

***Stand Up For California!***  
**“Citizens making a difference”**

[www.standupca.org](http://www.standupca.org)

P. O. Box 355  
Penryn, CA. 95663

Jan 6, 2014

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

**RE: “Notice of Intent (NOI) Comments – Wilton Rancheria (Wilton/Tribe) Project”**

Dear Ms. Dutschke,

*Stand Up For California* writes today to make comment on the NOI issued on December 4, 2013 (78 FR 72928-72929). We have previously sent a letter requesting to be included on the service list for all notices regarding the Wilton Rancheria Project. (See- letter attached dated December 3, 2013)

The NOI, under the supplementary information begins with, “*The Tribe has submitted an application to the Department...*” On contacting the Bureau of Indian Affairs I learned that “no” Fee to Trust Application has been submitted. However, the Tribe has submitted a Tribal Council Resolution No. 2013-53. The NOI and the Resolution are vague and ambiguous. This leaves only speculation to construct comment as to the size and scope of the project and its potential impacts. Therefore, *Stand Up For California* reserves the right to submit additional comments or expand our comments due to the speculative nature of the scoping hearing and documents that have been provided.

The NOI under supplementary information paragraph 3 presents a range of topics that will be covered in the environmental review. These are topics which are generally covered in an EIS. However, recent flaws in NEPA reviews by the Bureau of Indian Affairs Environmental Contractors have created legitimate appeals before the Interior Board of Indian Affairs and/or judicial review by federal courts in several instances both within and outside of California. The NEPA report must identify and fully address existing easements to ensure there are no inverse condemnation issues. Additional flaws in recent reports failed to address project impacts and cumulative impacts to all local roadways and full compliance with the Clean Air Act.

The proposed site is California agricultural land which will necessitate a detailed soil testing and monitoring report as pesticides banned in California have been found stable in soil decades after their initial use. This is particularly important since the proposed site is located adjacent to the Consumnes River Preserve. Potential contamination exposure during construction will have a significant impact on the areas aquatic and terrestrial wildlife. Additionally, the area wildlife will be significantly affected by the increased lighting and traffic into this area. Development of this 282 acre site will create impacts on wildlife connectivity to habitats. A detailed report and explanation of possible mitigations to address the safety of wildlife and connectivity to habitats is necessary.

## “Notice of Intent - Comments – Wilton Rancheria Project”

Frankly, the NOI is defective. It does not state the proposed size and scope of the gaming facility. It is ambiguous. While the NOI identifies the parcels of land for casino development it does not identify the current ownership of the parcels of land or the gaming investors. This is information of import in the evaluation of this project. The Wilton Tribal Council Resolution 2013-53 cites 25 U.S.C. Section 2719(b)(1)(A) as an exception for the acquisition of lands for gaming after 1988. Thus, the EIS must give a detailed Carcieri review of the Wilton Tribe and justification for the Secretary of the Interior to acquire the property. Extensive and detailed documentation must prove without doubt, the gaming facility will “*not be detrimental to the surrounding community*”.

A successful gaming facility can be established on as little as 10 acres of land, for example the Lytton Casino in San Pablo. The EIS must provide a detailed explanation and justification for the purpose and need for 282 acres of land to be taken off of the tax rolls and out of the regulatory authority of the State of California. A thorough explanation of any additional tribal government operations or commercial developments in the foreseeable future must be provided for the entire 282 acres of land.

It is clear that a full service Las Vegas type casino on a major highway in California, 20 minutes from downtown Sacramento with a potential gaming market of 1.5 million customers will have a positive economic impact for the Tribe. However, what is the economic impact on the regions established gaming facilities that pay taxes and fees or are obligated by contractual payments to local governments and the State? The EIS must include a detailed economic report that fully addresses not only the positive benefit to the Tribe but the cannibalization to the regions established gaming markets and the impacts created by loss of revenues to local government. While many projects tout the creation of jobs, the report must include the rippling effects of increased unemployment in the affected gaming market areas. Such a report must include both benefits and loss of revenue to the State.

The EIS must provide non-gaming alternatives. Certainly there are non-gaming alternatives that will satisfy the purpose and need and avoid or minimize significant environmental, social, and economic impacts to the surrounding area.

And last but far from least, *Stand Up For California* believes that Ms. Dutschke should recuse herself and take action to ensure that someone that is not subject to her supervision or oversight take responsibility for overseeing the Wilton Project. Recent history and news stories include the involvement of Ms. Dutschke and family members in both the Ione and Wilton Band casino projects.

We hope you find these comments helpful and useful as you proceed in this process. *Stand Up For California* looks forward to reviewing the draft environmental impact statement for the Wilton Rancheria Project.

Sincerely,



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December 3, 2013,

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

**Re: Request to be added to “Service List”**  
**Wilton Rancheria in Sacramento, CA**

Dear Ms. Dutschke,

*Stand Up For California!* requests to be included on the notification and/or *service list* for any “fee to trust application” or notification of a “National Environmental Impact Report” process initiated for the Wilton Rancheria, in Sacramento California. Please keep this request on file. Specifically we requests notification for the current transaction of 282 ac.

If and when a Draft Environmental Impact Statement or Environmental Assessment is issued, *Stand Up For California!* requests a copy of the CD to be mailed in order for our organization to make appropriate comments. Many thanks in advance.

Sincerely,



Cheryl Schmit – Director  
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