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Supervisors may raise casino odds

By Peter Felsenfeld

County supervisors are aiming to stack the deck to keep Indian tribes from transforming West Contra Costa into an urban gaming mecca.

The board Tuesday is expected to approve a resolution opposing the creation or expansion of Indian casinos. The move would not directly affect the development prospects for three tribes that, bolstered by powerful investor allies, have proposed Las Vegas-style operations within an eight-mile radius.

But supervisors would like to send a clear message to state and federal leaders charged with making the final approvals. Even with promised mitigation measures, East Bay communities are ill-equipped to handle the negative health, traffic and public safety impacts that large casinos could generate, said Supervisor Gayle Uilkema of Lafayette, who co-sponsored the resolution.

"In a rational way, we're trying to draw on a county's unique concerns and perspective to impact the decision process," Uilkema said.

The measure would take on proposed casinos throughout Contra Costa, an unusual step for a board with land-use authority limited to unincorporated areas.

That's because all casinos threaten to strain county health services, law enforcement, jails and the District Attorney's Office, said co-sponsor Supervisor John Gioia of Richmond, whose district includes the three gaming sites. Tack on noise, water quality and traffic impacts, he said, and a picture emerges of costly regional consequences.

"The county isn't picking one casino over another," Gioia said. "We're being an equal opportunity opponent." Tribal leaders say supervisors are exaggerating the impacts. A luxury hotel/casino complex proposed for Point Molate includes \$420 million spanning 20 years for Richmond, not to mention a ferry to San Francisco that will remove cars from the freeways, said Michael Derry, a spokesman for the Guidiville Band of Pomo Indians.

The supervisors' disfavor could affect tribal attempts to build at the former Navy depot, he said, but it's more than offset by support from the Richmond City Council.

"What the city council says will far outweigh the county, because the land is fully in Richmond," Derry said. County supervisors stopped short of adopting a similar resolution last year, opting instead to learn more about how tribes establish reservations for casinos far from their ancestral land.

Federal law prohibits gaming on property acquired after October 1988, but there are exceptions. The Lytton Band of Pomo Indians leapfrogged the normal federal hurdles for its proposed San Pablo casino thanks to a rare legislative intervention by Rep. George Miller, D-Martinez.

More recently, the Lyttons have encountered roadblocks in Sacramento, where lawmakers are balking at approving a compact negotiated by Gov. Arnold Schwarzenegger that would allow 2,500 slot machines.

The Lyttons now say they plan to fill their card room off Interstate 580 with automated bingo games, which resemble slot machines but don't require state permission.

The federal process is more daunting for most other landless tribes seeking to hit the jackpot with a casino on newly bought land. They must either win preliminary backing from the governor or demonstrate that the proposed casino site restores land previously taken away.

The Guidiville band is seeking the latter exemption, as is the Scotts Valley Band of Pomo Indians, which has bought 30 acres for gaming in North Richmond, an unincorporated community.

No California tribe has succeeded in making such a "restored lands" claim, although 36 separate tribes are trying, said Cheryl Schmit, director of Stand Up for California, an Indian gaming watchdog group.

The process includes opportunity for public input, and federal officials consider city and county positions, said Michael Vinding, an attorney who has represented local governments statewide on gaming issues.

"It (the Contra Costa resolution) will have an impact," Vinding said. "It's hard to say exactly how much, but it could be significant."

In another action, supervisors Tuesday are expected to support legislation introduced by U.S. Sen. Dianne Feinstein, D-Calif., aimed at forcing the Lyttons to go through the reservation process under stricter rules, a maneuver that could delay or doom the casino.

The board vote will come on same day the measure is scheduled for a hearing in Washington, D.C.