



ROBINSON RANCHERIA

CITIZENS BUSINESS COUNCIL

February 25, 2021

Transmitted via Electronic Delivery and US Mail

Lake County Board of Supervisors
255 N Forbes St # 109
Lakeport, CA 95453

Re: Proposal regarding the Foothills Oaks Drive community safety gate located near the intersection with Mountainside Drive

Dear Honorable Members of the Board of Supervisors:

On behalf of the Citizens Business Council of the Robinson Rancheria ("Tribe"), I am writing to request that the Lake County Board of Supervisors ("Board") use the discretionary authority granted to the Board under applicable law and expressly permit the "lock and key" use of the community safety gate located on Foothills Oaks Drive near the intersection with Mountainside Drive.

Specifically, we propose to limit and reduce the use of the County throughfare as a "route to mischief" by non-Tribal community members for illegal activities and property damage in the area. The Tribe is requesting that, pursuant to its authority under Street and Highways Code Sections 1480.5 and 1486, the Board prescribe that: (1) the community safety gate be locked at all times to help restrict vehicle traffic on Foothills Oaks Drive between Upper Lake Lucerne Road and Pomo Way (the "Terminal Roads"); (2) the Tribe shall be responsible for maintaining the community safety gate, including its lock and keys; (3) each of those land owners with property abutting Foothills Oaks Drive between the Terminal Roads shall be provided with a key to the lock for the community safety gate to enable their use of Foothills Oaks Drive in either direction of their choosing at any time; and (4) no person who has been provided with a key for the gate lock shall make any copies of the key or provide the key to others not authorized by the Board.¹

As the Board is aware, while the lock and key use of the Foothills Oaks Drive community safety gate enjoys strong support among the neighbors along the county road between the Terminal

¹ A key may also be provided to any County or safety personnel deemed necessary by the Board.



Roads, such use has been made a source of dispute by Gary Sabalone. For many reasons, as noted below, the Tribe believes that its request for Board action in establishing the lock and key use of the gate, as described above, is the best resolution for all concerned, especially given that Mr. Sabalone has not and cannot prove any harm caused by the community safety gate.

The Tribe understands that the County accepted Foothills Oaks Drive as a public roadway sometime in the 1980's. The County did not, however, accept the road for maintenance purposes and it has remained a dirt/gravel road. The Tribe also understands that, prior to the Tribe acquiring land in the vicinity, the Foothills Oaks Drive community safety gate was erected by locals as a safety measure to protect their property and themselves from possible harm from those using the backroad for unlawful activities. The community safety gate is a welded iron swing gate that can be swung open to permit unimpeded passage when not latched closed across the road.

The Tribe eventually acquired its reservation and other lands in the area near State Highway 20, one of the major east/west throughfares running from Upper Lake, California. On property directly south of the Sabalone residence parcel, the Tribe made major investments in constructing the Robinson Rancheria Resort and Casino ("Casino") (a significant employer for the local populace and entertainment destination for the local community) and the Robinson Rancheria Recycling Center. Nearby to the east the Tribe built an Education Center. Further east along Acorn Drive (a short, paved road section of Foothills Oaks Drive), several residential complexes were built for its Tribal members. At the northwest corner of the intersection of Foothills Oaks Drive and Mountainside Drive are the Tribe's dance grounds, where Tribal members conduct sacred cultural practices.

As part of the development of the Robinson Rancheria Resort and Casino site, the Tribe established Pomo Way, a paved road that provides straight line access from State Highway 20 to the Casino and to Acorn Drive. The distance from State Highway 20 to Acorn Drive using Pomo Way is only approximately 500 feet and, if one takes a left (west) onto Acorn Drive it is about 150 feet on paved road to the entryway for the Sabalone residence parcel and adjoining Sabalone property parcels. Mr. Sabalone has unrestricted use of this route for quick ingress/egress to/from his property to State Highway 20.

Shortly after making its many investments in the area, and establishing its reservation land base for its Tribal members, the Tribe was confronted with the fact that Foothills Oaks Drive was being used by some to facilitate destructive and dangerous activities that are unwelcome by the Tribe and its local neighbors.

These activities include, among others: speeding on the unlit gravel road, illicit sex activity and illegal drug use around the Tribe's ceremonial dance grounds and in the hills off the road (as indicated by discarded needles found on the Tribe's land), dumping of large quantities of trash and waste of all sorts on the Tribe's land, repeated destruction of the Tribe's barbwire fence around the ceremonial dance grounds and to the grounds themselves from truck/motorcycle off-

road/four-wheeling activity, drinking and firearm activity (as indicated by spent bullet casings and cases of empty beer cans/bottles found on the Tribe's land), the cutting of the chain link gate leading to the dance grounds and use of this path to circumvent the welded gate the Tribe placed on Mountainside Drive near its intersection with Foothills Oaks Drive to prevent trespassers from entering the Tribe's lands up the hill.

Given the curving, unmaintained nature of the gravel road, the Tribe came to realize that those using an "unimpeded" Foothills Oaks Drive as a backdoor speedway around State Highway 20 also put daytime bike riders and dogwalkers along the roadway in jeopardy. The Tribe also realized the fact that off-roading activities in the hills on the Tribe's land by those using unpermitted accessed from Foothills Oaks Drive could cause a fire threat in the dry seasons.

Faced with this harmful activity and safety concerns, the Tribe recognized it had to take measures to protect its property and preserve the safety of its Tribal members and other local community residents. For example, it takes two days labor to just repair and replace the poles for the barbwire fence protecting the dance grounds that is being breached constantly from Foothills Oaks Drive. Besides doing something that would help foster respect for tribal property, the Tribe also wanted to take a step to help reduce the risk of physical harm to its Tribal members and community residents too and degradation of its land.

Therefore, as part of an effort to hinder and forestall the dangerous activity occurring in the area, several years ago the Tribe repaired the latching mechanism on the community safety gate and installed a lock; and offered to provide a key for the lock to Mr. Sabalone and each of the landowners along Foothills Oaks Drive between the Terminal Roads. Only Mr. Sabalone refused to accept a key to the lock for the community safety gate. Because of the ongoing dispute with Mr. Sabalone over the community safety gate, a lock for the gate has been intermittently installed by the Tribe, with an open offer to provide keys for the lock to all landowners along Foothills Oaks Drive between the Terminal Roads.

The Tribe and local residents continue to endure the troublesome activities arising from those using Foothills Oaks Drive as a convenient backroad "route to mischief." The most efficient and effective way to reduce, if not eliminate, these dangerous and destructive activities is for the Board to exercise the discretionary authority granted it by state law by approving the Tribe's request to permit the "lock and key" use of the Foothills Oaks Drive community safety gate as described above.

This proposal makes sense for Mr. Sabalone too. Currently, he can exit his residence property using his gravel entryway (which is a portion of the old route of Foothills Oaks Drive that curls around into his property) by turning left (east) onto paved Acorn Drive and 150 feet later turning right (south) onto paved Pomo Way, which leads him straight about 500 feet to access State Highway 20. This is the most convenient way to access State Highway 20 to travel east/west from the Sabalone residence parcel. In contrast, the Foothills Oaks Drive community safety gate is approximately 3000 feet west of the Sabalone residence parcel entryway. To get to it, Mr.

Sabalone would have travel over a half-mile on a winding, often dusty gravel road that is poorly maintained. And to reach the next nearest westward access point on State Highway 20 requires Mr. Sabalone to continue on Foothills Oaks Drive before turning left (south) on Upper Lake Lucerne Road, which adds another approximate 1200 feet to the trip. Even then, if for some inexplicable reason Mr. Sabalone chose to take the more arduous route west by turning right onto Foothills Oaks Drive from his entryway, he could still do so under the Tribe's request for a "lock and key" community safety gate.

Having made the choice to take the more difficult way west, having a lock and key maneuver at the community safety gate does not add a significant obstacle to Mr. Sabalone's use of Foothills Oaks Drive to exit onto State Highway 20 at the next nearest access point, some 3250 feet west from where he would access the highway if he took the more convenient and direct route using Pomo Way. In other words, Mr. Sabalone could still choose, if he wants, to take an approximately .8 miles long route over difficult unpaved road terrain simply to get to a point that is only .6 miles from his direct access onto the well-maintained paved State Highway 20. Of course, it makes no sense either to access State Highway 20 eastward from the Sabalone residence parcel via Foothills Oaks Drive by first turning west from the parcel entryway and traveling in a big loop around to Upper Lake Lucerne Road.

Neither will Mr. Sabalone, in the event he proceeds in the future with subdivision of his property, suffer any detriment from the Board implementing the "lock and key" use of the Foothills Oaks Drive community safety gate as described above.

The Tribe notes that the Sabalone residence parcel is the most eastern parcel of the Sabalone property and the only parcel currently with a residence. The other three parcels are immediately west and contiguous with the Sabalone residence parcel and are undeveloped land. The most western edge of the most western parcel still lies nearly .3 miles east of the Foothills Oaks Drive community safety gate.

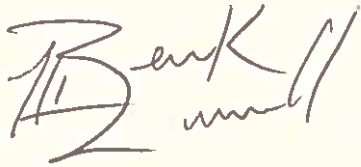
Future purchasers of each of the undeveloped parcels could exit the existing Sabalone residence parcel entryway to access State Highway 20 directly using Acorn Drive and Pomo Way once the land is developed, like Mr. Sabalone currently does. Moreover, because these parcels abut Foothills Oaks Drive between the Terminal Roads, under the Tribe's proposal any future landowner of these parcels would be provided with a key to the lock for the community safety gate, which would enable their use of Foothills Oaks Drive in either direction of their choosing at any time.

Should development of the undeveloped Sabalone parcels in the future cause heavier use of Foothills Oaks Drive to the west of those parcels and require adjustments to the lock and key use of the community safety gate, the Board can address that issue at the time it is necessary. In the meantime, the personal safety and property protection to be offered by the community safety gate to the overwhelming residents in the area should lead the Board to decide that the best course of action for now is to approve under state law the Tribe's proposal for the "lock and key"

use of the Foothills Oaks Drive community safety gate. We note that no one other than Mr. Sabalone has ever complained and there is no harm that Mr. Sabalone has or can prove from it.

The Tribe looks forward to receiving the Board's approval of the request made herein. Should you have any questions about the foregoing request, please feel free to have the County Counsel contact our legal counsel: Little Fawn Boland at (415) 939-7797 or at littlefawn@ceibalegal.com

Sincerely,

A handwritten signature in dark ink, appearing to read "Beniakem Cromwell". The signature is stylized, with the first name "Beniakem" written in a cursive script and the last name "Cromwell" written in a more straightforward, slightly cursive style.

Beniakem Cromwell, Tribal Chair
On Behalf of the Citizens Business Council