

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P.O. Box 355
Penryn, CA 95663

September 30, 2009

Penny J. Coleman
General Counsel
National Indian Gaming Commission
1441 L. Street NW Suite 9100
Washington, D.C. 20005

RE: FIOA Request – Management Contract for Guidiville Band of Pomo Indians

Dear Ms. Coleman:

Stand Up For California! is writing to request documents pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. Section 552 et seq., and pursuant to the Department of the Interior FOIA regulations, 43 C.F.R. Section 11-2.2.

The purpose of this request is to discover who the Guidiville Band of Pomo Indians (“Tribe”) has entered into a Management Contract with. The National Indian Gaming Commission (“NIGC”) is a cooperating agency in the review of the Draft Environmental Impact Statement/ Environmental Impact Report (“DEIS”) for the fee-to-trust application of the Tribe. *If* the NIGC were the ‘lead agency’, the name of the parties and a copy of the Management Contract would be public information.

I am advised by the NIGC Attorney John Hay, that a Management Contract has been sent to the NIGC for approval. The NIGC is a cooperating agency in the DEIS. **Who is the new Management Company that will be managing the day-to-day operations of the Tribe’s proposed casino at Point Molate?**

In Section C, Exhibit D of the Tribe’s DEIS submitted to the City of Richmond and sent to *Stand Up for California!* by Director Dale Morris of the Pacific Regional Office of the Bureau of Indian Affairs, is the Form of Note Guaranty. This is a document that includes Harrah’s Operating Company, Inc. It is well known that Harrah’s is no longer involved in the Point Molate/Guidiville project. Rather it is the Rumsey Band of Wintun Indians of Yolo County currently funding the proposed project. Again, I am advised there is an \$800 million dollar loan but there is no documentation investor/developer agreement included in the DEIS.

The Harrah’s document makes many references to the Land Disposition Agreement (“LDA”) between the City, the Tribe and Developer Jim Levine. It is well reasoned that the new investor or *management company contract*/Note Guaranty would also include terms and deadlines relevant and vital to the LDA. Thus, the name of the parties and the document, management

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contract/loan/investor/Note Guaranty must be made available for public review as it potentially has environmental consequences. Moreover, it should be a current or valid management agreement that is included in the DEIS, not an old and out dated document.

***Stand Up For California!* requests any and all documents which the NIGC has received for approval of a gaming management contract with the Tribe.**

This is important information for the City, the public and the State of California. Tribal state compacts have significant requirements that must be met by anyone earning more than \$25,000.00 per year from contracts with tribal casinos. A thorough background check must be made of those earning more than \$25,000.00 as well as key employees. The public has a right to know who will be managing the day-to-day operations of the proposed off reservation casino located 110 miles from the established Rancheria lands outside of the Tribes aboriginal territory.

In the event any of the requested documents are not disclosable in their entirety, we request that you release any material that may be separated and released. For any documents or portions thereof that are determined to be exempt from disclosure, we request that you state with specificity the legal and factual grounds for withholding documents or portions of documents. We are willing to pay up to \$50.00 should the cost exceed this amount contact from you office advising us of the total amount would be appreciated giving us the opportunity to revise our request.

We would greatly appreciate a prompt response to this request. Thank you for your assistance.

Sincerely,



Cheryl A. Schmit, Director

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