

SECTION 1.0

INTRODUCTION

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1.1 INTRODUCTION

The Wilton Rancheria of California (Tribe) is a federally recognized Indian Tribe with approximately 700 members. The Tribe is governed by four branches of government that includes the Office of the Chairperson, the Tribal Council, a Tribal-Court, and the General Council, as authorized in the Tribal Constitution. The Constitution was approved by the General Council on November 12, 2011.

The Tribe has no trust land. The Tribe proposes that the Bureau of Indian Affairs (BIA) accept land into trust for the Tribe for gaming purposes to address the needs of the Tribe for economic development and diversification. The Tribe's historic Rancheria, located in the unincorporated community of Wilton, was acquired by the United States of America in July of 1928 for the Miwok people that were living in Sacramento County. This 38.77-acre property was formally established as the Wilton Rancheria. In 1958, the United States Congress enacted the Rancheria Act, authorizing the termination of federal trust responsibilities to 41 California Indian Tribes including Wilton Rancheria. Pursuant to the Rancheria Act's "Distribution Plan", the Secretary of the Interior was directed to allocate and distribute the 38.77-acre property to tribal members, provided that certain obligations were satisfied, including improvements to the property and its infrastructure. These obligations were not satisfied, yet in 1961 a "Completion Statement" was issued that indicated the requirements of the Rancheria Act had been satisfied. The Tribe officially lost its Federal Recognition in 1964.

Subsequent to 1964, tribal members pursued remedies to restore tribal recognition, including participation in a legal action commonly referred to as the Tillie Hardwick litigation. The Wilton Rancheria was mistakenly dismissed from the Tillie Hardwick litigation of the 1980s that restored many of California's other terminated tribes. Nevertheless, in 1991, surviving members of Wilton Rancheria reorganized their tribal government and began to seek restoration of their federal recognition. On June 8, 2009, the U.S. District Court for the Northern District of California restored Wilton Rancheria's status as a federally recognized tribe. Wilton Rancheria is a federally recognized Indian Tribe as listed in the Federal Register, Vol. 74, No. 132, p. 33468-33469, as "Wilton Rancheria of Wilton, California."

The Indian Gaming Regulatory Act (IGRA) was enacted in 1988 to regulate the conduct of Indian gaming and to promote tribal economic development, self-sufficiency and strong tribal governments. The IGRA generally prohibits gaming on lands acquired in trust after 1988, unless certain exceptions found in Section 20 of IGRA, 25 U.S.C. § 2719, are met. Here, the relevant exceptions are the "initial reservation" exception and the restored lands exception that allows gaming on land acquired in trust after 1988 if the lands are taken in trust as part of "the initial reservation of an Indian tribe acknowledged by the Secretary

under the federal acknowledgment process” or “the restoration of lands for an Indian tribe that is restored to Federal recognition” (25 U.S.C. § 2719 (b)(1)(B)(ii) and (iii)). The Section 20 exceptions are implemented through regulations found in 25 C.F.R. Part 292.

This Draft Environmental Impact Statement/Tribal Project Environmental Document, hereinafter referred to as an EIS, was prepared pursuant to the National Environmental Policy Act (NEPA) to address the environmental effects of taking 282 acres of land into Federal trust for the Tribe to conduct gaming. For the purpose of this EIS, the BIA serves as the Lead Agency for compliance with NEPA, with Sacramento County, the City of Galt, the Tribe, and the United States Environmental Protection Agency (USEPA) serving as Cooperating Agencies (**Appendix A**).

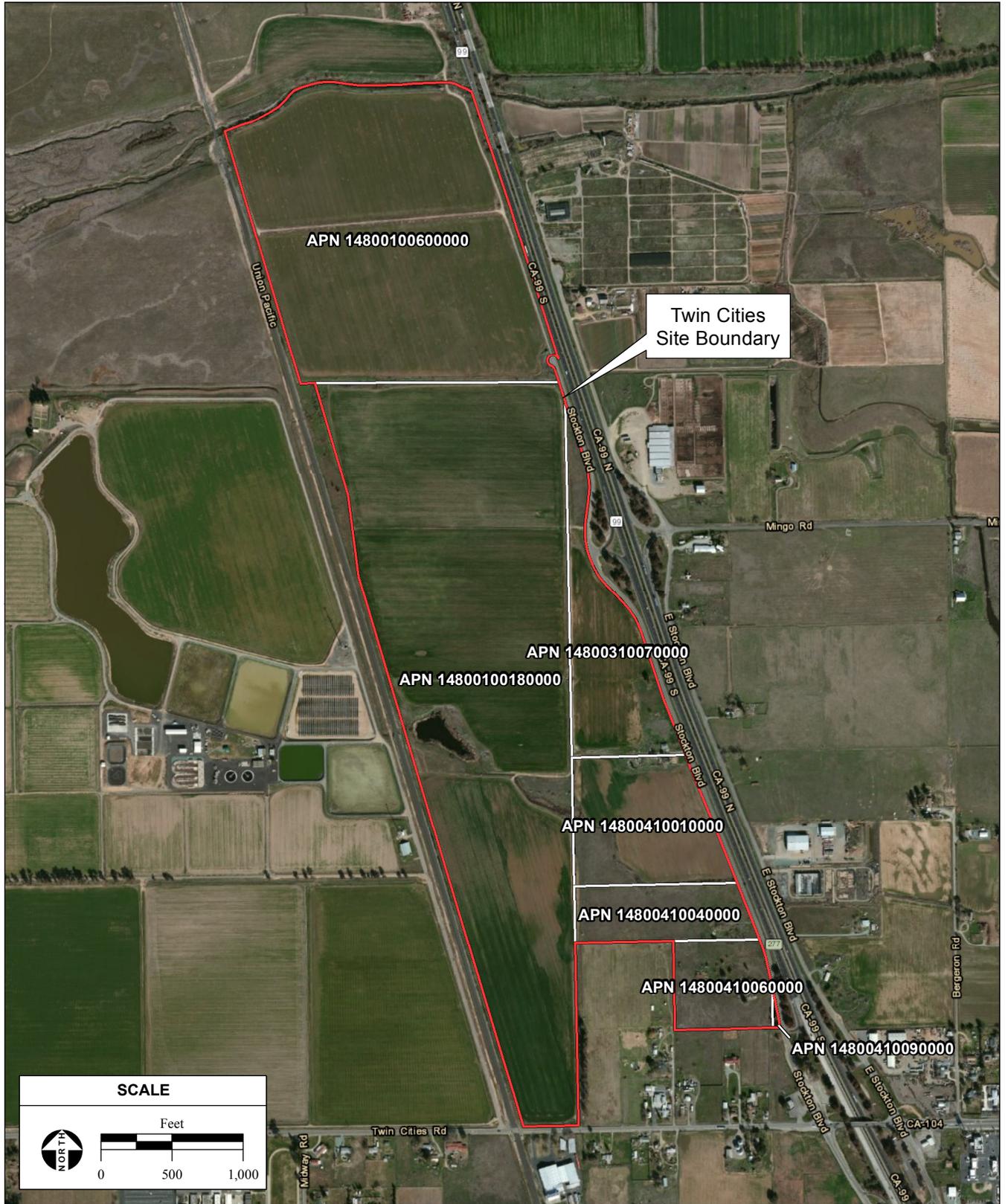
This EIS has been completed in accordance with the applicable requirements of NEPA and its implementing regulations and guidance, as well as the guidance for the Tribal Project Environmental Document (TPED) provided in the Memorandum of Understanding (MOU) between the County of Sacramento, City of Elk Grove, and the Wilton Rancheria (**Appendix B**). NEPA requires that the BIA and the Cooperating Agencies review and analyze the environmental impacts associated with the Proposed Action. This document provides a detailed description of certain alternatives and an analysis of the potential consequences associated with the alternatives. This document includes a discussion of alternatives, environmental effects, and mitigation measures.

1.2 ALTERNATIVE SITE LOCATIONS

Project alternatives are located on three different sites, as shown in **Figure 1-1** and described below.

1.2.1 TWIN CITIES SITE

The Twin Cities site is approximately 282 acres (Sacramento County Assessor’s Parcel Numbers (APNs) 148-0010-018, 148-0041-009, 148-0041-006, 148-0041-004, 148-0041-001, 148-0031-007, and 148-0010-060) and located 0.2 miles north of the City of Galt in unincorporated Sacramento County, California (**Figure 1-2**). The Twin Cities site is situated within Section 3, Township 5 North, Range 6 East, of the Galt, Sacramento, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle (quad), and is within the Mt. Diablo Baseline and Meridian. The centroid of the project site is located at approximately 38°18’15.65 N, 121°19’19.17 W. The site is immediately west of State Route 99 (Highway 99) and West Stockton Boulevard, and is bound by Twin Cities Road to the south, by Laguna Creek to the north, and by the Union Pacific Railroad to the west (**Figure 1-3**). Access to the site is provided by Twin Cities Road and West Stockton Boulevard. The site is approximately 41 feet above mean sea level (amsl). The Twin Cities site is relatively flat and typically exhibits slopes of less than 1 percent. With the exception of extreme northern portion of the property, the site is located within the City of Galt Sphere of Influence (SOI) area. An aerial photograph of the Twin Cities site indicating Sacramento County APNs is provided in **Figure 1-3**. The Twin Cities site is located approximately 10 miles south of the Tribe’s former Rancheria.



SOURCE: Microsoft aerial photograph, 2/2/2012;
 Sacramento County GIS 2012; AES, 2014

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Figure 1-3
 Twin Cities Site

1.2.2 HISTORIC RANCHERIA SITE

The Historic Wilton Rancheria site (Historic Rancheria site) is approximately 75 acres and is located in Wilton within Sacramento County (**Figure 1-4**). The Historic Rancheria site is identified as Sacramento County APNs 126-0210-024, 126-0210-025, 126-0230-001, and 126-0230-002. The western parcel of the Historic Rancheria site is within the boundaries of the Historic Wilton Rancheria. The Historic Rancheria site is undeveloped grassland, with the exception of two occupied residences and associated structures. Rural residential uses make up the majority of surrounding land uses. The Historic Rancheria site is outside of Sacramento County's urban services boundary. The Cosumnes River passes through the northern portion of the Historic Rancheria site. Access to the site is gained via Green Road, a two-lane County road, which begins to the west of the Historic Rancheria site at Wilton Road. It should be noted that the approximate 75-acre Historic Rancheria site is not the exact same property as the original 38.77-acre Rancheria site, although the two sites share a 4-acre parcel and are otherwise adjacent to each other.

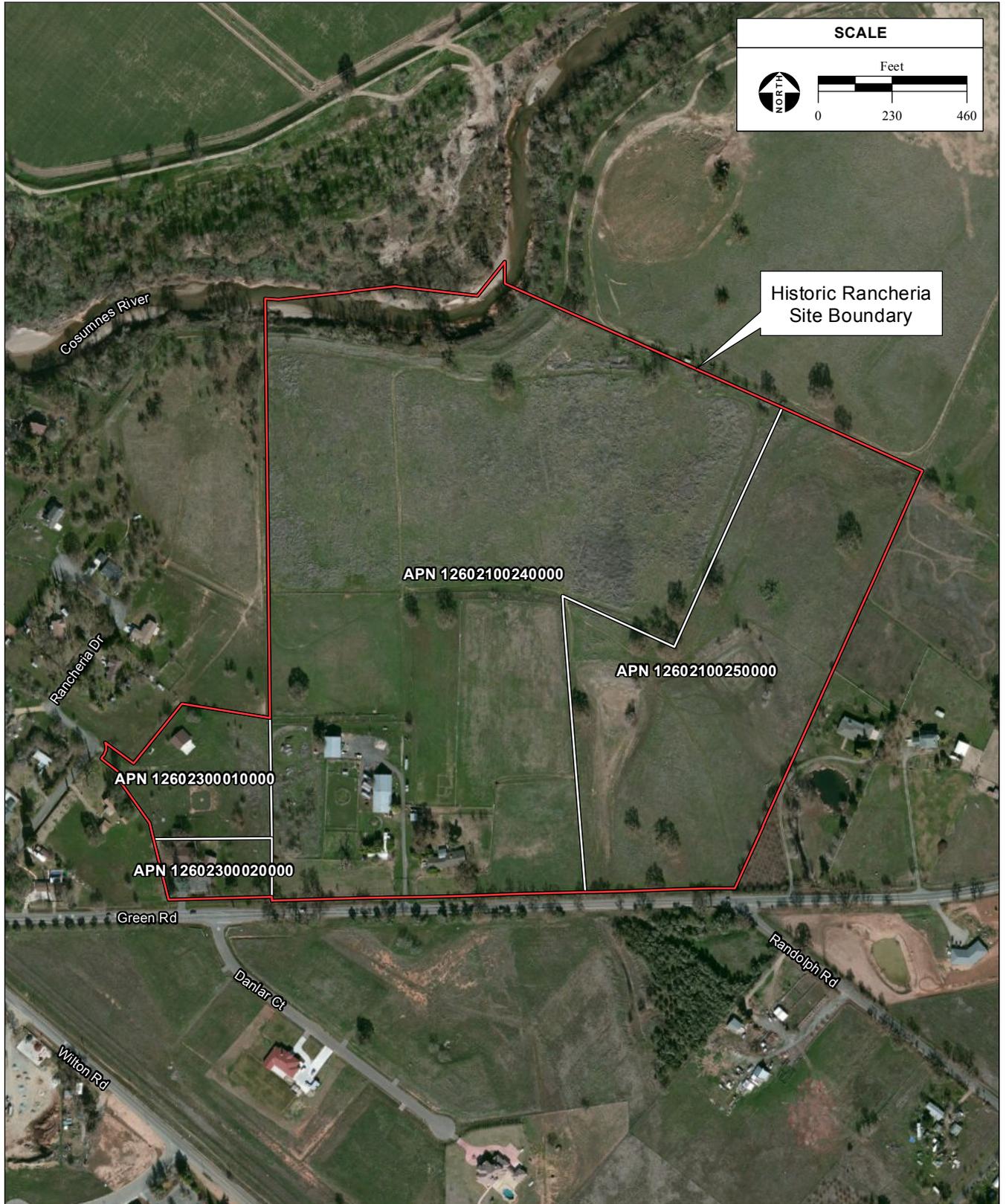
1.2.3 ELK GROVE MALL SITE

The Elk Grove Mall site (Mall site) is approximately 28 acres and is located in the City of Elk Grove in Sacramento County (**Figure 1-5**). The 28-acre site is on the northern portion of the larger Mall property (Sacramento County APN 1134-1010-001). The Mall site was partially developed in 2008 with parking facilities and commercial structures including department stores and a movie theater; however, these commercial structures were only partially constructed and are currently vacant, though the southern portion may be eventually developed as an outlet mall. The Mall site is located immediately west of Highway 99, north of Kammerer Road, and east of Promenade Parkway. There is currently a signalized intersection at Bilby Road along Promenade Parkway that provides direct access to the Mall site. The Mall site is within the City of Elk Grove's urban services boundary and has existing connections to municipal water supply, wastewater service, and stormwater infrastructure.

1.3 PURPOSE AND NEED

The purpose of the Proposed Action is to promote the economic development, self-sufficiency, and government programs for the Tribe and its members. This purpose, which is consistent with the BIA's Self-Determination policy, the IGRA, and the Tribe's application, would allow the Tribe to meet its significant unmet needs.

The Proposed Action of placing the 282-acre Twin Cities site into trust would provide the Tribe with opportunities for long-term, stable economic development, and would strengthen the Tribe's abilities to govern itself and assist its members. The tribal government of the Wilton Rancheria is responsible for providing essential services to its growing membership and preserving the Tribe's culture for future generations. These essential services include housing, health care, senior services, social services, educational support and cultural preservation. The economic need for the Proposed Action is evident in the current depressed socioeconomic conditions of the Tribe. The Tribe is faced with high poverty levels,



SOURCE: Microsoft aerial photograph, 2/2/2012;
 Sacramento County GIS 5/5/2014; AES, 2014

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Figure 1-4
 Historic Rancheria Site



SOURCE: Microsoft aerial photograph, 2/2/2012; AES, 2014

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Figure 1-5
Mall Site

limited employment opportunities, and a demand for safe and sanitary housing. For example, the Tribe has a total enrollment of 703 members, and membership is growing at approximately 2 percent per year (**Appendix C**), which represents a growth rate of approximately three times that of the general population and for California. Approximately 62.4 percent of the Tribe's families are below the federal poverty line, and approximately 42 percent of the working-age population are unemployed (**Appendix C**).

Many of these conditions are residual effects of the Tribe's 45-year termination period from 1964 to 2009. The Wilton Rancheria and other tribes were terminated by acts of Congress during the 1950s and 1960s. Many of these terminated tribes were restored in 1983 as a result of the stipulated judgment in the *Tillie Hardwick* litigation. Because of administrative errors by the court, the Tribe was not restored until 2009. Consequently, the Tribe and its members were economically disadvantaged for a period of two generations, and were not able to pursue economic opportunities available to other previously recognized tribes.

Tribe has an immediate need for a reliable and significant source of income so that it may adjust its socioeconomic situation upwards and towards that of other tribes and the general population. The Tribe's 2014 annual revenues of approximately \$1,730,000 equate to approximately \$2,460 per tribal member. This funding level is inadequate to address the needs of tribal members and the tribal government. The current funding is obtained almost entirely from government funding sources. Specifically, the Tribe depends on the federal government for over 40 percent of its expenditures, and the state of California's Revenue Sharing Trust Fund for non-gaming tribes accounts for almost 50 percent of its budget. Because the Tribe has no direct control over these programs, future funding levels from these governmental sources is uncertain. Even with the current level of government assistance, the Tribe lacks the funds necessary to maintain programs and services necessary to improve the overall condition of the tribal membership. The Tribe also has a related responsibility to fund its anticipated future needs that, because of tribal demographic trends, are growing significantly. Specifically, tribal membership is expected to double by approximately the year 2050.

The Proposed Action would alleviate the Tribe's reliance on an inadequate and unpredictable set of funding sources. In particular, the Proposed Action would meet the following objectives:

- Strengthen the socioeconomic status of Tribe by providing a significant revenue source that will be used to fund the tribal government. A strengthened tribal government would be in a much enhanced position to assist tribal members in need, hire additional staff, upgrade equipment and facilities and to improve tribal governmental operations.
- Increase funding for housing, health care, senior services, social services, educational support and cultural preservation. These services will significantly improve the quality of life of tribal members by strengthening families, reducing poverty and providing housing assistance in a state with significantly higher housing costs than the national average.

- Decrease the Tribe's and tribal members' dependence on federal and state grants and assistance programs.
- Provide capital for other tribal economic development and investment opportunities.
- Provide new business and job opportunities, as well as on-the-job training and opportunities for advancement, for unemployed and underemployed tribal members.
- Provide new business and job opportunities for non-tribal members.
- Improve local communities through tribal payments to local governments to offset increased use of public and social services, and to fund environmental mitigation.
- Improve employment and economic development opportunities for employees and businesses in local communities.

Each of these purposes is consistent with the limited allowable uses for gaming purposes, as specified in IGRA (25 U.S.C. § 2710(b)(2)(A)).

1.4 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

An EIS is generally prepared for projects that the proposing agency views as having significant prospective environmental impacts. This document has been completed in accordance with the requirements set forth in NEPA (42 U.S.C. §4321 *et seq.*); the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR. §§ 1500-1508); the BIA's NEPA handbook (59 IAM 3); and the NEPA Procedures of the National Indian Gaming Commission (NIGC).

There is one Lead Agency and several Cooperating Agencies that oversaw the drafting of this document. The BIA is the Federal agency charged with reviewing and approving tribal applications pursuant to Part 151 of Volume 25 of the Code of Federal Regulations (25 CFR Part 151) to take land into federal trust status. It is because of this authority that the BIA assumed the Lead Agency role for completion of the Draft EIS (DEIS). The BIA contracted Analytical Environmental Services to prepare the EIS and associated documentation. The BIA exercises final approval authority over the EIS and related documentation, and has furnished guidance during development of the EIS and has participated in the preparation process. Prior to release of this DEIS, the BIA independently reviewed the EIS for content including context and intensity of potential environmental effects resulting from development of each proposed alternative and associated mitigation measures. The NIGC is the Federal agency charged with regulating gaming activities on "Indian Lands" as mandated by IGRA, as amended. Cooperating Agencies identified for this process include Region 9 of the USEPA, Sacramento County, the Tribe, and the City of Galt. The BIA extended the Cooperating Agency status opportunity to the NIGC and California Department of Transportation (Caltrans), neither of which accepted this role.

This DEIS analyzes and documents the environmental consequences associated with:

Alternative A – Proposed Twin Cities Casino Resort

Alternative B – Reduced Intensity Twin Cities Casino

Alternative C – Retail on the Twin Cities Site

Alternative D – Casino Resort at Historic Rancheria Site

Alternative E – Reduced Intensity Casino at Historic Rancheria Site

Alternative F – Casino Resort at Mall Site

Alternative G – No Action

These alternatives include a number of associated facilities that are also analyzed in the respective sections. This document also includes a discussion of feasible mitigation measures designed to reduce the recognized environmental effects.

The BIA published a Notice of Intent (NOI) in the *Federal Register* on December 4, 2013, describing the Proposed Action and announcing the BIA's intent to prepare an EIS (**Appendix D**). The NOI comment period closed on January 6, 2014. A scoping report dated February 2014 was published by the BIA as described in **Section 1.7** below. During the scoping process, the BIA identified four Cooperating Agencies: (1) Tribe, (2) City of Galt, (3) County of Sacramento, and (4) USEPA.

This DEIS will be distributed to Federal, Tribal, State, and local agencies and other interested parties for a 45-day review and comment period. The review and comment period begins after the Notice of Filing with the USEPA in the *Federal Register*. The Notice of Availability (NOA) published by the BIA provides the time and location of a public hearing on this DEIS. The BIA will consider the comments received on the Draft EIS, and revisions may be made in the Final EIS (FEIS) to reflect the content of comments received. The FEIS will be filed with the USEPA, and the USEPA will then publish a NOA for the FEIS in the *Federal Register*, marking the beginning of a 30-day period after which the BIA may proceed with a decision. At the time of the decision, the BIA will prepare a 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 BIA's statutory mission. The ROD also identifies and discusses all such factors that were balanced and discusses whether all practicable mitigation measures have been adopted to minimize the environmental effects. If all practicable measures are not adopted, the BIA must state why such measures were not adopted. A monitoring and enforcement program shall be adopted and summarized within the ROD where applicable for any mitigation (CEQ Regulations for Implementing NEPA, 40 CFR § 1505.2).

1.5 SCOPING

The CEQ Regulations for Implementing NEPA require a scoping process, to determine and narrow the range of issues to be addressed during the environmental review of a Proposed Action (40 CFR Section 1501.7). The scoping process entails a determination of the issues that will be addressed in the EIS by soliciting comments from agencies, organizations and individuals. The 30-day public comment period began with the publication of the NOI in the *Federal Register* on December 4, 2013 and ended on January 6, 2014. In addition to accepting written comments, the BIA held a public scoping hearing on December 19, 2013 at the Chabolla Community Center in the City of Galt to accept comments. Approximately 50 people attended the public hearing and oral comments were transcribed for the administrative record.

The issues that were raised during the NOI comment period have been summarized within the *Environmental Impact Statement Scoping Report for the Wilton Rancheria Fee-to-Trust and Casino Project*. This report dated February 2014 is available for review at <http://www.wiltoneis.com/>. This DEIS addresses the issues and concerns summarized in the scoping report. The reasonable range of alternatives analyzed in this EIS was developed in part based on comments received during the scoping process as well as consultation with the Tribe.

1.6 AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS

The Tribe has entered into several agreements with local governments and agencies regarding the Proposed Project, including the following:

Memorandum of Understanding Among the County of Sacramento, City of Elk Grove and the Wilton Rancheria. A Memorandum of Understanding (2011 MOU) between the Tribe, the City of Elk Grove, and Sacramento County was executed in June 2011 (**Appendix B**). The parties set forth certain terms and conditions with regard to their respective obligations in conjunction with the potential off-trust impacts of development of tribal trust lands in Sacramento County. The 2011 MOU also requires a TPED to analyze off-trust property impacts. Environmental analysis and mitigation measures to avoid or substantially lessen significant off-reservation impact are incorporated into this EIS to comply with the 2011 MOU TPED requirements.

Cosumnes Community Services District Fire Department Letter of Intent for Fire and Emergency Services. The Cosumnes CSD Fire Department and the Tribe entered into a Letter of Intent (LOI) for fire and emergency services in September 2014, which sets forth the intention to negotiate an MOU (**Appendix E**).

City of Galt Letter of Intent and MOU. In May 2015, the City of Galt and the Tribe entered into an LOI and MOU (**Appendix F**) primarily focused on addressing off-reservation impacts of the Proposed Project on Galt.

1.7 TRIBAL-STATE GAMING COMPACT

Per 25 U.S. Code § 2710 (b)(3)(a), which requires that states negotiate with Indian tribes in “good faith,” the Tribe expects to negotiate a Class III gaming compact with the State of California as required by IGRA. Recent California Tribal-State compacts have required tribes to prepare a Tribal Environmental Impact Report (TEIR) to analyze the potential off-reservation environmental impacts of a casino development. The gaming compact will likely specify the location at which the Tribe may operate a Class III gaming facility, and it is anticipated to acknowledge this EIS and the 2011 MOU as adequately addressing potential off-reservation impacts. A TEIR checklist, based on a recently approved Tribal-State Compact, is provided in **Appendix G** (see **Section 2.2.4** for more information on recent compacts). This EIS had been prepared to address all relevant checklist items.

1.8 REGULATORY REQUIREMENTS, PERMITS AND APPROVALS

The Proposed Project, as described in **Section 2.0**, will require federal, state, and local permits and approvals. **Table 1-1** identifies each responsible agency and the potential permit or approval required.

TABLE 1-1
POTENTIAL PERMITS AND APPROVALS REQUIRED

Agency	Permit or Approval	Alternatives
Federal/State		
Secretary of the Interior	Transfer of project site into federal trust status for the Tribe under the Indian Reorganization Act and determination that the project site is eligible for Class III gaming under IGRA.	A, B, C, D, E, F
National Indian Gaming Commission (NIGC)	Approval of Tribal gaming ordinances. Approval of gaming development and management contract.	A, B, D, E, F
U.S. Environmental Protection Agency (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
USEPA	Issuance of NPDES permit for wastewater discharges and/or stormwater discharges occurring during the operation of the project.	D, E
USEPA	Water quality certification (or waiver) as required by the Clean Water Act	A, B, C, D, E
USEPA	General Conformity Determination	A, B, C, D, E, F
USEPA	Approval of water System under the Safe Drinking Water Act	A, B, C, D, E
U.S. Army Corps of Engineers (USACE)	Section 404 Permit for wetlands	A, B, C
United States Fish and Wildlife Service (USFWS)	Section 7 consultation under the Federal Endangered Species Act if threatened or endangered species may be affected	A, B, C, D, E, F
United States Federal Highway Administration	Approval of interchange	A, B, C
California Office of Historic Preservation	Consultation under Section 106 of the National Historic Preservation Act.	A, B, C, D, E, F
California Department of Transportation (Caltrans)	Approval of an Encroachment Permit/Permit to Construct for the construction of interchange/intersection/roadway and utility improvements.	A, B, C, D, E, F
Local		
City of Galt	Approval of water/wastewater connections.	A, B, C
Sacramento County	Approval of off-site road improvements.	D, E
Sacramento County / City of Elk Grove	Mitigation agreements associated with the findings included in the TPED.	F
Pacific Gas & Electric	Extension of natural gas pipeline	A, B, C
Sacramento Municipal Utility District	Power line/substation upgrades	A,B,C,D,E