



# THE BOARD OF SUPERVISORS OF MARIN

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January 26, 2010

Mr. George Skibine  
Deputy Assistant Secretary for Policy and Economic Development  
Office of Indian Gaming Management  
1949 C Street N.W.  
Washington, D.C. 20240

Re: County of Marin Opposition to Proposed Point Molate Mixed-Use Tribal Destination Resort and Casino

The County of Marin wishes to submit for your consideration its opposition to the proposed Point Molate Mixed-Use Tribal Resort and Casino Project located just north of the Richmond-San Rafael Bridge along the eastern shore of San Francisco Bay, at Point Molate in the City of Richmond, Western Contra Costa County. Marin County joins Governor Arnold Schwarzenegger in his opposition to urban gaming, and Senators Dianne Feinstein and Barbara Boxer in their expressed opposition to taking off-reservation lands into trust for gaming purposes. Specifically, the County of Marin opposes the acquisition of land by the Bureau of Indian Affairs in trust for the benefit of the Guidiville Band of Pomo Indians of the Guidiville Rancheria required for the Pt. Molate gaming project. The County of Marin also respectfully offers the following comments explaining the impacts and mitigations that potentially affect the area and the region, particularly neighboring Marin County and its Cities, located just four miles west of the Project across the Richmond-San Rafael Bridge.

### Opposition to Land Acquisition

As expressed in the letter of October 12, 2009 from the Office of The Governor to Mr. Dale Morris, Regional Director of the Bureau of Indian Affairs, Pacific Region (a copy of which is attached hereto), the Project would create an urban gaming casino in violation of the Proclamation on Tribal Gaming issued by Governor Arnold Schwarzenegger in May 2005. As further outlined in the letter, the Project would also violate the intent of California Propositions 5 and 1A, and promises made by Indian leaders during the campaigns on the Propositions, that Indian gaming would be limited to tribes' existing reservation lands, which are primarily located in rural areas. Locating the Project in the City of Richmond (population 104,513) and four miles from the County of Marin's urbanized area with more than 250,000 residents would extend Indian gaming to a heavily populated area, contrary to the State of California's public policy and the California electorate's good faith.

The County also opposes the proposed off-reservation land into trust application as an abuse of the land into trust process and a violation of the spirit of the Indian Gaming Regulatory Act. The "strong opposition" to taking off-reservation lands into trust, expressed by Senators Feinstein and Boxer, and others, in their letter of September 15, 2009 to The Honorable Ken Salazar, Secretary of the Interior, is grounded in the realities of the impacts that Indian gaming projects like the Pt. Molate proposal would create for immediate neighbors. The residents of the County of Marin would be subject to numerous adverse impacts from the Pt. Molate Gaming Project, and we urge you to consider those impacts as you consider the application.

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## Social Economic Impacts

The Project would have numerous potential social economic impacts on Marin County communities. Our Health and Human Services Department experts have identified anticipated impacts from the Casino project of increased service demand in Marin County for: child welfare and protective services, adult protective services, income maintenance (general assistance, Medi-cal and entitlements), mental health, alcohol, drug, and tobacco and gambling addiction. To date, tribal agreements have addressed social impacts only in an area 10 miles or less from the site and only in Richmond and elsewhere in Contra Costa, not Marin County. Although crime is expected to increase due to increased numbers of persons attracted to the site, the Municipal Services Agreement (MSA) between the City of Richmond and the casino developers only compensates for such service demand in the City of Richmond. Current agreements ignore the fact that Marin County is approximately 4 miles away from the site by easy freeway bridge access. The Bureau of Indian Affairs and City of Richmond Environmental Impact Statement/Environmental Impact Report (EIS/EIR) only evaluated social impacts within census tracts within the boundaries of Richmond and Contra Costa County. The MSA only provides compensation for increased law enforcement and other social service demands to mitigate impacts within the City of Richmond and Contra Costa County, even though many Marin communities are in closer proximity and have greater access to the project site and will be impacted.

Also ignored are the social and economic impacts the casino project will have on Marin County businesses that are planned and/or currently provide retail commercial, entertainment, conference, hotel and other development to which the massive scale of the proposed casino project will present an overwhelming competitive advantage and will absorb/saturate the available markets for goods and services provided by such existing establishments, resulting in possible economic failure of those businesses and potential significant urban decay and blight in the surrounding communities including Marin County. This is similar, but on a grander scale, to the known effects identified in numerous studies of proposed giant corporate chain commercial businesses like "big box" retail establishments driving other smaller retail establishments in the surrounding area out of business and resulting in urban decay and blight. Minority and low income communities are known to have economic constraints to attracting and sustaining local community serving business and are particularly vulnerable to such market forces from competing grand scale large format economic development. There are existing retail businesses, including hotel, conference, retail, entertainment and other commercial businesses that will be adversely affected by the massive scale and comprehensive scope of the proposed project development, including many establishments in the minority and low income communities in close proximity to this site, in Richmond, Contra Costa County and Marin communities, including in Marin City and San Rafael. The proposed development could also potentially affect planned redevelopment areas both near the site and in Marin (Marin City Redevelopment and San Rafael Redevelopment).

## Air Quality Impacts

The casino Project has potential significant cumulative air quality toxic and cancer impacts. The Project includes remediation and clean up of project areas. However, the EIS/EIR does not evaluate cumulative impacts of diesel particulate matter (DPM) or toxic emissions in conjunction with other past present and reasonably foreseeable future projects (such as emissions from the Chevron Refinery adjacent to the site or other current and planned development in the area), or provide any health risk assessment of cancer risk to residents in the area, including Marin communities that are in close proximity to this site, as required pursuant to CEQA and BAAQMD CEQA Guidelines.

## Transportation Impacts

The Project creates potential traffic impacts throughout the U.S. Highway 101 corridor in Marin County, as trip generation for the project will contribute significant traffic to the existing substantially impacted 101 corridor.

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**Land Use**

The EIS/EIR did not evaluate the potential effects of the project on Marin's Countywide Plan or City and Community Plans, despite the proximity and ease of access of the site to Marin. As noted above under Social Economic Impacts, contrary to the conclusory findings in the EIS/EIR analysis, the potential impacts to existing and planned land uses from the project include a very significant potential for urban decay and deterioration in Marin County communities.

The Project creates a potential significant noise impact to Marin County that will result from the proposed development by the need to modify airline overflights to alleviate noise on site. Currently the Pt. Molate/Pt. Richmond area is the location now required by FAA Bay Area Air Traffic Control for routing all commercial jet aircraft on departure from SFO heading to eastern destinations to fly up the Bay and turn east at this location rather than flyover more populated existing community areas as a regional noise reduction measure. These flight movements would be pushed further west, impacting Marin communities. The wildlife and bird resources in the Marin Islands Wildlife Refuge and Corte Madera Marsh Reserve in Marin would also be potentially significantly impacted by noise from these alterations in flights.

**Aesthetics**

The Project will cause potential significant light and glare impact from the proposed massive glass canopy proposed to connect the casino and the adjacent hotel development, which will be visible from Marin County.

**Conclusion**

The County of Marin urges the Bureau of Indian Affairs and the Secretary of the Interior to exercise its discretion to reject the Guidiville trust application. The application involves an off-reservation acquisition that would allow Indian gaming in an urban area contrary to the intent of the State of California's voters, the State's policy, and IGRA. It is requested that your office take into account the foregoing noted impacts on the County of Marin and deficiencies in the EIS/EIR and allow further opportunity for meaningful mitigations of the impacts on the County of Marin, if indeed your office permits the Project to proceed.

Sincerely,

Judy Arnold, President  
Marin County Board of Supervisors

- cc: Andrea Lynn Hoch, Legal Affairs Secretary
- Gayle McLaughlin, Mayor City of Richmond
- John Gioia, Contra Costa County Supervisor
- Al Boro, Mayor City of San Rafael
- Paul Schlesinger, Law Offices of Alcalde & Fay
- Cathy Christian, Law Offices of Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP

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