

Dry Creek Rancheria 2008 Memorandum of Agreement Background

***All Documents on file with the Clerk of the Board**

- **May 28, 2010, May 23, 2011 and July 12, 2012 Letter Agreements:**
Due to a major economic downturn (“Great Recession”), which began shortly after completing the 2008 MOA and continued into 2010 and beyond, the Tribe lost the ability to finance construction of the planned Resort project. The Great Recession also substantially negatively impacted the Casino’s economic performance. The Letter Agreements modified the MOA’s previously agreed mitigation payments to the County and confirmed the completion of certain obligations by the Tribe, including the establishment of a conservation easement on the Tribe’s Petaluma property.
- **2015 First Amendment to MOA**
In November 2013, the Federated Indians of Graton Rancheria opened Graton Casino and Resort in Rohnert Park, 33 miles from River Rock Casino, and in a location that “cut off” River Rock Casino from much of its Bay Area customer base, which substantially reduced that Casino’s revenue. That unrealized revenue was never recovered. Also, the planned Resort project was never completed. Therefore, the Tribe initiated re-negotiation of the 2008 MOA to further adjust the mitigation payments due as a result of the Tribe defaulting in its financial obligations. In September 2015 the County agreed to assist the Tribe and its community by amending several provisions of the 2008 MOA including extending the term to December 31, 2030. The Tribe agreed to abstain from applying for federal trust status for the Petaluma property until 2025 and also agreed to extend the term of the MOA to 2030. The 2015 Amendment also established a commitment to “develop and execute an Amended and Restated MOA.”
- **2016 Intergovernmental Mitigation Agreement**
Pursuant to the terms of the amended MOA, the Tribe and County established a mutual process for taking the Alexander Valley Campground located at 2411 Alexander Valley Road, Healdsburg into federal trust, which recognized that in 2011 the Tribe was granted Treatment in the Same Manner as a State (“TAS”) status for purposes of the federal Clean Water Act qualifying the Tribe to conduct its own inspections and regulate the non-standard individual sewage disposal system on its reservation land.
- **2017 Second Amendment to the MOA**
In this Amendment the Tribe agreed to specific provisions regarding resolution of the Tribe’s petition for a conditional license from the CA Department of Alcoholic Beverage Control (ABC) and established certain new requirements for live outdoor entertainment events at the Casino. In 2017, the Tribe was issued a new liquor license by the ABC which includes mutually agreeable restrictions and conditions on the usage and operations surrounding alcohol sales, including noise and security, but which both parties agree would not be enforceable by the ABC.
- **2017 Tribal-State Compact**

In 2017 the Tribe entered into a new Tribal-State Compact with the State of California (State Compact). The State Compact recognizes the 2008 MOA and that it establishes the process by which the Tribe identifies and mitigates off-reservation impacts in the County. The term of the State Compact is through 2043.

- **2021 Third Amendment to the MOA**

In August 2020, due to COVID-19 pandemic impacts resulting in extended Casino operations closure, the County agreed to defer the Tribe's annual mitigation payments to the County for the years 2020 and 2021 and extend the term of the MOA for two years.