

# ***SECTION 1.0***

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***PURPOSE AND NEED***

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## PURPOSE AND NEED

### 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 the rancherias set aside for landless California Indians in the early 1900s. 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, *et seq.*) 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 (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 (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. The Department of the Interior have recently issued a Notice of Intent to take the site into trust, but this action has been delayed by the filing of a lawsuit challenging this action. In order to acquire financing for the purchase of the Wilfred Site and to facilitate management of the gaming facility, the Tribe has entered into a gaming 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

gaming management contracts between tribal governments and management companies. The approval of a gaming 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 Final Environmental Impact Statement (FEIS) has been prepared by the NIGC to address the environmental effects of approving a gaming management contract between the Tribe and SC Sonoma Management for the purpose of operating a gaming facility on land taken into trust pursuant to the Graton Rancheria Restoration Act (**Appendix GG**). The EIS also includes an analysis of a range of reasonable alternatives to the proposed action, as required by NEPA. For the purpose of this EIS, the NIGC serves as the Lead Federal 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, 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 gaming management contract between the Tribe and SC Sonoma Management. The consequence of this action would be the development of one of the six 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; 5) Alternative F – Lakeville Site; and 6) Alternative H – Wilfred Site Reduced Intensity. In order to provide analysis of a range of reasonable 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 (**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 (**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 (**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. Alternative H is a reduced intensity casino alternative compared to Alternative A; however, the proposed development would be the same size and would include the same components as Alternative D. The development would occur at the same location as Alternative A, while the components would differ from Alternative A. Each of these alternatives are described in detail in **Section 2.0** of this EIS.

### **1.3 ALTERNATIVE SITE LOCATIONS**

#### **WILFRED SITE**

The Wilfred Site is located in central Sonoma County, California, and is comprised of 11 separate parcels owned in fee by SC Sonoma Management (**Table 1-1, Figure 1-4**). 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; Rohnert Park Expressway, Laguna de Santa Rosa, and farmland to the south; and a business park, the Rancho Verde Mobile Home Park, rural residences, 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. Note that the acreages shown in **Table 1-1** are estimates based on publicly available parcel maps.

The eleven 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

**Figure 1-1 Regional Location**

**Figure 1-2 Wilfred Site – Site and Vicinity**

**Figure 1-3 Wilfred Site – Aerial Site Map**

**Figure 1-4 Wilfred Site – Parcel Map**

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>		<i>251.5±</i>

SOURCE: AES, 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**). Note that these southern 182 acres are included in both the Stony Point and Wilfred Sites. Note also that the acreages shown in **Table 1-2** are estimates based on publicly available parcel maps.

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 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.

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

**Figure 1-6 Stony Point Site – Aerial Site Map**

**Figure 1-7 Stony Point Site – Parcel Map**

**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>		360.1±

SOURCE: AES, 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.

**Figure 1-8 Lakeville Site – Site and Vicinity Map**

**Figure 1-9 Lakeville Site – Aerial Site Map**

The Lakeville Site is comprised of 5 separate parcels owned in fee by SC Sonoma Management (Table 1-3, Figure 1-10). Note that the acreages shown in Table 1-3 are estimates based on publicly available parcel maps. 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). The site in which the economic development and investment opportunities would occur would either be in Sonoma or Marin Counties [Section 1405 (a)] (Graton Rancheria Restoration Act, 2000).

- 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.

**Figure 1-10 Lakeville Site – Parcel Map**

The Federated Indians of Graton Rancheria, with over 1,100 members, is among the larger Tribes 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 is 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 roughly 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, the 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 for 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 Tribal 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 confirm 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 manage a gaming facility. 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 gaming 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 gaming 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 gaming management contract and resulting development of the proposed project. Additionally, the EIS analyzes a full range of reasonable alternatives, including seven 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 USEPA, USACE, Caltrans, the 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, Sonoma County, and Caltrans as cooperating agencies.

Since the release of the August 2004 Scoping Report the location for the proposed casino-hotel project has changed from the Stony Point site to the Wilfred site. 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.

The Draft EIS has been distributed to federal, tribal, state, local agencies, and other interested parties for an initial 67-day review and comment period, an additional 22 days longer than what is required by NEPA, and 7 days longer than what is required in the NIGC NEPA Procedures Manual. The CEQ Regulations (40 C.F.R. 1506.10(c)) require that agencies provide at least 45 days for comments on a Draft EIS, subject to the provisions of 40 C.F.R. 1506.10(d). 40 C.F.R. 1506.10(d) gives the lead agency the ability to extend the comment period. It also gives the USEPA the ability to reduce the length of a comment period if the lead agency gives a compelling reason of national policy to do so or the ability to lengthen a comment period after consultation with the lead agency upon the showing by another federal agency of a compelling reason of national policy to do so (an extension of no more than 30 days may be granted without the concurrence of the lead agency). Finally, 40 C.F.R. 1506.10(d) states that, "Failure to file timely comments shall not be sufficient reason for extending a comment period."

The NIGC and USEPA published a Notice of Availability (NOA) on March 9, 2007 in the *Federal Register* that provided the time and location of two public hearings on April 4 and 5, 2007 for the Draft EIS. The public comment period was also published in both the *Marin*

*Independent Journal* and the *Santa Rosa Press Democrat* on the following dates: March 9, 10, 11, 18, 25, 2007 and April 1, 2007. Finally, the NOA announcing the commencement of the public comment period was available on-line at <http://www.gratoneis.com> starting February 28, 2007.

On May 11, 2007, the NIGC announced with a press release that the comment period would be extended by 21 days, effectively extending the comment period until June 4, 2007. Thus, the comment period totaled 88 days, 43 days longer than the 45-day comment period required by the CEQ Regulations and 28 days longer than the 60-day comment period required by the NIGC NEPA Procedures Manual. The press release announcing the comment period extension was published on-line at the Graton EIS website. The press release was also published in the *Federal Register* on May 17, 2007 and in both the *Marin Independent Journal* and the *Santa Rosa Press Democrat* on May 16, 2007.

The NIGC received a total of 349 comment letters and public hearing statements. **Appendix Z** of the Final EIS includes a list of all comment letters received and statements made at the public hearings. 40 C.F.R. Section 1503.4 requires that, "All substantive comments, or summaries thereof where the response has been exceptionally voluminous, should be attached to the final statement whether or not the comment is thought to merit individual discussion from the agency in the text of the statement." Therefore, all substantive comments or representations thereof, where identical comments have been submitted by multiple parties, have been included in the Final EIS (**Appendices AA – EE**).

Responses have been provided for each substantive comment submitted during the public comment period of the Draft EIS. These responses are provided within the Response to Comments document included in **Appendix FF** and are reflected in modifications made throughout the text of the Final EIS where necessary and appropriate. Comments received during the scoping period and/or in response to review of the preliminary document have already been considered and addressed through modifications reflected in the Draft EIS released in February 2007.

The NIGC will publish this Final EIS and will file it with the USEPA. The USEPA will then publish a NOA for the Final EIS in the *Federal Register* marking the beginning of the 30-day review period that the NIGC, upon conclusion of which, may decide on the Proposed Action.

At the time the NIGC makes its decision, they will prepare a concise public Record of Decision (ROD), which states: what the decision is, identifies all the alternatives considered in reaching the decision, and discusses preferences among alternatives based on relevant factors including economic and technical considerations and the NIGC's statutory mission (40 CFR Section

1505.2). The ROD also identifies and discusses all factors that were considered in making the decision and discusses whether all practicable mitigation measures have been adopted to minimize environmental effects. If all practicable measures are not adopted, the NIGC must state why such measures were not adopted. The CEQ require that, “Mitigation and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency” (40 C.F.R. Section 1505.3). Specific details of adopted mitigation measures shall be included as appropriate conditions in the ROD by the lead agency.

## 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, H	N/A
NIGC	Approval of tribal gaming ordinances	A, B, C, D, F, H	Federated Indians of Graton Rancheria
NIGC	Approval of gaming management contract	A, B, C, D, F, H	Federated Indians of Graton Rancheria
Secretary of the Interior	Fee-to-trust transfer	A, B, C, D, E, F, H	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, H	Federated Indians of Graton Rancheria
USEPA	Issuance of NPDES permit for wastewater discharges	A, B, C, D, E, F, H	Federated Indians of Graton Rancheria
USEPA	Water quality certification (or waiver) as required by the Clean Water Act	A, B, C, D, E, F, H	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, H	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, H	NIGC
California State Historic Preservation Office (SHPO)	Consultation under Section 106 of the National Historic Preservation Act (NHPA)	A, B, C, D, E, F, H	NIGC

NOTE: 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, 2008.