

PUBLIC HEARING
CITY OF RICHMOND PLANNING COMMISSION
POINT MOLATE RESORT AND CASINO PROJECT

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Thursday, September 17, 2009

6:00 p.m.

City of Richmond Memorial Auditorium
403 Civic Center Plaza
Richmond, CA 94804

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Reported by: CATHERINE D. LAPLANTE
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A P P E A R A N C E S

1
2 Planning Commission

3 Virginia Finlay, Chair
4 Charles Duncan, Secretary
5 Nagaraja Rao
6 Jovanka Beckles
7 Carol Teltschick-Fall
8 Sheryl Lane

9 City of Richmond

10 Janet Harbin, Principal Planner
11 Mary Renfro, City Attorney
12 Lina Velasco, Senior Planner

13 Michael Taggart, Analytical Environmental Services

14 Larry Blevins, Pacific Region of Bureau of Indian Affairs

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1 CHAIR FINLAY: Good evening, Ladies and Gentlemen.
2 This meeting with the City of Richmond Planning Commission
3 is now in session.

4 Ms. Harbin, would you perform your roll call?

5 MS. HARBIN: Chair Finlay?

6 CHAIR FINLAY: Here.

7 MS. HARBIN: Commissioner Teltschick?

8 COMMISSIONER TELTSCHICK-FALL: Here.

9 MS. HARBIN: Commissioner Duncan?

10 COMMISSIONER DUNCAN: Here.

11 MS. HARBIN: Commissioner Rao?

12 COMMISSIONER RAO: Here.

13 MS. HARBIN: Commissioner Lane?

14 COMMISSIONER LANE: Here.

15 MS. HARBIN: Commissioner Beckles?

16 COMMISSIONER BECKLES: Here.

17 MS. HARBIN: Commissioner Lee is absent.

18 CHAIR FINLAY: Thank you.

19 The members that are with us this evening of the City
20 of Richmond staff are as follows.

21 On my right is Mary Renfro, who is Assistant City
22 Attorney. Next to Ms. Renfro is Lina Velasco, Senior
23 Planner, and next to Lina Velasco is Janet Harbin, our
24 Principal Planner.

25 Commissioner Duncan, will you read the next agenda

1 item, please?

2 COMMISSIONER DUNCAN: The Next agenda item is the Brown
3 Act.

4 CHAIR FINLAY: Thank you. For Brown Act speakers, the
5 timing is three minutes per speaker.

6 Ms. Harbin, do we have anyone signed up to speak on the
7 Brown Act?

8 MS. HARBIN: No, we don't.

9 CHAIR FINLAY: Thank you.

10 Mr. Duncan, will you please read the next agenda item?

11 COMMISSIONER DUNCAN: Next agenda item is PONZO8, dash,
12 089, Point Molate Resort and Casino Project.

13 CHAIR FINLAY: Thank you. We're going to handle this
14 agenda item a little bit differently than we normally do.
15 I'm going to ask Ms. Lina Velasco to introduce the item, and
16 then we're going to turn it over to Member of the Bureau of
17 Indian Affairs to actually conduct the hearing this evening.

18 Ms. Velasco.

19 MS. VELASCO: Thank you, Madam Chair.

20 To introduce the staff on your far left, first we have
21 Mike Taggart who is the project manager for Analytical
22 Environmental Services, and we also have Larry Blevins who's
23 the Environmental Protection Specialist from the Pacific
24 Region of the Bureau of Indian Affairs.

25 CHAIR FINLAY: Welcome, gentlemen.

1 MR. BLEVINS: Thank you.

2 CHAIR FINLAY: The microphone is yours.

3 MS. VELASCO: I'm sorry. I'm going to just do a little
4 bit of housekeeping just to let everybody know that the
5 restrooms are located at the far west end of the building,
6 also near the Bermuda room in the front and upstairs in the
7 lobby.

8 And also just please keep all the exits open and all
9 the aisleways. We'll also will be calling up speakers in
10 order of five, and we have also reserved seats in the front
11 so we ask all the speakers to come to the front when they're
12 called so we can move this hearing over in a timely fashion.

13 And what we'll go ahead and do, the speaker cards are
14 located in the front. They're also in the lobby and turn
15 them into the staff at the front who will then be bringing
16 them forward so we can call everybody's name.

17 And so with that, I'll pass it over to Larry Blevins,
18 who is going to be our facilitator for this comment hearing,
19 and he'll explain the speaker rules for tonight.

20 CHAIR FINLAY: Thank you. I would like to make one
21 quick comment. Normally with our agenda items, we stop
22 taking speaker forms when we call the item. Because our
23 meeting is starting at 6:00 and because there was some
24 incorrect post-it on the City's website, we are not going to
25 do that this evening.

1 We will continue to take speaker forms as the meeting
2 goes on. However, at approximately 7:15, I'm going to stop
3 the proceedings, and I'm going to ask for a count of how
4 many speakers are remaining. At that time I'm going to make
5 a judgment about when we're going to close this hearing.

6 I don't know yet whether that's going to be 9:00 or
7 10:00, I don't know, but I am going to close the hearing at
8 an appropriate time, so I just wanted everyone to know that
9 we're working a little differently this evening.

10 Gentlemen.

11 MR. BLEVINS: Thank you.

12 Good evening. My name is Larry Blevins, and I'm an
13 environmental protection specialist for the Pacific Region
14 Bureau of Indian Affairs.

15 The BIA is a bureau within the Department of Interior
16 which, in turn, is a department of our Federal government.
17 In cooperation with the City of Richmond Planning Commission
18 and Planning Staff, I will be your facilitator at this
19 evening's public hearing.

20 Representing AES, the environmental consultants for the
21 EIS/EIR, we have Mike Taggert. Cathy LaPlante is our
22 stenographer for the evening.

23 At this time I'd like to introduce the Guidiville Band
24 of Pomo Indians Vice Chairperson Donald Duncan.

25 We're here tonight to receive public comments on the

1 draft EIS/EIR for the fee to trust land acquisition of
2 approximately 266 acres and subsequent proposed development
3 of a destination resort and casino complex for the
4 Guidiville Band of Pomo Indians, a federally-recognized
5 tribe.

6 The proposed resort complex will be located within the
7 City limits of Richmond, Contra Costa County, California.
8 We have asked AES to provide you with a great PowerPoint
9 presentation on the proposed action, its purpose and need,
10 the EIS process and the scope of analysis.

11 The purpose of tonight's hearing is to receive your
12 comments regarding analysis presented in the draft EIS/EIR,
13 as well as to present information you feel may be important
14 for the agencies to consider.

15 With that in mind, I would want it to be clear that
16 tonight's hearing is not a question and answer period, nor
17 is it a form for debate.

18 I will now commence with a few procedural matters. I
19 will then invite any Federal officials who wish to comment
20 followed by Vice-Chairperson of the Guidiville Rancheria,
21 then any State and local elected leaders followed by the
22 public testimony.

23 Members of the public will be given three minutes each
24 to provide verbal comments. We will be using a timing light
25 and will enforce the three-minute rule to ensure that

1 everyone who wishes the comment on the document has the
2 opportunity to do so.

3 Please be respectful with making your comments. We
4 will be calling individuals up to speak in groups of five.
5 Your name will be called in order with which we received
6 your speaker card.

7 If you wish to speak and have not yet filled out a
8 speaker card, please fill one out and provide it to the
9 nearest attendant. When you are called up to speak, please
10 restate your name and spell it for the stenographer.

11 If you have written comments, we will accept them here
12 tonight; otherwise, please mail them to the address in the
13 notice so that they can arrive on or before September 23rd,
14 2009.

15 To best participate in this formal hearing process,
16 I'll offer the following ground rules.

17 One, summarize your main points within your
18 three-minute public comment period. You will be able to
19 gauge your time with our flashcards. Be as specific as you
20 can. Only what are substantive comments will be reviewed
21 and responded to in the final EIS/EIR. In other words, if
22 you tell me that you do not like the project but give no
23 specific rationale, there will be nothing with which we can
24 further analyze and respond to.

25 Avoid personal attacks. We understand that there are

1 strong feelings for and against this proposed project. The
2 best opportunity to state your views convincingly is through
3 a brief, factual presentation.

4 It is okay to disagree. The key is to do it in a
5 manner of mutual respect. I would request that there will
6 be no interruptions that would distract from the
7 stenographer's ability to accurately record anyone's
8 comments. In addition, if I cannot hear a speaker's
9 comments because of a sidebar conversation or other
10 disturbance in the auditorium, I will stop the hearing until
11 order is restored.

12 I will require you to address us specifically with your
13 comments so that we can hear what you are saying, and so
14 that our stenographer can accurately record your words. If
15 you do not address us directly, I will ask the stenographer
16 to stop the recording, and you will be required to
17 relinquish the microphone to the next speaker in line.

18 Following completion of the public comment period, all
19 comments received during the process, will be considered by
20 the lead agencies and will be addressed in the final
21 EIS/EIR. The final EIS/EIR will be published on the
22 Internet and in CD format. A copy of which will be mailed
23 to everyone on the mailing list which has been compiled
24 during past scoping and the current comment period.

25 Mike Taggart, the environmental consultant from

1 Analytical Environmental Services will now make a brief
2 presentation about the analysis presented and the Draft
3 EIS/EIR.

4 MR. TAGGERT: Thank you, Mr. Blevins. Madam Chair.

5 Hello, everyone. As Mr. Blevins' just mentioned, my
6 name is Mike Taggert. I'm from Analytical Environmental
7 Services. I'm going to provide you with a brief
8 presentation outlining the project that is before you
9 tonight. Describe in brief detail the NEPA and CEQA
10 process, that is the environmental review framework within
11 which we are analyzing potential impacts related to this
12 project. Go over the scope of the analysis and then we'll
13 open it up for public comment.

14 I won't belabor these points. Mr. Blevins has already
15 gone through these, but this is your opportunity to get on
16 the record with your verbal comments. They will be limited
17 to three minutes. Please fill out a speaker card in the
18 back if you have not already done so. Please be respectful
19 in making those comments.

20 The Guidiville Band of Pomo Indians and Upstream Point
21 Molate are the project proponents. The Bureau of Indian
22 Affairs and the City of Richmond are the lead and Federal
23 and local agencies for NEPA and CEQA compliance.

24 There are four cooperating agencies for this joint
25 evaluation. Those include the Guidiville Band of Pomo

1 Indians, Contra Costa County, the United States
2 Environmental Protection Agency and the National Indian
3 Gaming Commission.

4 The document that is out for the 75-day public review
5 at this time is a joint NEPA CEQA analysis that considers
6 environmental impacts within local, State and Federal
7 frameworks.

8 We've prepared a Joint Environmental Impact Statement,
9 slash, Report to reduce redundancies and complete all of the
10 CEQA and NEPA requirements within a single document.

11 The document that's before you tonight is the result of
12 several years of work by AES, the City of Richmond, more
13 than 14 subconsultants with oversight by the lead agencies
14 and the cooperating agencies.

15 During this process, there has been ongoing
16 consultation with a number of public agencies, including the
17 Attorney General's Office, Caltrans, WCCTAC, State Lands
18 Commission, Regional Water Quality Control Board, State
19 Historic Preservation Officer, the US Navy, US Fish and
20 Wildlife Service, US Army Corps of Engineers, and a host of
21 other agencies.

22 This slide is presented to give you a sense of the
23 process and schedule for the NEPA and CEQA process. A
24 Notice of Intent and Notice of Preparation were issued in
25 March of 2005. A scoping hearing was held in this

1 auditorium in April -- I'm sorry -- March of 2005 followed
2 by a scoping report prepared during that same month.

3 The administrative Draft EIR was prepared in
4 October 2008 subject to review by the lead agencies and all
5 the cooperating agencies. The document was then revised to
6 reflect their input and issued to the public on July 10,
7 2009. It is now out for a 75-day comment period which
8 concludes on September 24th of this year.

9 Let me clarify. I believe September 23rd is the final
10 day for you to submit written comments for those to be
11 considered on the record.

12 This is the second of two public hearings, and we've
13 already completed two public workshops.

14 Subsequent steps in the process include drafting of
15 Final EIS/EIR, potentially a findings and statement of
16 overwriting considerations by the City of Richmond, a record
17 of decision on the part of the BIA to fulfill the NEPA
18 requirements and a mitigation monitoring enforcement plan.

19 The EIS/EIR considers 13 different resource issue areas
20 that are listed for you here on the slide. In addition to
21 direct impacts to each of these resource and issue areas, we
22 also considered growth-inducing impacts, cumulative impacts
23 as well as impacts of mitigation.

24 The project site is located on the San Pablo Peninsula
25 as indicated on this map. The property is roughly 415

1 acres. It corresponds to the former Naval Fuel Depot at
2 Point Molate.

3 This is an aerial view of the project site. This is a
4 photograph of how the project site appears today.

5 I'm going to briefly go through the alternatives
6 analysis and describe for you the components, the major
7 components of each of the projects. According to NEPA
8 requirements, we have provided equal analysis for five
9 project alternatives, as well as the No Project Alternative.

10 Alternative A is the proposed project, a mixed-used
11 tribal destination resort and casino, which would include a
12 fee to trust transfer of the land title back into Federal
13 status for the benefit of the Guidiville Band of Pomo
14 Indians. Of the 415 acres that constitute the property,
15 roughly 266 of those acres would be conveyed into trust
16 status under all the alternatives that include a gaming
17 component.

18 Alternative B is the mixed-use destination resort and
19 casino project with a residential component, and that is
20 it's essentially identical to A with the addition of a
21 residential component in the Southern portion of the project
22 site.

23 Alternative C is a reduced intensity mixed-use tribal
24 destination resort and casino alternative.

25 Alternative D is a non-gaming, non-trust mixed-use

1 redevelopment.

2 Alternative E is a total Parkland alternative, and
3 finally Alternative F is the No Project alternative.

4 This slide presents some of the major components of
5 Alternative A. This is non-exhaustive. I encourage you to
6 read the EIS/EIR if you have not already done so, but I'm
7 going to quickly outline the basic components.

8 First of all, there is rehabilitation of the historic
9 Winehaven, National Register Historic District for use as a
10 casino, restaurants, wine cellar, et cetera. Tribal
11 government cultural facilities and dance grounds for the
12 Guidiville Band of Pomo Indians.

13 Two hotels and guest cottages, a retail village,
14 performing arts venue and conference facility. Conversion
15 of the existing fueling terminal, the pier located on site
16 into a passenger ferry terminal, open space preservation,
17 and shoreline park amenities.

18 Construction of the Bay Trail segment through the
19 project site, parking facilities for 7,500 cars and two
20 garages. A police and fire emergency service center located
21 on site. Remediation of hazardous materials conditions on
22 site.

23 Historic preservation and rehabilitation of buildings
24 on the National Register of Historic Places, habitat
25 restoration, as well as a series of green building and

1 energy-efficient design components.

2 This is a site plan of Alternative A. I will briefly
3 point out some of the major components of Alternative A.

4 This is the historic Winehaven building located right
5 here. This will be used as a -- again, as a casino,
6 entertainment, dining facility. A new hotel structure right
7 here where there currently exists a building associated with
8 the Winehaven District.

9 The Point Hotel located on the point of the property
10 with a subterranean parking garage. Bay trail running along
11 the length of the shoreline. Another parking facility,
12 conference center and entertainment venue.

13 The historic cottages of Winehaven would be preserved
14 and rehabilitated and adaptively reused. Open space and
15 trails throughout the hillside upland area. Dance grounds,
16 cultural facilities and a seat of government for the
17 Guidiville Band of Pomo Indians.

18 And an aquatic or kayaking center located down here on
19 the southern portion of the property site. Western Drive
20 would be reconstructed and widened all the way through the
21 property site, and there are about 25 casitas or guest
22 cottages located on the ridge above the point here.

23 Alternative B, which is a slide here, is identical to
24 Alternative A, with the addition of 340 housing units here
25 in the southern portion of the property.

1 Alternative C is the reduced intensity, clearly with a
2 smaller footprint. Most of the development is restricted to
3 the northern portion of the property. There's only one
4 hotel proposed under this alternative. No point hotel or
5 subterranean parking garage. However, the Bay Trail,
6 shoreline facilities, park amenities would be included as
7 part of this alternative, as well as the Guidiville Band of
8 Pomo Indians' cultural government and dance facilities up in
9 this area, as well as this open space.

10 Again, this is Alternative D. This is the non-gaming
11 component. The property would not be taken into trust for
12 the benefit of the tribe. It would be developed as a
13 mixed-use residential commercial retail facility. Southern
14 portion reflects a number of detached and attached homes.

15 Residential units would be scattered throughout this
16 commercial district as you see here; however, there would
17 continue to be the shoreline park along the margin. Open
18 space trails in the hills and a ferry terminal located off
19 the point here.

20 Alternative E is the total Parkland alternative. This
21 will provide for basic amenities required for health and
22 safety, such as drinking water, restroom facilities, and so
23 forth. Preservation of the buildings associated with the
24 Winehaven National Register Historic District which would
25 largely remain off limits to the public. However, the

1 public would have access to the hillside areas, as well as
2 the shoreline, and the Bay Trail would be completed through
3 the project site under Alternative E.

4 In terms of the analysis, identification of impacts and
5 mitigation for those impacts, we have provided in this
6 document mitigation measures for all potential impacts
7 related to construction, operation and cumulative conditions
8 related to implementation and development of the proposed
9 project.

10 We've also recommended improvement measures throughout
11 the document as a means of lessening impacts in the absence
12 of exceedances of significant to thresholds.

13 A mitigation monitoring reporting program will be used
14 to verify compliance, and mitigation for the alternatives
15 that include Federal trust acquisition will be incorporated
16 into a legally enforceable contract that provides for a
17 limited waiver of tribal -- the tribe sovereign immunity for
18 enforcement of the mitigation.

19 And with that, I think we're ready to open it up for
20 public comment.

21 MR. BLEVINS: Thank you, Mike.

22 At this time I'd like to ask the Vice Chairperson
23 Donald Duncan, if he'd like to come up and speak.

24 MR. DUNCAN: Good evening, everyone. My name is Donald
25 Duncan, D-u-n-c-a-n. I'm the Vice Chairperson for the

1 Guidiville Band of Pomo Indians, and I'd just like to say
2 thank you to the City of Richmond's Planning Commission, the
3 Bureau of Indian Affairs for holding this hearing tonight,
4 and I'd like to thank the public for coming out to listen to
5 their comments tonight.

6 Thank you.

7 MR. BLEVINS: Thank you. We'll now go into our formal
8 hearing. One final reminder, when you are called to speak,
9 please restate your name for the stenographer.

10 Our first speaker will be Don Gosney, and he will be
11 followed by the next four individuals, Rick Alcore, Alcaraz,
12 Andres Soto, Dr. Henry Clark, and Mike Ali Raccoon Eyes
13 Kinney.

14 The four can come up here and sit.

15 Rick Alcaraz, if you're ready. Andres Soto.

16 MR. SOTO: Good evening, Members of the Commission and
17 BIA. My name is Andres Soto, S-o-t-o, and I'm a member of
18 the Coalition of State Point Molate. I've distributed some
19 documents here for your own investigation, but one of the
20 things I'd like to say is that I'm very pleased to have
21 received a copy of a letter dated September 15, which is
22 also in your packet addressed to Ken Salizar, Secretary of
23 Interior, signed by Senators Jon Kyl, Harry Reid, Diane
24 Feinstein, Barbara Boxer and John Henson.

25 And just a couple of highlights from that.

1 We strongly opposed taking off reservation lands into
2 trust for gaming purposes. We do not believe this is --
3 this was envisioned when we passed the Indian Gaming
4 Regulatory Act, and also we have serious concerns about the
5 recent practice of tribes as it is seeking gaming
6 opportunities on lands that are not traditionally tribal
7 lands, so that's what's going on at the Federal level.

8 And now I think what we're addressing here with the
9 EIS/EIR are a number of inadequacies, and this agreement --
10 this document is deeply flawed.

11 The entire city agreement, municipal services agreement
12 is contingent on Guidiville tribe receiving approval of the
13 State Legislature for gaming compact. There's considerable
14 opposition to any such action, and the City is, therefore,
15 in real jeopardy of having the entire gaming and all
16 negotiated mitigation measures invalidated while being
17 struck with a -- stuck with a casino with class two gaming
18 at Point Molate similar to the one in San Pablo.

19 The reports job claims are completely unsubstantiated.
20 We've seen the numbers jump from 4,000, 6,500 to 17,000
21 without a single study to support the alleged increase.
22 Most permanent positions will be low skill, low wage, and
23 there's even a disclaimer in the report that specifically
24 states no level, no number of jobs is guaranteed.

25 There's a fault economic analysis. The EIR/EIS assumes

1 that Point Molate will be the only fully approved casino
2 project in the East Bay, and does not account for the
3 possibility that other projects could be approved.

4 Additionally, major traffic impacts are purposely
5 overlooked by assumptions of future mitigations that are not
6 actually required, unless something is mandatory, potential
7 mitigations can be assumed.

8 They diminish the number of expected car trips and
9 unprecedented usage of ferry service that does not currently
10 exist is assumed EIS, and it claims that one and four
11 customers will arrive by ferry.

12 The false assumptions are also made about bus transit
13 shuttle service that is not required as mitigation or
14 currently available.

15 The number used to analyze Richmond bridge full
16 capacity are doubled the accepted traffic engineering
17 standards for each lane. This exaggerated highway lane
18 capacity estimates 4,000 cars per hour per lane is
19 unprofessional and without precedent.

20 EIR/EIS fails to adequately mitigate the hazardous
21 impacts associated with the project's proximity to the
22 Chevron Richmond refinery. It relies upon mitigation
23 already in place for the Chevron refinery and provides no
24 evidence that this will be sufficient.

25 In addition, the final comment, the effects on the

1 surrounding communities like San Pablo and Contra Costa
2 County are not even addressed.

3 Thank you very much.

4 MR. BLEVINS: Thank you, Mr. Soto.

5 Don Gosney.

6 MR. GOSNEY: Thank you. My name is Don, D-o-n, Gosney,
7 G-o-s-n-e-y, resident here of Richmond.

8 14 years ago I embraced Point Molate by joining the
9 Mayor's Blue Ribbon Advisory Committee to develop the reuse
10 plan, and for the past 13 years, I've served as the
11 community co-chair for the Restoration Advisory Board for
12 Point Molate to ensure that the site has been properly
13 cleaned before we take ownership.

14 After reading every one of the 5,812 pages of this
15 draft EIR, I want to address the alternatives to the
16 development of Point Molate. In particular, Alternatives E
17 and F, which call for total Parkland or do nothing.

18 Under both of these options, there will be no financing
19 to stabilize the historical buildings. This could easily
20 cost the City an additional 30 -- 20 to \$30 million right up
21 front. There will be no financing for the two-plus million
22 dollars per year that we're currently spending for bare-bone
23 security and fire control.

24 There will be no financing say that which comes
25 directly out of our pockets for any upgrades to the site,

1 and there will no private financing for the Bay Trail.

2 For 15 years I have been hearing people tell us what
3 they want to see happen to Point Molate, so I'm putting out
4 the challenge right here and now.

5 Give us the names of any person authorized to give the
6 City \$50 million for that property today. Give us the names
7 of the people who can provide us with 6,500 good paying
8 permanent jobs on site and another 17,000 jobs in the
9 community.

10 The Parks people and Chevron can't do this. Give us
11 the names of the people who can write a check for 18 to
12 \$20 million each and every year in lieu of fees for their
13 use of Point Molate.

14 If you can't give us those names, then perhaps we need
15 to take a closer look at what our real alternatives are for
16 the reuse of Point Molate.

17 Furthermore, Alternatives E and F don't even meet the
18 stated goals and objectives of the reuse plan. Let's not
19 forget too that the Delin's Legislation, the specific act of
20 Congress that authorized the closure of Point Molate directs
21 and demands that the reuse of Point Molate must be an
22 economic engine for this community. It is forbidden from
23 costing the City a dime to operate.

24 I encourage everyone, everyone, read the draft EIR
25 thoroughly, talk and listen to the developers. If you have

1 concerns, ask questions and make the necessary requests for
2 mitigation.

3 Let's take a closer look at this project and find out
4 how to make it work. Let's find a way to bring in
5 employment with good paying jobs, tax revenue, business and
6 respect back into our community. Thank you.

7 MR. BLEVINS: Thank you.

8 Rick Alcaraz next, please.

9 MR. ALCARAZ: Good morning. Good afternoon,
10 commission. My name is Rick Alacraz, a local resident here
11 for 63 years. Just all through school here, and everything,
12 and I've seen this town in its worse state and this town on
13 its best day.

14 The project that we're talking about can revitalize
15 Richmond. It's an opportunity for jobs. It's an
16 opportunity to take some of the corruption that is currently
17 going on on our streets.

18 People are scared to come out of their houses right
19 now. People are being wounded or shot at for -- by accident
20 because of bullets are flying, and who cares where they go.
21 My main object is to get the kids and the younger -- most of
22 the younger kids, and there's a few older ones like me, to
23 get them off the streets and get them in jobs so they can
24 establish their own lives, not be guided by something,
25 outside element.

1 Currently today there was a letter written by Diane
2 Feinstein. I read the letter, but it doesn't make much
3 sense to me because Diane's never been here, she doesn't
4 understand the problems of Richmond. None of us really do
5 understand the problems of Richmond.

6 Like I said, I've been here all my life, and I've seen
7 the problems that occurred in the '60s, and when McDonald
8 Avenue went down, now it's 23rd Street that threatens. They
9 say they're going to move the downtown to San Pablo Avenue
10 and the new green corridor. Well, that's all fine.

11 Point Molate is out there. It's a desolate place.
12 I've been visiting that place since I was a little kid. We
13 used to go swim in there, and now it's become vacant. All
14 that's there is rats, and I've seen a lot of big rats.

15 I hope that you people will please understand the jobs
16 that can occur there. We're almost guaranteed that the jobs
17 that are going to be in the service industry will be great
18 jobs for some of our local people.

19 Thank you very much.

20 MR. BLEVINS: Thank you.

21 Dr. Henry Clark.

22 DR. CLARK: Thank you. Members of the Commission, my
23 name is Dr. Henry Clark. I'm the executive director of the
24 West County Toxins Coalition, 305 Chesley Avenue in North
25 Richmond.

1 As Don Gosney indicated, I've served on our Blue Ribbon
2 Advisory Committee, as well as the Ground Now Restoration
3 Advisory Board for the past 14 years. I've been involved in
4 this Point Molate project.

5 From an environmental perspective, I'm convinced that
6 the cleanup of the site is protective of public health and
7 safety, and certainly with the conservation aspects of it,
8 the inclusion of solar -- solar power, solar energy, this is
9 a state of the art operation here.

10 You talking about the green leaf of Richmond, this
11 project certainly contributes to that within that particular
12 context.

13 As well as the jobs and the public access, there are
14 parks, there are trails, there are a lot of green there, so
15 for those particular reasons, I stand with the Guidiville
16 Branch of Pomo Indians in supporting this project based on
17 those reasons.

18 As far as the gambling part of it is concerned,
19 personally I don't gamble, but that's a personal decision.
20 I'm not into trying to legislate morality in terms of what a
21 person can do and what they can't do. That's their
22 business; that's the market. This is supposed to be a
23 capitalistic system yet -- which means the market decides
24 who stay in business or who don't.

25 But yet, all of a sudden San Pablo and others want some

1 special protection, you know, that's supposed to be part of
2 the market base system we live in, and we supposed to be
3 about, so you can't have it both ways.

4 So I want to just conclude by saying this: I think
5 that the people who have come up here over the period of
6 time and have made comments on this project suggesting that
7 the Guidiville Branch of the Pomo Indians would go back on
8 their commitments, and so forth.

9 You know, first of all, if you look at history, I don't
10 think it's been the Indians who have broke their word. You
11 know, they have kept their word. It's been others who have
12 broke their word to the Indians, so let's support this
13 project and cut this nonsense out. Thank you.

14 MR. BLEVINS: Thank you.

15 Mike Raccoon Eyes Kinney, please.

16 MR. KINNEY: Ladies and gentlemen, in the Spirit of
17 Creator we are all blessed to be here tonight to have a
18 common dialogue about human and civil rights native style in
19 Richmond, California.

20 I would like to say to this various board and our
21 representatives from BIA, I would like to first state that
22 this is not an issue, ladies and gentlemen, of casinos.
23 This is an issue of sovereignty, an issue of sovereignty
24 that speaks of a course and understandings that go back to
25 the historic time of we as native peoples.

1 For the many bands of Rancherias, reservations and
2 bands of California Native American, there is a great
3 endorsement of this. Native peoples are looking to this.

4 For many of you who have not been to Pomo country or to
5 Cherokee country or anywhere in Native America, it's a world
6 that most people know very little of and probably could care
7 less about.

8 Today we have a common opportunity to talk about
9 sovereignty. If it is the pleasure of the Council to have
10 that of a casino infrastructure, so be it. I have no
11 position on casinos either way. If they wish to do poultry
12 or dairy [phonetic], that is fine.

13 A part of the process that we are seeing here tonight
14 is that in the days of relocation and determination of the
15 reservation system, for many natives they came to the City
16 San Francisco, Vallejo, Richmond, Oakland and San Jose were
17 some of those cities, and there was an accord basically
18 between the Department of Interior and the BIA that
19 basically said in effect that landless native peoples had
20 the option to buy land and go through a due process to have
21 their own sovereign nation, what we call in mainstream
22 culture a reservation.

23 And that is a very important thing with we native
24 peoples, and so I say to you in a good way, a way with
25 honor, that this is an opportunity. We are also in a

1 cultural of violence. Why are the young people angry for,
2 they have no jobs. Young people are doing now what they
3 have to do.

4 You know, they have an expression in Indian country,
5 there is nothing like a job that stops a bullet, and so you
6 see tonight this is where Native people and the people of
7 Richmond come together. It can be our shining moment, and
8 the moment should be that we have a right to live as the
9 weigh Creator intended us to live.

10 And each and every one of us here, we should celebrate
11 and honor that we have this blessing to speak together today
12 in this dialogue, and I would ask all of the Commissioners
13 to think very seriously about the bigger picture here.

14 Truly what is good for my cousins in Guidiville Band of
15 Pomos is truly good for Richmond, and ladies and gentlemen,
16 thank you very much, and let's make it happen. Thank you.

17 MR. BLEVINS: Thank you.

18 I'd like to call Joaquin Navas forward and to be
19 followed up in the chairs up front, Rock Miller, John
20 Huston, Mister Phillips and Joe Alberta.

21 MR. NAVAS: Hi there. My name is Joaquin Navas. I
22 am -- I am a student at Middle College High School, and I am
23 interning with the Coalition to Save Point Molate.

24 Now tonight I would like to address, usually when we
25 come to these types of decisions, I've heard this issue

1 being talked about before, and, yes, we usually -- one of
2 the arguments I have heard recently and what pushes most
3 people is the need to look for revenue.

4 Now, there are many different ways to approach this,
5 not necessarily building a casino.

6 Now, earlier there were options, and a lot of these
7 options did involve the jobs that we Richmond residents do
8 need because, yes, I will say that it is important that we
9 do use jobs and keep people off the streets; I agree with
10 that. I also agree that we do need revenue.

11 What I don't agree with is not searching or looking at
12 alternatives effectively and looking at them as we do the
13 casino.

14 Now, there are certainly alternatives that we can look
15 at, such as, let's see building a park, building -- just
16 renovating the area. There are jobs that are available, and
17 I think it is important to look at these alternatives before
18 we jump to any conclusions because as I'm sure all --

19 I'm a lot younger than everybody here so I can't really
20 say much, but through my experience, I have observed that
21 people tend to jump at what seems the most practical without
22 really thinking about the consequences, and I believe that
23 is at times like these where it is most important to
24 observe -- to view other alternatives as opposed to jumping
25 to the options that jump out at us.

1 Thank you.

2 MR. BLEVINS: Thank you. Rock Miller, please.

3 MR. MILLER: Thank you. My name is Rock Miller. I'm a
4 professional traffic engineer. I come from a company with
5 offices throughout California. I formerly served on the
6 Institute of Transportation Engineers on their International
7 Board of Direction. When you hear ITE Trip Generation,
8 that's the group I formerly was on the board of. I do not
9 represent them here.

10 I've also taught classes for UC Berkeley on traffic and
11 transportation engineering and traffic impacts. I don't
12 represent UC Berkeley here, however.

13 I do represent KOA Corporation and Traffic Engineering
14 Consulting with considerable experience in analysis of
15 Indian gaming facilities.

16 I was asked to take a look at the traffic impact study
17 for the EIR/EIS to determine whether it complied with
18 accepted practices for providing traffic studies.

19 In reviewing that, I've identified a number of areas
20 that the document does appear to depart substantially from
21 accepted practices without any justification and
22 substantiation. I'd like to highlight some of the key
23 issues in the time I have remaining.

24 Firstly, the document does take a very interesting look
25 towards traffic generation. That's the key and the first

1 step in traffic analysis. Once you've determined what the
2 traffic generation is for the site, other impacts translate
3 from that.

4 I might add that the traffic generation is also a very
5 key input into the air quality of the green house gas and
6 other various analyses. If the traffic generation has been
7 underestimated, those other impacts have also very likely
8 been underestimated.

9 The gross traffic degeneration for the site for
10 Alternative A and approximately Alternative B, before any
11 deductions is about 3,000 peak hour trips on a Friday or on
12 a Saturday. That's equal to the traffic generation for a
13 1.5 million square foot office buildings. Some of the
14 tallest buildings in San Francisco are not close to that
15 large.

16 A number of area attractive discounts have been applied
17 to that building to bring the traffic generation down to
18 half. Some of the discounts may be approximately reasonable
19 with aggressive attempts to reduce traffic generation, but
20 the assumption that 25 percent of the traffic would be
21 brought to the site and back by ferry is something that
22 could very easily have been analyzed and tested using
23 regional forecasting models; however, it was just stated as
24 a reason to reduce the traffic generation by 25 percent.

25 The net traffic generation discounts amount to almost

1 50 percent. I don't know exactly why they did that.
2 Probably the full traffic as analyzed wouldn't have been
3 produced a lot of traffic impacts, but I'd indicated before,
4 I think there is a significant potential to air quality
5 impacts were alluded by reducing the traffic generation
6 substantially.

7 I would like to go on into a couple other areas that I
8 do have concerns about. I've heard testimony here of as
9 many as 6,000 jobs. There is not enough traffic generation
10 in this document for 6,000 jobs to get people transported to
11 and from the casino. That's a number that just doesn't seem
12 to be related to the traffic generation for this site.

13 There's no consideration of traffic to the ferry
14 terminal other than traffic that would go to and from the
15 site. I can't imagine building a regional ferry terminal at
16 this site without turning that ferry terminal over to the
17 public.

18 How much time is left?

19 MR. BLEVINS: Thank you, Mr. Miller. That's it.

20 MR. MILLER: Okay. The showroom was not analyzed for
21 traffic generation at all. A 3,000 seat showroom could
22 generate as much as 1,500 --

23 MR. BLEVINS: Thank you, Mr. Miller.

24 Next speaker. John Huston.

25 MR. HUSTON: I'm a Chukchansi from up in the mountains

1 in the building docks near Yosemite.

2 I used to do entertainment for my tribe, and it's --
3 the crime has gone up considerably up in the mountains since
4 we put the casino in. At first we're all excited, of
5 course, we thought we were going, you know, have a lot of
6 revenue, and we're going to get our culture back, and we're
7 doing that now. We're learning our language again; we're
8 teaching our children how to speak their language; we're
9 teaching them how to dance again, and that's a blessing.
10 We're very thankful to our grandfather on that.

11 But downtown Fresno, there's a small card room, and I
12 have a friend who's a sheriff down there, and he says, it
13 just is incredible how busy the sheriff department is taking
14 care of that small card room with all the problems that it's
15 incurring.

16 I have a statistic here I'd like to read off real
17 quick, please.

18 162 federally-recognized tribes in the U.S.A., 429 are
19 gaming on res land. Less than four tribes have currently
20 been able to land and transfer gaming. Since Ingram was
21 passed on October 17, 1988. 80 tribes wrote to the
22 Honorable Ken Salazar, Secretary of Interior, US Department
23 of Interior.

24 Dear, Mr. Secretary. We are writing to express our
25 strong opposition to off reservation gaming outside of

1 tribes ancestral lands. We believe that numerous efforts
2 currently underway -- underway by tribes in several regions
3 of the country undermined the Indian gaming regulatory of
4 IGRA and set a dangerous precedent for Indian gaming across
5 the Country.

6 So I want these people -- I want the Pomo Indians to be
7 successful. I love them. I hope that they find another way
8 to be successful with means of gathering their culture back,
9 and I wish this beautiful town success with getting
10 employment for them, and I believe with prayer and positive
11 thinking, it's all going to come back.

12 So thank you very much for this evening.

13 MR. BLEVINS: Thank you.

14 Mr. Phillips.

15 MR. PHILLIPS: The following excerpt from an article in
16 the West County Times reaffirm our belief that there should
17 not be anymore casinos here in West Contra Costa County.

18 Quote, as casinos in Nevada and on other California
19 Indian reservations see drops in revenue, Casino San Pablo
20 seems to be weathering the recession better, City Manager
21 Bart Arner told the City Council this week, because it has a
22 more local clientele in casinos at resort-type destinations,
23 end quote.

24 West County is many things, but a resort destination is
25 not one of them; therefore, despite what the land developers

1 say, the proposed casinos in North Richmond and Point Molate
2 will make their money on us locals and not on tourists just
3 like Casino San Pablo does.

4 That is not okay with me. Most of us are low to middle
5 income. Many of us struggle not withstanding the recession.
6 We cannot afford another hand in our pocket.

7 Lastly, to those of us who want the casinos because we
8 need more jobs in our community, I hear you, understand you,
9 and ask you, hold on, help is on the way.

10 My name is Mr. Phillips. I'm running for Contra Costa
11 County Supervisor.

12 MR. BLEVINS: Thank you.

13 Joe Alberta.

14 MR. ALBERTA: Good evening, Commission. My name is Joe
15 Alberta. I'm a tribal member in the Picayune Rancheria
16 Chukchansi Indians.

17 I am carrying a message here from the tribe, the tribe
18 of over 800 members in Cortico, California, and this comes
19 from our Tribal Council.

20 It is an opposition to the Guidiville Band of Pomo
21 Indians off reservation gaming. The Picayune Rancheria of
22 Chukchansi Indians opposes off reservation gaming in
23 California. The tribe adamantly opposes fee to trust
24 acquisition for gaming, whereby the tribe proposing to
25 conduct gaming seeks to obtain lands outside the tribe's

1 aboriginal territory and home land.

2 This type of activity is commonly referred to as
3 reservation shopping, and as a policy matter does not serve
4 the original intent of Indian Gaming Regulatory Act, IGRA,
5 and should not be facilitated by the Bureau of Indian
6 Affairs and the Department of Interior.

7 Supporters of this project contend that the proposed
8 project is in line with the intent of IGRA because it is a
9 means to promote economic development and tribal
10 self-sufficiency. However, these supporters do not give
11 emphasis to the fact that the economic gains will come at
12 the expense of regional tribes who follow the letter of the
13 law who created their gaming facilities.

14 Nor do the supporters discuss the negative impact
15 reservation shopping will have on Indian gaming as a whole
16 throughout the State of California, preventing these tribes
17 to leap frog one another to secure the most lucrative gaming
18 site undermines the objectives of Proposition 1A in which
19 California has voted to support Indian gaming on reservation
20 lands.

21 When the tribe lobbied for lands with minimal or no
22 relations to the tribe's history, intent of both IGRA and
23 Proposition 1A is lost.

24 Additionally, many supporters of this proposed Point
25 Molate gaming project endorse it because they will bring

1 much needed jobs to the area. While we understand the
2 extreme difficulty in the economic times, we are current --
3 we currently live in, it is important to not lose our site
4 of the purpose of IGRA.

5 The intent of IGRA was to allow tribes to engage in
6 gaming activity to generate tribal government revenue. The
7 purpose has never been to generate local jobs or State
8 government revenue.

9 Although, benefiting local communities through job
10 creation has been a great effective Indian gaming, is
11 important to understand the job creation not any community
12 shall not be the driving force when considering allowing
13 Indian tribe to shop for a reservation.

14 Building a gaming facility so many miles away from the
15 tribe's homeland, does very little to protect the cultural
16 and united -- unity of the tribe, but it does create great
17 harm in jeopardizing Indian gaming as it exist in
18 California.

19 Thank you for your time and your considerations.
20 Sincerely on behalf of the Picayune Rancheria, Chukchansi
21 Indians.

22 Signed by Mark Rick, Tribal Secretary, Patrick Hamel
23 the Third Treasurer.

24 Thank you.

25 MR. BLEVINS: Thank you. At this time I'd like to call

1 Mary Robert to be followed with Mildred Davis, Myrtle
2 Braxton, Rafael Madrigal and Margaret Morkowski to be seated
3 up front, please.

4 MS. BRAXTON: Mr. Blevins, Mary Robert has left, and
5 I'm Myrtle Braxton-Ellington. E-l-l-i-n-g-t-o-n.

6 I thank you for giving me this opportunity to speak.
7 First, I'd like to say that I approve of the EIR/EIS
8 Alternative A. I think it is very important that we do try
9 to bring some kind of revenue to the City of Richmond.

10 I can understand the concern of the other Indian
11 tribes, same as the concern of San Pablo that this resort
12 might take away some of their income, but in the meantime,
13 our city has to survive also.

14 I'm in favor of Point Molate project in Richmond
15 because Richmond needs the revenue. Richmond needs a hotel,
16 two hotels. They need a theater, they need all of the
17 amenities that we have to leave the City of Richmond and
18 take our funds elsewhere, including gaming.

19 Not building a casino Point Molate does not stop the
20 people from Richmond gambling. We all get on buses, and we
21 go to the other Indian casinos or to Reno. We're still
22 doing that.

23 The City presently owned Parkland that they cannot
24 maintain. They can't take care of it. The State is closing
25 Parkland because they can't take care of it, so to have

1 Parkland that will be taken care of by private industry or
2 private entity would actually benefit the City.

3 This will probably be the best looking park in the
4 City, so I ask you to please consider Alternative A and
5 please approve the EIR/EIS. Thank you.

6 MR. BLEVINS: Thank you. Did you say Mary Robert left?

7 MS. BRAXTON: Yes.

8 MR. BLEVINS: Thank you.

9 I'd like to call Mildred Davis, please.

10 MS. DAVIS: Good evening to the panel.

11 My name is Mildred Davis, and I have lived in Richmond
12 almost 40 years, and I am in favor of the Point Molate
13 Resort. I think it's more involved in this just gambling.
14 That seems to be the only thing that people are focusing on.

15 We do need jobs, and the times are where they are now
16 we should have more revenue coming into the City of
17 Richmond, and I think it would be a great idea for it to be.

18 I haven't said it about the EIR, or anything, but when
19 we have the other hearing, I will be up to speed on that,
20 but I am in favor of the resort, for Point Molate.

21 MR. BLEVINS: Thank you.

22 Rafael Madrigal.

23 MR. MADRIGAL: Good evening to the Commission. My name
24 is Rafael Madrigal, President of the 23rd Street Merchants
25 Association and the Contra Costa Hispanic Political Action

1 Committee.

2 I am and we are all in favor of the Point Molate
3 project. We are here to speak up. I am taming it back
4 right now, as a matter of fact, because we hear slanderous
5 allegations to the contrary. They are funded by lobbyists
6 who have a different agenda, so to think that they are
7 speaking on the goodness out of their hearts is a fallacy.

8 There are resorts of this magnitude throughout Asia,
9 Latin America and Europe, and to state that Richmond cannot
10 be a destination resort is absolutely ludicrous. Richmond
11 is the Pearl of the Bay Area and should be exhibited as
12 such, to promote it beyond belief here in the San Francisco
13 Bay Area.

14 Not to mention Richmond has the misnomer of being the
15 seventh most violent city in the country because of lack of
16 jobs. We can alleviate that with 17,000 jobs within the
17 next few years.

18 As was mentioned earlier, nothing stops a bullet faster
19 than a job, and these are excellent jobs for the greenest
20 facility that's going to be here on the West Coast, not to
21 mention the ferry service, as well as shuttling that would
22 take place from 23rd and Barret to shuttle all employees as
23 well as visitors to the facility.

24 This, again, needs to go through. If there are any
25 other disputes, please be honest about it. Our side we are.

1 We urge you to come up and speak up on behalf of this
2 project.

3 Thank you very much for your time. Good night. God
4 bless.

5 MR. BLEVINS: Thank you.

6 Margaret Morkowski, please.

7 MS. MORKOWSKI: Good evening, everyone. My name is
8 Margaret Morkowski, and I'm a resident of Richmond. I
9 actually live in Point Richmond, which is probably the
10 closest community to the actual site, and my neighbors and I
11 do have some concern about the traffic, but there are so
12 many positive things about this project that the balance
13 will be there.

14 First off, I wanted to say that I had three points that
15 our very close to my heart that will be basically addressed
16 under Option A, and I highly recommend that you approve that
17 alternative.

18 I am a member of the Restoration Advisory Board and
19 have been for a number of years. The cleanup that's
20 proposed under Option A is far -- is a much better cleanup
21 and mediation process than was proposed by the Navy. That
22 is a major plus for this project.

23 The historic preservation and rehabilitation of the
24 historic buildings in the area in Point Molate can be
25 accomplished with the funding that will be coming through in

1 Option A, and especially the access to the cottages, the
2 public access that would not be fulfilled by some of the
3 other alternatives.

4 And the third thing I wanted to discuss was the entry
5 level jobs. Many people either in their attitude or in
6 their voice tone seem to say that entry level jobs are not
7 good jobs. The very first job I ever had was an entry level
8 job. I cleaned rooms in a motel. It was an ideal job I
9 think for a young person because it taught us a work ethic
10 that carried onto my future career.

11 It actually is probably a highlight of my career for a
12 couple reasons. One, is you know you clean a room, and it's
13 awesome, and you have something in front of you you can
14 demonstrate. Later in my career, jobs later, you would work
15 for weeks on a project, and you would have no -- you could
16 not say, wow, that's awesome.

17 An entry level job, you gain that confidence and that
18 attitude that you carry on for the rest of your career, so
19 entry level jobs are adequate jobs and quite valuable.
20 Thank you.

21 MR. BLEVINS: Thank you.

22 I'd like to call Michael Beer to be followed with
23 Little Fawn Boland, Jim Hanson, Janie Anker and Tim Laidman
24 up here in the seats, please.

25 MR. BEER: My name is Michael Beer. That's B, double

1 E, R. I live in Richmond. Good evening, Planning
2 Commissioners.

3 Where there is no vision, the people perish. Proverbs
4 29:18. Who's going to support this project? Well, the
5 building trades. Let's be honest. California's prison
6 system is overcrowded. If the Governor announced the
7 maximum security prisons replace San Quentin in a death row
8 at Point Molate, I'm certain the building trades would build
9 that too.

10 With all due respect to my brother and sister workers,
11 they're desperate, and desperate people can make poor
12 judges. Where there is no vision the people perish.

13 The EIR talks about traffic congestion and noise
14 pollution and conversion of a historic building; yet, your
15 question is this: Is this project good for Richmond under
16 its general plan, our general plan?

17 Oh, yes. We understand that it's good for James
18 Levine. People are confused the little they hear. Upstream
19 is going to spend \$1.5 million on the development. They
20 think of all that money flowing into their pockets. Excuse
21 the economics lesson.

22 If James Levine is willing to spend \$1.5 million on
23 this project, it's because he's going to make more, extract
24 much more than that amount from somebody 's pockets.

25 Stand outside the San Pablo casino, as I did. I looked

1 at the faces of the people coming out of the casino. They
2 didn't look happy, like people coming out of a Pixar movie.
3 They looked sad as if they just lost their week's wages or
4 their child support payment.

5 But the truth is is that Mr. Levine doesn't want our
6 money; although, I think he'll take it. Someone behind the
7 scenes has confided to me that the casino is designed to
8 lure highrollers from Japan to drop millions. I believe
9 they're called in the business, whales.

10 James' idea is to catch them before they fly to Las
11 Vegas. They may come, and they may not come. Las Vegas may
12 just have a little more to offer than Richmond.

13 You see, James is a gambler too, but I don't want to
14 gamble with the last large piece of contiguous land in the
15 City, the real reason that Tesla went to San Carlos. I
16 don't want to gamble with the future of the City where I
17 live and that I love.

18 This resort won't even be part of Richmond. Its shops
19 won't be local merchants but national chains like Armani and
20 Gregor.

21 Would Walnut Creek accept a casino? Casino -- people
22 like to come to where people are desperate, so needy that
23 they'll accept any kind of project and where they can be
24 influenced and lured by the promise of jobs, and what jobs
25 are we talking about, what permanent jobs?

1 Jobs that you would expect at a resort, house maids,
2 valet parking, custodian help, clerks in the stores, and
3 inevitably sex workers. Is this the kind of jobs Richmond
4 wants?

5 What Richmond needs at Point Molate is a university, a
6 conference center, a theme park, a zoo.

7 MR. BLEVINS: Thank you.

8 MR. BEER: -- needs is vision. Where there is no
9 vision, people parish.

10 MR. BLEVINS: Little Fawn Boland, please.

11 MS. BOLAND: Good evening. My name is Little Fawn
12 Boland, and I'm here on behalf of the Guidiville Tribe. I
13 wanted to comment on the historical and cultural background
14 of the tribe as described in the EIS/EIR.

15 We will be submitting a comment letter regarding the
16 historic connections between the tribe and Point Molate.

17 What I'd like to emphasize is the tribe is a
18 reservationless tribe. As some have been falsely stating
19 tonight, this tribe is not reservation shopping. We do not
20 support reservation shopping. We think it should be
21 illegal.

22 Reservation shopping is when a tribe looks for a site
23 that they have no historical connection to and then they
24 attempt to conduct gaming there, but that is not what is
25 happening here. This tribe is eligible to use what are

1 called the restored lands provisions in the Indian Gaming
2 Regulatory Act.

3 Historic lands provisions require that a tribe have a
4 historic and modern nexus to the land that will be taken
5 into trust.

6 The letter that was mentioned earlier from the senators
7 tonight does not mention Guidiville by name and shows a
8 complete lack of understanding as to how the Indian Gaming
9 Regulatory Act works.

10 IGRA requires a detailed analysis both in one's
11 environmental documents and in numerous other submissions to
12 the United States tying the site to the tribe. There are
13 5,000 plus pages that tie the tribal members to Point
14 Molate. There's extensive genealogical research on each
15 living tribal member showing that they're Wappo, Costanoan
16 and Pomo.

17 The tribe's name does include the word Pomo, but there
18 are three F groups that have ties here to the Richmond, San
19 Pablo Bay Area, specifically with shell mounds and historic
20 ties to this site.

21 Finally, I would like to say that a lot of people are
22 talking about revenue generation, but this is actually about
23 a tribe who have no place currently to worship, live with
24 their families, have housing. This is about a reservation
25 and a new community that's being formed.

1 And finally, I wanted to correct some misinformation.

2 Appendix E to the land disposition agreement between
3 the tribe and the City is called the Municipal Services
4 Agreement, and in that agreement the tribe is bound to hire
5 40 percent of its employees from the City of Richmond. That
6 is a legal requirement, and it is not something that can be
7 just thrown on the wayside that some people have said
8 tonight, so thank you.

9 MR. BLEVINS: Thank you.

10 Jim Hanson.

11 MR. HEDEN: Good evening. My name is actually Jim
12 Heden, spelled, H-e-d-e-n. I'm the senior pastor of Hilltop
13 Community Church in Richmond. I've been there for 26 years.
14 It's my privilege to be able to speak.

15 I'd like to just speak in favor of Alternative D, and
16 in opposition of Alternative A.

17 The gentleman before me mentioned, would Walnut Creek
18 allow a casino to come into their area? I don't think they
19 would, or Marin County.

20 It seems that there is an understanding, the
21 underresourced and the undereducated see a gaming
22 institution as an opportunity for hope, an opportunity to be
23 able to better themselves and find a greater avenue of
24 existence.

25 The problem with that is it's on false precepts. Those

1 who engage in that behavior find themselves only engaging in
2 hopium that is far more addictive than any other drug that
3 sits on the streets of City of Richmond right now. I find
4 that that would be reprehensible to see those who are
5 underresourced and undereducated who would be given that
6 opportunity to destroy themselves.

7 Those who are educated and those that are resource see
8 gaming as a very expensive means of entertainment. If I
9 were to go to Las Vegas and engage in a show, I'd spend a
10 couple hundred dollars for a three-hour entertainment, but
11 you can lose more than \$300 in less than an hour in the
12 gaming institution.

13 My objection to this endeavor is simply because I want
14 to stand for those who are under-resourced and those that
15 are undereducated because I don't want to see them
16 victimized in this.

17 Thank you, very much.

18 MR. BLEVINS: Thank you.

19 Now, I'll call again Jim Hanson. Is Jim Hanson up
20 here?

21 MR. HANSON: Thank you, very much. My name's Jim
22 Hanson. I'm a member of the California Native Grasslands
23 Association. I'm a East Bay resident, and thank you for
24 your time and attention.

25 We see this place as a gem, and I'm bringing you one of

1 the residents of the Point Molate grassland. This grew at
2 Molate Point, so this is something that Richmond has a right
3 to be proud of. Unfortunately, this is not mentioned at all
4 that I can find in the Biological Resources section of this
5 plan.

6 There's a mention of annual grasslands and the impacts
7 to this, but your Commission and your Council and your City
8 has an incredible set of open space policies, and if you
9 don't recognize that there's a rare and endangered and
10 special place there in terms of resources and grassland,
11 then it can't be mitigated for, and I don't see it here.

12 Secondly, I want to speak just personally, not as a
13 representative of the Grasslands Association, I will say
14 that we would favor the protection preservation of this as
15 an open space resource either by itself or with low impact
16 development.

17 Secondly, I want to just say that personally my
18 grandpappy used to say, don't take the first thing that
19 comes along, and I had -- my first job out of school was in
20 a casino town. I saw jobs, but I saw a lot of tired people.
21 I saw people whose job was sweeping up tickets. I saw pit
22 bosses, and I look at that place, that Point Molate, as I
23 used to be a resident all my life, and I think about how
24 Emeryville got Pixar, or how the Presidio is being cleaned
25 up in a public private partnership with development, and all

1 I can say is I think of my grandpa's words, to wait for the
2 good thing.

3 Thank you very much.

4 MR. BLEVINS: Thank you.

5 Janie Anker, please.

6 MS. ANKER: Good evening. To piggyback on the last
7 gentleman, if you don't stand for something, you will fall
8 for anything.

9 To correct a previous speaker, the reason, Point Molate
10 is a mess today is because the state made them pick up what
11 was called artsy-fartsy stuff. It was beautiful ten years
12 ago. It had artwork by all kinds of artists, but the State
13 made them pick it up, and it's been in disarray ever since.

14 What I really want to say is that divide and conquer
15 has always been the major methodology for the true minority
16 with the wealth and power that control the masses. If we
17 were not people of color and low income, this would not even
18 be a question here.

19 The Powers That Be want to divide the workers from
20 those who want to keep Point Molate as a multi-natural place
21 for all the people to use in this area. I have never seen
22 Native-Americans gain anything from the people in power.

23 They have always been mistrusted, sold down the river
24 and given nothing. We've been promised many times jobs for
25 Richmond employees, and it's never happened, and in one of

1 the papers that I received, it said specifically in Appendix
2 C, Section 5, dash, 4, specific -- the tribe to maintain or
3 work -- nothing shall require the tribe to maintain a work
4 force with any specific number of Richmond residents.

5 EIS, slash, EIR, appendix C, Section 5 through A -- 5
6 through 4, so that contradicts the last quotation from a
7 different section. They will contradict each other no
8 matter which way we look.

9 We have more prostitution where I live right now since
10 the San Pablo Casino that has ever been. I've been here 40
11 years. I've never seen so many prostitutes on 23rd Street.
12 I'm sick of it. It's because of the casino. It's the
13 riffraff that comes behind that kind of life that people
14 change addictions, from drug addition to gambling to sex and
15 to women, to gambling. It always goes back to an addiction.
16 Society is an addict for something.

17 MR. BLEVINS: Thank you.

18 MS. ANKER: And we're an addict for money.

19 MR. BLEVINS: Thank you.

20 Tim Laidman, please.

21 MR. LAIDMAN: Tim Laidman. That's L-a-i-d-m-a-n, with
22 the El Cerrito Green Party.

23 I support tribal sovereignty and job creation for
24 Richmond, but the Point Molate Casino project is not the
25 solution. The EIS/EIR is flawed in many ways. Traffic

1 estimates are completely ridiculous, and therefore pollution
2 estimates are underestimated.

3 Promises of jobs are inflated, unsubstantiated and are
4 not a legally binding requirement. Water usage for this
5 project would be huge. Environmental effects severely
6 detrimental to a sensitive area, so are collectors on
7 rooftops. It's greenwash. This project doesn't make it as
8 a green project. It never would.

9 The negative effects outweigh any benefits that are
10 promised. This is to benefit developers. The rich get
11 richer. Promises are made to get support of the community,
12 but the residents will feel the negative effect. They will
13 feel it the most.

14 Promises of jobs don't stop the effects of pollution
15 and traffic congestion, crime and gambling addiction. Other
16 uses for recreation, a conference center, anything but a
17 casino would be better -- would better serve the people of
18 Richmond. Save this beautiful coast land. Stop the casino.
19 Rethink this and come up with a real solution.

20 Thank you.

21 MR. BLEVINS: Thank you.

22 Melissa Peebles, please.

23 MS. PEEBLES: My name is Melissa Peebles. I'm a renter
24 in El Cerrito, and I hope to be a first-time home buyer in
25 Richmond.

1 We do not need another casino. I visited a casino
2 recently and took a photo without realizing that was
3 prohibited. A very nice security guard told me photos were
4 not allowed because there were many people there who would
5 not be found out that they were there.

6 The atmosphere of gambling, sex addiction, noise and
7 craziness made me ill and are not values I support or that I
8 want my children to be surrounded by.

9 This is not an atmosphere that will be of service or
10 appealing to the people and youth of Richmond. There's an
11 opportunity here to Green Point Molate, to preserve the
12 integrity of the shoreline, to create projects and jobs that
13 will benefit the community in an environment for the next
14 seven generations to come.

15 I request that we explore other options in this light.
16 Thank you.

17 MR. BLEVINS: Thank you.

18 I'd like to call Lech Naumovich to be followed up with
19 Jim Levine, George McRae, Reverend Andre Shumake, and Naomi
20 Williams to be seated up in the front, please.

21 MR. NAUMOVICH: Good evening, Planning Commission.
22 Thank you very much for this opportunity to speak. My name
23 is Lech Naumovich. I'm speaking on behalf of the East Bay
24 Chapter of the California Native Plant Society.

25 We're a nonprofit organization with over 1,200 members.

1 We're currently working to build a coalition of
2 environmental groups to look at the impacts of this project.

3 First and foremost, we're not opposed to Richmond and
4 its residents utilizing Point Molate in a way that builds
5 the community. We have examples from the Concord Naval
6 Weapons Station, an ongoing process which the City Council
7 actually went out and extended their arms to the community,
8 and they attended meetings, and they came up with a plan
9 through consensus.

10 This is a plan from the top down. This is a plan from
11 an individual who has a certain amount of financial interest
12 in this, and we believe the EIR is inadequate in a number of
13 ways.

14 First of all, EIR fails to present the full impacts of
15 the project. It fails to correctly identify some of the
16 basic resources there. The coastal prairie is limited in
17 California. Probably about 95 percent of it has been
18 removed.

19 There is coastal prairie there. You can talk to any
20 expert that knows grasslands; yet, somehow it never appeared
21 in the EIR. This level of oversight also extends to coastal
22 strand communities and other communities that were
23 inappropriately missed from the document.

24 There are a number of species that are misclassified.
25 The work seems inadequate. Honestly, it seems sloppy.

1 Additionally, the eelgrass beds are not considered.
2 Eelgrass beds are one of our most vital resources in the
3 Baylands. These outside of Point Molate you have one
4 thriving community of eelgrass beds that are very difficult
5 to restore, and they don't move well, and the problem is is
6 that the intact communities there are going to be highly
7 effected by a ferry, by development and encroachment.

8 We're very concerned about this because there's also a
9 house of cards with financing. The City here is going to
10 enter into an LDA, so the development agreement requires
11 that the City gives the property directly to the developer
12 when this document is approved.

13 Guess what? You lose all control over the land at that
14 point. You may have an agreement as long as the corporation
15 is fiscally solvent, but beyond that moment, you're the ones
16 gambling, and you're gambling for everybody out here that
17 lives in this community and the region.

18 Thank you very much.

19 MR. BLEVINS: Thank you.

20 Jim Levine.

21 MR. LEVINE: Thank you, Madam Chair, Members of the
22 Planning Commission. My name is Jim Levine with Upstream.

23 First, I just want to say that the -- not perfect, the
24 EIR consultants and City staff did a Herculean job on
25 analyzing the project, and I know that a lot of the comments

1 that you've heard today are in one way or another addressed
2 in the document. It's sometimes a little hard to find
3 those. I know some of them I've seen the answers to it
4 myself.

5 At the same time, the folks who have made comments and
6 have taken the time to read it and put in a lot effort, and
7 I think all their comments really need to be listened to and
8 addressed.

9 As an example during this process, some of the
10 environmentalists came to talk to me and asked me about the
11 details on eelgrass, for instance, and it wasn't until we
12 had the conversation that it was identified that, in fact,
13 the eelgrass is located in the shallow waters, and the ferry
14 service in the deeper waters won't have any impact at all,
15 and that the tribe is already engaged to help the eelgrass
16 restoration project that's being led by San Francisco State.

17 The groups also asked about since the Richmond Bart
18 Station is an essential element of the transit plan for the
19 project, what would we do to help security of the Richmond
20 Bart Station, and we indicated that we were fine with adding
21 as a mitigation measure that we would work with the City to
22 enhance security there, which has additional benefits for
23 transit use in the area.

24 Similarly, they asked us about ferry service. In fact,
25 when we shared the details with them, we got some very

1 encouraging feedback that it is very feasible to backload
2 existing commuter ferries from around the Bay and bring
3 thousands of people here a day from San Francisco and other
4 places without any additional fuel or greenhouse gases.

5 On job training, I know people have -- although it's
6 not really in the EIR, people have asked about that and said
7 that these really aren't good jobs. Well, I think you
8 should go talk to the President of Contra Costa College
9 college. I visited with him last week.

10 He indicated that his culinary arts program and their
11 hospitality management program is underfunded, and the
12 graduates have nowhere to go. We started discussions, and
13 we made a commitment this week that we would help him expand
14 the program and then provide scholarships for Richmond
15 residents who want to go through that program, as well as a
16 demonstration restaurant on the site.

17 There's all kinds of things that are identified as --
18 in the EIR that I think I would ask the EIR consultant to go
19 through all the comments, as I know you will. Make sure
20 there's really clear answers for folks.

21 Lastly, let me just say that while this may be the end
22 of the comment period, I think the Chairman Woman would
23 vouch for the fact that this is really a beginning of a
24 dialogue and a relationship, and --

25 MR. BLEVINS: Thank you.

1 MR. LEVINE: We'll work with the Planning Commission
2 Commissioners as they choose to incorporate your ideas at
3 any point in the project. Thank you.

4 MR. BLEVINS: Thank you.

5 George McRae.

6 MR. MCRAE: Yes. George McRae. I'm a resident of El
7 Cerrito, and a member of the California Native Plant
8 Society. I had the opportunity to visit the Point Molate,
9 Point San Pablo area about three weeks ago with my wife, and
10 we were -- first thing that impacted us was the sense of
11 absolute solace and peace that you can't find in West Contra
12 Costa County.

13 In a place that was heavily populated by water color
14 painters, and I was impressed by that. I was impressed by
15 the fact that it was a hidden gem, a resource that I think
16 very few people have an idea that even exists in its present
17 state.

18 I would just like to piggyback my comments to those who
19 are opposed to this project. I think it's a bad idea for
20 Richmond, it's a bad idea for West Contra Costa County, it's
21 bad idea for local neighborhoods on many levels from -- that
22 have been talked about before by previous speakers.

23 One thing that I wanted to mention in some discussions
24 that I've had recently with some people was the fact that,
25 have we taken into account the fact that the Bay with global

1 warming is going to be rising at an unprecedented rate,
2 somewhere like four to six to eight feet. We don't know
3 quite -- how that's going to impact the site, if that's
4 going to be included in the EIR.

5 The other thing is you've got tens of thousands of
6 people going in there every single day. You've got tens of
7 thousands of people coming out inebriated into the community
8 at the end of their time at the casino.

9 What goes with gambling is drinking, and I think that
10 our community already suffers from those kinds of social
11 impacts, and I don't know if that's been taken into account
12 or not.

13 Those are really are the basis of my comments. I think
14 that we -- we have other options that were presented here,
15 one of which from low impact to high impact.

16 One thing about a casino resort situation like this,
17 this is 24-hour a day operation. This isn't a place where
18 the lights go out at 8:00 or 9:00 at night, and it's a
19 thriving community where people can go to sleep. That this
20 is a commercial operation which will be operating 24 hours a
21 day, 365 days a year.

22 And I think that the impacts not just from the Point
23 Molate area but surrounding that have to be taken into
24 account. There's no way that you can maintain it within
25 boundaries. It will expand the impacts, and the environment

1 and community will obviously expand beyond all that, so I
2 hope that's taken into consideration, and, again, it's a bad
3 idea. Thank you.

4 MR. BLEVINS: Thank you.

5 Reverend Andre Shumake, please.

6 CHAIR FINLAY: While Reverend Shumake comes to the
7 podium, I'm going to make a quick announcement.

8 The first is, please, let the record show that Richard
9 Mitchell, our Director of Planning and Building Services did
10 arrive at 7:20. Also, I said that I would be asking how
11 many people were left to speak at 7:15. I did so. That
12 number was 15 at that time. That means that I am going to
13 adjourn this meeting no later than 9:00 this evening. That
14 will still give people who have come after 7:15 and the
15 Planning Commissioners time to address and make their
16 comments.

17 I just wanted to bring everyone up to date on that.
18 Thank you.

19 MR. BLEVINS: Thank you.

20 REVEREND SHUMAKE: To the Chairman, to the entire
21 Committee, thank you for this opportunity to speak tonight.
22 I humbly respect all of the positions that have come before
23 me. I stand here tonight in full support of the Point
24 Molate Resort. I say that again. I stand here tonight in
25 full support of the Point Molate Resort.

1 All I've heard tonight is information about this
2 casino, and, yes, there is a casino on this -- as part of
3 this project. I understand it to be two to three percent of
4 the footprint of the project.

5 We have an opportunity in the City of Richmond to
6 create a resort destination that will be bringing people in
7 from all over the United States, if not the world, to the
8 City of Richmond.

9 It's going to create economic opportunities that have
10 already been talked about. I'm not going to talk about the
11 job opportunities that -- that will be presented. I'm not
12 going to talk about the amount of revenue that will be
13 generated for this City.

14 This is an opportunity, and I pray that the residents
15 of this City and even those who don't live in this City who
16 know what's best for the City of Richmond. I respect your
17 opinions, but that you consider the opportunity that we have
18 right here to create a resort destination, a place where
19 people will want to come to the City of Richmond, where
20 Richmond will no longer just be known for the homicides in
21 this City.

22 Someone talked about the desperate people, well,
23 there's been 40 desperate people murdered on the streets of
24 this City. I'm going to four of their funerals tomorrow.
25 The question is, hope, this is just a sense of hope. Yes,

1 it is a sense of hope, and we need hope in the City of
2 Richmond.

3 And I think if we can look at how we can create this
4 project and make this project work will be in all of our
5 best interests.

6 As far as my role as a minister, here is what I see
7 happening with that casino. I do not advocate gambling.
8 Here is what I am going to do. I believe in putting up or
9 shut up. Here's what I'm willing to do. All those men and
10 women who were gambling, I plan to sit down and talk with
11 Jim Levine to see how can we create an environment on that
12 campus where men and women of faith can be there to help
13 those who have a gambling issue.

14 Because whether you believe it or not, those who are
15 gambling are going to gamble. If they're gambling now,
16 they're going to continue to gamble, and I doubt very
17 seriously that the creation of this project all of a sudden
18 all these new gamblers going to pop up on the streets of the
19 City.

20 So you talk about jobs and opportunity. Yes, I'm
21 craving those jobs and opportunity. Everything that I've
22 heard this man say he's going to do in the years I've been
23 working with this project, he has done it.

24 You look way inside environmental justice, brothers and
25 sisters. Why aren't they here advocating against this

1 project? Because they sit down with Mr. Levine, and they
2 worked out a tragedy where this project can move forth, and
3 they can support it. I submit to you that we can do the
4 same thing.

5 Yes. I'm not promoting gambling. No, I'm not doing
6 that, but there's a way that we can work on this. There's a
7 way that we can make this project build. These men and
8 women in this City need these jobs, and if not this, then
9 what?

10 We always talk about what Richmond don't need, but
11 ain't nobody bringing nothing to Richmond. Everybody
12 complain about economic opportunity and job creation, the
13 opportunities that come to Richmond, inside of Richmond and
14 outside of Richmond, but you never bring anything to the
15 table, and we've had enough of that.

16 We have an opportunity to do something real, something
17 tangible in Richmond. Please, sir, please ma'am, let us not
18 forget the process that the opportunity to create this
19 resort destination. This is more than just a casino. Let's
20 not do a disservice by just calling it a casino. Thank you.

21 MR. BLEVINS: Thank you.

22 Naomi Williams.

23 MS. WILLIAMS: Good evening. My name is Naomi
24 Williams, and I live in the City of Richmond. Almost every
25 speaker that came up here said what I could have said, and I

1 don't want to go back and say the same things.

2 All I want to do is to remind everybody that when the
3 Navy sold the land to Richmond, it was sold to them for
4 commercial inhabits, not open space. There's enough open
5 space on that area for everybody. Point Molate is going to
6 be in the footsteps that's already been used and built on.
7 They're not going up in the wilderness and putting anything
8 else there.

9 So all I can say is that I support Alternative A, and I
10 know that if the people that didn't live in Richmond was
11 here, they would support it too, but they live somewhere
12 else. They don't need the help. We have people in Richmond
13 that need the jobs, and like Reverend Shumaker said, the
14 gambling is going to be there. It's everywhere.

15 I catch buses and I go other places. If I'm going to
16 catch a bus anywhere, I rather spend my money in the City in
17 which I live, and I went to San Pablo's City Council
18 meeting. They weren't so worried about Richmond as they was
19 worried about them losing revenues. They were saying that
20 they were going to take a hundred million dollars away from
21 them. They didn't say the casinos on the other side of
22 town, they not going to ever to get to my side of town.

23 The same people that going to Point Molate is not going
24 to go to San Pablo. These are the local people in San
25 Pablo. We are talking about people coming in from other

1 cities, so just take all that under consideration, so
2 Alternative A for me. Thank you.

3 MR. BLEVINS: Thank you.

4 I'd like to call Barbara Pendegrass to be followed with
5 Antwon Cloird, Tarnel Abbott, Garland Ellis, Peter Birkholz
6 and Jerome Smith to be seated up here, please.

7 Barbara Pendegrass.

8 Antwon Cloird.

9 MR. CLOIRD: Good evening, Council. My name is Antwon
10 Cloird. I'm a long-time Richmond resident. You know, I've
11 been in Richmond all my life, and I watch the -- I watch
12 downtown Richmond disappear. I watched when they were talk
13 about they was going to build a mall. There was always a
14 catch 22 to it because Chevron owned the land, and they
15 leased that land, and they left Richmond desolate, and the
16 drugs took over. That's why we are there right now.

17 And now we have a little change, a jubilee you could
18 call it, a second chance at a first-class life for Richmond
19 to get back on its feet in the bottoms. When I'm thinking
20 about the bottom, I'm not talking about hilltop El Cerrito,
21 I'm talking about in the bottoms where all the killing in
22 the iron triangle, a lot of training, a lot of jobs, a lot
23 of people getting their lives back with this resort they
24 going to build.

25 I'm like Reverend Shumaker, gambling, you'll never stop

1 gambling like you will never stop nobody from drinking.
2 They've been drinking for years, and they going to keep
3 drinking until you get tired of being sick and tired of
4 drinking, but the job that that place is going to give for
5 the people of Richmond with that 40 percent ratio.

6 And I'm also a laborer for the Local 324. Our whole
7 list is long. Sure finding jobs is gone until next year.
8 People losing their homes, so if we don't stay ready, we
9 never going to get ready, so this job is for --

10 People are crying for these jobs, and all you got to do
11 is sign the dotted line and watch how many people pop up
12 then. Talking about they want a piece of the pie, but they
13 now they telling you that they don't want it.

14 You can say that you don't want when it ain't there.
15 Same people who are opposing it, they crying because they
16 going to lose money because everybody is going to be going
17 over there. It's really simple. You know what I'm saying?
18 It's business. It's not no -- it's business, man.

19 Something over here beautiful. You just got to build
20 it, and we going -- you know what I'm saying? So we just --

21 Just from me, man, I'm going to go to A with the
22 resort, man, because like I say, I got to go to Concord to a
23 concert, I got to go to -- if I want to take my family out.
24 I want to be right there. I can just get on the freeway,
25 get off one exit, and I'm right there, you know.

1 So I know some of you all don't live here in Richmond,
2 and you all got to go out to enjoy all self, and it would be
3 better for us to spend our money in our own community.

4 Thank you very much.

5 MR. BLEVINS: Thank you.

6 Tarnel Abbott, please.

7 MS. ABBOTT: It's T-a-r-n-e-l, A-b-b-o-t-t.

8 Good evening, Planning Commission Members. I'm going
9 to quote from the California State Library California
10 Research Bureau Report called, Gambling in the Golden State
11 1998 forward. It was written of the request of attorney --
12 then Attorney General Bill Lockyer in May of 2006, and I'm
13 really quoting from the Executive Summary.

14 Governments regulate gambling, in part, to reduce its
15 negative impacts on society. Research suggests that crime
16 rises as casinos attract visitors who either commit or are
17 the victims of crime. This phenomenon may also occur in
18 other attractions with cash bearing participants.

19 In addition, problem and pathological gambling
20 increases among the local residents and is associated with
21 crimes that generate money to gamble and/or pay off gambling
22 debts. A study using data from every US County between 1977
23 and 1996 found that casinos, including Indian casinos, are
24 associated with increased crime defined as FBI index one
25 offenses, aggravated assault, rape, murder, robbery,

1 larceny, burglary and auto theft after a lag of three or
2 four years.

3 Prior to the opening of a casino, casino and non-casino
4 counties have similar crime rates, but six years after
5 casino openings property crimes were eight percent higher
6 and violent crimes were ten percent higher in casino
7 counties.

8 That's the end of my quoting from that particular item.

9 I also would like to say that Mr. Levine himself has
10 explained or admitted that once the casino opens, there is
11 no guarantee that those jobs will remain for the local
12 residents. There's no way to enforce that. Once the casino
13 is open, they can hire whoever they want, so you better look
14 very closely at what you're giving away because that man is
15 here to make a lot of money. The money is going to come out
16 of our community, and it is not going to stay here, and you
17 can't get it back once it's gone.

18 Personally, I've been to Point Molate many times, went
19 there as a child. I paint there. I will miss that open
20 shoreline's face. It's beautiful open view for -- that all
21 citizens should have to enjoy forever. Once you've built on
22 it, you can't get it back.

23 There are also important archeological remains there.
24 There are human remains there, and to disturb them would be
25 a violation.

1 MR. BLEVINS: Thank you.

2 Garland Ellis, please.

3 MR. ELLIS: Commissioners, my name is Garland Ellis.

4 I'm a resident of Richmond, been so for more than 50 years.

5 I've seen Point Molate when it was owned by the Navy.

6 Even went out there many times. There's been various light

7 industrial projects out there over many years, and actually

8 considering the access to the area that will probably be one

9 of the best listings for that property still.

10 In the EIR, there are several things that are not

11 commented upon. For example, the proposal of the Sugar Bowl

12 Casino in North Richmond would add a lot of traffic to the

13 outer outskirts of Richmond.

14 This is going to affect all traffic flow going even

15 towards Point Molate, towards the proposed ferry terminal at

16 the end of Harbor Way, as well as many of the other

17 employers within the City of Richmond.

18 And to the traffic congestion just by Point Molate, one

19 needs to consider also the other proposal too and what it

20 will bring to the table and not each one individually but as

21 an accumulation. Both proposals are proposed by the Pomo

22 Indians and need to be considered together.

23 From Western Drive, there's a very short access to San

24 Rafael Bridge. The access goes directly into pay lanes.

25 Traffic is definitely going to back up there and onto

1 Western Drive; yet in the EIR it states that it's going to
2 go into the FastTrak lanes, something overlooked in their
3 traffic timing.

4 Another item overlooked is the access that comes out of
5 Chevron refinery and goes down Western Drive towards 580.
6 This is an emergency exit for the refinery. If there's ever
7 a fire there, that's the way they have to get out. If
8 there's a casino there with a whole lot of traffic, it's
9 going to be very difficult to evacuate that area or even try
10 to fight any type of fire in that area.

11 Another thing that's not considered is there's major
12 employers within the City of Richmond, Kaiser, Chevron,
13 Social Security just to name a few. Has anybody ever looked
14 at how much that traffic comes from other communities and
15 how it will be affected by the backup on the San Rafael
16 Bridge trying to get to those other jobs?

17 Will it cause people not to want to go to those jobs
18 anymore or look for employment in other places or to cause
19 some of those employers to not to want to locate in Richmond
20 because it's too difficult to get there? That was not even
21 considered in the EIR.

22 MR. BLEVINS: Thank you.

23 Peter Birkholz.

24 MR. BIRKHOLZ: Hi. Thank you, Commissioners. The
25 name's B-i-r-k-h-o-l-z.

1 I am an architect specializing in preservation, and
2 DEIR acknowledges there are significant historic structures
3 here and does propose to rehabilitate these. I've worked on
4 similar structures at the Presidio and elsewhere, and in my
5 experience, I understand that it's incredibly expensive to
6 rehabilitate these buildings. The cost of doing this is
7 often, if not always more than rebuilding similar
8 structures, and there's currently not money elsewhere
9 without a project like this to even stabilize these
10 structures.

11 And so I just have a simple point that this is a good
12 project because it will fully fund the rehabilitation of
13 this National Register District, and it will provide for the
14 preservation of this cultural resource, and I think it's a
15 good idea. Thanks.

16 MR. BLEVINS: Thank you.

17 Jerome Smith, please.

18 MR. SMITH: My name is Jerome Smith, and I'm a 30-year
19 resident of the City of Richmond. This is a drum. It is
20 something real.

21 From Myahan Jolo. No loser. No weeper. I hate to
22 lose something. Then she bent her head, even a dime, I wish
23 I was dead. I can't explain it no more to be said. Except
24 I hate to lose something.

25 I lost a doll once and cried for a week. She could

1 open her eyes and do all but speak. I believe she was took
2 by some doll-snatching sneak I tell you. I hate to lose
3 something.

4 I walked a vine once, got up and walked away. I had 12
5 numbers on it, and for the same of the day. I'll never
6 forget it, and all I can say is I really hate to lose
7 something. Now, if I felt that way about a watch and a toy,
8 what you think I feel about my lover boy? I think of
9 threatening you, man, but he's my evening's joy, and I mean
10 I really hate to lose something.

11 Real versus imaginative. That's what you as a Planning
12 Commission have to deal with. You've been given imagine
13 every time Mr. Levine and his group has set before you.
14 You've been given imagine called an EIR. Is it complete?
15 Is it sufficient for you to vote your conscience with this
16 EIR?

17 It's a spiritual travesty, and those who've said
18 they've cast their lot with gambling because it brings jobs,
19 they're wrong. It's a cultural quagmire for those who want
20 to sell out the Bay Area, who want to sell out the internal
21 culture of our City built on pride and purpose and building.

22 We built ships to save this country. This is not
23 culturally consistent with the history of Richmond. Is it
24 economically viable?

25 You got a promise of temporary jobs. The capitalism of

1 this profit motor resort guarantees low-wage jobs in trade
2 for unlimited profits based on appetite not production, so
3 you have a choice to make as a Planning Commission if you
4 see this as a vision of Richmond.

5 Environmentally like 24/7 on our Bay makes an impact to
6 me, maybe not to you, but it changes things. Traffic,
7 traffic is a lock jam now. They may give you honest
8 statistics, but are they real, are they imagined, are they
9 something?

10 Please consider all those things, and you do have a
11 choice. You can vote not to vote. You can hold up your
12 dignity, hold up Richmond and don't vote because they need
13 your vote. The City and their reckless Chevron EIR voted
14 for the EIR, and it got trashed in court. We can't let this
15 happen to this project. Please do not vote for either
16 option.

17 MR. BLEVINS: Thank you.

18 Is there anyone out there that has filled out a card
19 and has not had an opportunity to speak?

20 Then that concludes our list of citizens who signed up
21 to share their insights, and I thank all of you that were in
22 attendance --

23 CHAIR FINLAY: However, I think that it would be
24 appropriate if we gave the Planning Commission an
25 opportunity to speak.

1 MR. BLEVINS: Chairman Finlay, we will now take
2 comments from the Commission.

3 CHAIR FINLAY: Thank you.

4 MR. BLEVINS: You're welcome.

5 CHAIR FINLAY: Thank you.

6 May we begin with Commissioner Lane.

7 COMMISSIONER LANE: First I want to thank everyone who
8 came out tonight to provide their public comment.

9 Some of the things I want to address are in the EIR
10 around the social justice -- socioeconomic considerations,
11 and some of the issues I will address may not be seen as
12 directly an EIR consideration, but they support whatever
13 comes out of this EIR in terms of considering socioeconomic
14 considerations.

15 Some of the things are connected to the Local
16 Disposition Agreement or the LDA. Some of the things that I
17 think most excite the public is the opportunity to grow more
18 jobs here in Richmond, so the LDA took at least 40 percent
19 of the new hires, and the participants for construction will
20 be City residents, and 50 percent of the operational jobs be
21 tribe and the City Richmond residents.

22 However, one of the things I want to bring out, the way
23 the language was written is vague and not very enforceable
24 including language like contractors will make a reasonable
25 effort.

1 There's only a five-day pre-noticing requirement where
2 the contract has to give notices to the City, the tribe and
3 the labor unions are available; whereas, in other places
4 there is at least a ten-day up to 30-day pre-noticing
5 period.

6 So I bring this up in the spirit of if we want to have
7 true community benefits especially quality jobs in our
8 community, some of these things should be considered.

9 Living wage and prevailing wage, the tribe has to pay
10 living wage and prevailing wage, but the living wage is
11 weakened here because the LDA says that tips can be counted
12 as credit toward the living wage. Under other living wage
13 policies, tips cannot be counted towards the living wage.

14 And, finally, I think one of the speakers talked about
15 is the opportunities of entry level jobs, and that those can
16 be good jobs, and I know they're working to do that under
17 living wage requirements.

18 One of the things I would just mention is that we also
19 need to look at the opportunities for community members.
20 Also we have managerial positions, positions that provide
21 access to higher pay professional jobs so that is something
22 that I didn't see and would want to see in consideration as
23 workforce development, programs and training is considered.

24 As far as the green, I know this project was looked at
25 as kind of a beacon of green. One thing that I think would

1 be stringent in the EIR is more specificity when we're
2 talking about green. Some types of metrics. What are the
3 targets for this project? What are the certification aims?
4 What are the metrics that will be used to be evaluate how
5 sustainable this project is, so it would be great to see
6 lead, striving for lead certification, which I didn't see.

7 Transportation, especially as we talk about public
8 transportation specifically, our local transit system, such
9 as AC Transit. I think we all know that there's -- given
10 the current climate, there's current reductions in level of
11 service, and I know the EIR does talk about funding
12 additional service.

13 So one of things I think should be in there is what
14 level of Teichert funding would be needed by that applicant
15 to provide the recommended service as described in the EIR,
16 so it would be good to see if there's specificity around the
17 type -- the level of types of funding that could support the
18 service needed.

19 Finally, there is talks as far as health issues in the
20 EIR. There's mitigations for tobacco smoke. There's
21 various mitigations, I think one that should be included is
22 just adherent to local city ordinances that we have here in
23 the books that can protect public health, and I think that's
24 one mitigation that should be at least considered that I
25 didn't see in there.

1 And finally, I know there's a mention of sea level
2 rise, which I also didn't see in the EIR, and there are
3 projections from the BCDC, or the Bay Conservation
4 Development Corporation concerning that, and specifically
5 that era, so it would be great to see some projections or
6 something in there, and it's looks like they're addressing
7 those issues.

8 So those are my comments for now.

9 CHAIR FINLAY: Thank you.

10 We'll now hear comments from Commissioner Rao.

11 COMMISSIONER RAO: Good evening. I made a few
12 statements I would like to share with you.

13 First of all, I would like to state that I had a chance
14 to visit Point Molate site several times as a member of the
15 Blue Ribbon Advisory Committee, and then a few more times as
16 a member of the Restoration Advisory Board of US Navy and
17 State Department of Defense.

18 I was part of reuse plan of Point Molate and the
19 cleanup process of Point Molate. A total of over 15 years
20 in this group. I liked being part of the RAB as this is
21 where my ideas, thoughts and inputs as to the cleanup
22 process.

23 US Navy folks, along with USEPA, CALEPA, Contra Costa
24 County, and, of course, City of Richmond was represented in
25 these meetings of RAB of 14 years.

1 Water Board and also the US Department of Defense
2 Contractors who all gave inputs and agreed to a common
3 ground and USDOD spent millions of dollars in cleaning up
4 Point Molate and continues to do so. I think it's 90
5 percent is over, rest of it still being in the cleanup
6 process.

7 Yes, there were disagreements in how to accomplish the
8 cleanup process. There were no shortcuts that were
9 followed. RAB was given full and complete details at each
10 meeting of what was being done at each step of the way.

11 Initially, we heard some disagreements on the process
12 and without any hesitation, we in the RAB, Restoration
13 Advisory Board, sent out letters complaining about eight to
14 the Department of Defense officials and our political
15 leaders on the Federal level. RAB met several dozen times
16 so far, and we continue to do so now.

17 Most of above mentioned agencies participated in each
18 of our RAB meetings. Each RAB meeting is attended by about
19 20 or more stakeholders. RAB represents the City of
20 Richmond citizens and the neighboring communities.

21 We have been doing this for over, as I said, 13 years
22 or so, as part of the cleanup process of Point Molate.
23 Talking about the EIS/EIR, I will say this is a great
24 document that was prepared so professionally while it
25 addresses all community concerns and needs.

1 We in the RAB Board members have put in literally
2 thousands of hours of their time accomplishing this cleanup
3 process, and we continue to do so.

4 The five different alternatives you heard tonight, and
5 I support Plan A, the tribal casino and resort for 266 acres
6 of this project site. The project calls for rehabilitation
7 of Winehaven, a historic site for using as casino,
8 restaurants and wine cellar, cultural facilities and dance
9 grounds and government offices, et cetera.

10 On the site, I like the idea of two hotels and a series
11 of guest cottages, a retail village of 300,000 square feet,
12 a performing arts venue and conference facility. A ferry
13 terminal with capacity of 5,000 persons per day, hillside
14 open space and a shoreline park, you will have approximately
15 180 acres on the project site.

16 Construction of Bay trail segment through this project
17 site, two parking facilities for 7,500 vehicles and separate
18 parking structures for buses. There will be police and fire
19 emergency center on site. Remediation of hazardous
20 materials, historic preservation, habitat restoration and
21 number of green building and energy efficient design
22 components are included.

23 Alternative A is best for our city. It will bring in
24 thousands of jobs for Richmond residents, and owners of this
25 project have committed to this and workers will get a living

1 wage salary and benefits.

2 This will help reduce crime, drugs, gangs and violence
3 in Richmond. This will provide an opportunity to our
4 citizens to uplift themselves and improve themselves. These
5 folks are just waiting to start up this project. Most
6 congenial spot for casino as its way out of town, this thing
7 is way out town, way up there as some speakers said, not
8 even why Point Molate really, situated in the hills, away
9 from town crowds, schools and kids, and I wonder how many
10 Richmond citizens even know where Point Molate is.

11 The project is most well designed, well planned and
12 well organized project. This will give opportunity to
13 minority contractors. There will be pre-apprenticeship
14 programs and will generate thousands of jobs.

15 Our City needs this project to begin now so we can
16 economically be a more productive City. This is hope and
17 answer for the thousands of unemployed in our City. This is
18 the only way Indian tribes can earn some money and preserve
19 their culture.

20 Ultimate owners of this facility are willing and
21 bending backwards to fulfill requirements laid on them by
22 various groups.

23 This EIR covers 5,000 pages, addresses all issues and
24 concerns. It protects public health and safety issues. As
25 I indicated, I am and have been part of overseeing cleanup

1 of this particular site for years.

2 This is an economic project not only for our City but
3 for our region. In the Municipal Services Agreement, it's
4 mandated, yes. It's mandated that meaning legal requirement
5 that 40 percent of all employed are here in Point Molate
6 will be Richmond residents.

7 It further mandates job training programs also. We
8 taking about -- we are talking about thousands of jobs for
9 unemployed in Richmond.

10 I further know that there is not a project that will
11 have hundred percent of support from the community, and I'm
12 positive a great majority of citizens support this project.

13 When I went to see Point Molate for the first time, I
14 can hardly believe this piece of property is in Richmond.
15 In my mind, I contemplated it as a heaven on earth. It's so
16 beautiful, and this is the right project for this land, and
17 I support this EIR.

18 I would like to talk a couple of things about
19 statistics historical preservation approximately to Chevron.
20 Some of the concerns that a lot of people have, as for
21 our statistics are concerned, the workers have shown
22 appreciate better view than dilapidated old buildings. The
23 occasional commuter on the ferry would have but a short
24 glimpse of the new view.

25 From the three closest acres of San Rafael where people

1 live, these residents range from 3.73 miles to 4.3 miles
2 away. One community has their view completely blocked by
3 the East Brother Lighthouse and the closest residential
4 neighborhood has the lighthouse and Terminal 4 halfway
5 between them and Point Molate. To their right, they have
6 the San Rafael Bridge and Chevron's Long Wharf.

7 In any case, the view from four miles away is quite
8 some distance away. Considering everything else in their
9 view, is the proposed development of Point Molate a bad
10 thing?

11 Comment on historical preservation.

12 With exception of two buildings, that is Building 6 and
13 17, all buildings will be preserved and rehabilitated.
14 Building 6 is the Administration Building. It was designed
15 as a warehouse and was significantly remodeled by the Navy
16 for use as office cubicles. About 80 percent of this
17 building collapsed nearly two decades ago.

18 Building 17 is a tin maintenance shed to the far east
19 of the site and will be relocated. 600 square feet of
20 cottages, which have condemned foundations, lead-based paint
21 throughout, lead water pipes, asbestos from floor to ceiling
22 and bad wiring will all be rehabilitated to be used as
23 Executive Suites.

24 Winehaven will be repaired with the cracks in the brick
25 facade patched. The metal windows, awnings replaced or

1 renewed and significant improvements made throughout. The
2 entrances that the Navy installed will be replaced with
3 modern entrances and the water damage will be repaired.

4 Few sentences about proximity to Chevron.

5 Although Point Molate is surrounded on three sides by
6 Chevron to the north and south, these are vacant lands. The
7 active part of the refinery is due east over the bridge.
8 Chevron's Risk Management Plant claims that the greatest
9 danger to the communities ammonia, which are housed in three
10 horizontal bullets east of their Isocracking unit.

11 These bullets are never filled beyond 40 percent of the
12 capacity and have a deluge system to quickly dissipate and
13 dilute any leakage.

14 The proposed hotel at Point Molate are 1.42 miles away
15 and separated by a ridge line that peaks at 465 feet in its
16 elevation. While a catastrophic leak of ammonia would be
17 hazardous to people in the immediate vicinity, it quickly
18 dissipates in the air and would not likely even be noticed
19 at Point Molate.

20 Also, the wind blows 87 percent of the time from Point
21 Molate to the ammonia bullets. The remaining 13 percent of
22 the time the wind blows in all different directions.

23 I will not go into further details. I know Madam Chair
24 has time limits put on this by 9:00 to end the meeting, but
25 I do want to read something because people spoke of sex

1 addiction, sex workers, people becoming addicted to
2 gambling. This will be like going to a drug shop and
3 getting drugs, going to a gambling casino?

4 I have a reply for you from the police chief of the
5 City of San Pablo who knows it all about what a casino is
6 like in their city and their town. This is from Police
7 Chief, City of San Pablo, Joseph P. Aita. I will read few
8 of his comments.

9 The City of San Pablo's current population is 31,155.
10 Beat Two, which encompasses the San Pablo Lytton Casino has
11 population of 7,881 or 25 percent of the total.

12 70 percent of those arrested in San Pablo reside
13 outside our City limits. The following statistics indicates
14 San Pablo Lytton Casino's Type II gaming establishment has
15 had minimal impact on local traffic and public safety, and
16 that our professional relationship with security and
17 management personnel of the Lytton Casino is a testament to
18 the City's successful business practices.

19 This stands in stark contrast to the fundamental belief
20 by critics that any urban gaming is detrimental to the
21 public's welfare. You heard a lot about that this evening.

22 It's well known that addiction of any large business or
23 entertainment -- I'm sorry. Addition, not addiction.

24 It's well know that addition of any large business or
25 entertainment venue will naturally increase the City's

1 population, thus generating increased calls for service
2 and/or medical responses by public safety providers.

3 Astonishingly, the casino only generated 4.5 percent of
4 the City's total calls for service in 2008, and even less,
5 1.6 percent, which required actual police intervention.
6 This is especially significant given the fact that the
7 Lytton Casino is open 24/7 and caters to approximately 2.2
8 million patrons each year, or nearly six times the
9 population of the entire City each month. Further stated,
10 that is one police intervention for every 5,100 visiting
11 patrons and one arrest for every 15,000 contacted.

12 Comparatively, the Town Center shopping mall adjacent
13 to the casino operates extended business hours with
14 significantly less daily operation, yet recorded 1.5 percent
15 fewer total calls for the service than the casino. The
16 center also averages 11 arrests per month to the casino's
17 14. Moreover, of the eight homicides investigated in San
18 Pablo in 2008, none of them were associated with, in close
19 approximately to, or within the same geographic region, they
20 call it Beat 2, as the Lytton Casino.

21 Traffic-related incidents are minimal. The police
22 department recorded only three collisions near the casino in
23 2008, which is a 40 percent decrease from the previous year.

24 Has some incident report I would like to share with you
25 for -- they have categorized it for total city and Beat 2,

1 which is within the area of the San Pablo Casino, and then
2 casino itself.

3 Disturbances, there were total of 1,509 in 2008. In
4 the Beat 2 there were 492, and in the casino area it's 172.

5 Trespass 716 versus in Beat 2 it's 132. In casino
6 region it's 107.

7 Auto theft was 731 in the city. In the Beat 2 area is
8 310. In the casino area, it was 83.

9 People talk a lot of about drinking. Drunk in public.
10 116 city wide, 58 in the Beat 2 area, and 32 casino area.

11 As for health and safety there were 260 incidents in
12 the City, 82 in the Beat 2 area, only eight crack pipes and
13 paraphernalia in the casino area.

14 There were 542 assaults, 181 in Beat 2, and 28 in
15 casino area. That includes simple battery.

16 As for burglaries are concerned, there were 566 total
17 in 2008 in the City, 157 in the Beat 2 area, and total of 16
18 in the casino area.

19 In robbery, 135. Beat 2 had 45. Casino has only six.

20 We heard a lot about prostitution. Zero in the City,
21 Beat 2 zero, casino zero.

22 Rape, we heard a lot about this evening. Seven in the
23 City, two in the Beat 2 area, none, no incidents in the
24 casino area.

25 Homicides we heard a lot this evening. Total of eight

1 in the City, in the Beat 2, zero. Casino, none.

2 So basically what police chief here saying is his
3 research indicates that San Pablo Lytton Casino has had
4 little impact on calls for service and public safety since
5 converting to Type II gaming in 2005.

6 He further states: Mutual respect and cooperation
7 remains the landmark to success with the Lytton Casino.

8 I do not see a reason why it cannot happen same thing
9 with the City of Richmond Police Department, and, of course,
10 the gaming folks, they have their own police force there.
11 It can be well done in the benefits and interests of the
12 citizens of Richmond and the community around the City of
13 Richmond and the neighborhoods.

14 Thank you very much.

15 CHAIR FINLAY: Commissioner Duncan.

16 MR. DUNCAN: I will confine my comments to various of
17 my expertise and cite specific sections.

18 First of all, the site is a National Register District,
19 such the project developer is obligated to CEQA to maintain
20 historic character of the site.

21 This project proposes the demolition of Building 6 and
22 the relocation of Building 17. Let me give you some
23 proportion here. There are two very large buildings in this
24 site that we use for warehousing and distribution.

25 Building 6 is approximately a third of the entire

1 footprint of those large buildings. To my mind that means
2 Alternatives A through D, which all propose the demolition
3 of Building 6 contravene requirements of CEQA. From my
4 point of view, from that angle, the project is sort of a
5 no-starter.

6 So the project developer, I think, has some obligation
7 to doing an alternative outside of A through D that talks
8 about starting with the historic buildings on the site and
9 then working around them.

10 Contingent to that, Section 4.6.4 as well as 4.13.4
11 talk about the integrity of the district and how it's being
12 maintained. That's simply not the case if you're
13 demolishing the third of the large building footprints.

14 It also talks about the aesthetics of the site. In
15 that respect, I found the design schemes, particularly A
16 through C, to be rather heavy-handed. They're out of scale
17 with the existing buildings. There is an intensity of use
18 here that I think is inappropriate, particularly in Schemes
19 A and B. Schemes C and D I think are more pallid.

20 Again, I think another alternative in addition to A, B,
21 C and D is warranted here before this EIR can be considered
22 complete.

23 Transportation 4.8.2 has a number of issues involved,
24 and I won't go into them specifically, but my general
25 impression having gone through the mitigation -- impacts and

1 mitigations is that there are a lot of holes in the numbers
2 here, and I agree with the gentleman who spoke earlier who
3 was the traffic engineer. I think there are many
4 assumptions and assertions here that aren't supported.

5 In particular is the exit at Point Molate.
6 Understanding full well that the upgrade to Western Drive
7 would have to happen with increased traffic. The EIR is
8 silent on the physical treatments to the ramp at -- at the
9 intersection of 580.

10 While it addresses impacts and mitigations for adjacent
11 areas around that within the broader project study area,
12 there are really no physical recommendations for the ramp
13 that gets you into the site, and so I think that's a very
14 large hole.

15 I understand too, getting back to Building 6, that it's
16 in bad disrepair. The amount of deterioration, because the
17 roof has collapsed, might suggest its demolition, and I see
18 some evidence here that somebody is thinking about this.

19 In the process and schedule that was given to us
20 tonight. There's a line item that is two items below
21 tonight's workshop that cause findings and statement of
22 overriding consideration.

23 The statement of overriding consideration is what's
24 needed to demolish a historic building. It's the mechanism
25 and findings are made that it has to happen.

1 I would remind those who think that the building should
2 be demolished that at Shipyard Three there's a similar
3 building, although it's not concrete, it's frame, that has a
4 collapsed roof. The City's just put out a request for
5 proposals to do a study for saving.

6 It's a salvageable building, it's a contributing
7 building to a historic district identical in stature to
8 Building 6, so I would suggest strongly, in my opinion, that
9 the building should be saved, but at the very least in this
10 document it has to be discussed and it has to be addressed.

11 There's absolutely no discussion of its demolition at
12 all. The mitigations, Mitigation Measure MM5, dash, 1
13 doesn't address it in any way, shape or form. Yet, at the
14 end of the analysis, we have a statement that the loss of
15 Building 6 is significant and unavoidable.

16 I would suggest with an additional study that proves
17 either one way or the other that that would be sufficient
18 analysis to determine whether Building 6 should be saved or
19 should be demolished.

20 Finally, there is almost no discussion of the Bay
21 Trail. The Bay Trail is treated in a very light weight
22 manner, and I would hope to see a more in-depth look at
23 that.

24 So that's pretty much all I have.

25 CHAIR FINLAY: Thank you, Commissioner Duncan.

1 Commissioner Beckles.

2 COMMISSIONER BECKLES: Thank you, Madam Chair.

3 After reviewing this Draft EIR -- EIR, I found that
4 it's vague. There are several vague -- several things that
5 are vague. For example, the fact that there are no jobs, no
6 specific job guarantees in it. I found that there are
7 several inaccurate information such as the Point Richmond as
8 being an isolated little city, and, in fact, Point Richmond
9 is hardly isolated. That's just a brief example of some of
10 the areas that I find that were inaccurate.

11 And I also found that there are several areas where it
12 was inconsistent, and I'm not going to go through every last
13 one of them, but just regarding the amounts of jobs that
14 would actually be created is inconsistent.

15 I also found that this document assumes quite a bit.
16 It assumes there will be such things like ferry. If there
17 will be ferry service, there will be AC Transit service. We
18 know that those of us who ride AC Transit are seeing a
19 reduction in service rather than any kind of an increase, so
20 there's many things that are -- it's assuming will occur
21 that just can't -- cannot be.

22 There's also -- as Commissioner Lane mentioned, no
23 mention of addressing the sea level rise. Also, in 516 I
24 saw how that there was discussion -- it discusses various
25 mitigation efforts to address cigarette smoke, but I think

1 that -- it doesn't mention how we can just simply conform to
2 State, local ordinances which, of course, would eliminate
3 potential impact completely, so that's one specific area.

4 There are several mention about social impacts that I
5 looked on the chapter to try to get some clarity, and I was
6 more confused. It was very confusing because it just
7 mentioned numbers, poverty levels and numbers but nothing
8 specific about the social impacts.

9 The other thing that concerns me, besides the fact that
10 it's vague, and there are some inadequacies and
11 inconsistencies that concerns me most is, of course, when I
12 mentioned being the social impacts of it, and I --

13 Research shows that in communities where we have urban
14 casinos, crime is increased, research shows that, and we
15 heard mention from one of the tribes up north somewhere
16 about their particular community and how the crime has
17 increased, so that's a huge concern of mine.

18 I very much am in favor of jobs, and so I'm in favor of
19 something that will be bring revenue into Richmond, but I'm
20 very, very concerned about the fact -- the negative effect
21 that a project like this could bring to our already -- our
22 city that ranks number seven in the nation for crime, so
23 that's a huge concern of mine.

24 One of the speakers, I believe it was Reverend Shumaker
25 mentioned that if not this, then what? And I've been

1 thinking about that, and I believe that this project can go
2 forth without a casino element. I believe that there's so
3 many examples --

4 Well, there are two that I can think of in particular
5 right here in the Bay Area without a casino that would bring
6 jobs, that would maintain those jobs and for -- well, the
7 one project that I think about is in Silimar, which is
8 similar -- the area is similar to Richmond, Point Richmond,
9 and it's a wonderful destination resort. It's -- has the
10 outdoor element, recreational element, hotels that we like,
11 so there's still an opportunity for jobs without the social
12 ills that a casino would bring.

13 An example that I can think about is, you know, when
14 crack cocaine was created, it brought a lot of jobs to
15 Richmond, brought a lot of jobs. Does that make it good?

16 So we have to think about all the different aspects of
17 any project. Just because it brings jobs, doesn't
18 necessarily make it -- make it good. We have to consider
19 everything, and so in considering everything, that means,
20 you know, besides jobs, what else? Well, besides jobs, will
21 it reduce crime or increase crime? Besides jobs, will it
22 support a family unity or will it destroy the family?
23 Besides jobs will it create more addiction or reduce more --
24 will it create or reduce addiction?

25 So there's so many different questions to ask ourselves

1 besides, you know, settling for just jobs because in my
2 example, I show that there are a lot of things that brings
3 jobs that's not always good.

4 So those are my concerns, the social ills, the social
5 impact and just so many vague references that I like to see
6 clarified.

7 CHAIR FINLAY: Commissioner Teltschick-Fall.

8 MS. TELTSCHICK-FALL: Thank you, Madam Chair.

9 My comments are in two sort of categories. I have a
10 few specific comments to various sections in the document,
11 and then I just have some general comments about the project
12 and how it measures up with respect to our general plan.

13 So for the specific ones first, there seems to be the
14 overriding support for this project is all about jobs, and
15 when I look at the document, I didn't really find a real
16 economic analysis. I found -- I did talk to people, the
17 experts of the workshop, and they said that all of these
18 estimates, the estimates of jobs, were based on predictive
19 models, but what concerns me is that I could never see any
20 breakdown on the types of jobs, the salary ranges,
21 stability, benefits that would come with these jobs, how
22 long the jobs would last, and I --

23 If it falls outside the scope of the document, it falls
24 outside of it, but to make a real decision, I would really
25 want to see some real data that was based on real casinos

1 operating in -- all over the country, for example, Atlantic
2 City.

3 There are plenty casinos around that we can look at
4 their jobs and see, really study the history of what these
5 jobs do.

6 I also found there was no clear data on the overall and
7 long-term impact of casinos on local communities. I have
8 grave concerns that the economics of the casino are not
9 sustainable or healthy.

10 I saw a lot of detailed charts, tables and maps in
11 Section 3.7, but I became lost in the detail and came out of
12 it without the necessary high level analytical kind of
13 summary that I really would need to evaluate that.

14 With respect to traffic, Section 381 talks about the
15 fact that it must be, quote, efficient, safe and convenient,
16 but when I look further at the realities of the traffic that
17 I saw, first of all, the maps were hard to read, they don't
18 show road improvements and mitigations in Richmond.

19 And when I talked to the technical experts about that
20 section, they did show me that a supplemental study had been
21 done for the traffic impacts on Marin County and they did
22 have maps, and you could actually see traffic flow on real
23 roads that you could identify.

24 I don't understand why we didn't have that for
25 Richmond. What I saw was lists of tables and numbers, and

1 it was very overwhelming. I couldn't get a big picture at
2 all.

3 There's traffic noise. Was stated that it will
4 approach or exceed clearly unacceptable levels, that's 4114,
5 and it cites mitigation in Section 5210, but when I go
6 there, I don't find any plan whatsoever for reducing traffic
7 noise.

8 Daily trips, I -- was really hard to find out what the
9 daily trips were. Again, a lot of tables, and one of the
10 experts helped me look through an appendix, and it was even
11 hard to find with the both of us there, and I believe we
12 came up with a total daily trips of 22,000, and that's a lot
13 of cars, and I really can't imagine how they're all going to
14 fit onto the roads we got without creating a lot of
15 distress.

16 They say, don't worry because it will be during
17 off-hours, but I've been stuck in congestion in that area in
18 off-hours that were just caused by a minor incident, and
19 then the whole thing backs up. You really just -- it's kind
20 of a bottleneck area, so I have very -- very strong concerns
21 about traffic.

22 Another related concern is safety and security, so
23 we've got -- we're going to have large crowds there. We've
24 got Chevron right across the hill, and we have an existing
25 community of residents living at the Harbor, looking into

1 that long winding road, so if there were an emergency, and
2 people had to evacuate, what would happen. I didn't see
3 anything about that in the document. All I saw was that
4 Chevron has things in place to handle a problem that occurs
5 on -- in their plant, but there was nothing about what would
6 happen at this site in the case of an emergency and in the
7 case of an evacuation.

8 The plan assumes that we'll have ferry service, but
9 there's -- that could happen, that could not happen. You
10 can't guarantee that, so I don't think it's really fair to
11 base your traffic on something that may or may not exist.

12 So moving onto another topic away from traffic is that
13 tribal lands are not required to adhere to a general plan,
14 so if they do, that's entirely voluntarily.

15 Another concern I have is water, usage of water. It
16 says that it would have potentially significant impact, but
17 there's absolutely no statement of water consumption in the
18 document. Its talked -- usages is discussed in terms of
19 gallons per minute. That they will need 460 to 732 gallons
20 of water per minute, but that does not say anything about
21 consumption, overall consumption.

22 We have a shortage of water in this area. I've gotten
23 phone calls from EDMA saying, you know, conserve water,
24 don't water your lawn. We have to change the pricing rates,
25 and all of that, so I sort of can't believe that you left

1 this out. I think it's critical information.

2 We also have a waste water to think about. We have a
3 system that's already 39 percent over capacity in wet
4 weather. We have neighborhoods who have, you know, water
5 backing up on their streets. It's a serious problem in
6 Richmond, and I do believe that we've just been --

7 Richmond homeowners are now as of last year, the year
8 before, paying increased taxes to tackle this problem, so
9 this would only exacerbate a problem that is really pretty
10 serious here.

11 Solid waste was deemed to be not significant, but it's
12 13 tons per day, and Richmond landfill has already moved to
13 Vallejo because we closed the one down that we have here,
14 increasing the need for fuel, increasing the carbon
15 footprint, increasing cost and just -- yeah, so to me that's
16 significant, and it's a concern.

17 Another -- someone brought up the topic that we have
18 proposals for two casinos here in Richmond, not very far
19 away from one another by the same tribe, and I do think that
20 that should be analyzed together.

21 There is definitely a synergistic effect between that,
22 the impact of two casinos so close to one another would be
23 far greater than just one or the other.

24 So those are all my comments about specific items in
25 the document.

1 Getting back to the general plan, I do want to talk
2 about that because I served on the General Plan Update
3 Committee with a lot of people who worked really hard on
4 that for a period of three years, and I know that some of
5 the people who worked on that plan are here tonight. I've
6 seen you here, and as then we have different ideas about
7 what's the best use for Point Molate.

8 However, the general plan does call for some
9 overarching goals that we find recurrent in all of the
10 elements, the land use of urban design element, the health
11 and wellness element, the public safety and noise, the
12 circulation, historic resources, natural resources in open
13 space, and the economic element too.

14 These all call for a new vision of Richmond, a city
15 that's supported by sustainable businesses, green principles
16 and sound jobs that foster a healthy environment. It calls
17 for infill development and revitalization of areas that are
18 blighted and languishing and for protection of our shoreline
19 and natural resources.

20 The development proposed for Point Molate is extremely
21 intense and massive in scale. I think that the impacts are
22 severe on many different counts. I've already touched on
23 many of those, but as I said, if you look in each of those
24 elements, there are impacts in all of these.

25 Aesthetic impacts I agree with Commissioner Duncan,

1 they're hard for most people to measure, but they will be
2 extreme considering the size and intensity of the
3 development and especially given the unique and natural
4 setting and the history of this site.

5 So one last thing, and that is that when I look at
6 Alternative D, I as a person who worked on the general plan
7 kind of expected that to represent an option that we
8 discussed and did a lot of work on there in that three-year
9 long session, but I find that that particular Option 2, as
10 we called it, is not represented at all in this EIR/EIS, and
11 I do believe that that option is also what Commissioner
12 Duncan and Commissioner Beckles were kind of proposing as if
13 not this, what else?

14 So I'm not sure why that option sort of fell out of the
15 running, but basically, I can summarize it for those of you
16 who aren't familiar with it, it was based on the preferred
17 alternative in the original Blue Ribbon Reuse Plan, and it
18 was also the preferred alternative in four other land use
19 studies that were conducted over the years.

20 So whatever name or number you want to give it, it is
21 an alternative which calls for restoration of historic
22 sites, moderate economic gains by means of careful
23 development all put together for the purpose of creating a
24 site that is suitable for healthy recreation by the general
25 public with green jobs and a healthy and a beautiful

1 shoreline.

2 I believe that we are part of our environment, and what
3 we build at Point Molate will be reflected in our health and
4 in our behavior for generations to come.

5 CHAIR FINLAY: Thank you. That concludes the comments
6 by the commissioners.

7 Am I safe to say that that concludes the -- that
8 portion of the hearing this evening?

9 MR. BLEVINS: Yes, ma'am.

10 CHAIR FINLAY: Thank you.

11 (Conclusion of proceedings at 8:43 p.m.)
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1 REPORTER'S CERTIFICATE

2
3 I, CATHERINE D. LAPLANTE, a Certified Shorthand
4 Reporter for the State of California, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me, CATHERINE
7 D. LAPLANTE, a Certified Shorthand Reporter of the State of
8 California, and thereafter transcribed into typewriting;
9 that the foregoing is a true and correct record of the
10 hearing given.

11 IN WITNESS WHEREOF, I hereby certify this transcript at
12 my office in the County of Placer, State of California, this
13 28th day of September, 2009.

14
15 

16 CATHERINE D. LAPLANTE, CSR #10140
17

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