

SECTION 1.0

INTRODUCTION

1.1 INTRODUCTION

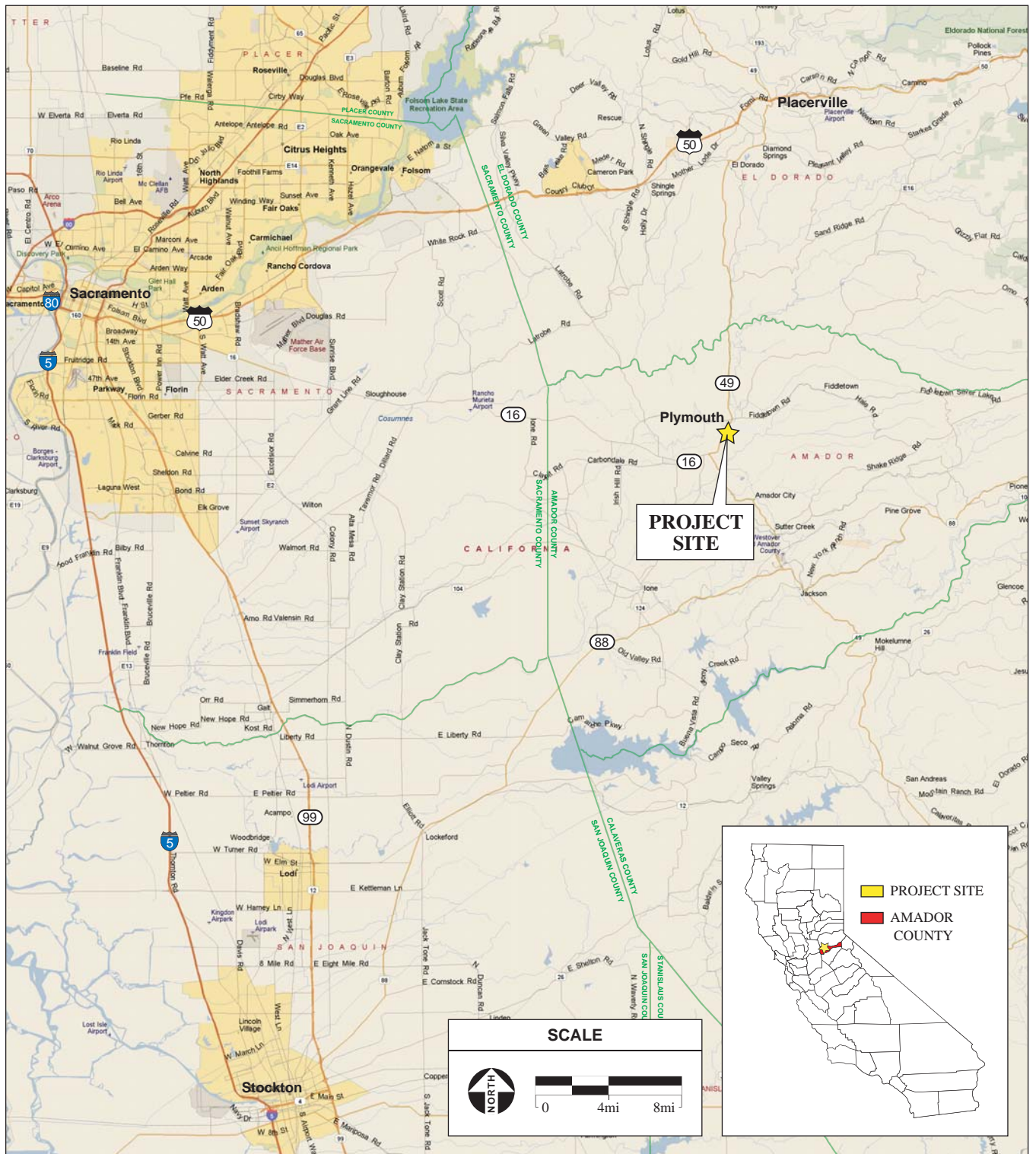
The Ione Band of Miwok Indians (Tribe) is a federally recognized Indian Tribe with approximately 652 members, of whom approximately 350 are voting members. The Tribe is governed by a General Council with day-to-day governance conducted by a 5-member Tribal Council, as authorized in the Tribal Constitution. The Constitution was approved by the General Council on March 12, 2002 and the Department of the Interior, Bureau of Indian Affairs (BIA) on September 6, 2002.

The Tribe has no trust land. The Tribe proposes that the BIA accept land into trust for the Tribe for gaming purposes to address the needs of the Tribe for economic development and diversification. In 1972, BIA Commissioner Louis Bruce acknowledged the Tribe's Federal recognition and agreed to accept land into trust on behalf of the landless Tribe. In 1994, BIA Assistant Secretary Ada Deer reaffirmed the Bureau's commitment to bring land into trust and declare a reservation for the Tribe. In 2006, the BIA determined that the Tribe is eligible to have lands taken into trust as its initial reservation pursuant to 25 U.S.C. § 465. The purpose of the Proposed Action is to take substantive action to meet the Tribe's need for land which the BIA has committed to fulfill. BIA letters regarding this issue are provided in **Appendix A**.

This document serves as the Draft Environmental Impact Statement (Draft EIS) pursuant to the National Environmental Policy Act (NEPA). This Draft EIS addresses the environmental effects of the BIA, acting as lead agency, taking 228.04± acres of land into Federal trust for the Tribe and the National Indian Gaming Commission (NIGC), acting as cooperating agency, approving a management contract for conducting gaming on the trust land leading to the foreseeable consequences of commercial development of the site.

1.1.1 PROJECT LOCATION

The Tribe has requested that the BIA accept in trust for the Tribe 12 contiguous parcels of land, comprising a 228.04± acre project site located in the northwest part of Amador County approximately 35 miles east of the City of Sacramento, and approximately 17 miles south of the City of Placerville (**Figure 1-1**). The project site is located immediately adjacent and east of



SOURCE: Microsoft Streets & Trips, 2003; AES, 2005

Ione Band of Miwok Indians EIS / 203525 ■

Figure 1-1
Regional Location Map

State Highway 49, which provides regional access to the area, two and one-half miles north of the junction of State Highway 16 with Highway 49. **Figure 1-2** shows the vicinity of the project site. Eight of the twelve parcels (10.28± acres) are located within the City of Plymouth, while the remaining four parcels (217.76± acres) are located on unincorporated land within Amador County. **Figure 1-3** shows the twelve project parcels.

1.1.2 SUMMARY OF THE PROPOSED ACTION

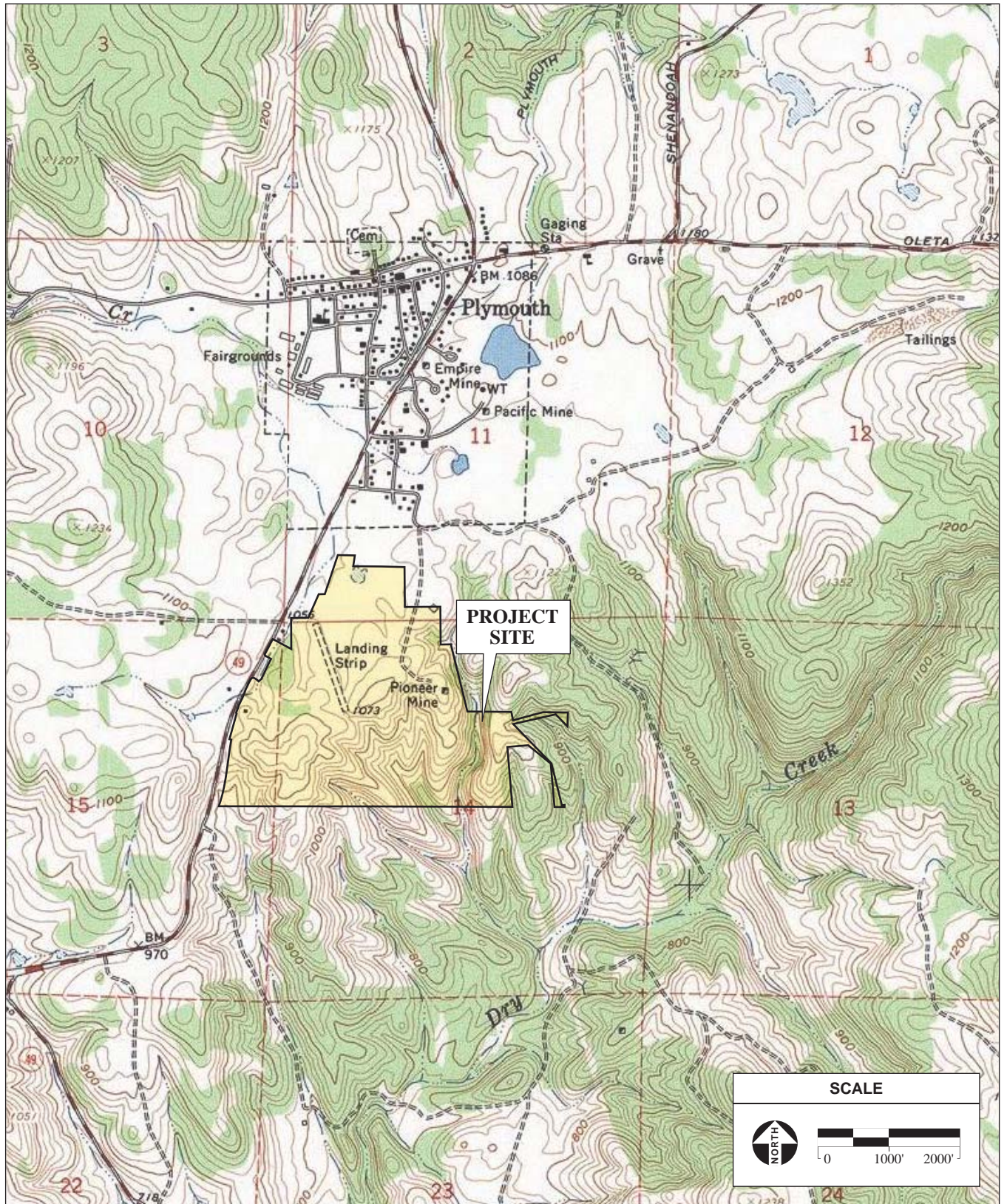
The proposed Federal actions analyzed in this Draft EIS involve the BIA placing 228.04± acres into federal trust for the Tribe and the NIGC approving the Tribal Government's Gaming Development and Management Contract with a professional management company. The foreseeable consequence of these actions will be the realization of one of the four development alternatives analyzed in this Draft EIS. The Proposed Alternative includes the development of a gaming facility, hotel, event center, surface parking, wastewater treatment plant, fire station, food and beverage areas, guest support services, offices, and security area. These actions are referred to collectively as the Proposed Action and are described in full detail within **Section 2.0** of this Draft EIS.

1.1.3 IONE BAND OF MIWOK INDIANS

It is only relatively recently that the Tribe has been restored to recognition and reorganized. Given its lack of tribal land and uncertain organization and status, the Ione Band has lagged far behind other tribes in California who have long provided their tribal members with opportunities for economic development, employment, education, housing, and other services. Consequently, the Ione Band has determined that it now needs to move with deliberate dispatch to acquire land in trust and promote gaming and related development to address the unmet needs of its members including employment, education, and socio-cultural programs.

The 228.04± acres of land would serve as the Tribe's initial Reservation and be located within the Tribe's ancestral territory. Having resided on native land since pre-colonial times, the Tribe was forced from its lands during the California mission era and after the discovery of gold at nearby Coloma in 1849. The Tribe has since struggled to maintain its culture without the benefit of a reservation or any type of land base. This initial Reservation and land base would enable the Tribe to exercise its full panoply of sovereign powers and self-determination and encourage the Tribe and its members toward self-sufficiency.

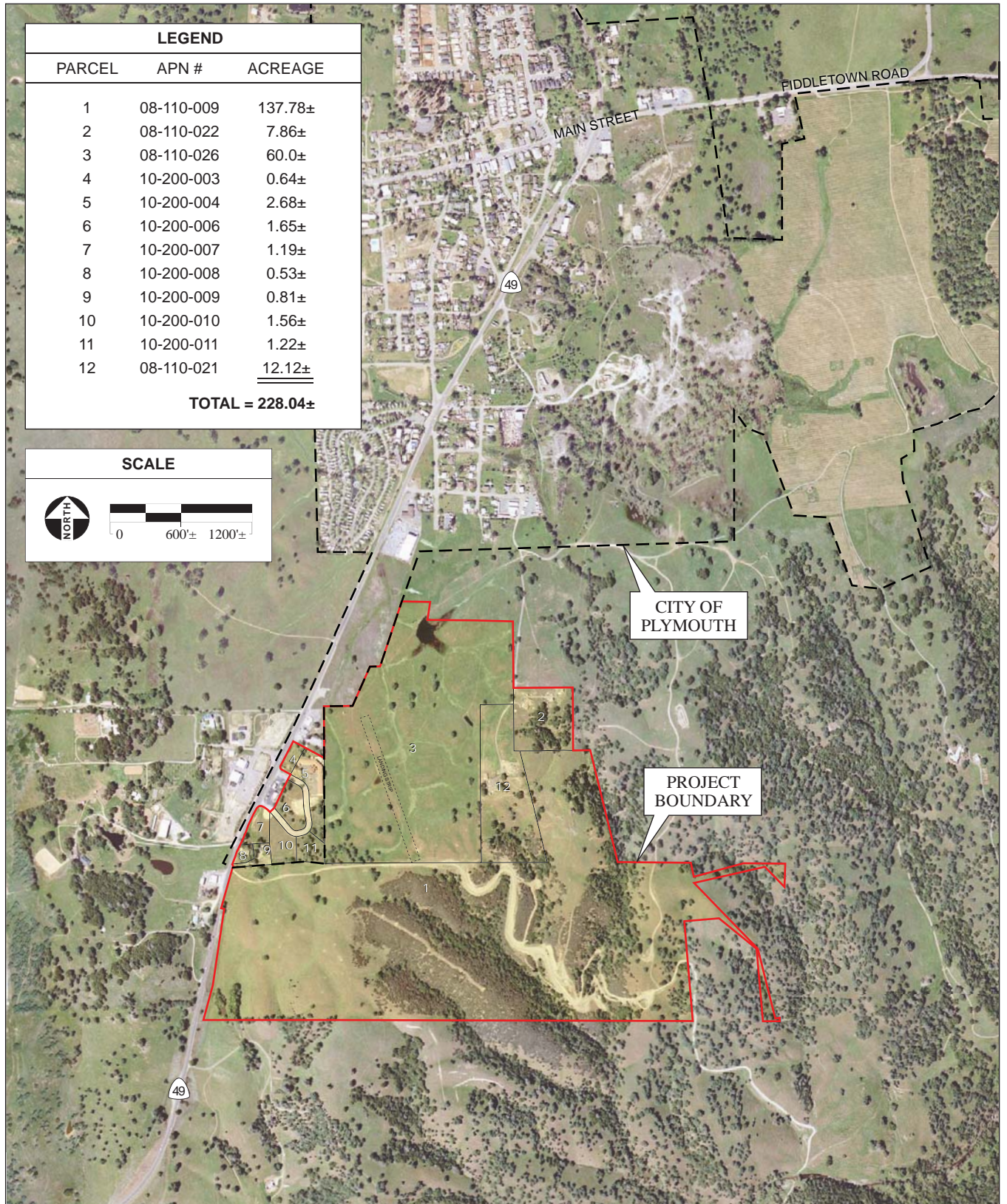
The project site lies near the place in Amador County where treaties were negotiated to reserve more than seven million acres of land for the Indians in California including ancestral lands of the Ione Band now located in present day Amador, El Dorado, Calaveras, San Joaquin, Sacramento



SOURCE: "Amador City, CA" USGS 7.5 Minute Topographic Quadrangle, Sections 11, 14, & 15, T7N, R10E, Mt. Diablo Baseline and Meridian; AES, 2005

Ione Band of Miwok Indians EIS / 203525 ■

Figure 1-2
Site and Vicinity



SOURCE: Airphoto USA Aerial Photograph, 4/1/2004; AES, 2007

Ione Band of Miwok Indians EIS / 203525 ■

Figure 1-3
Aerial Parcel Map

and Placer counties. The U.S. Senate failed to ratify those treaties and the Ione Band was left landless for decades. While the BIA in 1915 proposed to acquire lands in Amador County for the Ione Band, that effort was never completed because the BIA was not able to obtain clear title to the land. As a result, the Tribe was denied reservation lands and remains landless to this day.

1.2 PURPOSE AND NEED

The Tribe proposes that the BIA accept the 228.04± acres into federal trust for the Tribe and NIGC approve the Tribe's gaming development and management contracts in order to permit the Tribe to conduct tribal government gaming authorized under the Indian Gaming Regulatory Act (IGRA). One of IGRA's purposes 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 governance" 25 U.S.C. §2702(1). The gaming tools afforded the Tribe by IGRA are among the most effective means by which the Tribe can meet the diverse and urgent economic needs of its members.

In consideration of the present state of the Tribe and its increasing membership, it is necessary that the Tribe regain an ancestral land base upon which it can become self-sufficient. The history of the Tribe, and the modern-day needs of the Tribe and its tribal membership, provide a strong basis for acquiring lands and proclaiming acquired lands a reservation under 25 U.S.C. sections 465 and 467, wherein Congress granted to the Secretary of the Interior the authority to acquire lands in trust for Indian tribes.

Unless the Tribe is able to acquire these lands in trust and is able to conduct gaming, the Tribe will remain unable to meet its need for economic development, self-sufficiency, and self-governance, and will be unable to provide its quickly growing Tribal member population with employment and educational opportunities and critically needed social services.

The purpose and need is as follows:

- Increased employment opportunities for Tribal members;
- Improvement of the socioeconomic status of the Tribe; improvement of existing Tribal housing; construction of new Tribal housing; funding for a variety of social, governmental, administrative, educational, health and welfare services to improve the quality of life of Tribal members;
- Capital for other economic development and investment opportunities;
- Restoration of a lost land base;

- Acquisition of land needed to exercise governmental powers; and
- Economic self-sufficiency, thereby eventually removing Tribal members from public assistance programs.

1.3 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

NEPA requires that an EIS be prepared for every Federal action that may significantly affect the quality of the human environment. 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 C.F.R. §§ 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 C.F.R. 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. The BIA contracted Analytical Environmental Services to prepare the Environmental Impact Statement (EIS) and associated documentation. In accordance with 40 CFR §1506.5, a third-party agreement with a statement of having no financial or other interest in the outcome of the project has been executed. 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 Draft EIS, 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. The NIGC serves as a "Cooperating Agency" because the project includes the development of a gaming facility with an associated Gaming Management Contract between the Tribe and an outside management company. Other Cooperating Agencies identified for this process include Region 9 of the United States Environmental Protection Agency (USEPA) and the City of Plymouth. The BIA extended the Cooperating Agency status opportunity to Amador County and the California Department of Transportation (Caltrans), neither of which accepted this role.

This Draft EIS analyzes and documents the environmental consequences associated with: 1) the proposed transfer of 228.04± acres of land into Federal trust status for the Tribe, and 2) approval of the proposed Gaming Management Contract. Additionally, the Draft EIS analyzes a full range of alternatives including, A) the Preferred Casino and Hotel Alternative, B) the Reduced Casino with Hotel Alternative, C) the Reduced Casino Alternative, D) the Retail Development

Alternative, and E) the No Action Alternative. 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 November 7, 2003, describing the Proposed Action and announcing the BIA's intent to prepare an EIS. During the NOI comment period (November 7, 2003 - December 8, 2003), the BIA formally requested Cooperating Agency participation from the USEPA, NIGC, Caltrans, City of Plymouth and Amador County. The EPA, the NIGC, and the City of Plymouth accepted Cooperating Agency status and serve as Cooperating Agencies for the development of the EIS. Amador County declined and Caltrans failed to respond to the request.

This Draft EIS will be distributed to Federal, Tribal, State, and local agencies and other interested parties for a 60-day review and comment period. The review and comment period begins after the Notice of Filing with the EPA in the *Federal Register*. The Notice of Availability (NOA) published by the BIA provides the time and location of a public hearing to inform the public regarding the alternatives considered in this Draft EIS. The BIA will consider the comments received on the Draft EIS, and revisions will be made as appropriate in the Final EIS (FEIS) to reflect the content of comments received. The BIA will then prepare the FEIS and file it with the EPA. The EPA 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 C.F.R. § 1505.2).

1.4 SCOPING

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 CFR §1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations and individuals. A 30-day public comment period began with the publication of the NOI in the *Federal Register* on November 7, 2003 and ended on December 8, 2003. In addition to accepting written comments, the BIA held a public scoping

hearing on November 19, 2003 at the Amador County Fairgrounds in Plymouth to accept comments. Approximately 150 people attended the public hearing and verbal comments were transcribed for the administrative record. On January 20, 2004, the BIA published a supplemental NOI in the *Federal Register* to announce an additional public scoping hearing with the comment period beginning on January 20, 2004 and ending on February 20, 2004. The BIA held a second public scoping hearing on February 4, 2004 at the Amador County Fairgrounds in Plymouth. Approximately 130 people attended the second public scoping hearing and verbal comments were transcribed for the administrative record. The issues that were raised during the NOI comment period have been summarized within the *Ione Band of Miwok Indians Fee-to-Trust and Casino Project EIS Scoping Report* published by the BIA in March 2004. This report is available for review at the BIA's Pacific Region Office at 2800 Cottage Way, Room W-2820, Sacramento, CA 95825-1846. This Draft EIS has addressed the issues and concerns summarized within the scoping report.

1.5 REGULATORY REQUIREMENTS, PERMITS, APPROVALS AND CONSULTATION

Implementation of the project alternatives would require Tribal, Federal, and State permits, approvals, and consultation. **Table 1-1** identifies each responsible agency and the potential permit or approval required.

TABLE 1-1
POTENTIAL PERMITS, APPROVALS AND CONSULTATION REQUIRED

Agency	Potential Permit, Approval, or Consultation	Alternative	Permit/Approval Applicant
Tribal			
Tribal Tribe	Compliance with Tribal/State Compact.	A, B, C	Tribe
	Approval of land use plan for a regional shopping facility.	D	Tribe
Federal			
NIGC	Approval of Tribal gaming ordinances.	A, B, C	Tribe
	Approval of Development and Management Contract.		
Secretary of the Interior	Transfer of a twelve-parcel, 228.04-acre project area into federal trust status for the Tribal Government.	A, B, C, D	Tribe
USEPA	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	Tribe
	Issuance of NPDES permit for the discharge of treated effluent to a surface water.		
	Review of the underground disposal of treated wastewater as a Class V injection well under the Underground Injection Control (UIC) program.		
	Water quality certification (or waiver) under Section 401 of the Clean Water Act.		
U.S. Army Corps of Engineers	Approval of permit(s) under Section 404 of the Clean Water Act for the filling of jurisdictional wetlands/waters.	A, B, C, D	Tribe
U.S. Fish and Wildlife Service	Section 7 Consultation under the Federal Endangered Species Act if endangered species may be affected by the project.	A, B, C, D	BIA/Tribe
State			
California State Historic Preservation Office	Consultation under Section 106 of the National Historic Preservation Act.	A, B, C, D	BIA
California Department of Transportation	Approval of an Encroachment Permit to permit the construction of improvements along the property frontage with Highway 49.	A, B, C, D	Tribe
<p>Alternatives: A = Preferred Casino and Hotel Alternative. B = Reduced Casino with Hotel Alternative. C = Reduced Casino. D = Retail Development.</p>			