

October 1, 2009

US Army Corps of Engineers
601 Startara Drive, Slip 14
Eureka, Ca 95501

RE: File Number 2002-275010 Casino parking lot expansion

Attn: Laurie Monarres, Chief
North Branch, USACE

This letter is in response to the above application to fill wetlands for a casino parking lot. The applicant attempted to fill this same wetland in 1996 at which time the wetland was delineated as .58 acres (see LACO delineation and Corps concurrence letter). The applicant has apparently whittled the delineated area down to fall under some less restrictive threshold of compliance.

I live directly next to the proposed parking lot/wetland fill and will receive the full impact of this inappropriate development (see my letter to Congressman Thompson). A neck of this same wetland crosses my property and connects with the proposed fill area. The close proximity of my residence and the existence of my wetland are not mentioned in the applicant's environmental evaluation prepared by Analytical Environmental Services.

This same consulting firm, AES, also failed to mention that the parking lot project will also include an expanded wastewater drain field above the filled wetland and adjacent to my shallow well.

According to the AES Mitigation Plan, mitigation for the impact site will occur on the Fearrien property across Singley Rd. and will coincide with this property being taken into trust for Fall 2009. This anticipated trust status will coincide with the initiation of a housing project on the Fearrien property and the initiation of the hotel, casino and parking lot expansion project.

However the applicant began major earth moving, excavation and grading on the Fearrien property weeks ago, even though that property is still under zoning restrictions since it is **not in trust**. Yesterday, September 30, the county posted a stop work order on the site after consulting with the Department of Justice, Bureau of Indian Affairs, EPA and Congressman Thompson.

I am requesting a site visit and meeting with USACE officials from the San Francisco Office. With no disrespect to Mr. Ammerman's determination, this application cannot be looked at in isolation from the 13 year history of disregard by tribal leadership for environmental impacts. Most federal, state and local agencies in California never anticipated the explosion of California casinos in inappropriate places and have only inappropriate guidelines to apply to new land acquisition by tribes for casinos. Land that from every reasonable perspective would otherwise be restricted from development.

AES has a proven track record throughout the State for generating environmental reports that are conclusion driven to meet numerous casino and tribal "economic development" plans.

I urge you to request and review the AES Fearrien Property December 2006 Environmental Evaluation, with its original plan for a gas station and RV park. And the AES Bear River Casino Hotel Addition and Expansion August 2009 Environmental Evaluation, to put this wetland fill application into perspective. Once the Fearrien Property is in trust and the Bear River Band of Rohnerville Rancheria assumes responsibility for mitigation, we will see a repeat of the scenario played out when the casino site was purchased by the Department of Housing and Urban Development for tribal housing only. HUD relinquished oversight after 5 years and casino construction began immediately.

The reason the tribe wants to place the parking lot in the wetland is to retain at least a few of the original HUD tribal homes so as not to jeopardize current HUD funding for the Fearrien property housing development. But in reality most of the original homes have been torn down for the casino complex and there are numerous feasible alternatives and available solutions to expanded parking on-site and off-site without eliminating another wetland.

It is my understanding that former EPA officer Mike Monroe meant mitigation "in-like" to mean replacement with existing wetlands, not created wetlands when the applicant tried again to fill this same wetland in 2004 and place the casino alongside my home. And contrary to AES's reasoning, this application if approved will truncate any continuity with my wetland and any downstream; it will be inconsistent with adjacent land use and threaten my water source.

I urge you to disapprove this application and make a final determination that meets the spirit of the law and the intent of environmental protection for all citizens and make no exception for special political status, economic interest, legal or other immunities not enjoyed by less privileged citizens.



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