

**SINGLEY HILL HOMEOWNERS  
ASSOCIATION**

**PO Box 755  
Loleta, CA 95551**

December 8, 2010

Bear River Band of Rohnerville Rancheria (Tribe)  
27 Bear River Drive  
Loleta, CA. 95551-9646  
Phone: (707) 733-1900

Alcoholic Beverage Control Appeals Board (ABCAB)  
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Phone: (916) 445-4005, or  
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[abcboard@abcappeals.ca.gov](mailto:abcboard@abcappeals.ca.gov)

County of Humboldt Board of Supervisors (County)  
Supervisor Jimmy Smith  
Clif Clendenen  
Mark Lovelace  
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Ryan Sundberg, Supervisor Elect  
Virginia Bass, Supervisor Elect  
825 Fifth Street, Room 111  
Eureka, CA 95501

**RE: Bear River Casino v. Singley Hill Homeowners Association/Department of  
Alcoholic Beverage Control.**

Dear Sirs and Madams:

Singley Hill Homeowners is in receipt of the recent ruling by the Alcoholic Beverage Control Appeals Board (ABCAB), dated November 23, 2010 in the matter of Bear River Casino v. Singley Hill Homeowners Association/Department of Alcoholic Beverage Control. A copy of that ruling is attached for your convenience.

As you likely recall, the Bear River Casino sought a type 47 (On-sale General Public Eating-place) license to sell alcohol from the Department of Alcoholic Beverage Control (DABC). In order to settle numerous protests, Licensee agreed that the issuance of the DABC license was subject to several conditions. Among those conditions Licensee agreed to was Condition No. 8 which states:

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8. The licensee shall modify the entrance from Singley Road [sic] to Bear River Drive so that public vehicular ingress and egress is available only to and from the south on Singley Road. The modified entrance or a separate entrance shall provide access to the premises from the north on Singley Road for emergency vehicles only.

As a result of Licensee agreeing to Condition No. 8 (and other conditions), a license was issued on July 26, 2006. In December of 2008, Singley Hill Homeowners Association filed a complaint with DABC asserting that Bear River Casino failed to comply with Condition No. 8. The Administrative Law Judge agreed with Singley Hill Homeowners Association and found that the Bear River Casino “is not now, nor have they ever been, in compliance with Condition #8.”

Bear River Casino appealed the Administrative Law Judge’s ruling to the ABCAB which issued the ruling attached hereto. The ABCAB ruling requires a solution to condition # 8 to be reached by June 2011 by “all concerned parties”. (See- page 5 paragraph 2)

“It has developed a plan to control traffic at the intersection which would involve the use of a barrier system similar to the barrier system that BIA had rejected. See Exhibit 2 to Request to Remand, etc. Even though there are some loose ends that need to be tended to, there is ample time between now the June 2011 deadline of the department’s order for appellant to provide a solution acceptable to **ALL parties concerned.**”

Since the initial filing of the accusation in July of 2006, the Tribe has significantly expanded its operations at its Rancheria. New lands have been acquired in trust. An Environmental Evaluation (EE)<sup>1</sup> for the expansion of the Casino and the development of a 100 plus room hotel, restaurant and bar were submitted to the State and the County in 2009. It would appear that this expanded development could potentially require an expanded license from ABC and undoubtedly re-invites public input.

The Tribe also developed a “gas and gamble” facility<sup>2</sup>. This gas station/mini mart has six pumps with four nozzles on each pump and a total of 6 diesel nozzles. At the time the application to sell alcohol was filed by Bear River Casino, it was not revealed that the gas station/mini mart sight would become a second gaming facility.

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<sup>1</sup> In amended tribal state compacts tribes are required to mitigate impacts. The environmental documents required are much more intensive and mirror California Environmental Quality Act standards. Moreover, Tribes are required to negotiate comprehensive agreements with affected local governments; in this case it would be the County of Humboldt.

<sup>2</sup> The Tribes 1999 tribal state compact provides for 2 casino locations. The NIGC has licensed the facility at the gas station in the same manner as a casino, which is required by the Indian Gaming Regulatory Act of 1988.



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Bucking the current economic trend, the Tribe has continued over time to expand the size and scope of its gaming facilities and supporting amenities to the casino. More recently, 100 plus acres of additional land have been acquired in trust for the development of new housing and other services for tribal members currently residing off reservation. There are plans for a RV park and other developments. These proposed projects could potentially be used for commercial use and generate more traffic and a variety of additional impacts. The additional acquisitions and new on reservation developments continue to exacerbate and expose the significant cumulative off reservation impacts affecting Singley Hill Road residents.

The ABCAB ruling of November 23, 2010 presents the opportunity to provide a mutually beneficial solution on lands long designated in the County general plan as rural residential.

The County has already voiced its opinion. In a letter by the County dated April 21, 2010, the County makes clear it does not support the claim that commercial developments in the area are compatible with the surrounding land uses.<sup>3</sup> Congressman Mike Thompson in repeated letters has stated the need for a solution to the traffic issues. This dispute has been ongoing since 1993, when the land was first approved for tribal housing with a Housing and Urban Development Grant several miles from the original Rancheria in Fortuna<sup>4</sup>. Citizens supported the development of tribal housing. However, the development of gaming and gaming amenities that followed were not considered in the initial fee to trust process. It is time for a global solution that limits the ingress/egress of casino traffic on Singley Hill Road.<sup>5</sup>

Singley Hill Homeowners Association supports a pragmatic approach towards a solution. The solution must provide safety and restore the bucolic pastoral setting of Singley Hill Road while balancing the interests of the community. Moreover we strongly encourage a mutually beneficial solution that provides safety for tribal members anticipated to reside

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<sup>3</sup> <http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/rohnerville-bear-band/Presentation%20and%20Discussion%20of%20the%20Bear%20River%20Band%20of%20the%20Rohnerville%20Rancheria%20Fee%20Title%20to%20Trust%20Application%20for%20100%20plus%20Acres%20West%20of%20the%20Casino%20and%20Tribal%20Hous.pdf/view>

<sup>4</sup> NIGC in August of 2002, made an extremely controversial determination that the 60 ac off-reservation location met the standard of restored lands. Since this time the powers of NIGC to make such determination has been challenged by Counties and by the Solicitor of the Department of the Interior.

<sup>5</sup> For a catalog of letters over environmental issues raised by the tribe's developments from 1993 to date that have failed to address the cumulative impacts created off reservation please visit this link. <http://www.standupca.org/off-reservation-gaming/contraversial-applications-in-process/rohnerville-bear-band/> It should also be noted, that the serious and critical environmental impacts created by this Tribe (Singley Hill Homeowners was a petitioner in the request for a stay) were sufficient in 1998 for the California State Supreme Court to stay the enactment of Proposition 5 the first ballot measure to attempt by statute to legalize Indian Casinos in California. The California Supreme Court overturned Proposition 5.

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on newly acquired lands, patrons and employees of the casinos, gas station/mini mart consumers as well as members of law enforcement and other officials tasked with the responsibility to ensure the safety of the public.

We recognize, in light of the current economic downturn, the importance of avoiding the risk that time and money could potentially be wasted. Thus, without the early input from the Singley Hill Homeowners Association, law enforcement and other interested private and governmental entities such a waste could occur. We are eager to present a solution that limits casino ingress/egress on Singley Hill Road.

We look forward to discussing long-term plans, acquisitions and developments for the Bear River Casino (and the Rancheria at large) so that a more complete traffic plan can be addressed.

We look forward to future communications and meetings to assist in development of a solution that will once and for all resolve compliance with Condition No. 8 of the DABC license.

Sincerely,



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