

SECTION 1.0

PURPOSE AND NEED

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1.1 INTRODUCTION

The Federated Indians of Graton Rancheria (Tribe) is composed of Coast Miwok and Southern Pomo groups that in the early 1900s were present in the Tomales and Marshall areas of Marin County and the Bodega and Sebastopol areas of Sonoma County. In 1920, land was set aside for the “village home” of the Tribe near the town of Graton (the Graton Rancheria). The Graton Rancheria was one of 36 rancherias set aside for landless California Indians between 1906 and 1930. It was typical for different tribal groups from the same general vicinity to be placed together on a single land base and collectively identified by the rancheria name; hence, the formation of the Federated Indians of Graton Rancheria.

In 1958, the U.S. Congress passed the California Rancheria Act calling for the termination of 41 California rancherias, including the Graton Rancheria. The Graton Rancheria Restoration Act of 2000 (25 U.S.C. Section 1300n) restored the Federated Indians of Graton Rancheria to Federally recognized status and allows the Tribe to establish a reservation within its designated service area of Marin and Sonoma Counties (requiring the Secretary of Interior to accept land into trust upon application by the Tribe). According to the Graton Rancheria Restoration Act, the “Secretary (of the Interior) shall accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, California, for the benefit of the Tribe (25 U.S.C. Section 1300n-3(a)).” Despite its restored status, the Tribe has no economic development, is not self sustaining, and has no regular sources of revenue other than payments from the government.

The Tribe has acquired the Wilfred Site (see **Section 1.3.1**) (which is located approximately eight miles from the former Graton Rancheria) and proposes that it be taken into trust and that a portion of the site be developed as a casino-hotel resort (the Tribe has submitted a fee-to-trust application to the Secretary to take the Wilfred Site into trust, but at the request of Sonoma County has agreed to delay the fee-to-trust transfer until later in the NEPA process) after determining that establishing a gaming facility would be the most appropriate form of economic development to meet its needs. In order to acquire financing for the purchase of the Wilfred Site and to facilitate management of the casino-hotel resort, the Tribe has entered into a management contract with SC Sonoma Management, LLC. According to the Indian Gaming Regulatory Act (IGRA) (25 U.S.C. Section 2701 *et seq.*), this management contract must be approved by the National Indian Gaming

Commission (NIGC) prior to taking effect. The NIGC is the Federal Agency charged with regulating gaming on Native American lands as mandated by IGRA. As part of its regulatory authority under IGRA, the NIGC reviews and approves all management contracts between tribal governments and management companies. The approval of a management contract would constitute a major Federal action as defined by the National Environmental Policy Act (NEPA) (42 U.S.C. Section 4321 *et seq.*). Thus, prior to making a decision on whether or not to approve the management contract, NEPA requires that environmental analysis take place to analyze the potential impacts and possible alternatives of such an action.

This Draft Environmental Impact Statement (EIS) has been prepared by the NIGC to address the environmental effects of approving a management contract between the Tribe and SC Sonoma Management for the purpose of operating a casino-hotel resort on land taken into trust pursuant to the Graton Rancheria Restoration Act. This Draft EIS also includes an analysis of a reasonable range of alternatives to the proposed action, as required by NEPA. A Preferred Alternative will be identified in the Final EIS after a thorough review of the environmental impacts associated with each alternative, the potential for each alternative to satisfy the purpose and need (**Section 1.4**), and public comments on the Draft EIS. For the purpose of this EIS, the NIGC serves as the Lead Agency, with the Bureau of Indian Affairs (BIA), U.S. Army Corps of Engineers (USACE), the California Department of Transportation (Caltrans), and Sonoma County acting as Cooperating Agencies.

This document has been completed in accordance with the requirements set forth in NEPA (42 U.S.C. Section 4321 *et seq.*), the President's Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 C.F.R. Parts 1500-1508), and the NIGC National Environmental Policy Act Procedures Manual (NIGC NEPA Manual). This document provides a detailed description of the proposed action and alternatives to the proposed action, including the No Action Alternative, analyses of environmental impacts, and discussion of impact avoidance and mitigation measures.

1.2 SUMMARY OF THE PROPOSED ACTION AND ALTERNATIVES

The proposed action analyzed in this EIS is the approval of a management contract between the Tribe and SC Sonoma Management. The consequence of this action would be the transfer of the land into trust (land must be taken into trust before it is eligible for gaming) by the BIA (the NIGC is not directly involved in the fee-to-trust process) and the development of one of the five casino-hotel resort development alternatives analyzed in this EIS: 1) Alternative A – Proposed Project; 2) Alternative B – Northwest Stony Point Site; 3) Alternative C – Northeast Stony Point Site; 4) Alternative D – Reduced Intensity; and 5) Alternative F – Lakeville Site. In order to

ensure analysis of a reasonable range of alternatives, as required by NEPA, Alternative E – Business Park, a non-gaming alternative, and Alternative G – No Action are also analyzed in this EIS.

Alternative A consists of the development of a casino-hotel resort on the northeast corner of the Wilfred Site (see **Section 1.3.1**). The casino-hotel resort would include restaurants, a hotel, an entertainment venue, a banquet/meeting space, a pool and spa, and other ancillary uses such as a wastewater treatment plant and supporting infrastructure. The remainder of the Wilfred Site would remain undeveloped and be used for pasture, biological habitat, and/or recycled water sprayfields. Alternative B consists of the development of a casino-hotel resort on the northwest corner of the Stony Point Site (see **Section 1.3.2**). The components of the casino-hotel resort would be identical to those proposed for Alternative A. Alternative C consists of the development of a casino-hotel resort on the northeast corner of the Stony Point Site. The components of the casino-hotel resort would be identical to those proposed for Alternative A. Alternative D consists of a scaled-down version of Alternative B. Alternative E consists of a light industrial/commercial business park development on the northwest corner of the Stony Point Site. The remainder of the Stony Point Site would remain undeveloped and be used for pasture, biological habitat, and/or recycled water sprayfields. Alternative F consists of the development of a casino-hotel resort at the Lakeville Site (see **Section 1.3.3**). The components of the casino-hotel resort would be identical to those proposed for Alternative A. The remainder of the Lakeville Site would remain undeveloped and be used for pasture, biological habitat, and/or recycled water sprayfields. Under Alternative G, or the No-Action Alternative, the NIGC would not take any action and development would take place consistent with local zoning regulations. Each of these alternatives is described in greater detail in **Section 2.0** of this EIS.

1.3 ALTERNATIVE SITE LOCATIONS

1.3.1 WILFRED SITE

The Wilfred Site is located in central Sonoma County, California. Ten of the eleven parcels are adjacent to the western boundary of the City of Rohnert Park (**Figure 1-1**), while one parcel (parcel 11) lies within the boundaries of the City. The approximately 252-acre site is bordered by Wilfred Avenue, residences, and farmland to the north; Stony Point Road, residences, farmland, and a dairy to the west; Business Park Drive, light industrial land uses, Rohnert Park Expressway, farmland, and the Laguna de Santa Rosa to the south; and a business park, the Rancho Verde Mobile Home Park, and farmland to the east. **Figure 1-2** shows the vicinity of the Wilfred Site. **Figure 1-3** shows an aerial photo of the Wilfred Site. The Wilfred Site is comprised of 11 separate parcels owned in fee by SC Sonoma Management (**Table 1-1, Figure 1-4**).

The parcels are located within portions of an un-sectioned area of Township 6 North, Range 9 West, Mt. Diablo Baseline and Meridian, as depicted on the Cotati, CA, U.S. Geological Survey (USGS) 7.5-minute quadrangle. U.S. Route 101 (US-101) provides regional access to the Wilfred Site from the San Francisco Bay Area to the south and from Santa Rosa, approximately seven miles to the north. Local access to the Wilfred Site is provided from Business Park Drive and Wilfred Avenue, both of which connect the site to Rohnert Park and US-101.

TABLE 1-1
WILFRED SITE PARCELS

Number	Assessor's Parcel Number (APN)	Approximate Size (acres)
1	045-073-001	44.03
2	045-073-002	2.48
3	045-073-003	1.04
4	045-073-004	2.48
5	portion of 045-074-009	9.95
6	045-074-010	5.93
7	046-021-020	140.60
8	046-021-021	3.04
9	046-021-039	2.52
10	046-021-040	35.55
11	143-040-068	3.86
<i>Total</i>		251.5±

SOURCE: Analytical Environmental Services, 2005.

1.3.2 STONY POINT SITE

The Stony Point Site is located in central Sonoma County, CA, adjacent to the western boundary of the City of Rohnert Park (**Figure 1-1**). The approximately 360-acre site is bordered by Wilfred Avenue, residences, and farmland to the north; Stony Point Road, farmland, and a dairy to the west; Rohnert Park Expressway, farmland, and the Laguna de Santa Rosa to the south; and the Rancho Verde Mobile Home Park, a business/industrial park, and farmland to the east.

Figure 1-5 shows the vicinity of the Stony Point Site. **Figure 1-6** shows an aerial photo of the Stony Point Site. The Stony Point Site is comprised of 37 separate parcels; the 182 acres south of Business Park Drive (parcels 046-021-040, 046-021-020, 046-021-021, and 046-021-039) are owned in fee by SC Sonoma Development (**Table 1-2, Figure 1-7**).

The parcels are located within portions an un-sectioned area of Township 6 North, Range 9 West, Mt. Diablo Baseline and Meridian, as depicted on the Cotati, CA, USGS 7.5-minute quadrangle. US-101 provides regional access to the Stony Point site from the San Francisco Bay Area to the

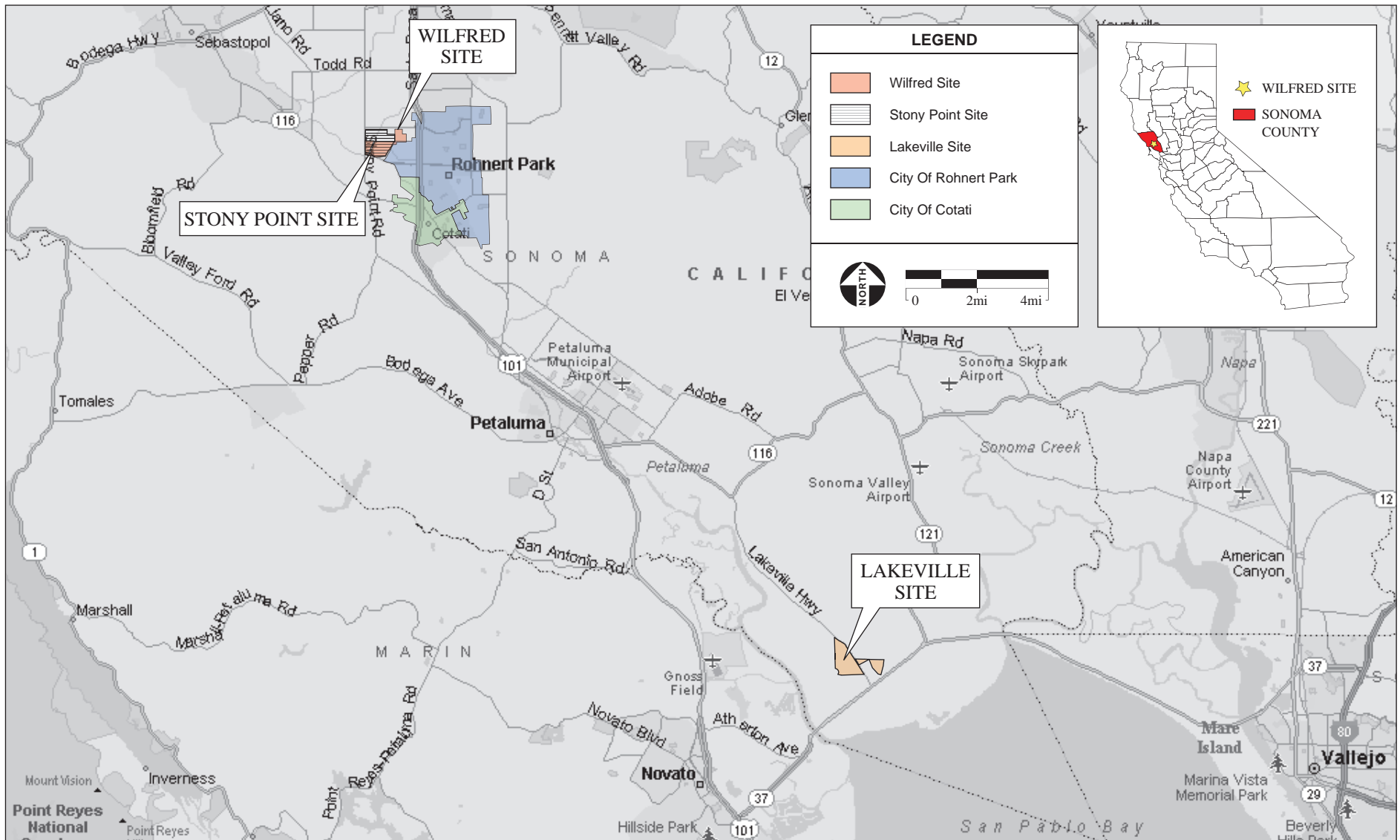
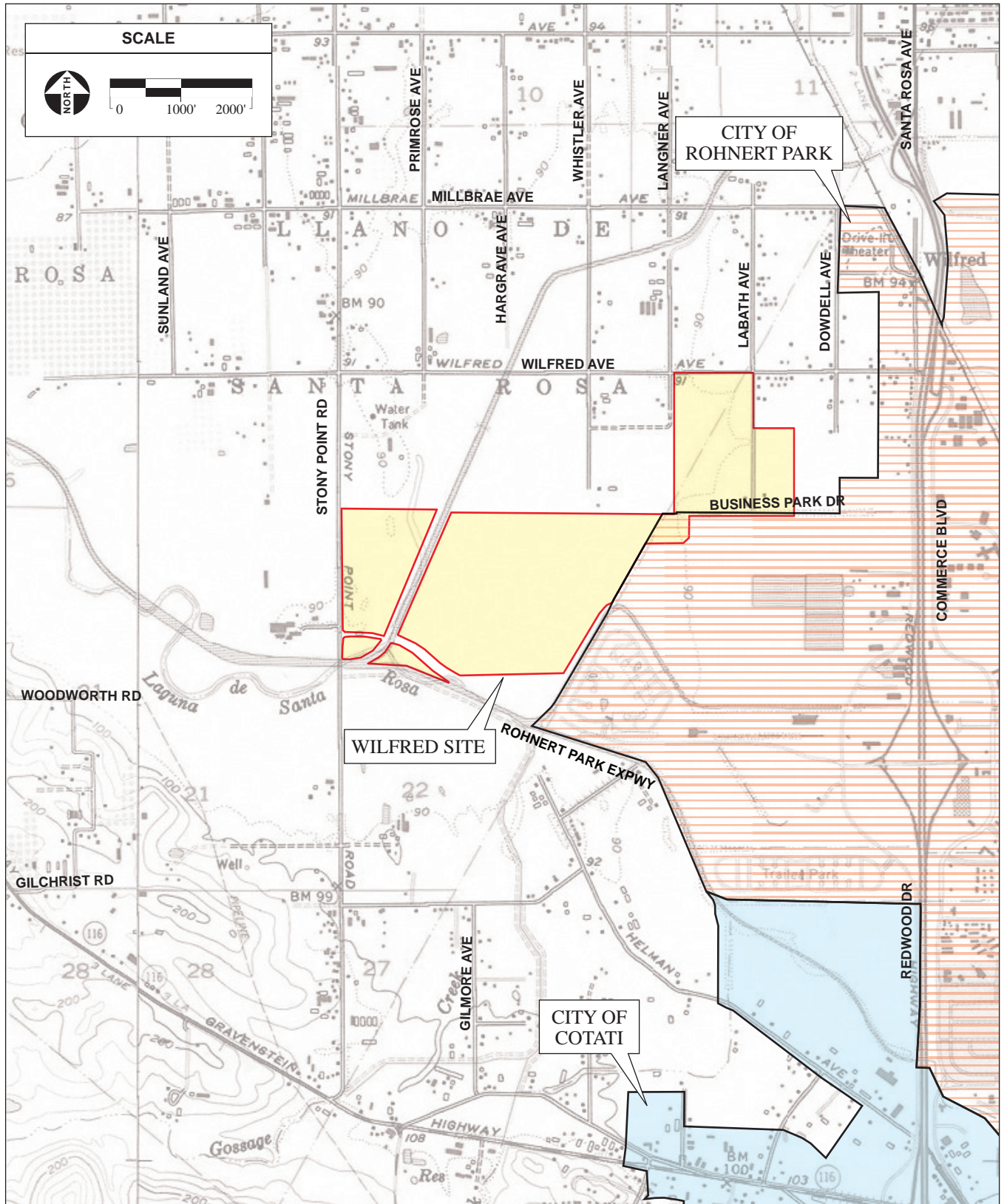


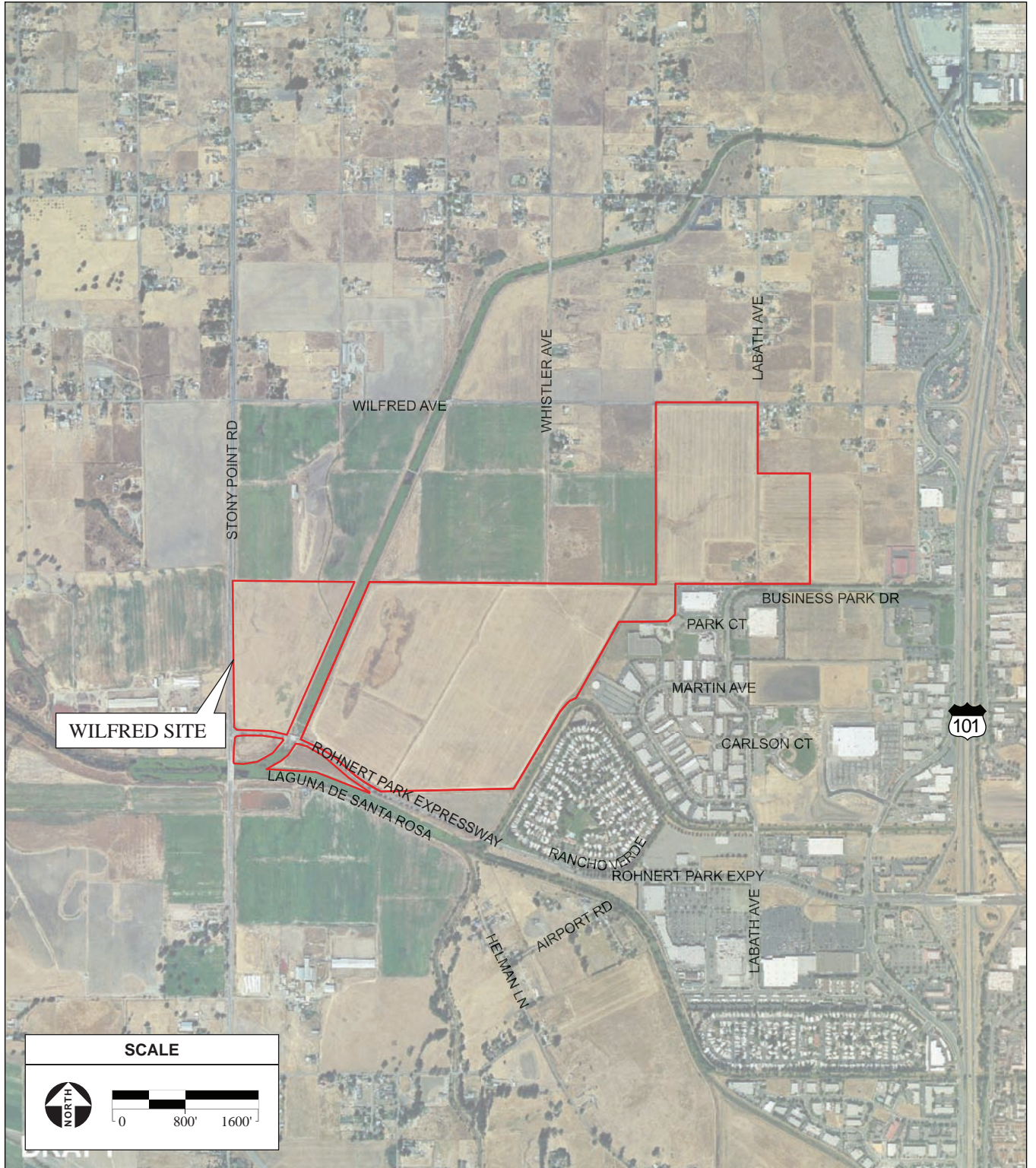
Figure 1-1
Regional Location



SOURCE: "Cotati, CA" USGS 7.5 Minute Topographic Quadrangle, Un-sectioned Area "Llano De Santa Rosa", T6N, R8W, Mt. Diablo Baseline and Meridian; AES, 2004

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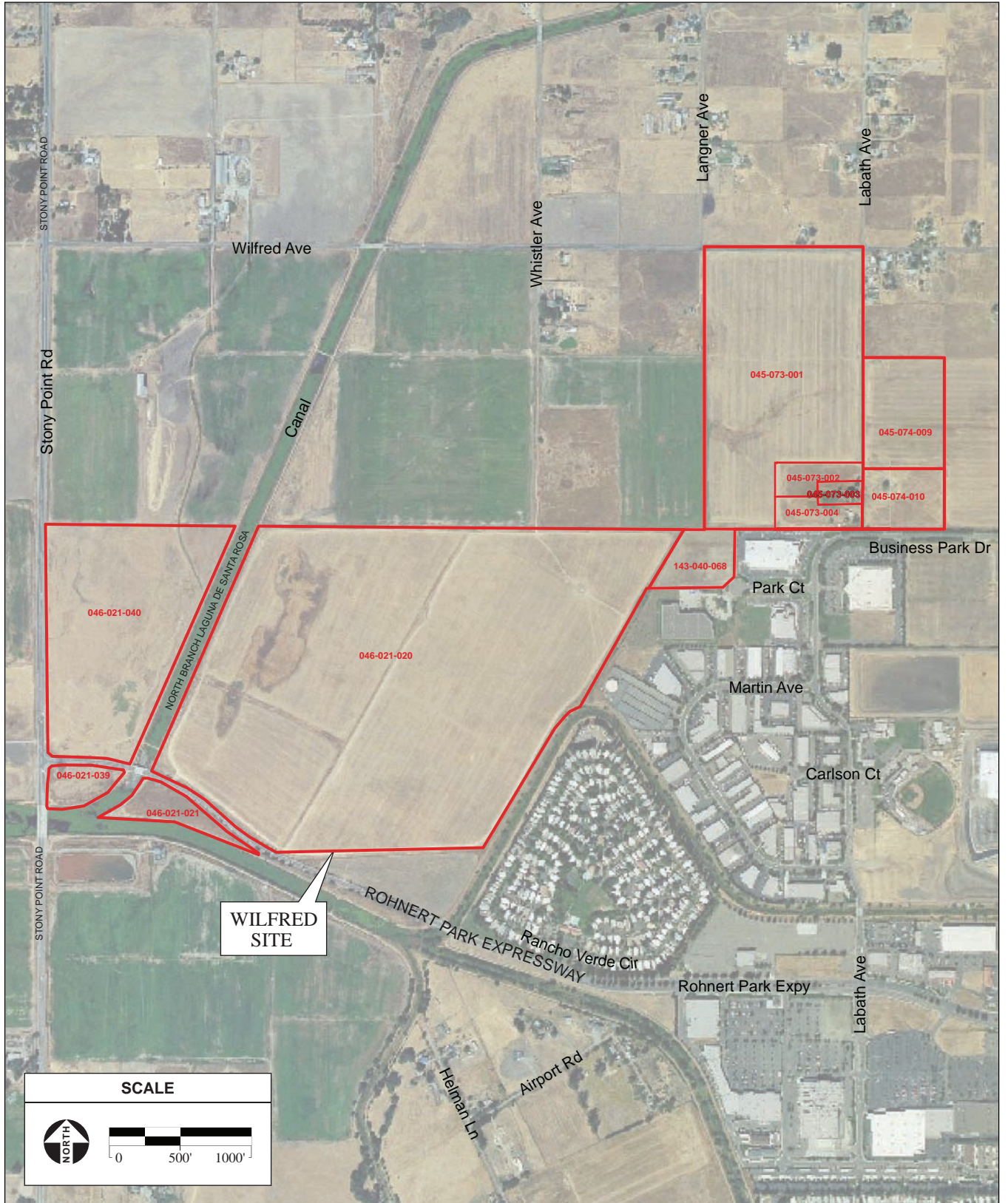
Figure 1-2
Wilfred Site – Site and Vicinity



SOURCE: Aerial Photography August 2002; AES, 2005

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Figure 1-3
Wilfred Site – Aerial Site Map



SOURCE: Aerial Photography August 2002; AES, 2005

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Figure 1-4
Wilfred Site – Parcel Map

south and from Santa Rosa, approximately seven miles to the north. Local access to the Stony Point site is provided from Business Park Drive and Wilfred Avenue, both of which connect the site to Rohnert Park and US-101.

TABLE 1-2
STONY POINT SITE PARCELS

Number	Assessor's Parcel Number (APN)	Approximate Size (acres)
1	045-071-002	5.00
2	045-071-003	5.00
3	045-071-004	5.00
4	045-071-005	5.00
5	045-071-006	6.15
6	045-072-006	11.15
7	045-072-012	5.00
8	045-072-013	5.00
9	045-072-014	5.00
10	045-072-015	6.15
11	046-021-020	140.60
12	046-021-021	3.04
13	046-021-024	6.15
14	046-021-025	5.00
15	046-021-026	5.00
16	046-021-027	3.41
17	046-021-028	4.85
18	046-021-029	8.22
19	046-021-030	0.06
20	046-021-031	1.44
21	046-021-032	5.63
22	046-021-033	3.55
23	046-021-034	6.97
24	046-021-035	8.99
25	046-021-036	4.93
26	046-021-037	6.04
27	046-021-038	6.17
28	046-021-039	2.52
29	046-021-040	35.55
30	134-261-003	19.18
31	134-264-003	1.63
32	134-264-005	1.92
33	134-264-006	3.01
34	134-264-007	5.00
35	134-264-008	3.29
36	134-267-001	5.00
37	134-267-005	4.46
<i>Total</i>		<i>360.1±</i>

SOURCE: Analytical Environmental Services, 2005.

1.3.3 LAKEVILLE SITE

The Lakeville Site is located in southern Sonoma County near the intersection of Lakeville Highway and State Route 37 (SR-37) (**Figure 1-1**). The approximately 322-acre site is bisected by Lakeville Highway and bordered on all sides by rural residential/grazing land. **Figure 1-8** shows the vicinity of the Lakeville Site. **Figure 1-9** shows an aerial photo of the Lakeville Site. The Lakeville Site is comprised of 5 separate parcels owned in fee by SC Sonoma Management (**Table 1-3, Figure 1-10**). The parcels are located within portions of Township 4 North, Range 6 West, Mt. Diablo Baseline and Meridian, as depicted on the Sears Point, CA, USGS 7.5-minute quadrangle. Lakeville Highway provides local and regional access to the Lakeville Site from the San Francisco Bay Area to the south and central and northern Sonoma County to the north.

TABLE 1-3
LAKEVILLE SITE PARCELS

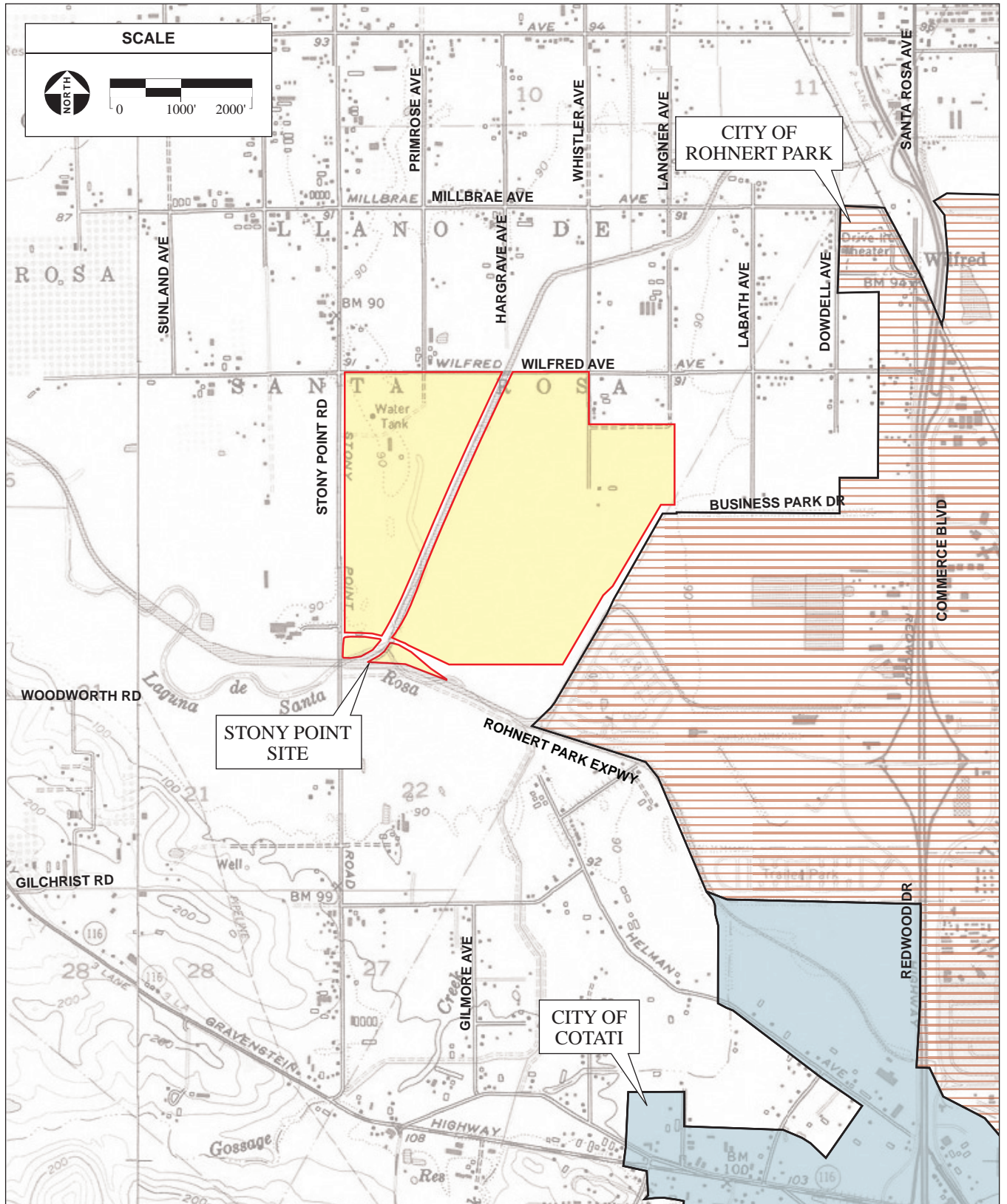
Number	Assessor's Parcel Number (APN)	Approximate Size (acres)
1	068-150-010	238.52
2	068-150-027	18.92
3	068-150-039	3.88
4	068-150-040	53.83
5	068-150-006	6.68
<i>Total</i>		<i>321.8±</i>

SOURCE: Sonoma County, 2004; AES, 2005.

1.4 PURPOSE AND NEED

Implementation of the proposed action would assist the Tribe and the NIGC in meeting the following objectives:

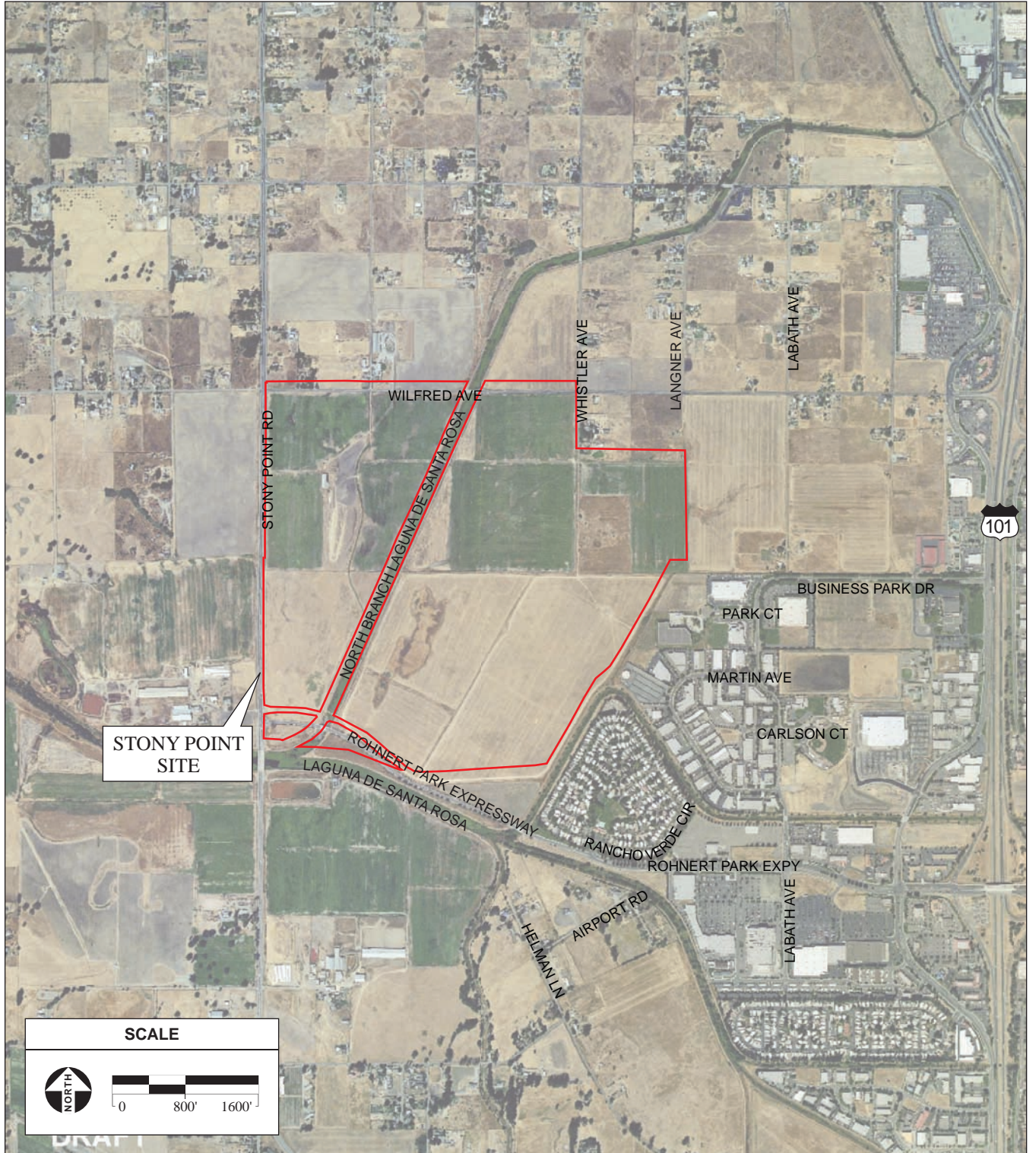
- Improve the socioeconomic status of the Tribe by providing an augmented revenue source that would be used to: strengthen the Tribal government, fund a variety of social, housing, governmental, administrative, educational, and health and welfare services to improve the quality of life of Tribal members; and provide capital for other revenue generating activities, such as economic development and investment opportunities (thereby diversifying and stabilizing the Tribe's activities).
- Provide employment opportunities to the Tribal and non-tribal community.
- Make contributions to charitable organizations and governmental operations, including the local school district and other educational institutions.
- Fund local governmental agencies, programs, and services.
- Allow the Tribe to establish economic self-sufficiency.
- Effectuate the Congressional directive embodied in the Graton Rancheria Restoration Act of 2000 and the authorization embodied in the Indian Gaming Regulatory Act.



SOURCE: "Cotati, CA" USGS 7.5 Minute Topographic Quadrangle,
 Un-sectioned Area "Llano De Santa Rosa", T6N, R8W,
 Mt. Diablo Baseline and Meridian; AES, 2005

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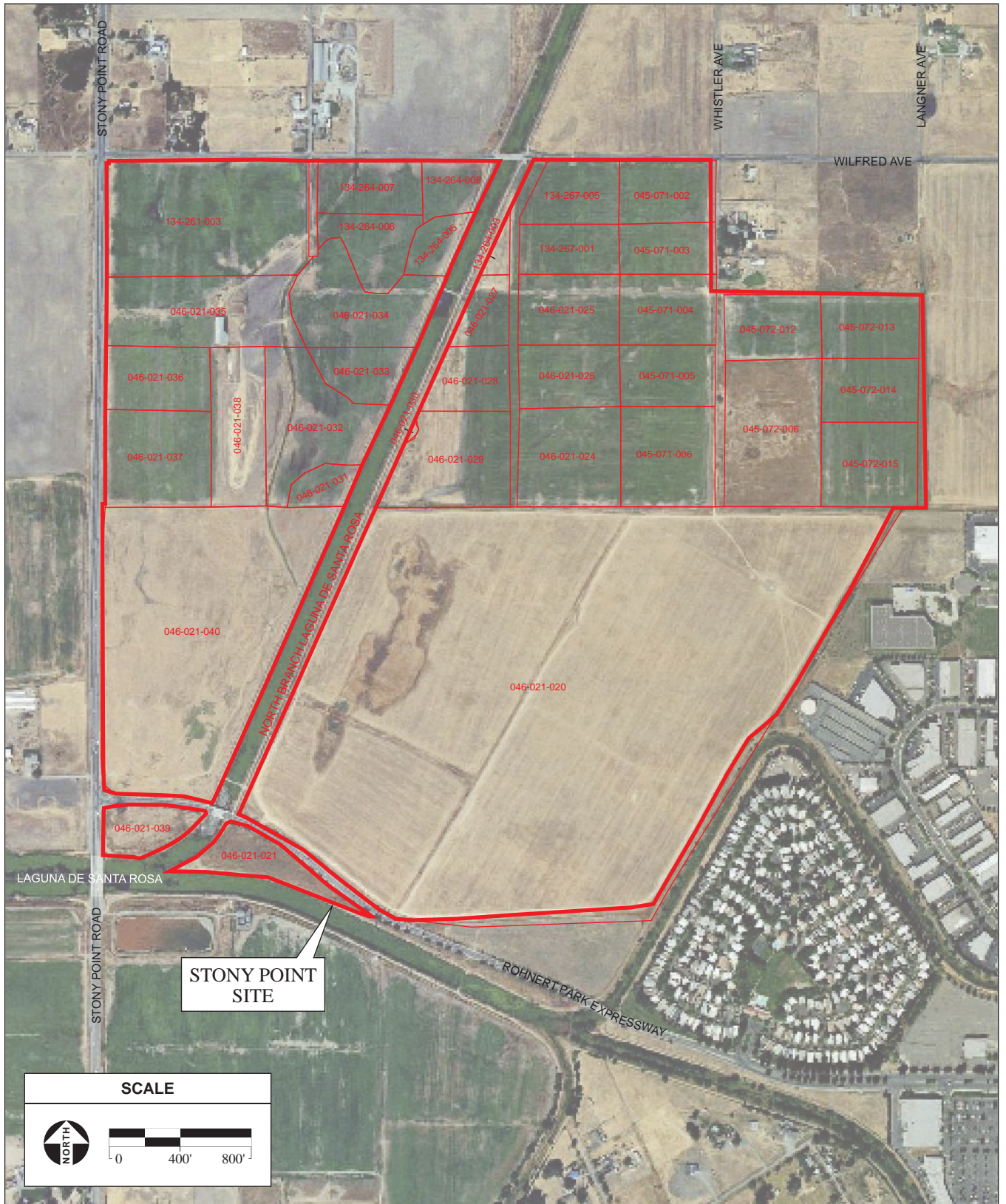
Figure 1-5
 Stony Point Site – Site and Vicinity Map



SOURCE: Aerial Photography August 2002; AES, 2005

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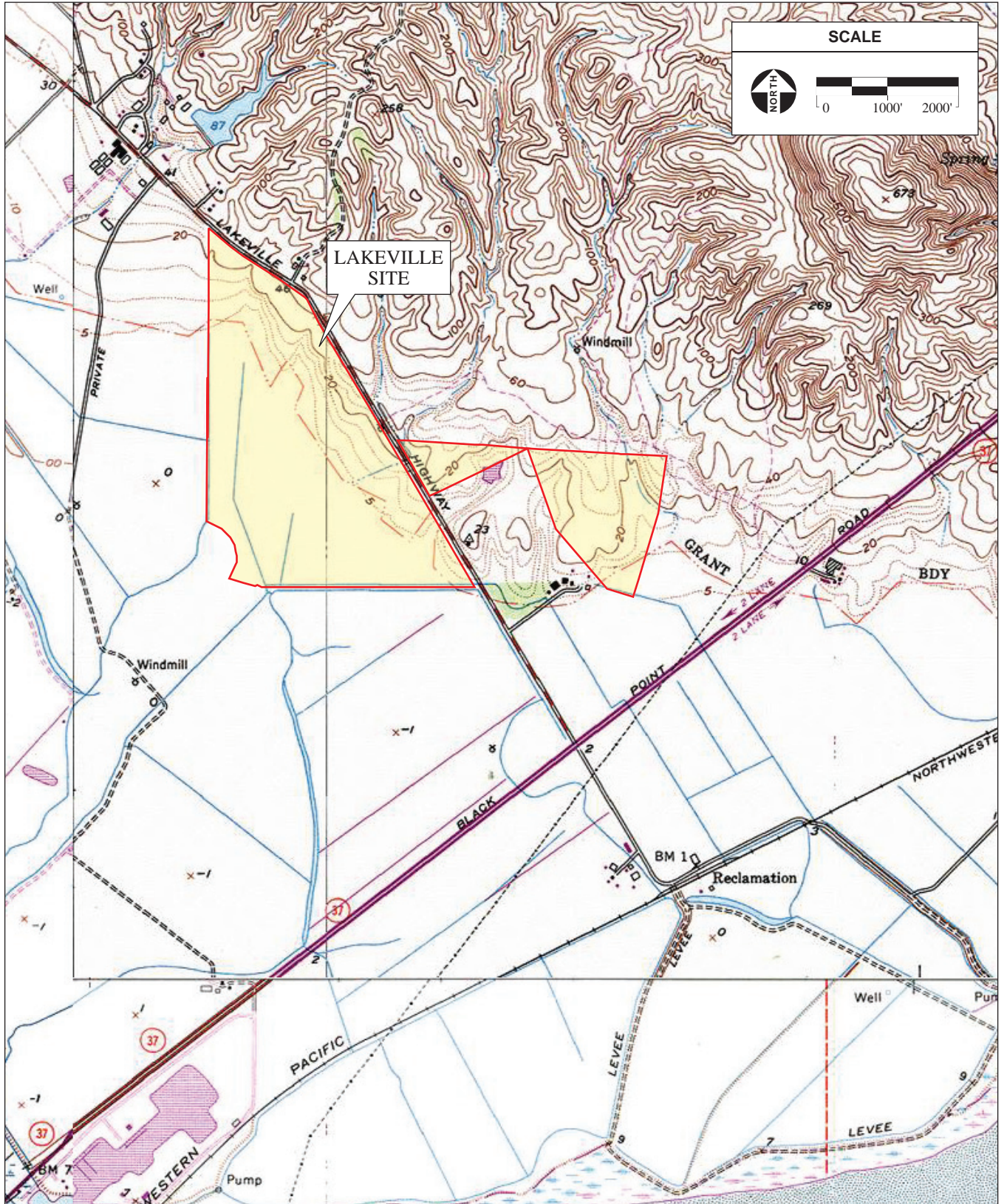
Figure 1-6
Stony Point Site – Aerial Site Map



SOURCE: Aerial Photography August 2002; AES, 2005

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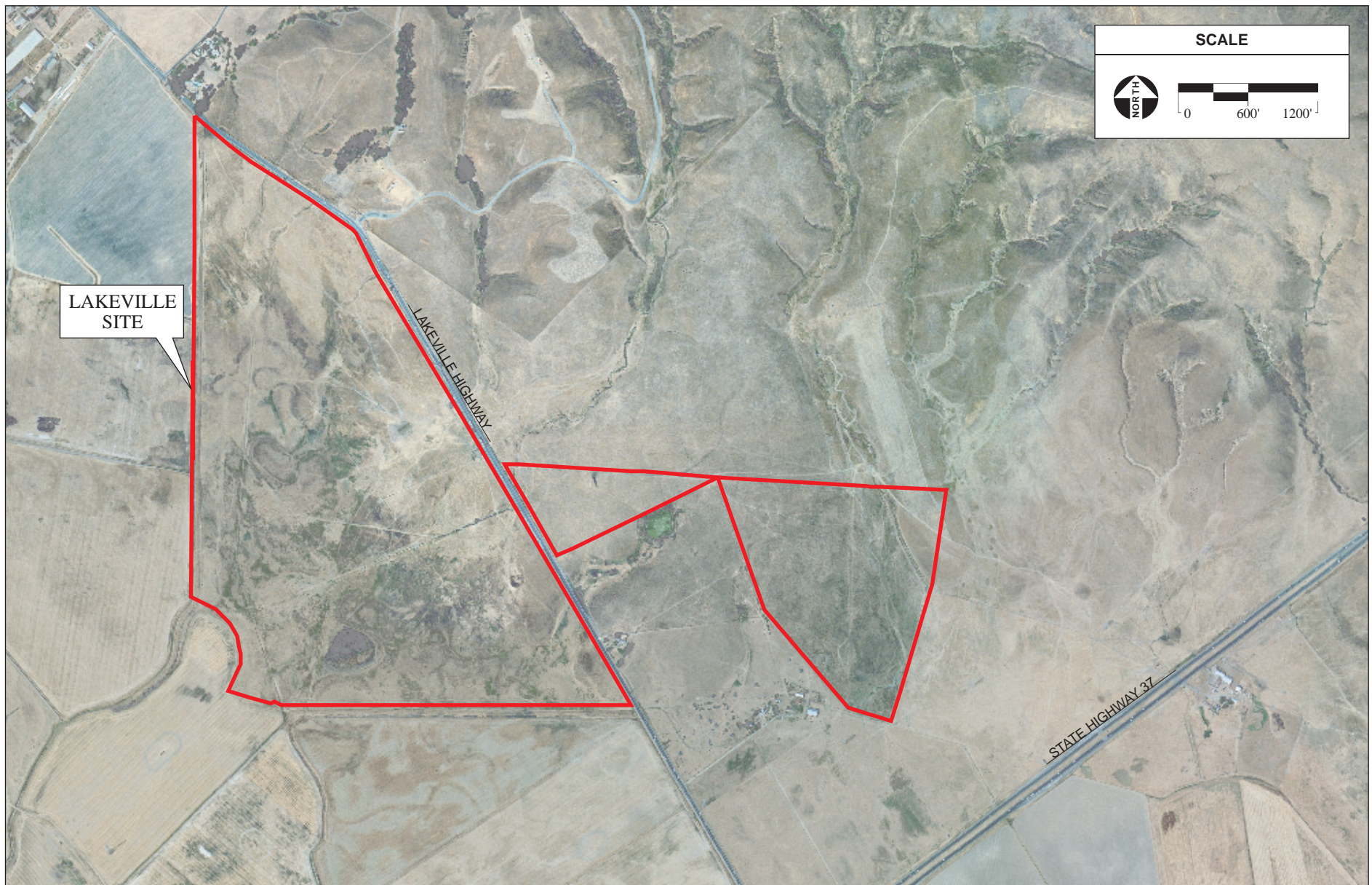
Figure 1-7
Stony Point Site – Parcel Map



SOURCE: "Sears Point, CA" USGS 7.5 Minute Topographic Quadrangle, Unsectioned areas of "San Pablo Mountains", T4N, R5W; Mt. Diablo Baseline & Meridian; AES, 2005

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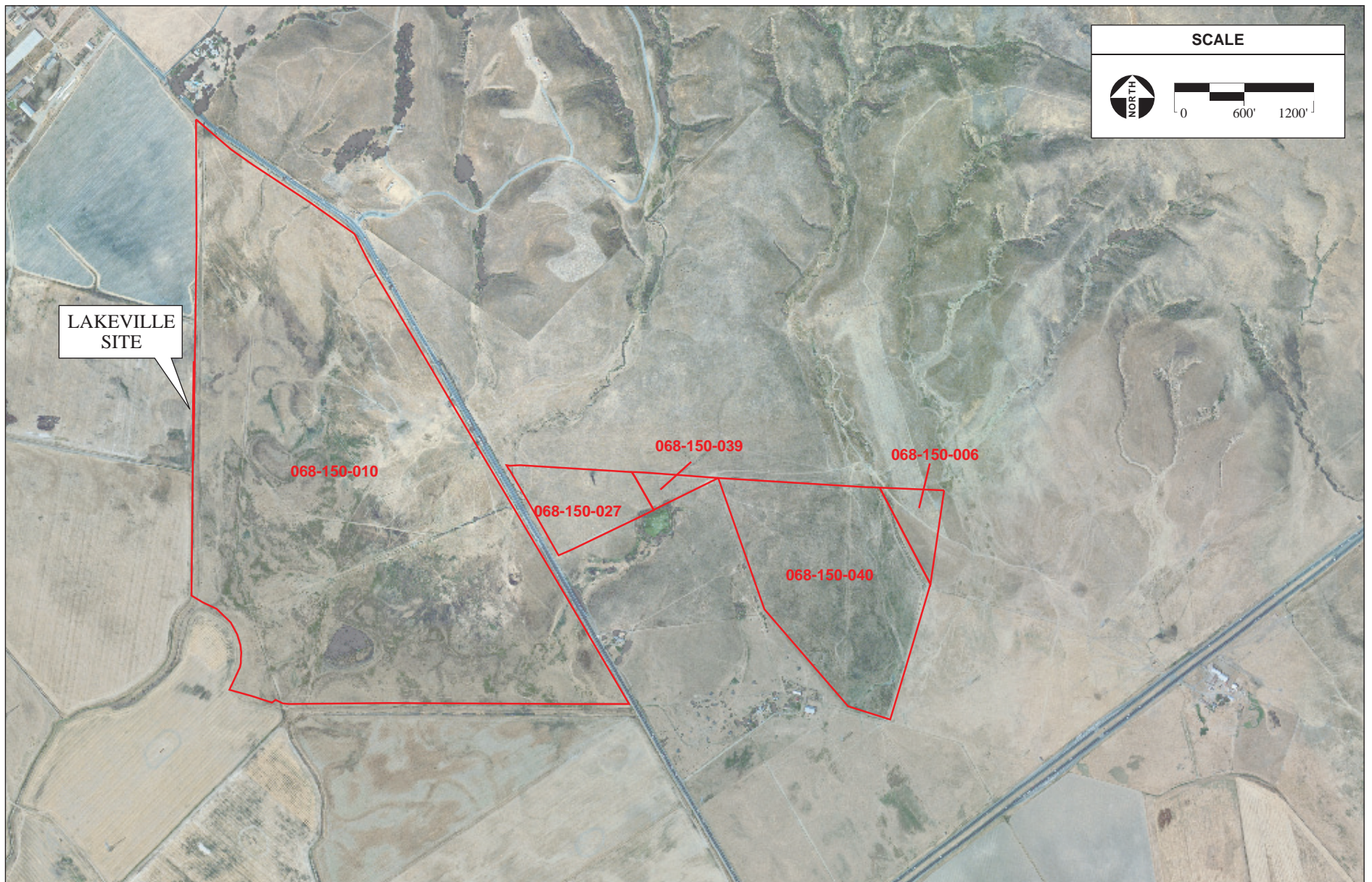
Figure 1-8
Lakeville Site – Site and Vicinity Map



SOURCE: Aerial Photograph Dated October, 2002; AES, 2005

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Figure 1-9
Lakeville Site – Aerial Site Map



SOURCE: Aerial Photograph Dated October, 2002; AES, 2005

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Figure 1-10
Lakeville Site – Parcel Map

The Federated Indians of Graton Rancheria, with over 1,000 members, are one of the largest Tribe's in the State. The unmet economic needs of the Tribe and Tribal members are evident when comparing the Tribe's socioeconomic conditions with those of the surrounding communities. The economy of the Tribe lags well behind the economy of the local community in terms of the employment rate, household income, and percentage of homeownership. The Tribe suffers from high unemployment rates and a lack of economic development opportunities. According to a 2002 Tribal survey, the Tribal unemployment rate was about double the regional unemployment rate (Federated Indians of Graton Rancheria, 2002b). A 2004 Tribal survey revealed that 72 percent of Tribal households had combined incomes of less than \$50,000 and 22 percent had combined incomes ranging from \$10,000 to \$20,000 (Federated Indians of Graton Rancheria, 2004a). By comparison, median household income in Sonoma County was \$54,614 in 2003. The Tribe's aboriginal territory – Marin and Sonoma Counties – contains some of the most expensive real estate in the world. The median price of homes sold in April 2004 in Marin and Sonoma Counties was \$661,250 (highest in the State) and \$430,000, respectively (CAR, 2004). The high cost of real estate coupled with depressed economic conditions has resulted in a low homeownership rate among Tribal members. According to the 2004 survey, 61 percent of Tribal members do not own a home (Federated Indians of Graton Rancheria, 2004a).

In addition to the Tribe's depressed economic condition, a disproportionate number of Tribal members have substantial health problems. For instance, according to the 2002 survey, 45 percent of Tribal members reported a health condition in their household, such as diabetes, high blood pressure, or mental health issues, and one third have unmet health needs in their household. Approximately one fourth of Tribal members are without health insurance (Federated Indians of Graton Rancheria, 2002b). Health problems and, particularly, unmet health needs are often caused or aggravated by the economic hardships endured by many Tribal members.

A lack of economic development opportunities exists for the Tribe primarily due to a lack of funds for project development and operation. The Tribe has no economic development, is not self-sustaining, and does not have a sustained revenue stream that could be used to fund programs and provide assistance to Tribal members. Among the Tribe's general membership there is presently a high reliance upon the Federal and State Governments for social services. Approximately 28 percent of Tribal members receive public unemployment, social security, or disability assistance (Federated Indians of Graton Rancheria, 2004a).

Helping tribes develop an economic base is one of IGRA's primary goals. IGRA states that Congress finds "a principal goal of Federal Indian policy is to promote tribal economic development, tribal self sufficiency, and strong tribal government" (25 U.S.C. Section 2701). IGRA also states that one of the purposes of the act is "to provide a statutory basis for the

operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments” (25 U.S.C. Section 2702).

To ensure that revenues raised from gaming are used to “promote tribal economic development, tribal self sufficiency, and strong tribal government,” IGRA (25 U.S.C. Section 2710(b)(2)(A)) limits the use of net gaming revenues to the following:

- Funding tribal government operations or programs.
- Providing for the general welfare of the Indian tribe and its members.
- Promoting tribal economic development.
- Making donations to charitable organizations.
- Funding operations of local government agencies.

The proposed action would provide the Tribe with a long-term, viable, and sustainable revenue base. Class III gaming is potentially very profitable if a successfully designed and operated gaming facility can be developed that generates sufficient profits to pay the substantial costs associated with developing and operating a gaming facility, including land acquisition, development, construction, environmental analysis and mitigation, government revenue sharing, and management, operation, and other costs. Revenues from the operation of the casino and hotel would be used for at least the following purposes:

- Funding governmental programs and services, including housing, educational, environmental, health and safety programs and services.
- Hiring additional staff, upgrading equipment and facilities, and generally improving governmental operations.
- Decreasing the Tribe’s and Tribal members’ dependence on Federal and State grants and assistance programs.
- Making donations to charitable organizations and governmental operations, including the local school district and other educational institutions.
- Funding local governmental agencies, programs and services.
- Providing capital for other economic development and investment opportunities, allowing the Tribe to diversify its holdings over time, so that it is no longer dependent upon the Federal or State government or even upon gaming to survive.

Each of these purposes is consistent with the limited allowable uses for gaming revenues established by IGRA. The hotel, casino, and related facilities would also provide employment opportunities for Tribal members as well as local non-tribal residents. Operation of the hotel, casino, and related facilities would require the purchase of goods and services, increasing opportunities for local businesses and stimulating the local economy.

The Tribal Government's purpose for requesting the approval of the proposed management contract is to team with SC Sonoma Management to develop and manage a casino and hotel resort. The Tribal government needs to partner with a developer/manager because the Tribe alone cannot secure the necessary financing to develop a casino project and lacks the necessary expertise to manage a casino-hotel resort. Management contracts with casino management companies are consistent with IGRA and heavily scrutinized by the NIGC prior to approval. In fact, the NIGC was established by IGRA and its mission and statutory obligation under IGRA includes the review of management contracts. In particular, the NIGC's primary mission is to regulate gaming activities on Indian lands for the purpose of shielding Indian tribes from organized crime and other corrupting influences; to ensure that Indian tribes are the primary beneficiaries of gaming revenue; and to assure that gaming is conducted fairly and honestly by both operators and players. All of these purposes for regulating gaming are supported by the NIGC's review of management contracts under IGRA.

In addition to required environmental review pursuant to NEPA, IGRA (25 U.S.C. Section 2711(b)) requires that the NIGC approve a management contract only if it is determined that it at least provides for the following:

- Adequate accounting procedures are maintained, and verifiable financial reports are prepared, by or for the tribal governing body on a monthly basis.
- Access to daily operations of the gaming to appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such gaming activity.
- A minimum guaranteed payment to the Indian tribe that has preference over the retirement of development and construction costs.
- An agreed ceiling for the repayment of development and construction costs.
- A contract term not to exceed five years, except that, upon the request of an Indian tribe, the Chairman may authorize a contract term that exceeds five years but does not exceed seven years if the Chairman is satisfied that the capital investment required, and the income projections, for the particular gaming activity require the additional time.
- Grounds and mechanisms for terminating the management contract, but actual contract termination shall not require the approval of the Commission.

In addition to the above management contract requirements, IGRA (25 U.S.C. Section 2711(a)) requires that the NIGC conduct a background investigation "on each person or entity (including individuals comprising such entity) having a direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of the stockholders who hold (directly or

indirectly) 10 percent or more of its issued and outstanding stock.” According to IGRA (25 U.S.C. Sections 2711(c) and 2711(e)), the NIGC shall not approve a management contract if the management contract provides for an unreasonable fee (generally considered to be greater than 30 percent); the management contractor has, or has attempted to, unduly interfere or influence for its gain or advantage any decision or process of tribal government relating to the gaming activity; the management contractor has deliberately or substantially failed to comply with the terms of the management contract or the tribal gaming ordinance or resolution adopted pursuant to IGRA; a trustee, exercising the skill and diligence that a trustee is commonly held to, would not approve the contract; or the background investigation determines that one of the people or entities noted above:

- Is an elected member of the governing body of the Indian tribe that is the party to the management contract.
- Has been or subsequently is convicted of any felony or gaming offense.
- Has knowingly and willfully provided materially important false statements or information to the NIGC or the Indian tribe, or has refused to respond to questions propounded pursuant to the background investigation requirement of IGRA.
- Has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.

1.5 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

NEPA requires that an EIS be prepared for major Federal actions with the potential to significantly affect the quality of the human environment (42 U.S.C. Section 4332). This document has been completed in accordance with the requirements set forth in NEPA (42 U.S.C. Section 4321 *et seq.*), the CEQ regulations for implementing NEPA (40 C.F.R. Parts 1500-1508), and the NIGC NEPA Manual.

This EIS has been prepared to analyze and document the environmental consequences associated with the approval of the proposed management contract and resulting development of the proposed project. Additionally, the EIS analyzes a full range of reasonable alternatives, including six development alternatives and a no action alternative.

In some instances of a proposed action under NEPA, an Environmental Assessment (EA) is first prepared to determine whether a more detailed EIS is required. At the request of the Tribe and in

accordance with Sections 3.1 and 4.1 of the NIGC NEPA Manual, the NIGC decided to proceed directly with an EIS.

The NIGC published a Notice of Intent (NOI) (**Appendix A**) in the *Federal Register* on February 12, 2004, briefly describing the proposed action and announcing the NIGC's intent to prepare an EIS. The CEQ Regulations for implementing NEPA require a process, referred to as "scoping," for determining the range of issues to be addressed during the environmental review of a proposed action (40 C.F.R. Section 1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations and individuals.

During the scoping process, the NIGC solicited comments from the general public (providing a 50-day comment period and including a public hearing) and Cooperating Agency status from both Federal and non-Federal agencies, including the U.S. Environmental Protection Agency (USEPA), USACE, Caltrans, the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG). An EIS Scoping Report (**Appendix B**) was published in August 2004, which summarized public scoping comments and identified the BIA, USACE, and Sonoma County as cooperating agencies.

Since the release of the August 2004 Scoping Report the location for the proposed casino-hotel project has changed. A supplemental scoping process was initiated to address this change and allow an opportunity for the general public and agencies to comment on the scope of analysis for the new proposed location. A supplemental NOI was published in the *Federal Register* on September 29, 2005 (**Appendix A**) and a second public comment period and public hearing were provided. A second, updated EIS Scoping Report (**Appendix B**) was published in January 2006. To the extent required by NEPA, this EIS has incorporated the issues and concerns summarized within the scoping reports.

This EIS will be distributed to Federal, Tribal, State, and local agencies and other interested parties for at least a 45-day review and comment period. The NIGC will publish a Notice of Availability (NOA) that provides the time and location of a public hearing on the EIS. Responses will be provided for all substantive comments received during the comment period, including those submitted or recorded at the public hearing. The comment period for this EIS is provided on the cover sheet of this document, as are contact details for requesting further information. Responses to comments will be included in a Final EIS along with any changes made in the EIS as a result of review and revision.

1.6 REGULATORY REQUIREMENTS, PERMITS, AND APPROVALS

Implementation of the proposed action will require Federal, Tribal, and State permits and approvals. **Table 1-4** identifies each responsible agency and the potential permit or approval expected to be required.

TABLE 1-4
POTENTIAL PERMITS AND APPROVALS REQUIRED

Agency	Permit or Approval	Alternative	Applicant
Federated Indians of Graton Rancheria	Compliance with Tribal-State Compact	A, B, C, D, F	N/A
NIGC	Approval of tribal gaming ordinances	A, B, C, D, F	Federated Indians of Graton Rancheria
NIGC	Approval of management contract	A, B, C, D, F	Federated Indians of Graton Rancheria
Secretary of the Interior	Fee-to-trust transfer	A, B, C, D, E, F	Federated Indians of Graton Rancheria
USEPA	Issuance of National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from construction activities as required by the Clean Water Act	A, B, C, D, E, F	Federated Indians of Graton Rancheria
USEPA	Issuance of NPDES permit for wastewater discharges	A, B, C, D, E, F	Federated Indians of Graton Rancheria
USEPA	Water quality certification (or waiver) as required by the Clean Water Act	A, B, C, D, E, F	Federated Indians of Graton Rancheria
USACE	Approval of permit(s) for the filling of jurisdictional wetlands/waters as required by the Clean Water Act	A, B, C, D, E, F	Federated Indians of Graton Rancheria
USFWS	Section 7 consultation under the Federal Endangered Species Act if endangered species may be affected	A, B, C, D, E, F	NIGC
California State Historic Preservation Office (SHPO)	Consultation under Section 106 of the National Historic Preservation Act (NHPA)	A, B, C, D, E, F	NIGC

Agency abbreviations are identified as follows:

- NIGC: National Indian Gaming Commission
- USEPA: United States Environmental Protection Agency
- USACE: United States Army Corps of Engineers
- USFWS: United States Fish and Wildlife Service

SOURCE: AES, 2005.