



FOR IMMEDIATE RELEASE:
January 29, 2008

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County Weighs Legal Options for Buena Vista Rancheria

Launches Public Outreach Effort to Hear Residents' Input and Questions

(Jackson, Calif.)– Amador County Supervisors today announced the County is beginning a public outreach program to seek input and answer questions about two options the County faces regarding the proposed Buena Vista Rancheria Casino. As a result of the U.S. Federal Court's failure to act for the past three years on the County's lawsuit challenging the Buena Vista Rancheria's 2004 gaming compact with the State of California, Amador County now faces a difficult and complex choice:

- 1) Should the County continue to invest County funds in litigation that may or may not be successful and be forced to accept the mitigation terms of a casino dictated by an outside arbitrator; OR
- 2) Should the County approve an Intergovernmental Services Agreement (ISA) with the Buena Vista Rancheria of Me-Wuk Indians that would secure guaranteed funding from the Tribe for Amador County law enforcement, roads, fire protection, environmental monitoring and mitigation, and address other local government and community programs if a casino is built.

The proposed ISA would provide approximately \$8 million annually from the Tribe to fund local County government programs and other identified one-time payments to the County of nearly \$18 million. Additionally, the agreement includes reimbursement of county legal and consultant costs, indemnification protections for the county, and the Tribe's limited waiver of sovereign immunity so that the County can legally enforce the ISA.

"I want to be clear," commented Richard Forster, Chairman of the Amador County Board of Supervisors. "We oppose Indian gaming expansion in Amador County. The problem is that our interests were abandoned by the State and Federal government, leaving us to fight alone – with limited legal options and limited funds. The question before us now is, do we risk continued costly litigation and the additional risk of an outside arbitrator's judgment? Or, do Amador County residents benefit more from securing an agreement to fund the casino's impacts? That is the choice currently in front of the Board of Supervisors," concluded Forster.

The ISA negotiated between the County and the Buena Vista tribe is designed to protect the County's fundamental interests in providing law enforcement, traffic, environmental protection, groundwater monitoring, and other issues. Under the ISA, the tribe will be required to pay the county nearly \$8 million per year while also providing for the following:

- A substantial reduction in the number of slot machines that would have been allowed under the Buena Vista's 2004 State Compact from an unlimited number to 950 slot machines (the ISA also provides that the tribe can expand ONCE during the term of the agreement, which expires in 2025, but they are limited to 1650 machines and must negotiate a new mitigation agreement with the County);
- Restrictions and limits on the size of the gaming area and casino facilities;
- An annual payment of \$150,000 for gambling and substance abuse programs;
- Compensation for fire protection and law enforcement services provided to the casino, including purchase of a new wildland fire engine;
- An annual payment of \$100,000 to the City of Lone for discretionary mitigation funds; and
- An annual payment of \$1 million to fund community improvements.

With regard to construction and operations of the casino, there are several other key provisions that are included in the proposed ISA, including:

- A prohibition on installation of Class II gaming machines;
- Avoiding substantial environmental impacts of casino operations related to the scale of the facilities, signage, lighting, wastewater and solid waste disposal;
- Moving the casino gateway entrance to Buena Vista Road from Jackson Valley Road;
- A rigorous groundwater monitoring program;
- Significant road and safety improvements to Coal Mine Road and Buena Vista Road and compliance with Cal Trans requirements for lane and signal improvements at Highway 88 intersections; and
- Legal indemnification for Amador County of up to \$10 million for any damages that may occur related to the location and operation of the casino.

In addition to annual payments from the Tribe to the County, the Tribe will also make one-time payments for the following services and/or reimbursements:

- A one-time payment from the tribe of \$1.4 million to reimburse the County for its legal and consultant costs;
- An impact payment to Amador County Unified School District of approximately \$93,000;

- A transportation mitigation fund for road improvements and on-going maintenance.

The other option available to the County is to continue litigation in hopes of preventing the casino altogether. However, through its 2004 Compact with the State— if the County rejects the option of an Intergovernmental Services Agreement (ISA) - the Tribe has the option of immediately pursuing binding arbitration and potentially breaking ground on its casino as early as this summer.

Under terms of the Tribe's 2004 Compact Agreement with the State of California, an outside arbitrator will determine the precise terms that he or she determines will adequately mitigate the impacts of the proposed casino. The task of the arbitrator is to decide between the last best final offer of the mitigation terms submitted by the County **OR** the terms submitted by the Tribe. There is no appeal or judicial step that can be taken to change the determination of the arbitrator.

The County's negotiators believe that it is unlikely that the County will receive all the funds and other impact mitigation measures through the arbitration process that are detailed in the ISA (such as signage, water monitoring program, no Class II gaming, limit size of casino, etc.) The ISA also includes requirements and community programs that may be outside the scope of the Tribe's State Compact agreement.

"Our interests and opposition have been almost entirely ignored by both the State and Federal government," said Terri Daly, Amador County Administrative Officer. "As a result, Amador County has been left to fight against this unwanted casino on its own. The proposed Intergovernmental Services Agreement represents our best efforts to secure funds and enforceable commitments from the Buena Vista Rancheria if a casino is established so that we can protect county programs such as law enforcement, fire protection and roads."

A series of informational workshops will be held in Buena Vista, Plymouth, Lone, Pine Grove and Jackson to get input and answer questions from residents about the options available to the County. Background documents regarding the Buena Vista Rancheria casino litigation; the ISA and the record in relation to the Buena Vista Casino will be located on the county web site at www.co.amador.ca.us. Additionally, a hotline has been established through the county for residents to comment or ask questions: (209) 257- 5099.

Community Informational Workshops:

Wednesday, February 6, 2008 6:30pm-8:30pm: Evelyn Bishop Hall, 600 South Church Street, Lone, CA

Wednesday, February 13, 2008, 6:30pm-8:30pm: Oaks Mobile Home Park, 5607 Jackson Valley Road, Buena Vista, CA

Saturday, February 16, 2008, 1pm-3pm: Amador County Administration Building, Board Chambers, 810 Court Street, Jackson, CA

Tuesday, February 19, 2008, 6:30pm-8:30pm: Pine Grove Town Hall, 19889 Highway 88,
Pine Grove, CA

Wednesday, February 20, 2008, 6:30pm-8:30pm: Plymouth City Hall, 9426 Main Street,
Plymouth, CA

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