



Sonoma County Water Coalition

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11/3/05

Brad Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street, NQ, Suite 9100
Washington, D.C.

RE: *EIS Scoping Comments, Graton Rancheria Casino and Hotel Project*

Dear Mr. Mehaffy;

The Sonoma County Water Coalition (SCWC) has 31 participating organizations representing approximately 27,000 concerned California voters. The SCWC is focused exclusively on sustainable water management issues and has no policies for or against Indian gaming. However, SCWC is concerned about a proposed casino complex to be built within an overdrafted part of the Santa Rosa Plain Groundwater Basin. Numerous studies attest to this overdraft.

The Sonoma County Water Agency (SCWA) already has instructed Rohnert Park, and all its other contractors, to rely on conservation, recycled wastewater, and “local sources”—that is, groundwater pumping—to make up for expected shortfalls due to insufficient water supplies in future. A water consumer of the magnitude that the casino proposes would have a pronounced adverse affect on the southern Santa Rosa plain groundwater subbasin’s over-produced groundwater supplies. The overdraft situation is sufficiently advanced to require that the applicant complete a thorough and meticulous groundwater basin study.

The enormous scale of the proposed project, destined for an overdrafted groundwater basin, is worrisome because this casino, after being taken into trust, would hold “federally reserved water rights”, which attach to reservation land. These federally reserved water rights take priority over pre-existing, state-based rights, and are protected against loss, interference, or

injury. Establishing federally reserved water rights in the overdrafted southern Santa Rosa Plain groundwater subbasin would endanger the ability of existing landowners and water purveyors to continue exercising their water rights. In addition, a sovereign Indian Nation would not likely be required to comply with the California Environmental Quality Act, SB 221, SB 610, a groundwater management plan under AB 3030, or any County or local groundwater ordinances.

All of the above-mentioned water management tools can help bring about sustainable water management practices, which the Coalition and other stakeholders actively hope to employ in Sonoma County.

Before taking such a drastic step as placing federally reserved water rights onto an overdrafted groundwater basin, the SCWC urges the NIGC to conduct a strict environmental review under the National Environmental Policy Act, which applies to federal discretionary decisions that may “significantly affect the human environment”. The very least of such actions should be a three-dimensional groundwater model of the southern Santa Rosa Plain groundwater subbasin, using MODFLOW software or an equivalent scientific model. As Lead Agency, the NIGC must select and hire an independent professional hydrology consultant, commissioned at the applicant’s expense, to conduct the groundwater study.

Given that earlier studies showed overdraft conditions, creating a reliable, data-based, 3-D groundwater model of the subbasin is a reasonable precautionary step, sound business practice, and clearly in the applicant’s best interest. The results would provide valuable information regarding the groundwater basin before making any business commitments to construction or groundwater pumping. When complete, the results of the study, including all input and output data and backup documentation, should be available for public scrutiny.

A project of this size would require several scoping sessions—holding only one would be wholly inadequate. NEPA compliance requires that scoping session invitations be sent to all stakeholders. For the Santa Rosa Groundwater subbasin, NIGC should include representatives from: the U.S. Geological Survey, the California Departments of Water Resources and Health Services, the North Coast Regional Water Quality Control Board, the Sonoma County Water Agency, Sonoma County Board of Supervisors, and Rohnert Park, Petaluma, Cotati, Sebastopol, and Santa Rosa, City Council members, as well as SCWC and all of its member organizations.

We look forward to the applicant's written responses to these inquiries.

Sincerely,

A handwritten signature in black ink that reads "Veronica Jacobi". The signature is written in a cursive, flowing style with a large, prominent 'V' and 'J'.

Veronica Jacobi
Co-Chair,
Sonoma County Water Coalition