

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P.O. Box 355
Penryn, CA 95663

January 24, 2011

Supervisor Jim Comstock
Supervisor Jeff Smith
Supervisor Denise Rushing
Supervisor Anthony
Supervisor Rob Brown
County of Lake
255 N. Forbes St.
Lakeport, CA 95453

RE: Robinson Rancheria Gas Station Project – Potential Breach of Tribal State Compact

Dear Honorable Supervisors of the County of Lake:

Stand Up For California is a statewide organization with a focus on gambling issues affecting California, including tribal gaming, card clubs, horseracing and the state lottery. We have been involved in the ongoing debate of issues raised by tribal gaming and its impacts for nearly a decade. Since 1996, we have assisted individuals, community groups, elected officials and members of law enforcement, local public entities and the State of California as respects to gaming impacts. We are recognized and act as a resource of information to local, state and federal policy makers.

Stand Up For California recognizes the unique geographical land base of the Robinson Rancheria situated near and within the wet lands. Development in the wetland area has an impact on the greater community. Clearly, the long-term success of the Robinson Rancheria Band is reliant upon the support and mutual cooperation with the County of Lake and the greater community of citizens. Our organization has been following the news stories regarding the development of the Tribes' gas station. The Tribe appears to have moved forward with this development without informing the County of Lake or the State of California. Indeed, the Tribe appears to be in breach of the 1999 Tribal State Compact.

Stand Up For California encourages this honorable Board to move forward with sending a letter to our Governor regarding the potential breach of the terms of the tribal state compact. Enforcement of the tribal state compact is essential to protecting the human environment.

Tribal State Compact Requires:

The Tribe signed a Class III Compact with the State of California which stipulates that land must meet the standards of “Indian lands” under IGRA. Indeed the 1999 Compacts state the following:

2.8 “Gaming Facility” or “facility” as defined at Section 4.2 of this Compact means any building in which Class III gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained but excluding offsite facilities primarily dedicated to storage of those records, and financial institutions, and all rooms, building, and areas including (but not limited to) parking lots and walkways, a principal purpose of which is to serve the activities of the Gaming Operation, provided that nothing herein prevents the conduct of Class II gaming (as defined under IGRA) there in.

Without regard to whether IGRA itself requires that access roads and parking lots be located on land meeting the statutory standard, the fact is that the tribe executed – and the Secretary approved—a compact imposing that requirement. Thus, as a matter of IGRA the Compact under which the tribe conducts gaming, the land on which casino access roads, gas station, convenience store, smoke shop are constructed must meet the standards of IGRA.

The compact defines the gas station as a project and requires the Robinson Rancheria gas station to comply with the tribal state compact. This is a project that is an amenity to the casino. *(As stated by the tribal chair herself –see highlighted section of Tribal press release below)* Thus, the 1999 tribal state compact sets forth in section 10.8.1 and 10.8.2 a definition of a “project”, requirements of notification, consultation and comment requirements. In particular there is an independent requirement in section 10.8.2(b) (2) to make good faith efforts to mitigate significant adverse off reservation environmental impacts. The 1999 tribal state compact clearly defined and provided a requirement that land used for gaming or ancillary developments to enhance gaming must meet the standards of the Indian Gaming Regulatory Act (“IGRA”).

Additionally, and still necessary to verify is the status of the land upon which the gas station construction is occurring. *When was this land taken into trust?* If these two parcels were acquired after 1988 perhaps the land should be considered a land acquisition for gaming and potentially subject to the processes imposed on after 1988 land acquisitions including a full Environmental Impact Statement and the two part determination. Several tribes are now placing slot machines or class II gaming devices in gas stations.

Conclusion:

The Robinson Rancheria Band has become successful due to the business oriented leadership of its Tribal Council and the State ratified and Secretary of the Interior approved tribal state compact. The terms of the 1999 tribal state compact have provided guidelines for casino expansion and development. Honoring the terms of the 1999 tribal state compact ensures a stable and long-term relationship with the County of Lake and the State of California. This

relationship is important to the continuing success of the Tribes economic growth and self-reliance.

It is not too late, should the Tribe wish to cease construction and submit an Environmental Impact Statement to the County of Lake and the State of California. There is still time to resolve this contentious issue with mutual respect and genuine concern for the environment that we all share. If the Tribe is unwilling, our organization hopes that this Board of Supervisors will send the letter discussed in the press to Governor Brown requesting an investigation into the potential breach of the tribal state compact.

Sincerely,



Cheryl A. Schmit – Director

916-663-3207

cherylschmit@att.net

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TRIBAL LEADER ROUNDTABLE

24 Indian Gaming August 2010 Tracey Avila, Chairperson Robinson Rancheria Band of Pomo Indians Robinson Rancheria Resort & Casino in Nice, CA

www.rrrc.com

As is the case with all of the gaming enterprises in the state of California, ours, the Robinson Rancheria Resort & Casino, has been affected by the economic downturn. Thankfully, not all of the effects have been negative. We continue to be one of the largest employers in our area, employing over 250 employees. Unfortunately, due the economy, adjustments had to be made to the budgets throughout the property.

Expenses have been significantly lowered by careful cost analysis and eliminating unnecessary purchases. We are building relationships with alternate vendors, renegotiating old contracts, and utilizing our marketing department more efficiently to combat any negative effects of the economic downturn.

These are only a few of the many steps that the management team has taken. In order to continue services to our tribal members and maintain our ability to donate and invest in our local community we have placed a hold on hiring new employees. This has, however, allowed us to continue with the current employment and avoid the

layoffs that have sadly affected many companies throughout California.

Although we have no current plans to expand the casino, our economic development enterprises are thriving. The Robinson Rancheria Citizens Business Council in conjunction with the Robinson Rancheria Economic Development Corporation has approved to build a tribally owned and operated gas station located across from Robinson Rancheria Resort & Casino. After many years of consideration and planning the tribe believes that this is the right time for economic development and the new project will only increase the services for our gaming enterprise as well as future growth and prosperity for our tribe.