

Attachment 3
Alternatives Evaluation

ALTERNATIVES EVALUATION

Koi Nation of Northern California Shiloh Resort and Casino Project

Sonoma County, California

Lead Agency:

Bureau of Indian Affairs

Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

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Section 1 | Introduction

The Koi Nation of Northern California (Koi Nation; Tribe) has submitted an application to the Bureau of Indian Affairs (BIA) for the transfer of approximately 68.6 acres of land in unincorporated Sonoma County, California, into federal trust for gaming purposes (Proposed Action). The Proposed Project includes the development of a casino, hotel, conference/event center, restaurant/bars, spa, and supporting parking and infrastructure. The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus satisfying both the Department of the Interior's (Department) land acquisition policy as articulated in the Department's trust land regulations at 25 Code of Federal Regulations (CFR) Part 151, and the principal goal of the Indian Gaming Regulatory Act (IGRA) as articulated in 25 U.S. Code (USC) § 2701. The need for the Department to act on the Tribe's application is established by the Department's regulations at 25 CFR §§ 151.10(h) and 151.12. The transfer of land into federal trust is a federal action that triggers the requirements of the National Environmental Policy Act (NEPA). The BIA will serve as the Lead Agency for compliance with NEPA, which includes the preparation of an Environmental Assessment (EA).

IGRA generally prohibits gaming on lands acquired in trust after 1988, unless certain exceptions found in Section 20 of IGRA, 25 USC § 2719, are met. Here, the relevant exception being requested is 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 restoration of lands for an Indian tribe that is restored to Federal recognition" (25 USC § 2719 (b)(1)(B)(ii) and (iii)). The Section 20 exceptions are implemented through regulations found in 25 CFR Part 292. In addition to its fee-to-trust application under 25 CFR Part 151, the Tribe submitted a request under 25 CFR Part 292 for a restored lands determination.

In anticipation of future environmental policies that the Tribe may adopt, the Tribe has requested that a Tribal Environmental Impact Report (TEIR) be prepared to analyze the potential off-reservation environmental impacts of the Proposed Project. To reduce paperwork and eliminate redundancy, the TEIR will be prepared in coordination with the NEPA EA, resulting in a joint "EA/TEIR." The Koi Nation will serve as the Lead Agency for the TEIR.

This Alternatives Evaluation has been prepared to assist the BIA and Tribe in the identification of a reasonable range of alternatives to the Proposed Action for consideration in the EA/TEIR.

Section 2 | Summary of the Proposed Action

The Koi Nation submitted an application to the BIA on September 15, 2021 requesting that the Secretary of the Interior take approximately 68.6 acres of fee land (Project Site) in unincorporated Sonoma County, California, into trust for the benefit of the Tribe, pursuant to Section 5 of the Indian Reorganization Act, 25 U.S.C. § 5108 and its implementing regulations. The Project Site is located outside of, but contiguous to, the Town of Windsor (**Figure 1** and **Figure 2**), and approximately 12 miles from the Koi Nation's tribal headquarters in Santa Rosa, California. The Project Site is bordered by Shiloh Road and residential parcels to the north, Old Redwood Highway and residential parcels to the west, and agricultural and commercial parcels in unincorporated Sonoma County to the south and east (**Figure 3**). Existing land uses on the Project Site consist of a residence and operating vineyard; Pruitt Creek bisects the central portion of the site.

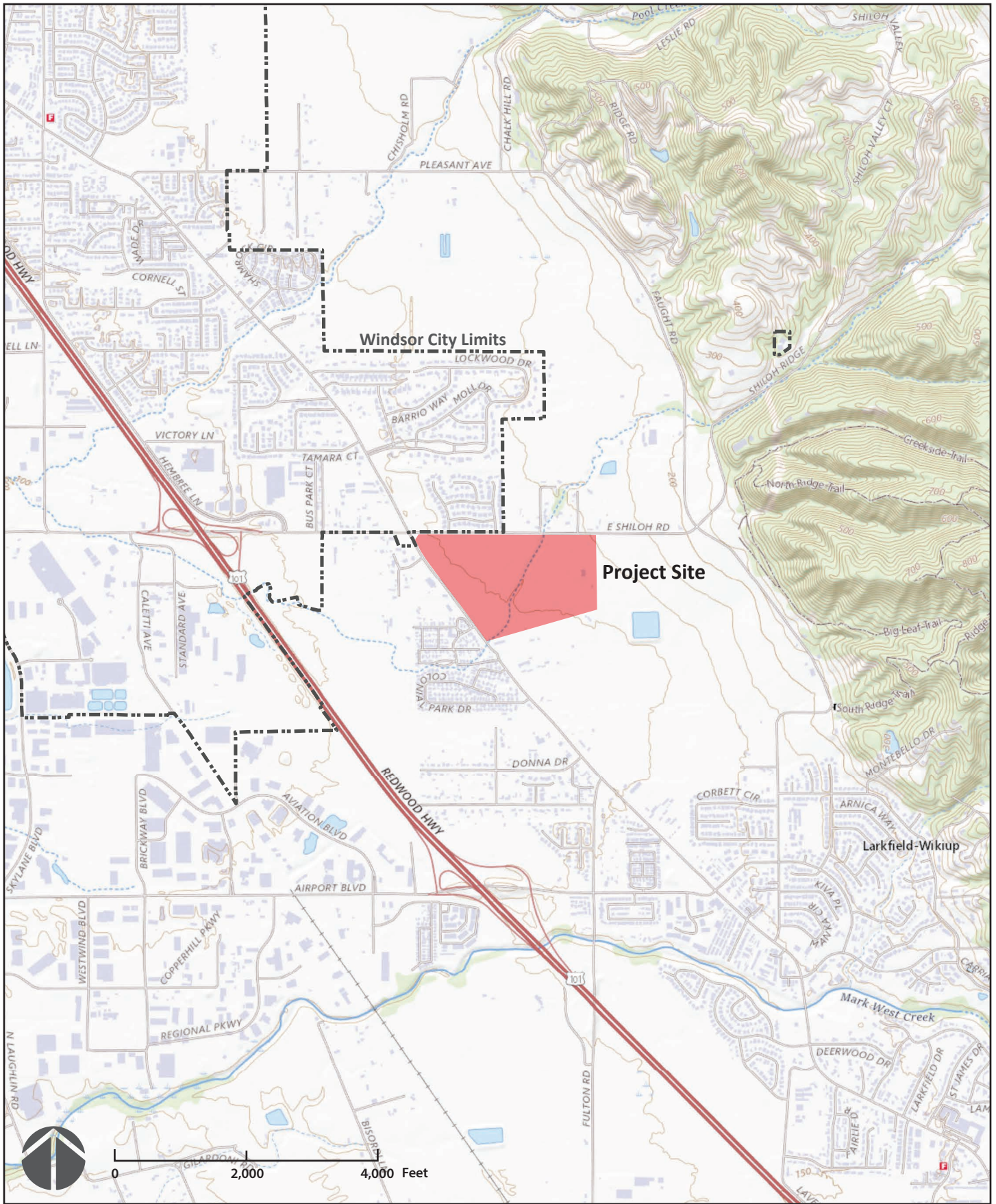
The Koi Nation's Proposed Project consists of the development of a resort facility within the Project Site that includes a three-story casino with 2,750 gaming devices, 105 table games, a food court, five restaurants, and four service bars; a five-story, 400-room hotel with spa; approximately 74,000 square feet of ballrooms/meeting space; and a 2,800-seat event center. Parking for the resort facility would be provided on the ground floor of the casino facility (800 spaces); in a four-story parking garage (3,692 spaces); and on a paved surface parking lot (618 spaces). Other supporting infrastructure, including the proposed water treatment and wastewater treatment facilities, would be located on the southeastern portion of the Project Site. The riparian areas of Pruitt Creek would be primarily avoided by the proposed development. The portions of the Project Site outside of the riparian area and building footprint would be landscaped, with existing vineyard areas maintained around the perimeter of the site to the extent feasible. A conceptual site plan for the Proposed Project is included as **Figure 4**.

Water supply to serve the Proposed Project is proposed through the use of on-site wells, and wastewater would be treated via a proposed on-site tertiary wastewater treatment plant (WWTP). Recycled water generated by the proposed on-site WWTP would be reused for toilet/urinal flushing, cooling systems, and for irrigation of the vineyards and landscaping, thereby reducing the potable water demands of the Proposed Project. During dry periods, excess recycled water would either be stored on-site in detention basin(s) or could be utilized to irrigate nearby agricultural fields and parks; during the rainy season, the tertiary treated effluent would be discharged to Pruitt Creek in accordance with a National Pollutant Discharge Elimination System permit from the U.S. Environmental Protection Agency. Access to the site may be provided through new driveways on Shiloh Road and Old Redwood Highway.



Source: Maxar imagery (4/16/2021)

FIGURE 1
REGIONAL LOCATION MAP



Source: USGS The National Map (June 2020)

FIGURE 2
VICINITY MAP



Source: Maxar imagery (4/16/2021)

FIGURE 3
PROJECT SITE



Source: Dale Partners

FIGURE 4
PROPOSED PROJECT SITE PLAN

Section 3 | Methodology and Screening Criteria

During the NEPA process, federal agencies are required to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources” (NEPA Section 102(2)(E)). The Council on Environmental Quality (CEQ) indicates that what constitutes a “reasonable range” of alternatives depends on the nature of the proposal and the facts in each case (CEQ, 1986), and that “[r]easonable alternatives means a reasonable range of alternatives that are technically and economically feasible, and meet the purpose and need for the proposed action” (1508.1(z)). In many cases the number of viable alternatives and variations approaches an infinite number. Accordingly, the federal agency is not obligated to analyze all viable alternatives, but instead must analyze an adequate range of alternatives. The BIA has considered alternatives in a manner that promotes informed public participation and informed decision-making. Several critical factors were considered in determining which alternatives should be subjected to detailed analysis and review.

Alternatives were screened using five criteria:

- ability to meet the purpose and need for the Proposed Action;
- feasibility, from a technical and economic standpoint;
- feasibility, from a regulatory standpoint, including ability to meet the requirements for establishing connections to newly acquired lands for the purposes of the “restored lands” exception set forth in 25 CFR § 292.12, which includes, but is not limited to, requiring that the land be within a 25-mile radius of the Tribe’s headquarters in Santa Rosa, California (25 CFR Section 292.12(2)) or where a significant number of tribal members reside (25 CFR Section 292.12(3));
- ability to avoid or minimize adverse environmental impacts of the Proposed Action; and
- ability to contribute towards a reasonable range of alternatives.

This report addresses alternatives raised during the scoping process as well as other reasonable alternatives identified using the criteria described above. Alternatives considered included alternate uses and configurations within the Project Site (described in **Section 5**), as well as numerous “off-site” locations (described in **Section 6**). The following factors were used to assist in narrowing the range of locations considered:

- size of site (more than 50 acres);
- accessibility, proximity to freeway or major roadway;
- topography;
- access to public services (law enforcement, fire, emergency medical);
- access to public or private utilities (water, wastewater, solid waste, energy);
- environmental constraints (e.g., likely presence of endangered species, wetlands, agricultural/open space easements); and
- availability for purchase.

Section 4 | Summary of Alternatives Raised During Scoping

Table 1 summarizes comments from the scoping period related to selection and analysis of project alternatives to be considered in the EA/TEIR, as well as where in this Alternatives Evaluation the relevant alternative is presented.

Table 1: Alternatives Raised During Scoping

Alternative	Location in Alternatives Evaluation	Notes
On-Site Alternatives		
A smaller/reduced intensity alternative	Section 5.1.1	Recommended for full consideration in the EA/TEIR as the Reduced Intensity Alternative
A non-gaming alternative	Section 5.1.2	Recommended for full consideration in the EA/TEIR as the Non-Gaming Alternative
An on-site alternative that utilizes public water and/or wastewater	Section 5.2.1	Eliminated from further consideration
An alternative that would develop housing	Section 5.2.2	Eliminated from further consideration
Alternative configurations of the Proposed Project	Section 5.2.3	Eliminated from further consideration. During the environmental review process, project design changes and/or mitigation will be considered to avoid or reduce impacts.
A no-action alternative or continued use of the Project Site as a vineyard	Section 5.1.3	Recommended for full consideration in the EA/TEIR as the No Action Alternative
Off-Site Alternatives		
An alternative in an industrial or commercial area	Section 6.1 (Table 2, Alternative Site 1) and Section 6.2.1	Eliminated from further consideration
An alternative located outside of Sonoma County	Section 6.2.2	Eliminated from further consideration
An alternative located on a site immediately off Highway 101 on Shiloh Road on a parcel that has had a development sign for years	Section 6.2.1	Eliminated from further consideration

Alternative	Location in Alternatives Evaluation	Notes
An alternative near the light rail line	Section 6.1 (Table 2, Alternative Site 1)	Alternative Site 1 is located approximately 0.5 miles from the Santa Rosa Airport light rail station and was eliminated from further consideration
An alternative located closer to the Santa Rosa airport	Section 6.1 (Table 2, Alternative Site 1)	The Project Site is approximately 1.75 miles from the Santa Rosa airport. Alternative Site 1 is located approximately 1 mile from the Santa Rosa airport and was eliminated from further consideration.
An alternative located within the Tribe's former Rancheria/aboriginal territory in Lake County should be considered.	Section 6.2.3	Eliminated from further consideration

Section 5 | On-Site Alternatives

5.1 On-Site Alternatives Recommended for Full Consideration

5.1.1 Reduced Intensity Alternative

As with the Proposed Project, the Reduced Intensity Alternative would involve the fee-to-trust transfer of the Project Site and subsequent development of a resort and casino facility; however, under the Reduced Intensity Alternative the intensity of the development would be reduced compared to the Proposed Project. The Reduced Intensity Alternative would include the development of a casino as proposed in the Proposed Project; a three-story, 200-room hotel with spa (half the number of rooms planned under the Proposed Project); approximately 33,000 square feet of ballrooms/meeting space (approximately 41,000-square-feet less than the Proposed Project); a four-story parking garage (3,692 spaces); and associated infrastructure (**Figure 5**). The Reduced Intensity Alternative would not include the development of the 2,800-seat event center and surface parking lot planned under the Proposed Project.

5.1.2 Non-Gaming Alternative

The Non-Gaming Alternative would involve the fee-to-trust transfer of the Project Site and subsequent development of a winery and hotel that would include a visitor center, a 200-room hotel with spa, a restaurant, and associated parking and infrastructure (**Figure 6**).

5.1.3 No Action Alternative

NEPA Section 1502.14(d) requires analysis of the No Action Alternative. Under the No Action Alternative, none of the development alternatives considered within the EA/TEIR would be implemented. The No Action Alternative assumes that the Project Site would not be taken into trust and the existing land uses on the Project Site would remain unchanged, including continued operation of the vineyard.

5.2 On-Site Alternatives Eliminated from Further Consideration

5.2.1 On-Site Alternative with a Public Water and/or Wastewater Connection

The Project Site is outside of the Town of Windsor's Urban Growth Boundary. Policy LU-7.10 of the Town of Windsor's 2040 General Plan states that sewer, water, and other Town services shall not be extended to new development outside the Urban Growth Boundary nor shall service to existing development outside the Urban Growth Boundary be expanded unless the Town Council makes a number of findings in



Source: Dale Partners

FIGURE 5
REDUCED INTENSITY RESORT AND CASINO PROJECT



FIGURE 6
NON-GAMING SITE PLAN

regard to the Proposed Project. The Town's letter submitted during the scoping period stated that "[t]he subject property is not within the Town of Windsor or the Windsor Water District boundaries and is therefore not available to be served by the Town of Windsor or Windsor Water District services (supply or reclamation)." Therefore, this alternative was eliminated from further consideration based on the criteria listed in **Section 3**, as it was found to be technically infeasible.

5.2.2 Housing Alternative

The Tribe has requested that the BIA acquire the Project Site into trust for gaming and economic development so that it may establish its economic land base in order to promote the general welfare of the Koi Nation and its members, raise governmental revenues, and create jobs for its members. The Tribe does not currently have sources for governmental revenues that would be sufficient to finance the construction of tribal housing on this Project Site and it would be speculative to assume that the Tribe could establish sufficient revenue in the near future without the development of an economic development project at another site (see **Section 6** regarding the consideration of off-site alternatives). Consequently, this alternative was eliminated from further consideration based on the criteria listed in **Section 3**, as it does not meet the purpose and need and is infeasible from an economic standpoint.

5.2.3 Other Configurations of the Proposed Project

As shown in the site plan for the Proposed Project (**Figure 4**), the casino-resort building, parking garage, and surface parking area are located outside of the riparian corridor of Pruitt Creek and the 500-year floodplain. The central location of these facilities within the Project Site allows for a buffer area of vineyards between the proposed development and existing uses to the north and east of the Project Site. The "Treatment Area," which would contain the water and wastewater treatment, storage, and associated infrastructure, is located in the southeastern corner of the Project Site, the furthest point on the Project Site from the majority of the residential uses in the vicinity.

Alternative configurations of the Proposed Project that would be located outside of the riparian corridor of Pruitt Creek and the 500-year floodplain, and maintain distance from the majority of sensitive receptors, would be generally in the same building footprint shown on **Figure 4**; therefore, an alternative configuration is likely to have substantially similar environmental impacts in comparison to the Proposed Project. If there is a significant impact from the Proposed Project, project design changes and/or mitigation will be considered to avoid or reduce the impact. Consequently, this alternative was eliminated from further consideration based on the criteria listed in **Section 3**, as it would not avoid or minimize environmental impacts or contribute to a reasonable range. A reduced intensity alternative and a non-gaming alternative have been recommended for full consideration to examine a reduced level of on-site development.

Section 6 | Off-Site Alternatives

6.1 Alternative Sites Considered by the Tribe

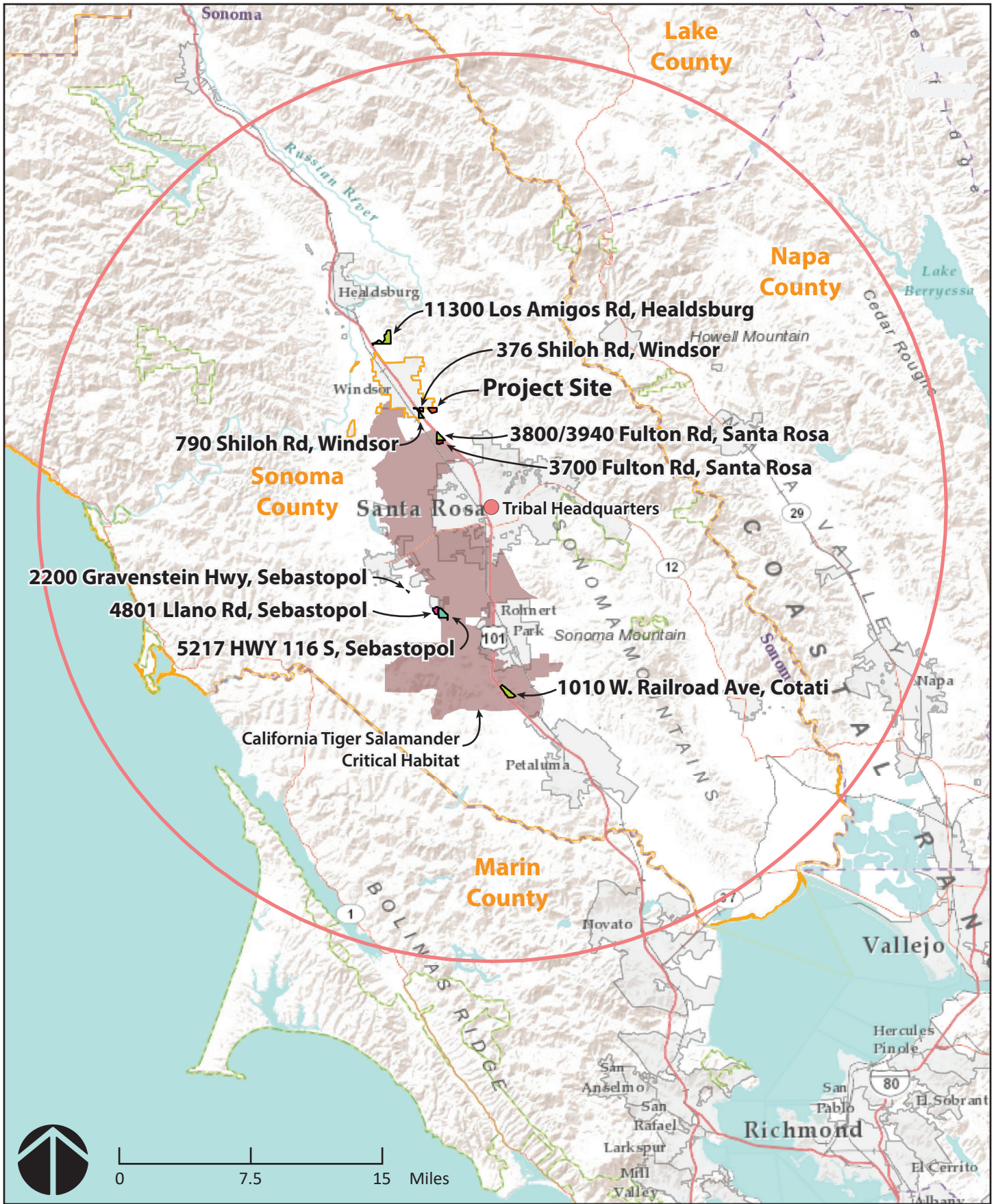
Following the determination by the United States District Court for the District of Columbia in 2019 that the Tribe had been “restored to Federal recognition” for purposes of IGRA (*Koi v Zinke*, 361 F. Supp. 3d 14), the Tribe engaged a local real estate broker to locate land eligible for developing a tribal gaming facility under 25 CFR Section 292.12. As a “restored tribe” seeking a “restored lands” determination, the Tribe limited its search to land that was near where a significant number of tribal members reside (25 CFR Section 292.12(2)), that being Sonoma County, or situated within a 25-mile radius from the Tribe’s headquarters (25 CFR Section 292.12(3)), located in downtown Santa Rosa. Over the course of the following two years, the Tribe considered numerous sites. Some sites were unavailable for purchase or were discovered in escrow late and the Tribe was unable to persuade the seller to break escrow. Other sites that were eligible for purchase were ultimately rejected for a variety of reasons including, but not limited to, property size, topography, road access, or environmental constraints (e.g., California tiger salamander critical habitat).

As part of this Alternatives Evaluation, a selection of the sites that were considered by the Tribe, but ultimately not purchased, were independently reviewed and compared to the screening criteria outlined in **Section 3**. All of these sites were eliminated due to one or more factors. **Table 2** lists the alternative sites considered for development and describes the reasons for their elimination. A figure showing the regional location of off-site alternatives listed in **Table 2** is provided as **Figure 7**.

Table 2: Alternative Sites Evaluation

Site Number	Location/Jurisdiction	Acreage	Description	Tribe's Reason for Elimination	Environmental Constraints	Recommendation
1	790 Shiloh Road, Windsor, Sonoma County	45.09	The site contains one 45,200 square foot manufacturing building and the remainder of the site is undeveloped. This site is located less than two miles from the Sonoma County Airport.	Development of the site could require a referendum due to the site's proximity to a school.	Development of the site would be restricted in the northern portion by the narrow shape of the site. Development on the eastern edge of the site near Redwood Highway would be restricted by a drainage connected to Pruitt Creek and associated riparian habitat. ³ The remaining usable portion of the site is approximately 30 acres which is less than what would be required to meet the purpose and need and be economically feasible. The site is just within the Traffic Pattern Zone of the Sonoma County Airport where high intensity uses are discouraged. ⁴ Location within this zone could create a potential hazard for the project (increased risk to patrons and employees from airplane accidents) and for air traffic (increased risk to aircraft from the height of buildings, bird attractants and new sources of light).	Eliminate from Detailed Consideration: The size of the site would not meet the purpose and need and would not be feasible from an economic standpoint. The location within an Airport Safety Zone presents the potential for hazards both to the project and to air traffic.
2	11300 Los Amigos Road, Healdsburg, Sonoma County	192.68	The site is developed with agricultural uses and several residential and supporting buildings.	The property was not for sale and the seller was uninterested in selling.	Not identified as the site was not available.	Eliminate from Detailed Consideration: The site is not available.
3	4801 Llano Road, Sebastopol, Sonoma County	57.74	Approximately 5 acres of the site are developed with a dog boarding facility and residential and supporting buildings. The remainder of the site is undeveloped with a tributary to the Laguna de Santa Rosa bisecting the parcel.	Over 50% of the site is located within the 100-year floodplain. The presence of floodplain and riparian habitat make the property unsuitable for development.	Over 50% of this site is located within the 100-year floodplain. ¹ A tributary to the Laguna de Santa Rosa and associated riparian habitat bisects the parcel. The northern half and western half of the parcel are shown as freshwater emergent wetland and freshwater forested/shrub wetland in the National Wetlands Inventory. ³ Only 15 acres of the site are not constrained by location within the 100-year floodplain, potential wetlands, and riparian habitat. The site is adjacent to CTS critical habitat (see Figure 7); however, suitable CTS habitat may be present on site as large portions are undeveloped. ² Two federally-endangered plant species have been recorded on the property, Sebastopol meadowfoam and Sonoma alopecurus. ²	Eliminate from Detailed Consideration: There is an increased potential for environmental impacts due to 1) on-site floodplain, 2) on-site wetlands/riparian habitat, 3) potential for impacts to special status species.
4	5217 Highway 116 S, Sebastopol, Sonoma County	104.21	The site is developed with agricultural uses and several residential and supporting buildings.	The presence of floodplain and riparian habitat would make the property unsuitable for development.	The northern portion of the site is located within the 100-year floodplain associated with the Laguna de Santa Rosa. ¹ Multiple wetlands and riparian habitat are located within the site. ² The site is within critical habitat for CTS (see Figure 7), suitable habitat is present on site and there are multiple recorded occurrences on nearby properties. ² A federally-endangered plant species has been recorded on the property, Sonoma alopecurus. ²	Eliminate from Detailed Consideration: There is an increased potential for environmental impacts due to 1) on-site floodplain, 2) on-site wetlands/riparian habitat, 3) potential for and recorded presence of special status species.
5	3700, 3800 & 3940 Fulton Road, Santa Rosa, Sonoma County	105.26	The site is developed with a church, agricultural uses and supporting buildings. This site is located 0.2 miles from a bus stop, and less than 3 miles from the Santa Rosa Airport.	The site has development constraints associated with California tiger salamander (3700 Fulton) and is under a Williamson Act contract (3800 and 3940 Fulton).	The site is within critical habitat for CTS (see Figure 7) and the site appears to contain potential habitat.	Eliminate from Detailed Consideration: There is an increased potential for environmental impacts due to on-site special-status species habitat.
6	2200 Gravenstein Highway, Sebastopol, Sonoma County	17.85	This property is developed with infrastructure to	The site was not large enough to satisfy preferred	Not identified.	Eliminate from Detailed Consideration: The size of the site would not meet the purpose and

Site Number	Location/Jurisdiction	Acreage	Description	Tribe's Reason for Elimination	Environmental Constraints	Recommendation
			support a long-running local flea market.	development requirements.		need and would not be feasible from an economic standpoint.
7	1010 W. Railroad Avenue, Cotati, Sonoma County	144.63	The site is developed with agricultural uses and several residential and supporting buildings.	The site is not suitable for development due to rocky hillside.	<p>The site's topography is not conducive to large-scale commercial development.</p> <p>The site is within critical habitat for CTS (see Figure 7), suitable habitat appears present in the southern majority of the parcel, and there are recorded occurrences in the vicinity.²</p> <p>The site may contain wetlands and a small portion of an unnamed tributary to Lichau Creek and associated riparian habitat.²</p>	Eliminate from Detailed Consideration: There is increased potential for environmental impacts due to on-site special-status species habitat. The variable topography of the site is not conducive to large-scale commercial development and thus development on this site would not meet the purpose and need and would not be feasible from an economic standpoint.
<p>Notes:</p> <ol style="list-style-type: none"> 1. FEMA, 2012. Flood Insurance Rate Map 06097C0857F. Revised October 16, 2012. 2. ESA, 2021. Environmental Review of Sonoma County Properties. 3. USFWS, 2022. National Wetlands Inventory Wetland Mapper. Available online at: https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper. Accessed August 16, 2022 and August 23, 2022. 4. Sonoma County, 2016. Comprehensive Airport Land Use Plan, Exhibit C4 Charles M. Schulz Sonoma County Airport Safety Zones. Adopted March 14, 2016. 						



Source: ESRI, USGS, NOAA

FIGURE 7
ALTERNATIVE SITES (within 25-mile radius from Tribal Headquarters)

6.2 Alternative Sites Identified by the Public

6.2.1 Undeveloped Site on Shiloh Road near Highway 101

During the public scoping period, commenters suggested an alternative located on a site immediately off Highway 101 on Shiloh Road on a parcel that “has had a development sign for the last five years”. Although no specific address was provided, it was determined based on the location information and review of the area that commenters were likely referring to the property at 376 Shiloh Road in Windsor or 790 Shiloh Road in Windsor. The property at 790 Shiloh Road was evaluated as Alternative Site 1 (Table 2) and eliminated from further consideration.

The property at 376 Shiloh Road is approximately 25 acres and is bordered by Shiloh Road to the North and Highway 101 to the west (see **Figure 7**). This site is currently under consideration for the Clearwater at Windsor Project, which includes: approximately 30,000 square feet of commercial space, located in four buildings along Shiloh Road and one building south of the buildings on Shiloh Road; 10 apartments located above ground floor commercial space on Shiloh Road; 34 memory care, 71 assisted living, and 141 independent living senior units in a building located on the eastern part of the parcel; and associated parking, landscaping and site improvements. Approximately half of the site is constrained by wetlands and rare plant habitat. In order to avoid and reduce impacts to these areas, development of the site is primarily located on the east of the site.¹

This site was eliminated from further consideration as a potential off-site alternative as it is currently in the process of obtaining approvals for the Clearwater at Windsor Project. Further, the site is only 25 acres, half of which is constrained by wetlands and rare plant habitat; therefore, the site developable portions of the site would be too small to accommodate a resort and casino facility. Consequently, this alternative was eliminated from further consideration based on the criteria listed in **Section 3**, as it would not meet the purpose and need or be economically feasible.

6.2.2 Alternative Site Outside of Sonoma County

As described in **Section 3**, one of the screening criteria is the site’s “ability to meet the requirements for establishing connections to newly acquired lands for the purposes of the “restored lands” exception set forth in 25 CFR §292.12, which includes, but is not limited to, requiring that the land be within a 25-mile radius of the Tribe’s headquarters in Santa Rosa, California (25 CFR Section 292.12(2)) or where a significant number of tribal members reside (25 CFR Section 292.12(3)).” The tribal headquarters for the Koi Nation has been located in Santa Rosa for over 20 years. As shown in **Figure 7**, the 25-mile radius from the tribal headquarters consists primarily of land in Sonoma County, with parts of Lake County, Napa County, and Marin County included as well. Of these counties, the highest concentration of tribal members is in Sonoma County with approximately 52% of the Tribe’s total membership (27% of tribal members residing within 2.5 miles of the Project Site). Approximately 25% of tribal members live in Lake County (outside of the 25-mile radius) and none live within Napa County and Marin County. Therefore, sites outside of Sonoma County are not likely to meet the requirements for the “restored lands” exception set forth in 25 CFR §292.12.

¹ <https://www.townofwindsor.com/1343/Clearwater-at-Windsor>

6.2.3 Alternative Site within the Tribe’s former Rancheria in Lake County

On January 25, 1916, the BIA purchased a 141-acre tract of land in Lake County, California (“Lower Lake Rancheria”), for use by the Tribe; however, many tribal members found the Lower Lake Rancheria to be uninhabitable and refused to relocate there, instead settling in Sonoma County between Sebastopol and Santa Rosa. The former Lower Lake Rancheria was located between the towns of Lower Lake and Clearlake Highlands (now incorporated into the City of Clearlake). As shown on **Figure 8**, the former Lower Lake Rancheria is over 25 miles from the Tribe’s headquarters in the City of Santa Rosa and is outside of Sonoma County, where approximately 52% of the Tribe’s total membership reside; therefore, this site may not meet the requirements for the “restored lands” exception set forth in 25 CFR §292.12. Further, in 1956 Congress passed legislation to sell the majority of Lower Lake Rancheria to Lake County. The County developed the property and opened Pearce Airport in 1957. For various reasons, Lake County closed the airport in 1992 and sold part of the land in 1995 to the Clearlake Redevelopment Corporation. Therefore, it is speculative whether the Tribe could acquire any of the former Lower Lake Rancheria.

6.3 Consideration of Additional Off-Site Alternatives

The Tribe has submitted substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites that ended with the purchase of the Project Site. While a “Restored Lands” opinion has not yet been issued by the BIA, the Tribe’s proposed Project Site appears to meet certain regulatory requirements for “restored lands” in that it is within 25 miles of the Tribe’s headquarters as well as where a significant number of residents reside. It was also determined to be a suitable size for development and was otherwise unencumbered by designated critical habitat and Williamson Act constraints. The Tribe does not own, nor does it have an option to own, an off-site property that would be suitable for the proposed development.

Consideration of a highly speculative circumstance under which the Tribe would be able to purchase an alternative site that could be developed with an economic enterprise with which to fund the tribal government would not aid in expanding the range of alternatives in a manner that promotes informed decision-making. Consideration of such an alternative would speculate that the Tribe would be able to purchase said site, and that the financial benefits of developing such a site would accomplish the purpose and need for the Proposed Action.

Therefore, consideration of an alternative site was rejected from full analysis as it would not meet the definition of a reasonable alternative that is feasible from an economic and technical standpoint, and thus would not accomplish the purpose and need for the Proposed Action.



Source: USGS

FIGURE 8
FORMER RANCHERIA LOCATION MAP

Section 7 | Summary and Conclusion

Based on the environmental setting and analysis presented in the above sections, the following alternatives have been selected for full analysis in the EA/TEIR based on the criteria defined in **Section 3**:

- Proposed Project Alternative
- Reduced Intensity Alternative
- Non-Gaming Alternative
- No-Action Alternative