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Governor, supervisors attack casino proposal

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Gov. Arnold Schwarzenegger and Contra Costa County fired a double-barreled assault on a proposed Indian casino in North Richmond this week, while the governor delivered a stiff swipe against all Indian casino plans for urban areas.

In formal comments to the federal Bureau of Indian Affairs, the county attacked the historical claims made by the Scotts Valley Band of Pomo Indians in their bid to turn 30 acres of Richmond Parkway property into tribal land for a Vegas-style casino.

Schwarzenegger's top legal adviser also weighed in, charging that approval of the Scotts Valley plan or similar proposals would endanger Prop. 1A, the 2000 ballot measure that gave tribes a monopoly on slot machines and other casino games.

Voters were assured that casinos would stay on remote tribal lands, and those limits have helped the state defend against challenges to the tribal monopoly from card clubs, wrote Peter Siggins, Schwarzenegger's legal affairs secretary.

"Proposals like the Scotts Valley tribe's will erode the state's legal basis for distinguishing between Indian and non-Indian gaming," he wrote.

The comments present the most detailed arguments to date against Scotts Valley, but also extend to two other proposals by North Bay tribes for casinos along the East Bay's urban spine. The Guidiville Band of Pomo Indians has proposed a casino at Point Molate in Richmond, while Lower Lake Rancheria Koi Nation is pushing a casino resort near Oakland International Airport.

Federal law prohibits tribes from gaming on newly acquired lands, with a few exceptions. One requires the Interior Secretary to approve, and the governor to concur.

On Wednesday, Schwarzenegger sought to slam the door on that option. He signed a proclamation stating he would oppose all proposals for tribal gaming land in urban areas, or wherever tribes failed to show local community support.

The state's hand weakens once the federal government grants a tribe land for gaming. Then, the governor must negotiate in "good faith" on a gaming compact. The Lytton Band of Pomo Indians won tribal gaming land in San Pablo through an act of Congress, sidestepping the normal federal process.

Scotts Valley is seeking an exemption that doesn't need the governor's support, claiming the North Richmond property qualifies as "restored lands" under federal law.

The 176-member tribe lost its Lake County land after the government terminated dozens of California rancherias in the late 1950's. The tribe, which won back tribal status in 1991 in a federal court stipulation, claims that federal policies forced many of its members to relocate to the Bay Area.

"They became asphalt Indians because of it," said Polly Girvin, an attorney for the tribe. "We have a lot of unique relocation history that has to be looked at."

Among other high hurdles, the tribe must show a significant "historical and cultural" connection to the land. Indian law experts say the tribe will be hard-pressed to qualify, given past federal decisions.

Scotts Valley claims ancestral ties to the north shore of the Bay, in Marin County. It also cites a federal designation in 2000 allowing members who live in Contra Costa County to qualify for federal benefits. The tribe has declined to say how many members live in the county.

"Contra Costa County is the tribe's rightful home," the tribe claims in its application to the Bureau of Indian Affairs.

In 24 pages of comments and exhibits, the county calls the tribe's historic claims to Contra Costa County a far stretch, citing Indian history texts and maps.

"It's 'reservation-shopping' to the extent that it's not the historic area for this tribe," said county Supervisor John Gioia, whose district includes both the Scotts Valley and Guidiville project sites.

The county also claims that it would lose millions of dollars in taxes if the tribe took over the land, and that a casino would add blight in the North Richmond area.

Tribal leaders have said the local area will reap major benefits, in payments from the tribe and thousands of new jobs for the troubled area.

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