

SECTION 1.0

INTRODUCTION

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1.1 SUMMARY OF THE PROPOSED ACTION AND EIS PROCESS

This Environmental Impact Statement (EIS) has been prepared pursuant to the National Environmental Policy Act (NEPA) to assess the environmental impacts of proposed federal actions intended to improve the long-term economic vitality and self-governance of the Redding Rancheria (Tribe) by taking approximately 232 acres in Shasta County (County), California (Strawberry Fields Site), into federal trust status for the Tribe for gaming purposes (Proposed Action). Subsequently, the Tribe proposes to develop the Strawberry Fields Site with a variety of uses including a casino, hotel, conference and event center, parking, and other supporting facilities (Proposed Project). The existing Win-River Casino located within the Tribe's current 14.8-acre Rancheria would be closed and the facilities converted into tribal uses, such as administrative offices, tribal housing, or tribal services, following construction of the Proposed Project.

The statutory authority for acquiring lands in trust status for Indian tribes is provided in the Indian Reorganization Act of 1934 (IRA; 25 United States Code [USC] §5108) with regulations codified as 25 Code of Federal Regulations (CFR) Part 151. The Indian Lands Consolidation Act (25 USC §2201 *et seq.*) authorized the extension of the IRA's land acquisition authority to all Tribes.

One of the primary purposes of the Indian Gaming Regulatory Act (IGRA) 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 USC §2719). However, Congress expressly provided that lands taken into trust as part of "the restoration of lands for an Indian tribe that is restored to Federal recognition" are not subject to IGRA's general prohibition. 25 (USC §2719 (b)(1)B)(iii).

This EIS has been completed in accordance with the applicable requirements of NEPA implementing regulations and guidance. NEPA requires the Lead Agency review and analyze the environmental impacts associated with the Proposed Action and alternatives. This document provides a detailed description of a reasonable range of alternatives, including six development alternatives and the no action alternative, an analysis of the potential environmental consequences associated with the seven alternatives, and a discussion of avoidance and mitigation measures. A detailed description of the seven alternatives are included in **Section 2.0** of this EIS. For the purpose of this EIS, the BIA serves as the Lead Agency for compliance with NEPA, with the United States Environmental Protection Agency (USEPA), Tribe, California Department of Transportation (Caltrans), City of Redding (City), and County serving as Cooperating Agencies.

1.2 PURPOSE AND NEED FOR PROPOSED ACTION

The federal Proposed Action is the acquisition of the 232-acre site in trust for the Tribe pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC 5108. The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus, satisfying both the Department's land acquisition policy as articulated in the Department's trust land regulations at 25 C.F.R. Part 151, and the principle goal of IGRA as articulated in 25 U.S.C. § 2701. The need for the Department to act on the Tribe's application is established by the Department's regulations at 25 C.F.R. §§ 151.10(h) and 151.12.

1.3 BACKGROUND

The Tribe currently owns the Strawberry Fields Site parcels in fee. In 1922, the BIA purchased the lands which are now commonly referred to as the "Redding Rancheria" for the Tribe.

However, as a result of the California Rancheria Act and subsequent termination of the Tribe's federally-recognized status in 1958, much of the original Rancheria fell out of the Tribe's ownership and the original Rancheria was distributed to individual members. In 1979, members of the Tribe joined a class action suit to restore the Tribe's federally-recognized status and the trust status of the original Rancheria. Several years later, settlement was achieved through stipulated agreement and the Tribe was restored to federal recognition on June 11, 1984. While the stipulated judgment provided for the restoration of trust status to the original Rancheria parcels; it did not provide funding for the Tribe to re-acquire title to these parcels nor to complete the process of restoring them to trust status. Since the Tribe's restoration to federally-recognized status, the Tribe has been re-acquiring parcels within the original Rancheria boundaries. Today, the Tribe owns 11 current Rancheria parcels comprising approximately 14.8 acres, 48 percent of the original Rancheria (8.51 acres of which are held in trust and 6.29 of which are held in fee by the Tribe). Of these, 6.9 acres are fully developed with the Win-River Casino; 6.34 acres are fully developed with Tribal administrative offices; 1.06 acres are developed with the Tribe's Head Start facility; and 0.5 acres consist of a historic burial ground.

Implementation of the Proposed Action is needed to assist the Tribe in meeting the following objectives:

- Restore the land base of the Tribe;
- Locate additional tribal services and housing on the current Rancheria;
- Strengthen the socioeconomic status of Tribe; and Ensure that the Strawberry Fields Site, which is within the traditional territory of the Tribe, is adequately maintained and protected for future generations and that the Tribe has the ability to exercise its jurisdiction as a sovereign tribal government over the Strawberry Fields Site.

In 2009, the Tribe submitted a trust acquisition application for the Strawberry Fields parcel. In 2010, the Department determined that the Strawberry Fields parcel was not eligible for gaming under the Indian

Gaming Regulatory Act because the Tribe was operating its Win River facility on another trust parcel. The Tribe challenged the Department's decision in federal court. In 2015, the Ninth Circuit Court of Appeals affirmed in part the district court's judgement in favor of the Department, but remanded the Department's decision for further consideration of the Tribe's proposal to close the Win River facility before gaming on the Strawberry Fields parcels. *Redding Rancheria v. Jewell*, No. 12-15817 (9th Cir. 2015). In 2016, the Department, the National Indian Gaming Commission, and the Tribe negotiated a Memorandum of Understanding in which the Department agreed to process the Tribe's trust land application for the Strawberry Fields parcel.

1.4 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

NEPA requires that an EIS be prepared for major federal actions that could significantly affect the quality of the human environment. This document has been completed in accordance with applicable requirements, including those set out in NEPA (42 USC § 4321 *et seq.*); the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR § 1500 – 1508); and the BIA's NEPA Guidebook (59 IAM 3-H). The two primary purposes of NEPA are to assess impacts and disclose those impacts before the BIA selects an alternative.

1.4.1 SCOPING PROCESS

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 § 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 BIA published a Notice of Intent (NOI) in the *Federal Register* on November 29, 2016, describing the Proposed Action and announcing the BIA's intent to prepare an EIS. The 30-day public comment period ended on December 29, 2016. In addition to accepting written comments, the BIA held a public scoping hearing on December 21, 2016 at the McLaughlin Auditorium at Sequoia Middle School, 1805 Sequoia Street, Redding, to accept comments. Approximately 104 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 *Scoping Report for the Redding Rancheria Fee-to-Trust and Casino Project*. This report, dated May 2017, is available for review at <http://www.reddingeis.com/>. To the extent required by NEPA, this Draft EIS 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.

1.4.2 DRAFT AND FINAL EIS

Draft EIS

This Draft EIS 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 Draft EIS.

Final EIS

The BIA will consider the comments received on the Draft EIS, and revisions may be made in the Final EIS to reflect the content of comments received. The Final EIS will be filed with the USEPA, and USEPA will then publish a NOA for the Final EIS in the *Federal Register*, marking the beginning of a 30-day period after which the BIA may proceed with a decision.

Record of Decision (ROD)

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 will also identify and discuss all such factors that were balanced by the agency 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 AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS

The Tribe has entered into several agreements with local governments and agencies, as described below.

1.5.1 TRIBAL-STATE GAMING COMPACT

In September 1999, the Tribe and the state of California entered into a Tribal-State Gaming Compact (Compact) for the purpose of establishing a mutually respectful government-to-government relationship through developing and implementing a regulatory framework for Class III gaming in accordance with the IGRA. The compact authorizes a maximum of two gaming facilities, limited to lands held in trust for the Tribe, and outlines, among other things, the scope of Class III gaming; licensing requirements; procedures regarding the enforcement of compact provisions; regulations for the operation and management of the tribal gaming operation; and revenue distribution. The Tribe is currently renegotiating the Compact; this EIS has been prepared to satisfy the environmental review requirements of both the existing Compact and the anticipated requirements of the new Compact.

1.5.2 CITY OF REDDING ELECTRICAL UTILITIES AGREEMENT

In June 2010, the Tribe entered into an electrical utilities agreement with the City for the provision of electrical utilities to the Win-River Casino Site. It is anticipated that a similar agreement would be reached for the provision of electrical utilities to the Strawberry Fields Site.

In October 2013, an additional agreement was made for the City to credit the Tribe for electrical power from the Tribe's Base Resource Allocation from Western Contract 00-SNR-00370. The Win-River Casino Site continues to obtain power from the City. The City utilizes the Tribe's allocation from the Central Valley Project (CVP) and credits the Tribe for this energy in the Tribe's electrical utilities bills.

1.5.3 MASTER SERVICE AGREEMENT

In September 2012, the Tribe entered into a water and wastewater utilities agreement with the City for the provision of water and wastewater utilities to the Win-River Casino Site. It is anticipated that a similar agreement would be reached for the provision of water and wastewater utilities to the Strawberry Fields Site.

1.6 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 the 232-acre Strawberry Fields Site into federal trust status for the Tribe under the Indian Reorganization Act (IRA).	A, B, C, D
	Transfer of the 55-acre Anderson Site into federal trust status for the Tribe under the IRA.	E
United States Environmental Protection Agency (USEPA)	Verification of project coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Construction Activities as required by the Clean Water Act (CWA).	A, B, C, D, E, F
	Classification of wells as a Non-Transient/Non-Community Public Water System under the Safe Drinking Water Act.	A, B, C, D, E – Water Supply Option 2 only
	Registration of the sub-surface drainage system with the Underground Injection Control (UIC) program as a Class V injection well	A, B, C, D – Wastewater Option 2 only
United States Fish and Wildlife Service (USFWS)	Section 7 consultation under the Federal Endangered Species Act (FESA) if threatened or endangered species may be affected.	A, B, C, D
California Office of Historic Preservation	Consultation under Section 106 of the National Historic Preservation Act (NHPA).	A, B, C, D, E, F
California Department of Transportation (Caltrans)	Approval of an Encroachment Permit for the construction of intersection improvements.	A, B, C, E

Agency	Permit or Approval	Alternatives
Local		
Shasta County Local Agency Formation Commission / City of Redding	Approval of amendments to City of Redding service area boundary to encompass the Strawberry Fields Site for water supply, wastewater, and electricity.	A, B, C, D
City of Redding	Approval of water/wastewater/electricity connections.	A, B, C, D
	Approval of off-site road improvements.	A, B, C, D
Shasta County	Approval of off-site road improvements.	A, B, C, D – Site Access Option 2 only
City of Anderson	Approval of water/wastewater connections.	E
	Approval of off-site road improvements.	E