



OFFICE OF THE GOVERNOR

April 28, 2008

*Via Facsimile (916) 978-6055 & U.S. Mail*

Ms. Amy Dutschke  
Acting Regional Director  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Re: Final Environmental Impact Statement for the Scotts Valley Band of Pomo  
Indians Fee-To-Trust and Gaming Development Project

Dear Ms. Dutschke:

Thank you for the opportunity to comment on the March 2008 Final Environmental Impact Statement ("FEIS") for the proposed fee to trust acquisition and gaming development project for the Scotts Valley Band of Pomo Indians ("Tribe"). The FEIS concerns land totaling 29.87 acres in Contra Costa County, identified as Assessor Parcel Numbers 408-130-038 (0.67 acres), 408-130-039 (1.05 acres), 408-130-037 (5.35 acres), 408-130-018 (0.50 acres), 408-090-031 (20.4 acres), and 408-090-040 (1.9 acres). (FEIS, Figure 1-3.)

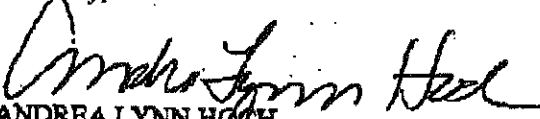
The Tribe prepared the FEIS to support its application to have the Bureau of Indian Affairs ("BIA") accept the project site into federal trust for gaming purposes. (FEIS Executive Summary at p. i.) It has also requested the National Indian Gaming Commission ("NIGC") to approve a gaming management contract with the Tribe's development partner, Richmond Gaming, Ltd., and determine whether the project site constitutes the Tribe's restored lands under the Indian Gaming Regulatory Act. Although the FEIS appears to be premised upon a restored lands determination that favors the Tribe (see FEIS Executive Summary at p. i), that determination is separate from an assessment of the environmental consequences of the proposed trust acquisition and has not been made by the NIGC or the Solicitor's Office. We have no comments on the FEIS at this time. However, the State has submitted separate comments regarding the Tribe's land acquisition application (see May 15, 2005, letter from Peter Siggins to

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Clay Gregory). We have been advised by the Solicitor's Office that comments on the restored lands determination should not be included here but, rather, directed to the Office of Indian Gaming Management. We reserve the right to comment further on the restored lands application as well as the land acquisition application.

Please note that this letter does not constitute the entirety of the State's comments on the FEIS. Other State agencies with specific technical expertise may provide comments in separate letters.

Sincerely,

  
ANDREA LYNN HOCH  
Legal Affairs Secretary