

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553

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Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

May 17, 2012

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

RE: Reissued Notice of (Gaming) Land Acquisition Application for the Scotts Valley Band of Pomo Indians

Dear Ms. Dutschke:

Thank you for the opportunity to review the reissued notice of the Fee-to-Trust Land Acquisition (FTT) Application of the Scotts Valley Band of Pomo Indians (Tribe) for approximately 30 acres of land within the unincorporated community of North Richmond in Contra Costa County that the tribe claims are "restored lands" under Section 20 of the Indian Gaming Regulatory Act (IGRA) and therefore eligible for gaming activities. This letter constitutes the County's response to the reissued notice of the FTT Application.

Contra Costa County continues to oppose the FTT Application, as it has done all along. The County's previous comments on the FTT Application should be in your records and files for the application. The attached materials include the County's previous comments on the FTT Application and are being resubmitted for your consideration. These comments provide the reasons for the County's continued opposition to the FTT Application.

In addition to the attached comments on the FTT Application, Contra Costa County provided the Bureau of Indian Affairs its comments during the National Environmental Policy Act environmental review for the FTT Application. Contra Costa County also provided the Department of the Interior, Office of the Solicitor, the County's Response in Opposition to Indian Lands Determination Request, which provides the facts and legal authorities that clearly demonstrate that the North Richmond property does not qualify for the "restored lands" exception under the IGRA. As these documents are comprised of voluminous amounts of materials, we are not attaching to or resubmitting them with this letter. These documents, however, are part of the County's record of responses and include the following:

1. May 10, 2005 Comments on the Administrative Draft Environmental Impact Statement for the Scotts Valley Band of Pomo Indians' Proposed Fee-to-Trust Acquisition
2. June 13, 2006 Comments on Draft Environmental Impact Statement on the Scotts Valley Band of Pomo Indians' Proposed Fee-to-Trust Application and Gaming Development Project
3. December 11, 2006 Response in Opposition to Indian Lands Determination Request, Scotts Valley Band of Pomo Indians' Fee-to-Trust Application and Gaming Development Project, Submitted to Office of the Solicitor, Department of Interior
4. April 28, 2008 Comments on Final Environmental Impact Statement, Scotts Valley Band of Pomo Indians' Fee-to-Trust Application and Gaming Development Project
5. July 23, 2008 Supplement to Response in Opposition to Indian Lands Determination Request, Scotts Valley Band of Pomo Indians' Fee-to-Trust Application and Gaming Development Project

If you are not able to locate any of these documents in your records, please contact us and we will provide you with a copy of the document.

Please let us know if you have any questions concerning our comments. The County's contact person is Mr. David Twa, County Administrator, 651 Pine Street, 10th Floor, Martinez, CA 94553; (925)335-1086.

Thank you.

Sincerely,

MARY N. PIEPHO
Chair, Board of Supervisors

cc: Board of Supervisors Members
Contra Costa County Congressional Delegation
Contra Costa County Legislative Delegation
Sharon L. Anderson, County Counsel
Cathy Christian, Nielsen Merksamer Parrinello Gross & Leoni

*Thank you for
your consideration,
m.*