

SECTION 1.0

INTRODUCTION

1.1 INTRODUCTION

This Final EIS (FEIS) has been prepared to address the environmental effects of taking 203.5 acres into Federal trust for the Tribe, and the development of a casino resort. The Department of the Interior, Bureau of Indian Affairs (BIA) is the federal agency that is charged with reviewing and approving Tribal applications pursuant to 25 CFR Part 151 to take land into federal trust status. For the purpose of this FEIS, the BIA serves as the Lead Agency for compliance with the National Environmental Policy Act (NEPA), with the United States Environmental Protection Agency (USEPA) Region 9, United States Fish and Wildlife Service (USFWS) Arcata Fish and Wildlife Office; United States Army Corps of Engineers (USACE), San Francisco District, Eureka Field Office; State of California Department of Fish and Game (CDFG); and City of Crescent City serving as Cooperating Agencies.

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 Regulations for Implementing NEPA (40 CFR Parts 1500-1508); and the BIA's NEPA handbook (59 IAM 3-H). NEPA requires the BIA to review and analyze the environmental consequences associated with the proposed actions. This document provides a detailed description of the development alternatives and an analysis of the potential consequences associated with the development of this project. The No Action alternative is also addressed as required under NEPA. This document includes a discussion of alternatives and mitigation measures.

PROJECT LOCATION

The project parcel (Assessor's Parcel Number [APN] 115-020-28), known locally as the Martin Ranch, is located 1 mile southeast of the City of Crescent City, California, adjacent to U.S. Highway 101 and Humboldt Road (**Figure 1-1**). The location of the property corresponds to portions of Section 35, Township 16N, Range 1W of the "Sister Rocks, California" U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle (**Figure 1-2**). An aerial photograph of the property is provided in **Figure 1-3**.

Insert Fig 1-1

Insert Fig 1-2

Insert Fig 1-3

SUMMARY OF THE PROPOSED ACTION

The federal action analyzed in this FEIS involves placing 203.5 acres into federal trust for the Tribe. The foreseeable consequence of this action would be the development of one of three alternatives analyzed in this FEIS (Alternatives A, B, and C). An additional alternative analyzes placing 22 acres into federal trust for development on an alternate site (Alternative D). The Preferred Alternative, Alternative A, includes the development of a hotel and casino complex, conference center, and parking facility. These actions are referred to collectively as the Proposed Action and are described in full detail within **Section 2.0** of this FEIS.

1.2 PURPOSE AND NEED

The Tribe proposed to take the Martin Ranch property into trust and develop recreational/tourist facilities on the property to improve the economic development potential of the Tribe. According to the 2000 Census (U.S. Census Bureau, 2002), over 55 percent of the Tribal population, 16 years of age or older, are not in the labor force. Out of the Tribal population, approximately 13 percent of the civilian labor force is unemployed. Median household income for the Tribe is \$18,750, which is below that of the County of Del Norte (\$29,642) and City of Crescent City (\$20,133). Approximately 26 percent of the overall Tribal population is below the poverty level.

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 major federal actions significantly affecting the quality of the human environment. This document has been completed in accordance with the requirements set out in NEPA (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality

(CEQ) Regulations for Implementing NEPA (40 CFR §§ 1500-1508), and the BIA's NEPA handbook (59 IAM 3-H).

This FEIS has been prepared to analyze and document the environmental consequences associated with the proposed transfer of 203.5 acres of land into federal trust status for the Tribal government and development and use of a hotel/casino complex, conference center, and parking facility on the Martin Ranch parcel.

The BIA published a Notice of Intent (NOI) in the *Federal Register* on November 21, 2003 (**Appendix P**), describing the Proposed Action, and announcing the BIA's intent to prepare an EIS for the Proposed Action. A scoping meeting was held in Crescent City on December 15, 2003 and a scoping report was issued in February 2004 (BIA, 2004).

During the NOI comment period ending December 30, 2003, the BIA identified five Cooperating Agencies: the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, State of California Department of Fish and Game, and the City of Crescent City. The National Park Service, and County of Del Norte did not respond to requests by the BIA to serve as Cooperating Agencies. The California Coastal Commission declined to participate as a Cooperating Agency.

An administrative version of the Draft EIS (DEIS) was circulated to cooperating agencies and the California Coastal Commission in April 2005 for review and comment. Comments were taken into consideration and changes were made based on these comments before the public release of the document. The public review and comment period began after the Notice of Filing with the USEPA in the *Federal Register*. The USEPA Notice of Availability (NOA) appeared in the *Federal Register* on September 30, 2005, starting the 60-day comment period, which ended on November 28, 2006. The NOA published by the USEPA provided the document title, comment period, and contact information. A separate NOA was published by the BIA and appeared in the Daily Triplicate, which circulated in the County of Del Norte, on September 29, September 30, and October 5, 2005. The NOA published by the BIA provided information on the proposed project, public comment period, and time and location of the public hearing on the DEIS. The NOA published by the USEPA and the NOA published by the BIA are included in **Appendix R**.

At the beginning of the comment period, the DEIS was distributed to federal, Tribal, state, and local agencies and other interested parties for review and comment. The public hearing was held at the Elk Valley Rancheria Community Center in Crescent City, California on November 2, 2005. A transcript of the public hearing is included as **Appendix S**. Comments received during the comment period, including those submitted or recorded at the public hearing, are considered in this FEIS. Comment letters received during the comment period appear in **Appendix T**. Responses to these comments are provided in **Appendix U**. The responses section also notes where changes were made in the FEIS based on comments received.

A preliminary version of the FEIS was circulated to cooperating agencies for review and comment. This FEIS will be made available for public review and comment prior to issuance of the Record of Decision.

1.4 SCOPING

The 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 (§1501.7). The scoping process entails identifying environmental issues by soliciting comments from agencies, organizations and individuals. The NOI provided a thirty-day comment period when comments and concerns on the scope and implementation of the EIS could be submitted. This comment period ended on December 30, 2003. The issues that were raised during scoping have been summarized within the *Elk Valley Martin Ranch EIS Scoping Report*. This report was issued by the BIA in February 2004 and is available for review at the BIA’s Pacific Region Office at 2800 Cottage Way, Room W-2820, Sacramento, CA 95825-1846. This FEIS addresses the relevant issues and concerns summarized within the scoping report as well as comments received on the DEIS.