



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
SOUTHWEST OFFICE OF NATIVE AMERICAN PROGRAMS

JAN 20 1996

Honorable Lionel Carroll  
Interim Chairperson  
Bear River Band of the Rohnerville Rancheria  
P.O. Box 731  
100 Bear River Drive  
Coleta, CA 95551

Dear Chairperson Carroll:

Subject: Indian Community Development Block Grant  
Program  
Program No. B-89-SR-06-0823  
Use of Land Purchased

This letter is sent in response to the January 26, 1996, telefax from your Tribe. In that telefax we were asked to provide a written statement regarding our concerns with the development of a gaming facility on the land purchased with HUD funds provided through the subject program. I discussed these concerns with Mr. Wayne Moon on the morning of January 26th during a telephone conversation.

As I pointed out to Mr. Moon, the Environmental Assessment (EA) dated November 20, 1990, done for your Tribe by Visions Enterprises did not take into consideration any development on the ~~Sindley Hill Road site other than, at ~~all~~ build-out, the construction of twenty single family houses.~~ All public notices and other information described the project as land acquisition for housing and the number of housing units to be developed as a maximum of twenty (see pp.47-48 of the assessment). The finding made by your Tribe that the project would have no significant impact on the environment as defined by the Nation Environmental Policy Act and related laws, authorities and executive orders, was based upon the project as described in the EA. The nine required and six strongly recommended mitigation measures (all of which were adopted by tribal council action) listed on pp.37-44 of the EA were based upon the project described in the EA. (The number and the nature of these measures are indicative of the degree to which the development of the site exclusively for a limited number of houses would require care and vigilance; the development of a significant commercial operation in addition to the houses can easily be seen as having impacts substantially beyond those of the housing.)

Prior to the construction on this site of any facility not included in the EA completed in November 1990, the EA should have been reviewed in detail by a qualified person or persons, taking into specific consideration the probable

impacts of the proposed development. A finding of the significance of these impacts should then have been made, taking into consideration the requirements NEPA and related laws, authorities, and executive orders. All public notice requirements should have been met. Any project modifications, including the possible abandonment of the proposed project if its significant impacts could not be mitigated should have been considered. Specific mitigation measures should have been developed and adopted if it was determined that mitigation was possible and the project could proceed. Based on by conversation with Mr. Moon, it is my understanding that none of these steps were taken and that the project is currently under construction.

If this is indeed true, your Tribe has disregarded its commitments to the broader community, its responsibilities under NEPA and related laws, authorities and executive orders; your Tribe has not acted in good faith. The fact that these commitments were made by a previous tribal government is not relevant; notwithstanding Mr. Moon's stated opinion to the contrary, these commitments are binding on all succeeding tribal governments as well. It is our recommendation that you suspend construction on the facility and commence those actions indicated in the previous paragraph.

Should you have any questions on this matter, please feel free to contact me at (415) 436-8121.

Very sincerely yours,

*Robert E. Barth*  
Robert E. Barth  
Director  
San Francisco Team

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asst.

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