

cc: all Supes, CAO,
Counsel



OFFICE OF THE

FEB 28 PM 4 21
NOR

February 28, 2008

Supervisor Richard M. Forster, Chairman
 Supervisor Theodore F. Novelli, Vice Chairman
 Supervisor Louis D. Boitano, District IV
 Supervisor Rich F. Escamilla, District 1
 Supervisor Brian Oneta, District V
 Mr. Martin Ryan, Sheriff
 Mr. Todd Riebe, District Attorney
 Mike Ryan, Treasurer/Tax Collector
 Mr. Joe Lowe, Auditor
 Mr. Jim Rooney, Assessor
 Mr. Sheldon Johnson, Clerk-Recorder
 Office of Board of Supervisors
 Amador County
 510 Court Street
 Jackson, California 95642

Dear Sirs:

This is in response to your letter to Governor Schwarzenegger dated February 15, 2008, regarding the Buella Vista Rancheria ("Tribe"), that our office received on February 19, 2008. In your letter you asked that the Governor file an amicus letter with the court in the matter of *v. Norton* (D.D.C. 1:08-cv-00658-RWR), requesting that the court expedite its consideration of the federal government's motion to dismiss and issue a ruling before the Board of Supervisor's February 26 meeting. The lawsuit asks the court to invalidate the Department of Interior's approval of the amended tribal-state gaming compact that the State entered into with the Tribe, because, the lawsuit contends, the land proposed for the Tribe's casino is not Indian land. Your letter states that the Board of Supervisors must vote on whether to approve the agreement negotiated with the Tribe concerning mitigation of impacts. We understand that the vote has now been postponed until March 4, 2008. Your letter further states that the Department of Interior's motion to dismiss the County's complaint in the lawsuit has been pending before the District Court for over 2 1/2 years and that County residents are frustrated that the court has not yet ruled on the pending motion.

Office of Board of Supervisors
Amador County
February 28, 2008
Page 2

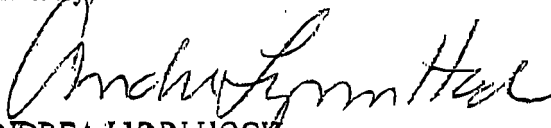
As you know, to date, the Governor has not participated in this lawsuit. While we appreciate the frustration regarding the length of time the motion has been pending, we believe it would be inappropriate for the Governor to request a federal court to issue a ruling within a set time-frame, particularly such a short time-frame.

In addition, the Governor stands by the amended compact entered into with the Tribe. As with all of the Governor's new and amended compacts, the Buena Vista compact includes strong environmental protections and provisions to ensure that issues of public health and safety are adequately addressed. The compact also provides that the Tribe enter into an enforceable written agreement with the County that addresses the off-reservation impacts of the Tribe's proposed gaming facility. The Tribe's 1999 compact did not contain such a provision. As your letter notes, pursuant to those compact provisions, our office advised the Tribe that its first environmental impact report was deficient. Accordingly, the Tribe withdrew the report, hired new environmental advisors, and issued a much improved environmental report last year. The County and the Tribe have since negotiated an agreement, as set forth in the compact.

The Governor recognizes the progress made with the proposed Intergovernmental Services Agreement. The agreement, which was released to the public in January, appears to be a comprehensive document that addresses law enforcement, roads, fire protection, environmental monitoring and mitigation, traffic, and other issues of concern to the County. Accordingly, we believe the process set up in the amended compact is working as intended. The Tribe withdrew its deficient environmental impact report and conducted a new environmental review. The County and Tribe have met and reached a comprehensive agreement to address mitigation of the off-reservation impacts of the proposed project. Should the County ultimately not approve the agreement, the compact provides that either party may seek binding arbitration with respect to any remaining disputes.

While we understand and appreciate the County's opposition to the Tribe's casino project, the compact process is working. With respect to the pending federal court litigation, we must respectfully decline the County's request to file an amicus letter. Thank you for expressing the County's concerns to the Governor.

Sincerely,



ANDREA LYNN HOCH
Legal Affairs Secretary