

**ADMINISTRATION**  
*City Council*

November 5, 2009



CITY OF SAN PABLO

*City of New Directions*

Honorable Ken Salazar  
Secretary of the Interior  
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Washington D. C. 20240  
Fax: 202-208-6956

Ms. Hilary Tompkins  
Solicitor of the Interior  
1849 C Street, NW  
Washington, D.C. 20240  
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Re: Restored Lands Determination for the Point Molate Resort and Casino Project (PLN 08-089)

The Guidiville Band of Pomo Indians has requested that the Bureau of Indian Affairs ("BIA") take lands comprising the former Naval Fuel Depot Richmond (generally referred to as "Point Molate") in Contra Costa County, into trust for the Band to use for casino gaming. The Guidiville Band asserts that the Restored Lands Exception under IGRA, 25 U.S.C. § 2719(b)(1)(B)(iii), should apply to this property.

This letter adopts and incorporates by reference Contra Costa County's Response to Indian Lands Determination Request, dated February 27, 2008, which objected to taking this land into trust. The City of San Pablo objects to the lands to trust application and adopts all comments made by the County of Contra Costa on the restored lands determination.

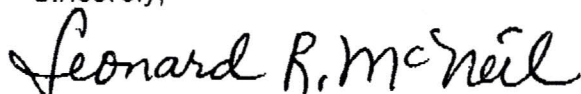
San Pablo is an incorporated city located within Contra Costa County in California, just a couple of miles from the proposed Guidiville site. We have reviewed the proposed casino development and the draft Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) for the Point Molate Resort and Casino Project. On September 18, 2009, the City of San Pablo submitted comments to the City of Richmond explaining why the EIR/EIS for the proposed project, including the taking into trust of the project site, was legally inadequate and an economic death knell to the City of San Pablo. Those comments are attached.

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As BIA records make clear, the Guidiville do not qualify as a tribe for whom land may be taken into trust under the IRA and the Supreme Court's decision in *Carcieri v. Salazar* (497 F.3d 15). Even if taken into trust, the land would not qualify as "restored lands" under IGRA section 20 and 25 CFR section 292.7. There is no current or historical connection between the Tribe and this land. The acquisition fails all prongs of the Restored Lands analysis. Outside investors are acquiring this property for the sole purpose of using the Band to build an urban, Class III casino in Contra Costa County. The acquisition is about economic opportunism; it is not about restoration of the Band's aboriginal land.

Thank you for your consideration.

Sincerely,



Leonard R. McNeil  
Mayor

LRM/cs

Attachment

ccs: Governor Arnold Schwarzenegger  
Senator Dianne Feinstein  
Senator Barbara Boxer  
Congressman George Miller  
Congresswoman Ellen Tauscher  
Congressman Jerry McNerney  
Senator Tom Torlakson  
Senator Mark DeSaulnier  
Senator Loni Hancock  
Assembly Member Nancy Skinner  
Contra Costa County Board of Supervisors  
Cheryl Schmit/Stand Up for California  
San Pablo City Council  
San Pablo City Manager  
San Pablo City Attorney