

**FINDING OF NO SIGNIFICANT IMPACT FOR  
THE PROPOSED AUBURN RANCHERIA-49 ACRE FEE TO-  
TRUST TRANSFER PROJECT**

**AGENCIES:** Bureau of Indian Affairs (BIA)

**ACTIONS:** Finding of No Significant Impact (FONSI)

**SUMMARY**

The United Auburn Indian Community of the Auburn Rancheria. ("UAIC" or "Tribe") submitted a request to the U.S. Department of the Interior (DOI), Bureau of Indian Affairs (BIA), to place in trust a 49-acre parcel of land in Placer County, California. This property is adjacent to Athens Avenue and close to State Highway Route 65 (near the towns of Lincoln and Rocklin) in Placer County, California. Planned use of the site is a Class II and III Gaming Facility, and an associated entertainment facility. The UAIC has also submitted a Management Contract between the Tribe and Station Casinos, Inc. to the National Indian Gaming Commission (NIGC) for approval. The proposed federal action is to approve the trust acquisition request for the transfer of a 49.20 acre site to federal trust status for the UAIGC for the development of a gaming and entertainment facility. Based on the analysis of the Environmental Assessment (EA), BIA had determined that the proposed federal action is not a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, preparation of an Environmental Impact Statement (EIS) is not required.

**COPIES OF THE EA ARE AVAILABLE FROM**

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**BACKGROUND, LAWS AND AGREEMENTS**

Gaming provides an unique opportunity for the UAIC to develop an economic base for self-sufficiency. This opportunity is afforded UAIC under the IGRA (25 U.S.C. § 2701 et. seq.) and was sanctioned by the State of California through a tribal-state compact approved by the Governor on October 8, 1999, and approved by the Secretary of the Interior. In addition to this

compact, the following laws and agreements specifically address the Tribe's proposed trust acquisition and development:

1. Public Law 103-434, known as the "Auburn Indian Restoration Act." was approved by the United States Congress and signed into law on October 31, 1994, Section 1300 1-2(a), titled "Lands to Be Taken in Trust," states that, "The Secretary may accept any real property located in Placer County, California, for the benefit of the Tribe...."

2. Determination by the Solicitor, Department of the Interior, that the land is eligible for gaming under Section 20 (b) of the IGRA because the action constitutes the restoration of lands for an Indian tribes that has been restored to federal recognition.

3. The Compact between the Tribe and the State of California, executed October 8, 1999, authorizes the conduct of Class III Gamig Activities, and requires the Tribe to make payments into a special Distribuion Fund used to provide funds for, among other things, grants to programs to address gambling addictions and grants to state and local governmnt agencies impacted by tribal gaming.

4. Memorandum of Understanding (MOU) between the County of Placer and the Tribe, executed January 18, 2000, by the Chairman of the Board of Supervisors of Placer County and the Tribal Chairperson of the UAIC, contains the following conditions which are relevant to the proposed gaming entertainment facility.

- a) The Tribe will pay Placer County traffic mitigation fees consistent with County fee programs and ordinances;
- b) The Tribe will construct other off-site road improvements as recommended in the Traffic Impact Study, dated June 1, 1999.
- c) The Tribe will pay an estimated \$1,000,000 toward the construction of the Lincoln Highway 65 by-pass.
- d) The Tribe will pay the sum of \$458,089 per year to Placer County for law enforcement;
- e) The Tribe will construct a fire station on tbe 49-acre site for use by Placer County;
- f) The Tribe will pay the County \$450,000 per year for fire station staffing.
- g) The Tribe will contribute \$50,000 per year to the California Council on Problem Gambling, \$45,000 of which will be specifically directed for use in Placer County.
- h) The Tribe will make an initial contribution of \$25,000 and increase that contribution by \$25,000 per year until it reaches \$200,000 on an annual basis, and then maintain its annual contribuiton at that level , for Placer Legacy, a County program established to preserve open space.

- i) The Tribe will compensate Placer County on an annual basis in lieu of property taxes for the land taken into trust;
  - j) The Tribe will adopt the building standards in the Uniform Building Codes, as adopted by Placer County;
  - k) The Tribe will use and develop the lands taken into Trust in a manner consistent with Placer County zoning ordinances, general plan, and design guidelines; and
  - l) Placer County shall support the proposed trust acquisition.
5. Memorandum of Understanding executed September, 2000, between the City of Lincoln md. and the Tribe, executed by the Mayor of the City of Lincoln and the Tribal Chairperson of UAIC in September 2000. This agreement provides that in exchange for a municipal sewer connection;
- a) The Tribe will pay the City of Lincoln \$1,000 per call for fire protection services;
  - b) The Tribe will pay the City of Lincoln \$37,000 per year to compensate for indirect costs to the Police Department, and will pay actual costs for direct service;
  - c) The Tribe will pay \$25,000 the first year, \$50,000 the second year, \$100,000 the third year, and \$125,000 the fourth year and each year thereafter for the promotion of cultural, social and youth activities;
  - d) The Tribe will contribute \$50,000 toward the western Placer Education Foundation Outdoor Learning Environment Project;
  - e) The Tribe will contribute \$15,000 the first year and \$5,000 per year thereafter to the Lincoln Library;
  - f) The Tribe will contribute \$30,000 per year to the City of Lincoln for economic development; and
  - g) The City of Lincoln shall support the proposed trust acquisition.

**DESCRIPTION OF THE PROPOSED PROJECT**

The proposed action consists of the conveyance of a 49-acre site from private ownership to federal trust status for the benefit of the UAIC, The Tribe is proposing to develop a 200,000-square-foot gaming and entertainment facility on the site. The facility would include a bingo area, a casino floor with gaming machines and table games, restaurants, bars, and an entertainment lounge. The project would also include approximately 3,500 on-site parking spaces. The Tribe has entered in a Management Contract with Station Casinos, Inc., for management of the proposed facility, which contract has been submitted to the NIGC for approval.

## SUMMARY OF THE ALTERNATIVES CONSIDERED

The Tribe considered several other potentially suitable sites within western Placer County for development and establishment of the current proposed facility. The Tribe's purpose and needs for the location are related to the economic viability of the casino. The other sites were not pursued because of the County's concerns about a lack of water and sewer infrastructure, a lack of roadway access, incompatible adjacent land uses, and inconsistency with County zoning ordinances. After the other sites were rejected, the Tribe considered in depth three sites; the proposed site; a site in the community of Penryn, in unincorporated Placer County; and a site in the general vicinity of the presently proposed site, but along Industrial Avenue closer to Highway 65. As described in the EA, both of these alternative sites were found unacceptable to Placer County (EA § 2.2.3).

Penryn Site: The Penryn site was found to be unacceptable because it is within a few hundred feet of residential areas.

Industrial Avenue Site: The site near Highway 65 was not favored by Placer County because of its visibility from Highway 65.

Sunset Industrial Area Site: Placer County Planning staff and elected officials worked with the Tribe to identify the currently proposed site in the Sunset Industrial Area. It was deemed an appropriate site by Placer County and the Tribe because it is in an area zoned industrial and to a large extent infrastructure is already in place (such as nearby water, sewer and roadway systems). Also, the site is commercially viable for the proposed use. The proposed site has the support of the governing authority with jurisdiction over it, Placer County. The proposed site lies within the Sphere of Influence of the City of Lincoln, although not within the City limits, and this site also has the support of the City.

Alternatives at the Preferred Site: Three different types of action were considered at the site, including the proposed action, a no-action alternative, and a reduced intensity alternative. The development of the proposed facility was selected as the only alternative which would meet the goals of the proposed action regarding economic self-sufficiency for the Tribe. These goals, as described in the purpose and need for the proposed action, include not only providing employment opportunities for tribal members but also providing an economic base for the Tribe to develop a strong government and infrastructure of housing, social, governmental and educational services for Tribal members. Although environmental impacts associated with traffic and demands for social services may be less with the reduced intensity alternative, this alternative would have a similar impact on wetlands, biological and water resources and would provide substantially reduced socio-economic benefits to the Tribe (EA § 2.3).

Two additional sites have been proposed by a commenter on the EA: 1) a site in the unincorporated community of Nyack, located in Placer County approximately 45 miles east of Roseville along Interstate 80, and 2) a site in Yuba County. These sites have been evaluated, and found not to meet the purpose action as described below. Therefore, no further study of these alternatives is warranted.

Nyack Site: The Nyack site is in eastern Placer County, near the summit of the Sierra Nevada mountain range, well above the snow-line and inaccessible during winter closures of Interstate 80. Due to the site's elevation and distance from population centers, accessibility by

patrons and employees would be poor. In addition, the site is located near the Nevada state line, and existing gaming operations in Reno and South Lake Tahoe. Approximately 87,000 people live within a 25 mile radius of the Nyack site. This compares with 1,25 million people within a 25 mile radius of the Athens Avenue site. The Nyack site is not considered viable for these reasons. Also, due to the remoteness of the site, municipal utilities, such as water and sewer service, are not available.

Yuba County Site: The Yuba County site has no access to municipal water or wastewater systems, and would require patrons from Interstate 80 to travel approximately 30 miles north on Highway 65 to the casino, causing traffic impacts to downtown Lincoln. More importantly, however, the Yuba County site is ineligible to be taken into trust for the Tribe for gaming purposes, because the Auburn Indian Restoration Act (Section 13001-2(a)) specifically states; "[t]he Secretary may accept any real property located in Placer County, California, for the benefit of the Tribe..." as part of its restoration. Since the Yuba County site is outside of Placer County, the Tribe cannot realistically consider it as an alternative casino site.

### **SUMMARY OF THE ENVIRONMENTAL IMPACTS-PROPOSED PROJECT**

An EA, documenting and analyzing the potential project impacts of the the proposed project, has been completed. As part of this EA, a drainage study/plan was prepared in accordance with the Placer County Flood Control and Water Conservation District's Stormwater Management Manual, and the potential traffic impacts were evaluated by the traffic engineering firm of Fehr & Peers Associates. In addition, a Level I Survey and Site Assessment for Hazardous Material was performed (EA § 3.8.2). No significant unmitigated adverse environmental impacts or the presence of environmental hazards or liabilities are indicated by the EA or or the Level I Survey.

The primary entrance to the facility will be located at the intersection of Athens Avenue and Sparta Court. The facility is expected to attract an average of 8,000 visitors per day. Approximately 1,100 people will be employed at the facility, including approximately 70 security and surveillance personnel (EA § 4.1.7). A number of traffic mitigation measures, as described in the MOU with Placer County, will be implemented at the site. Roadway improvements which mitigate traffic impacts from the facility include additional turn lanes, traffic signals, and improvements to the Athens Avenue railroad crossing, consistent with the Memorandum of Understanding with Placer County (EA § 5.7.1). The County has determined that the implementation of these mitigation measures will prevent the potential degradation of service at the intersections and for the conditions of anticipated use. Both the Placer County Department of Public Works and the California Department of Transportation were consulted on the analysis of traffic impacts.

It is anticipated that the proposed facility will be connected to the existing sewage treatment plant of the City of Lincoln, and then to the City's proposed new regional treatment plant, according to terms and conditions agreed to in the Memorandum of Understanding between the City of Lincoln and the Tribe. Alternatively, the Tribe may develop an on-site treatment plant. The impacts of these two alternatives, along with two additional alternatives have been fully evaluated (EA § 4.1.2., § 5.2.2). With the mitigation proposed, any of the wastewater options could be implemented with no environmental impacts.

Water may be supplied by the Placer County Water Agency that services the Sunset Industrial Area. In addition, impacts from use of an on site groundwater-supply-well for water were evaluated in the EA, (EA § 4.1.2, § 4.1.7). To control runoff from the site, an on-site detention basin will be installed to capture peak stormwater runoff, and silt and oil traps will also be used to remove potential pollutants from runoff, consistent with local and use and environmental practices (EA § 5.2.2).

Socio-economic impacts were fully evaluated in the EA. An economic impact study was conducted to assess potential impacts to local jurisdictions from the proposed action. The Study was conducted by Hausrath Economics Group and used the Placer County Economic Model to assess potential impacts. The results of this study were used in part as the basis of the MOU between the County and the Tribe. The Tribe has agreed to construct an on-site fire station and pay for its operation by Placer County. The Tribe also has agreed to compensate Placer County and the City of Lincoln for fire and police calls required to respond to conditions at the site (EA § 5.7.4). With the significant financial mitigation that is specified in the County-Tribe MOU, no significant social or economic adverse impacts will occur (EA § 4.1.6, § 5.6). In addition, public comments raised numerous issues in areas of socio-economic impacts, including the potential for crime, public safety, and economic development impacts. Although a thorough review of the issue was conducted by the National Gaming Impact Study Commission, no link between gambling and crime has been established. Nevertheless, the MOU with Placer County and MOU with the City of Lincoln contains specific measures to provide additional resources as proposed by the County Sheriff's Department and the City of Lincoln's Police Department to address the potential for increased crime and threats to public safety. Furthermore, the Tribe has committed in the MOU with Placer County to provide funding for the California Council on Problem Gambling, Inc., which the Council believes would effectively mitigate any problem. With implementation of the mitigation required in the MOUs, potential socio-economic impacts would be insignificant,

The impact on the quality of human environment is judged to be of minor impact and significant beneficial economic impact to the UAIC. There is no significant unmitigated impact on public health and safety. The site contains no eligible or listed national register of historic places sites or any known significant archaeological resources (EA § 4.1.5). While the Orchard Creek area that the site is located in is known to contain vernal pool habitat and wetlands, and may provide habitat to two threatened or endangered species, the mitigation measures proposed will insure that no significant adverse impacts to these resources result. The proposed land use will not involve an irreversible or irretrievable commitment of resources, and will result in improved economic benefit to the Tribe and to the surrounding communities.

## **SUMMARY OF MITIGATION MEASURES-PROPOSED PROJECT**

The mitigation measures described in the EA as being implemented to reduce impacts to a point of insignificance are conditions of the approval of this project. These mitigation measures are as follows:

- purchase of mitigation credits from an approved ecosystem preservation bank;

- transfer of ownership of a 130-foot buffer strip and a 100-foot buffer strip along the western and northern boundaries of the site, respectively, to the Orchard Creek Conservation Bank;
- purchase of seasonal wetland credits from a mitigation bank;
- construction of a fence to separate the project site from adjacent non-development lands to the north transferred to Orchard Creek Conservation Bank;
- installation of on-site detention basins and silt and oil traps to capture and remove pollutants from stormwater runoff;
- temporary sediment control measures will be implemented during construction, and vegetation filter strips will be included in parking lot design to control sediment after construction;
- funding of roadway improvements including road widening, additional turn lanes, traffic signals, and improvements of the Athens Avenue railroad crossing;
- construction of an on-site fire station and funding for operation of same;
- payment of fees in lieu of property taxes;
- payment of \$459,089 per year for Placer County law enforcement;
- payment of traffic mitigation fees under Placer County fee programs;
- payment of approximately \$1,000,000 towards construction of Highway 65 by-pass;
- contribution eventually totaling \$200,000 per year to Placer County's open space preservation program;
- contribution of \$50,000 per year to California Council on Problem Gambling; and
- preparation of an emergency response plan for responses to hazardous materials release by surrounding facilities.

The Memorandum of Understanding with the City of Lincoln provides additional mitigation measures; such additional mitigation measures were not relied on in the EA but will serve to still further mitigate potential impacts, which are already below the level of significance (EA § 5.0).

#### **PUBLIC AVAILABILITY**

The draft EA was circulated to interested parties for comment from June 21, 2000, to September 11, 2000. Copies of the EA were sent to the BIA's mailing list and the State Clearing

House. A Public Notice indicating the availability of the EA was published in the local newspaper, the Sacramento Bee. Comments on the EA were received from a number of parties.

This FONSI and the final EA on which it is based will be distributed to all persons and agencies known to be interested in the proposed action as indicated by their comments on the draft EA. Additionally, all persons and agencies on the initial draft EA mailing list will receive a copy.

#### DETERMINATION

After review and independent evaluation, the BIA has determined that the proposed federal action, to approve the United Auburn Indian Community of the Auburn Rancheria's request to take the proposed 49-acre site into trust for the purpose of gaming, the establishment of a gaming and entertainment facility, and the approval of a management contract for this operation does not constitute a major federal action that would significantly affect the quality of the human environment within the meaning of NEPA. This conclusion is based on the analysis contained in the EA, public comments made in response to the EA, the Tribe's response to those comments, and the mitigation imposed. Therefore, an Environmental Impact Statement is not required and the BIA is issuing this FONSI.

Issued in Washington, D.C. this 19<sup>th</sup> day of February, 2001.

Michael J. Anderson  
Assistant Secretary - Indian Affairs