Congressman Mike Thompson, State Senator Noreen Evans, Assemblyman Wes Chesbro, Lake County Board of Supervisors

Lake County Department of Water Resources, Lake County Community Development Department, Regional Water Quality Control Board, Bureau of Indian Affairs, United States Fish & Wildlife Service, Army Corps of Engineers

Big Valley Rancheria, Elem Colony of Pomo Indians, Habematolel Pomo of Upper Lake, Middletown Rancheria, Scotts Valley Band of Pomo Indians, Native American Heritage Commission

Lake County Chamber of Commerce, Clear Lake Chamber of Commerce, North Shore Business Association, Lake County Record-Bee, Clear Lake Observer American, Lake County News