



**League of Women Voters
Alameda County Council**

*Alameda
Berkeley/Albany/Emeryville
Eden Area
Fremont/Newark/Union City
Livermore/Amador Valley
Oakland
Piedmont*

April 26, 2005

W. Patrick Ragsdale, Director
Bureau of Indian Affairs
1849 C Street, N.W. MS 4141 MIB
Washington, D.C. 2004

Dear Director Ragsdale:

I am writing on behalf of the League of Women Voters organizations in Oakland, Berkeley/Albany/Emeryville, Piedmont, Livermore, Fremont, Union City, Newark, Hayward, Castro Valley and Alameda, California to address your agency's decision-making related to a proposed Indian casino on Hegenberger Road in Oakland, California. The landless Rancheria Koi nation is the tribe making the application to build this casino.

Our League of Women Voters groups have two types of concerns about this proposed project: the process being used to collect information and make decisions; and, the impact of a casino in the proposed location.

THE PROCESS

John Sutter, a member of our local Parks district, spoke recently with an aide to the House Resources Committee about this matter. We understand from Mr. Sutter that there are two steps in the approval process: first, your agency must approve a plan to restore the "reservation" to the landless Rancheria Koi tribe by proving their "nexus" to the site; secondly, once you have determined that the tribe has a "nexus" to the site and so can claim it as reservation land restored, you will decide if the location is an appropriate spot for a casino.

1. We are concerned about the process you are using to determine "nexus" and the criteria used to make this determination. If there are consistent criteria used in all such decisions, the public should be made aware of them, as well as told the timeframe for such a decision and the specific identities and roles of the decision-makers. The League of Women Voters has long held that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. We are concerned that this is a very non-transparent process following none of these principles, using a concept ("nexus") that is very vague and open to a variety of interpretations.

We ask you to clarify the identity and roles of the decision-makers, the timeframe for decision-making and the criteria used to make the decision.

2. Information collected from the Alameda County Supervisors and the City Councils of Oakland, Alameda, San Leandro and other areas indicate that there is strong opposition to the casino on the basis of traffic congestion, environmental degradation of fragile, newly-restored marshlands right

next to the site, and negative social impacts such as crime, drugs and bankruptcies. “ The National League of Women Voters strongly holds that the public has a right to participate in decision -making at each phase of the process and at each level of government involvement and that due process rights for the affected public and private parties must be assured. In this instance, however, those of us in the local area are being told that decisions will be made in Washington, so that local citizens and businesspeople are threatened with having this casino placed into our midst without any direct power to influence the decision. In addition, a timeframe for the process was presented but then cancelled, with no new information about the timeline for the next steps revealed.

We need a much-improved process going forward: those of us in the area of this proposed casino need to know exactly when the EIS and EIR will be produced, who will produce them, what the following steps will be and, most importantly, how input from local citizens will be factored into the decision.

THE IMPACT

In addition, we are concerned that the choice of site is very ill advised because it is both next to a nature preserve and on a busy street which is the main route to a regional airport.

Our LWV of the US positions state that the interrelationships of air, water, and land resources should be recognized in designing environmental safeguards; the League’s environmental protection and anti-pollution goals aims to prevent ecological degradation and to reduce and control pollutants before they go down the sewer, up the chimney or into the landfill. It appears that little attention is being paid to environmental safeguards in this situation. The nature preserve next to this site is home to a number of rare bird species as well as to other types of animals. Bright lights, constant traffic, garbage, noise and round-the-clock activity will disturb the animals and degrade the nature preserve substantially. Tearing down a preserve which has been painstakingly restored seems like government at its worst.

We strongly recommend that you look at the damage the casino would do to this site, to the congestion on an important and busy thoroughfare, and to the citizens of the surrounding community. We want proof that your agency has researched this situation and is aware of these impacts and their negative total effect.

As you can see from these comments, there are many problems with both the process and the impact related to this project. We request that you do the following:

- ❑ Re-formulate a process for review and decision-making for this matter to make the process transparent and to give ample opportunity for local public input at each stage before decisions are made;
- ❑ Include in your decision-making process the principle that development should be compatible with the ecology of the area and should not damage the environment; show that your process is including such considerations as you move forward;
- ❑ Advertise this re-formulated process widely in the local area, as well as the exact timetable for decision-making;
- ❑ Include direct mailings to the media and interested parties (such as those who signed up to receive further information at the BIA scoping meetings and community hearings) about the re-formulated process and timetable;
- ❑ Hold hearings in times and places convenient for the general public, with a minimum of 10 days of advance notice in the media, as well as on-line, etc.

Our community is very concerned about the arbitrary and non-transparent process used so far. The steps we have outlined above represent a way for your agency to restore lost confidence in your process on this project. Please make a prompt response to Lena Tam, Alameda County Council of League of Women Voters, 2816 Waterton Street, Alameda, CA 94501, outlining the changes you plan to make.

Sincerely,

Lena Tam, Chairperson
Alameda County Council League of Women Voters

Linda Craig, President
League of Women Voters of the Bay Area

Cc:

George Skibine, Director, Office of Indian Gaming Management
Phil Hogan, Chair, National Indian Gaming Commission
Alameda County CA Supervisor Nate Miley
Alameda County CA Supervisor Gail Steele
Alameda County CA Supervisor Alice Lai Bitker
Alameda County CA Supervisor Scott Haggerty
Alameda County CA Supervisor Keith Carson
Mayor Beverly Johnson, City of Alameda, CA
Mayor Tom Bates, City of Berkeley, CA
Mayor Janet Lockhart, City of Dublin
Mayor Bob Wasserman, City of Fremont, CA
Mayor Roberta Cooper, City of Hayward, CA
Mayor Marshall Kamena, City of Livermore, CA
Mayor David Smith, City of Newark, CA
Mayor Jerry Brown, City of Oakland, CA
Mayor Michael Bruck, City of Piedmont, CA
Mayor Jennifer Hosterman, City of Pleasanton
Mayor Shelia Young, City of San Leandro, CA
Mayor Mark Green, City of Union City, CA