

FRANK D. RIGGS

FIRST DISTRICT, CALIFORNIA

COMMITTEE ON ECONOMIC AND
EDUCATIONAL OPPORTUNITIES

SUBCOMMITTEES:

EARLY CHILDHOOD, YOUTH AND FAMILIES

(CHAIRMAN)

POSTSECONDARY EDUCATION, TRAINING, AND
LIFE-LONG LEARNING

COMMITTEE ON
TRANSPORTATION
AND INFRASTRUCTURE



1714 LONGWORTH BUILDING
WASHINGTON, DC 20515
(202) 225-3311

DISTRICT OFFICES:

1700 2ND STREET
SUITE 378
NAPA, CA 94559
(707) 254-7308

710 E STREET
SUITE 100
EUREKA, CA 95501
(707) 441-8701

Congress of the United States

House of Representatives

Washington, DC 20515

September 10, 1997

Mr. Lionel Carroll, Sr.
Tribal Chairperson
Bear River Band of the Rhonerville Rancheria
32 Bear River Drive
Post Office Box 457
Loleta, CA 95551

Dear Chairman Carroll and Tribal Council:

This is in response to the fourth draft Environmental Assessment (E.A.) for the proposed gaming facility construction and operation, Rhonerville Rancheria, Bear River Drive, Loleta, California and to your letter dated September 3, 1997.

Thank you for recognizing my support for Indian tribes. This has not only been true in the past, but continues to be true today. While it is the case we have come to varying points of view in regard to the resumption of construction at the Loleta casino site prior to complete compliance of standard environmental regulation and mitigation, it must not be interpreted as a lack of support. I understand well the issues surrounding needed housing and gainful employment for the Bear River Band of the Rhonerville Rancheria, as well as to many other tribes within the First Congressional district.

During my visit to the tribal office on April 21, we spoke of the concerns members of the community and various agents of Humboldt County government had raised. At that time, we discussed the possibility of a bond or another guarantee put up by the tribe or investing agents to insure against contamination from the construction/operation of the casino as one possible solution to community opposition to the project. I feel this solution still has merit, as did others in the room at the time.

The September 3 letter states on page 3: "We ask you pursue one of the two options available to you: either give us your backing in our perfectly legal endeavor, or remain neutral in our negotiations with Humboldt County officials and Singly Road residents". It has never been a question of gaming being a legal pursuit on Native American lands, as I have made clear. I have taken no opposing stand on the activity of gaming and agree where it is environmentally sound to do so, it is well within the rights

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS



of tribal gaming. He also stated not all tribes should be looking to gaming for economic relief due to the loss of their tribal lands. ~~It is a case of simple assembly ID 928577 38~~
~~Milligaling~~ Community and county fears surrounding the environmental impacts in such a light misses the point entirely.

I believe the concerns of the community members are valid and should be addressed by the Tribal Council in an open and honest exchange. The environmental and safety issues have been, and will remain, the center of my involvement.

The letter dated September 3, also states on page 1, 4th paragraph: "We had originally planned to use approximately half of the land for home sites, reserving the other half for community facilities". In the original agreement, which was done for the proposed land acquisition of the property at Singly Hill Road, at the top of page 13, the following statement appears; "According to a site inspection conducted by H.U.D. Regional Civil Engineer, J. Lionel Harrison, on May 30, 1990, "Based on my inspection, the 19 acres noted would be acceptable for housing development. The remainder of the property would remain as open space suitable for recreation use only." I fail to see how the two statements are in agreement with each other. Statements contained within the original E.A. (used for the acquisition to the property through H.U.D. housing block grants), say nothing about any facilities other than a tribal office and individuals single family housing units.

Guidelines To Govern Part 151 for Title 25, Land Acquisitions, (as it pertains to Acquisitions of Off-Reservation Fee-To-Trust lands) states under "D"- Evaluation of Acquisition: (3) Purpose. Explain the intended use of the acquisition; be specific. For example, housing, economic development, self determination, etc. If the use is for economic development, how is going to increase the economic development of the tribe, etc. (5) Problems/Conflicts. Analyze the property to be acquired and state any jurisdictional problems and potential conflicts which may arise. Every effort should be made to resolve any conflicts. Potential issues to be addressed include: cross deputization, utilities, zoning, contributions for fire protection, etc. All issues should be addressed. "E"- National Environmental Policy Act (NEPA) Compliance; (1) All acquisitions must be in compliance with NEPA. When the tribe entered into the agreement with HUD for the housing funds, it agreed to certain conditions as are listed above. However, when the planned use of the land changed, the tribe was no longer in compliance with the conditions of the HUD Indian Community Development Block Grant Program and was so informed by Robert Barth in a letter to the then Interim Chairperson, Lionel Carroll, dated January 29, 1996. The letter sites the change in land use intent of the tribe from single family housing units to that of commercial development. The letter clearly outlines steps

of tribes to precede when/if state law allows. Tim Wapato echoed this sentiment to a gathering in Washington, DC when speaking to the issue of tribal gaming. He also stated not all tribes should be looking to gaming for economic relief due to the rural setting of their tribal lands. It is clearly, he said, not a one size fits all solution. To attempt to place my sincere attempt to assist in mitigating community and county fears surrounding the environmental impacts in such a light misses the point entirely.

I believe the concerns of the community members are valid and should be addressed by the Tribal Council in an open and honest exchange. The environmental and safety issues have been, and will remain, the center of my involvement.

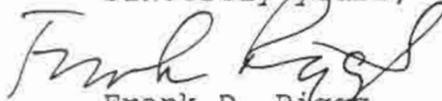
The letter dated September 3, also states on page 1, 4th paragraph: "We had originally planned to use approximately half of the land for home sites, reserving the other half for community facilities". In the original draft E.A., dated July 25, 1990, which was done for the proposed land acquisition of the property at Singly Hill Road, at the top of page 13, the following statement appears; "According to a site inspection conducted by H.U.D. Regional Civil Engineer, J. Lionel Harrison, on May 30, 1990, "Based on my inspection, the 19 acres noted would be acceptable for housing development. The remainder of the property would remain as open space suitable for recreation use only.'" I fail to see how the two statements are in agreement with each other. Statements contained within the original E.A. (used for the acquisition to the property through H.U.D. housing block grants), say nothing about any facilities other than a tribal office and individuals single family housing units.

Guidelines To Govern Part 151 for Title 25, Land Acquisitions, (as it pertains to Acquisitions of Off-Reservation Fee-To-Trust lands) states under "D"- Evaluation of Acquisition: (3) Purpose. Explain the intended use of the acquisition; be specific. For example, housing, economic development, self determination, etc. If the use is for economic development, how is going to increase the economic development of the tribe, etc. (5) Problems/Conflicts. Analyze the property to be acquired and state any jurisdictional problems and potential conflicts which may arise. Every effort should be made to resolve any conflicts. Potential issues to be addressed include: cross deputization, utilities, zoning, contributions for fire protection, etc. All issues should be addressed. "E"- National Environmental Policy Act (NEPA) Compliance: (1) All acquisitions must be in compliance with NEPA. When the tribe entered into the agreement with HUD for the housing funds, it agreed to certain conditions as are listed above. However, when the planned use of the land changed, the tribe was no longer in compliance with the conditions of the HUD Indian Community Development Block Grant Program and was so informed by Robert Barth in a letter to the then Interim Chairperson, Lionel Carroll, dated January 29, 1996. The letter sites the change in land use intent of the tribe from single family housing units to that of commercial development. The letter clearly outlines steps

which should have been made before the tribe determined to precede with the proposed commercial venture. According to Mr. Barth, his understanding of the situation came directly from a conversation held via telephone between himself and Mr. Wayne Moon. Mr. Barth states in the letter, "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 to all succeeding tribal governments as well."

I have been sent letters from community members, tribal members, County officials, and others who requested I research this matter and ensure the environmental integrity of the proposed casino/commercial development project. I call on the Bear River Tribe to answer these legitimate concerns.

Sincerely yours,



Frank D. Riggs
Member of Congress

FDR:jar

cc Department of the Interior, BIA
National Indian Gaming Commission
Stan Dixon, Humboldt County Supervisor
Robert Ulibarri, Visions Enterprises
Dennis Lewis, Humboldt County Sheriff
Donald Tuttle, Humboldt County Environmental Services