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Judge thwarts casino bid again

By Tony Bizjak -- Bee Staff Writer - *(Published June 24, 2004)*

A Sacramento judge has again refused to OK construction of a new Highway 50 interchange at Shingle Springs that would allow an Indian gambling casino to be built.

In a ruling issued this week, Sacramento Superior Court Judge Lloyd Connelly determined the state Department of Transportation and the company backing the casino - planned a few miles west of Placerville - have failed to show that the highway interchange would comply with state pollution regulations.

The Shingle Springs Rancheria, backed by Lakes Entertainment, Inc., has been trying for several years to build a 24-hour casino and hotel on its land just north of Highway 50. The site is landlocked and needs a highway interchange for vehicular access.

This week's ruling marks the second time that Connelly has decided the state hasn't done enough traffic studies to determine the project's impact on the area's ability to meet state ozone standards.

Connelly's ruling stemmed from two lawsuits filed against the interchange project, one by El Dorado County, the other by a group of local residents and environmentalists called Voices for Rural Living.

El Dorado County officials estimate that an interchange leading directly to a casino would create 10,000 new vehicle trips a day on Highway 50, causing congestion and pollution.

Stephan Volker, an attorney for the Voices for Rural Living group, said its members fear a casino would be the magnet that causes the rural area to become overbuilt and crowded.

"Our position is that this is an inappropriate place for a casino," Volker said.

The court ruling may have ramifications for transportation proposals beyond this one project, locally and around the state, the judge stated in his decision.

Ed Knapp, chief assistant counsel for El Dorado County, which brought one of two lawsuits against the interchange plan, said he interprets the judge's comments to say that Caltrans needs to come up with a new measurement system to determine if certain projects meet more stringent state ozone rules, not just federal rules.

Officials at the Sacramento Area Council of Governments, who typically measure projects against federal standards, say they are looking at the judge's ruling to determine what its implications are.

Caltrans officials said on Wednesday they are reviewing the court ruling and have no public comment to make yet.

A spokesman for the Shingle Springs Rancheria said his group's attorneys also were analyzing the decision to determine what their next move should be.

"We are going to make every effort to move forward with the project," said Rod Wilson, a public

relations representative for the Shingle Springs group. "Our history has been that we are going to work to make sure we are in compliance. This is a long term venture for the tribe."

Attorneys for the the rancheria could not be reached Thursday.

Volker, attorney for the Voices for Rural Living group, said his clients plan to file another lawsuit in federal court that would include the contention that the Shingle Springs tribe isn't a true tribe with sovereign rights to open a casino.

Wilson, the Shingle Springs Band of Miwok Indians' spokesman, rejected that notion, saying the Shingle Springs Indians are recognized as a tribe in the federal register.

Knapp, the attorney for El Dorado County, which also has a federal lawsuit pending against the casino, blasted Caltrans after the ruling, arguing that the agency is not looking out for California residents.

"It's always been a mystery to us why the state would conclude there are no significant impacts" to the interchange and casino projects, he said. "The air impacts are significant. You need some mitigation, another highway lane, or light rail to Placerville."

About the Writer

The Bee's Tony Bizjak can be reached at (916) 321-1059 or tbizjak@sacbee.com.

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