

County of Sonoma and Sonoma County Water Agency

**DRAFT Comments on the
Graton Rancheria Casino and Hotel Project
Draft Environmental Impact Statement (DEIS)**

The County of Sonoma and the Sonoma County Water Agency (SCWA) hereby submit comments to the National Indian Gaming Commission (NIGC) on the NIGC's Draft Environmental Impact Statement (DEIS) for the Graton Rancheria Casino and Hotel Project (proposed project). The project is proposed by the Federated Indians of Graton Rancheria (Tribe or project proponent). The County and SCWA have been and remain deeply concerned about the size and scope of the proposed project, and its likely significant impacts on the County and its residents and environmental resources.

These following summary identifies the County and SCWA's primary concerns and the DEIS's most important deficiencies, errors, and ambiguous language. Attached is a table that provides our complete comments. The table provides further comments on specific resource areas, as well as more general comments on the DEIS.

The DEIS must be revised and recirculated.

Following careful review by County staff and others, it is clear that the DEIS must be extensively revised and recirculated. The DEIS contains inadequacies that prevent the NIGC from fulfilling its statutory requirements to take a "hard look" at the full impacts of the proposed project and "insure that planning and decisions reflect environmental values." (NIGC NEPA Guidance Manual, § 1.2.) The document fails to meet National Environmental Policy Act (NEPA) requirements regarding the analysis of connected actions, the evaluation of potentially significant environmental impacts, the mitigation and monitoring of those impacts, and the full and fair disclosure of all reasonable alternatives.

The DEIS fails to properly understand and convey the unprecedented nature of this project, and its true impact on the community and the environment. Its content demonstrates, at most, a cursory understanding of the circumstances found in the County.

The proposed project would be the single most intensive development project ever undertaken in Sonoma County. It simultaneously proposes both the largest hotel/resort complex in Sonoma County and the introduction of massive new Las Vegas-style casino gaming in an urban setting already experiencing significant traffic congestion, water shortages, and other significant impacts. The project is of such a magnitude that, if implemented as proposed, it would cripple the overburdened transportation system relied upon by the County's residents, visitors and regional commerce, and aggravate demands for health, safety, and other crucial public services.

Once taken into Trust, Tribal lands fall outside the jurisdiction of local government. This places a special burden on NIGC and the Tribe to analyze all impacts in a fair and complete way.

The DEIS improperly ignores connected actions.

NEPA requires an EIS to evaluate and mitigate all the impacts of a proposed federal action, including impacts resulting from actions needed to implement the project. The DEIS repeatedly acknowledges that implementation of the proposed project would require considerable off-site improvements, including new pipelines, roadway expansions, and similar construction. These are "connected actions" under NEPA (40 CFR § 1508.25(a)(1); NIGC NEPA Guidance Manual §

2.7.4.1), and the DEIS must therefore analyze, mitigate, and monitor the effects of implementing the improvements with the rest of the proposed project. The DEIS may not simply note that these project elements are necessary and will be built, while leaving proper environmental analysis to some future time and other parties.

The DEIS effectively segments the proposed project by not rigorously analyzing and mitigating the effects of the required off-site improvements. This segmentation masks the proposed project's true environmental costs, and violates NEPA's requirement that an agency evaluate an entire course of action "at the earliest possible time." (40 CFR §§ 1502.4(a), 1502.2(f); NIGC NEPA Guidance Manual § 1.2.) The DEIS must be revised and recirculated to accurately reflect the full scope of the project, and fully disclose, analyze, and mitigate all potential impacts. Without this additional work, neither the public nor decision makers can fully understand the consequences of approving the proposed project.

The DEIS evidences a cursory understanding of local conditions and provides an inadequate, inaccurate, and incomplete analysis of many impacts.

Traffic

The proposed casino alternatives would generate 18,250 vehicle trips per day, traffic equivalent to an entire lane of Highway 101 all by itself. These additional vehicles would travel on already severely congested highway, and on narrow country roads that cannot accommodate them. This traffic would cause significant adverse impacts including sharply increased congestion, vehicle accidents, and roadway deterioration.

The proposed project would have similarly adverse effects even before it opens. Site preparation alone would require delivery of fill material at the rate of one truck every minute, 8 hours a day, for 5 months—nearly 46,000 total trips in all. Construction would then require 600 to 800 workers to arrive and depart from the site all at about the same time, and all during peak traffic hours. This extensive, large-vehicle traffic would cause substantial impacts on Highway 101 and local road congestion, roadway deterioration, and on nearby residents and businesses.

The DEIS fails to properly disclose, analyze, and mitigate these and other significant impacts. The DEIS fails to compare the proposed project's traffic impacts against existing conditions, as required by NEPA, or even to a realistic set of conditions that are likely to exist when the proposed project can reasonably be expected to commence operations. The DEIS instead compares impacts to an improbable "year 2008" set of conditions that incorrectly assumes completed construction of significant traffic improvements that are not fully or even partially funded. This analysis assumes that Highway 101 has been widened to six lanes from the Old Redwood Highway interchange in Petaluma to the existing six-lane section north of Santa Rosa Avenue. It also assumes that the Wilfred Avenue-Golf Links interchange reconstruction is complete. These critical improvements will not be complete by 2008, and are unlikely to be in place by even 2011 or 2012. The DEIS's assumptions lead to a very "project friendly" but irrelevant set of findings that have no basis in reality.

The DEIS compounds this error by using 2008 for background traffic volumes instead of 2010 or 2011, which the County believes is the earliest time that the Project could be completed and operational. This error understates traffic impacts for all alternatives by relying on background traffic volumes that will be two or three years out of date by the time the Project is operational.

The DEIS has thus failed to take a “hard look” at the proposed project’s traffic impacts, and failed to provide decisionmakers and the public with the full and fair information necessary to conduct a meaningful review of the proposed project.

The entire traffic analysis for all alternatives must be redone as follows and included in a recirculated DEIS:

- The DEIS should analyze project impacts against the baseline traffic conditions that existed at the time the NIGC issued the Notice of Preparation.
- The DEIS should further analyze project impacts against a 2011 or 2012 horizon. This analysis should only assume the construction of fully funded roadway improvements. This could also include any improvements that are currently partially funded but that the Tribe will guarantee to supply all remaining funding in a timeframe that will allow improvement completion before the project opens for operation.

The DEIS also fails to explain that its preferred local access to the Wilfred site, Wilfred Avenue, would remain a County road unless and until it is annexed by the City of Rohnert Park, consistent with the City’s general plan. Until such annexation occurs, Wilfred Avenue is the least appropriate access road from level of service (LOS), safety, and growth inducement standpoints. Wilfred Avenue cannot accommodate the proposed project’s traffic, would require major reconstruction and widening, and would deliver traffic to a Highway 101 interchange that will remain complex and confusing even with a future redesign.

The DEIS should instead designate the Rohnert Park Expressway as the major access route to the Wilfred site. The DEIS should require the project proponent to direct traffic to the Rohnert Park Expressway (first priority) and Stony Point Road (second priority), both of which were designed to handle higher traffic volumes than Wilfred Avenue, and which would have dramatically less impact to surrounding rural neighborhoods. This access plan would increase traffic distribution to the fully developed Highway 101/Rohnert Park Expressway interchange, and keep proposed project traffic on improved roads in developed areas, rather than on minor rural roads in close proximity to neighborhoods.

The DEIS also fails to fully address the impacts of improving Wilfred Avenue, should it be used. The DEIS incorrectly presumes “other” development will occur between the Wilfred site and current City limits before the proposed project is constructed, and that that development would bear a significant portion of the cost of improving Wilfred Avenue in the area. In fact, little to no development is planned to occur before the casino begins operations. The DEIS also improperly relies on the Memorandum of Understanding between the City of Rohnert Park and the Tribe, which calls for the Tribe to contribute a fixed amount toward City Wilfred Avenue reconstruction costs. Unless the City annexes this area, most of this road remains under County jurisdiction and the MOU does not affect the county-maintained portion of Wilfred Avenue. The DEIS does not acknowledge this issue, much less squarely address it.

Improving the County portion of Wilfred Avenue would require the project proponent to design roadway improvements, produce CEQA documents and mitigation, acquire permits, acquire right-of-way, and administer construction contracts. The DEIS should be revised and recirculated to assign this work to the project proponent, and to disclose, analyze, and mitigate the significant environmental impacts that would occur.

Socioeconomic and Public Service Impacts

Development of the casino alternatives would create significant adverse effects beyond the physical changes wrought on the community. The proposed project would create a substantial on-going demand for a variety of health and human services provided by Sonoma County, including services addressing addictive and antisocial behaviors associated with gaming and drinking. This increased demand would dramatically increase the County's costs in providing health and social services, decrease the help available to existing County residents and visitors, or both. Socioeconomic impacts thus represent a crucial area of discussion and analysis in this DEIS, especially in light of the magnitude and perpetual nature of the impacts.

Unfortunately, the DEIS presents a fatally flawed analysis of socioeconomic impacts and revenues for all casino alternatives. The DEIS relies entirely on a faulty methodology and set of assumptions. Affected populations are miscounted, costs of services are grossly underestimated, and the anticipated employee housing demand is confused at best. The DEIS's proposed mitigation measures are inadequate even to address its flawed and understated impacts, and wholly insufficient to address the true impacts of the proposed project.

The DEIS's central error is its assumption that the demand for services would be similar to that of any other business in the County. The DEIS sometimes anticipates and acknowledges the significant service demands that would be generated by 28,000 daily patrons of the proposed facility. Yet elsewhere the DEIS assumes only employees would require services, ignoring patron demands completely. Similarly, the DEIS sometimes acknowledges the need for new employee housing; yet elsewhere states that all of the proposed project's 2,600 new employees will come from the local area, and that no new housing would be required.

This analysis is both confusing and deeply flawed. No substantial evidence supports the DEIS's conclusion that 28,000 daily patrons would generate *no* demand for County services. Similarly, no substantial evidence supports the DEIS's conclusion that the creation of 2,600 new jobs would create *no* demand for local housing. The relevant demographic and other evidence instead supports the contrary conclusion, that the proposed project would cause significant impacts to County service providers and increase local housing demand. The DEIS must be revised and recirculated to take a hard look at these issues.

Water Resources

The DEIS's evaluation of water supply and runoff is built on incorrect assumptions and faulty analysis. The DEIS fails to account for flood risk as a result of site alterations and increased runoff, and appears unaware of how management practices on the local drainage system affect the system's ability to transport runoff.

Recent studies performed by SCWA and the U.S. Army Corps of Engineers analyzed hydrologic conditions for the Central Sonoma Watershed Project and concluded that natural waterways and constructed channels within the watershed would experience flows during a 100-year storm event greater than anticipated by the original design for those facilities. Indeed, the Wilfred site is within the "Flood Prone Urban Area" defined in Chapter 7-13 of the County Code (building regulations). Localized flooding is common in the areas of the Wilfred site due to relatively flat topography and slow stormwater percolation into the soil, and even small amounts of fill can dramatically alter drainage patterns and cause flooding of nearby properties. The proposed project would place a massive amount of fill on the site, and engineering calculations are

necessary to demonstrate that the fill would not adversely affect drainage on nearby properties. The DEIS must be revised and recirculated to include these calculations, and to account for the increased flood risk due to both diminished capacity in nearby waterways and channels.

The DEIS should further be revised to acknowledge uncertainty about the SCWA's ability to provide a water supply to its water contractors, including the City of Rohnert Park, for the reasons described in the SCWA's Urban Water Management Plan (UWMP). SCWA based its UWMP analysis on certain reasonable assumptions. Changes in these assumptions could affect SCWA's ability to divert water from the Russian River or to construct and operate the Water Project.

The DEIS thus should not assume that SCWA will be able to deliver to the City the current allocation of 75,000 acre-feet per year as set forth in the Restructured Agreement for Water Supply. First, that allocation was premised upon the assumption that SCWA would construct the Water Supply and Transmission System Project (WSTSP). As noted in SCWA's UWMP, SCWA no longer intends to construct the WSTSP but instead intends to construct and operate the Water Project. Second, that allocation was based on an outdated analysis of the amount of water reasonably needed by the City from SCWA to meet the City's future demands. A new analysis is found in SCWA's UWMP. The DEIS should use the UWMP as the basis for its analysis of this significant issue.

A portion of the City's future water demand is expected to be met by local supply and recycled water projects that the City will develop and implement. To the extent that the proposed project would increase the City's future water demand, the DEIS should identify and analyze the environmental impacts of developing additional local supply and recycled water projects to meet those demands. If any local supply project would rely on groundwater, the analysis should include an evaluation of the project's impacts on the long-term sustainability of any affected groundwater basin.

The DEIS should further evaluate the status of the City's implementation of water conservation programs to offset future demand. SCWA's UWMP assumes that the City will continue to implement existing water conservation programs, and institute aggressive new water conservation programs in the future. To the extent that the proposed project would increase the City's future water demand, the DEIS should evaluate the status of the City's implementation of these programs, and identify others that may be required to offset the proposed project's water consumption.

The reliable capacity of SCWA's transmission system is currently limited to 92 million gallons per day. Summertime demands on SCWA's transmission system may exceed this capacity. To the extent that the proposed project could increase peak summertime demands, the DEIS should discuss ways in which peak summertime demands from both the project specifically and in the City's service area generally could be reduced.

Public Safety

The DEIS misstates or ignores County responsibility for public safety at all of the potential alternative project sites. Rather, it erroneously ascribes public safety responsibility to the City. Consequently, the DEIS fails to identify, adequately analyze, and mitigate impacts of the proposed project on the County's public safety services.

All alternatives including the proposed project are located within unincorporated Sonoma County. The County Sheriff's Department has jurisdictional authority for law enforcement services, and retains its authority under Public Law 280 even if a site goes into trust. The Sheriff has not delegated or ceded its authority to the City of Rohnert Park.

As a result, the DEIS's description and analysis of public safety services is inaccurate and entirely inadequate. The DEIS misrepresents jurisdictional authority, understates level-of-service requirements by using an erroneous service-to-population ratio, and does not propose any measures adequate to address public safety impacts on the County. The DEIS must be revised and recirculated to squarely address jurisdictional issues and the proposed project's significant public safety impacts.

Fire Services

As with Public Safety, the DEIS misstates or ignores the responsibility of County fire districts for providing fire protection to all proposed sites. By failing to accurately describe jurisdictional responsibility for fire protection, the DEIS failed to adequately analyze and mitigate the proposed project's impacts on the County's fire protection services.

The DEIS incorrectly identifies the City as providing fire services to the proposed project when, in fact, the Rincon Valley Fire Protection District provides these services to properties within County jurisdiction. The DEIS must be amended to describe the appropriate service providers, analyze impacts, and put forward suitable and adequate mitigation. The analysis must include service demand impacts on each of the service providers in the area. In the absence of appropriate mitigation, these impacts remain significant.

The fire district relies on property tax revenues. Removing the casino property from the County tax rolls diminishes fire district revenue, further affecting its service levels.

Mitigation measures and corrections to the DEIS mirroring those identified under Public Safety and similar mitigation should be incorporated as appropriate for fire protection services.

Health and Ambulance Services

The casino/hotel project is intended to attract large numbers of people, some of whom suffer from addictive behaviors. Compulsive gamblers and alcoholics wreak havoc on their personal lives and the lives of those around them—financially, emotionally, and, too often, physically. The casino atmosphere will create DUI problems on local streets and Highway 101, increase demands for treatment and counseling programs and diversion programs for arrested patrons, and generate a substantial ripple effect through County-provided services including child welfare, addictive behavior treatment programs, and the judicial system. The DEIS does not address these impacts in a meaningful way, nor propose appropriate and sufficient mitigation.

As with both public safety and fire services, ambulance services would be called upon to respond to actual emergencies and "false alarms" at the casino, as well as respond to an increased number of traffic accidents involving patrons and employees. The proposed project would thus lower the standards for ambulance response throughout the County, and compound the resulting impacts by significantly increasing traffic congestion on Highway 101 and local roads, decreasing response times. The DEIS does not fully analyze these adverse effects, nor identify appropriate mitigation to reduce them to less than significant.

Air Quality

The air quality analysis in the DEIS and its Appendix W contain serious technical errors that dramatically understate the project's construction emissions by as much as ten-fold. The description and assessment of air quality impacts is inadequate, to the point of making an accurate characterization of project air quality impacts impossible. The DEIS grossly understates the number of pieces of equipment that would be operating at the construction site. Although construction impacts (e.g., PM_{2.5} and PM₁₀) would be temporary, given the existing problems meeting these dust standards in northern Sonoma County, even these impacts could result in public health impacts to sensitive receptors.

The Draft Conformity Analysis needed to obtain a Conformity Determination required for project approval by EPA is incomplete with respect to NO_x. The DEIS concedes that a Conformity Determination would have to be made because NO_x emissions exceed the *de minimus* levels, but provides no further analysis and identifies no NO_x emission reductions or offsets. To meet EPA standards, the project must be reduced in scope and scale to fall below emission limits, or it must mitigate by purchasing "offsets" that, when combined with project emissions, effectively bring the project down to emission levels below EPA's limits. The DEIS leads a reviewer to believe that offsets could simply be purchased, but offers no evidence that this strategy has been investigated. The DEIS should provide information of how and where such offsets are to be obtained. It may be infeasible to identify sufficient offsets, in which case the proposed project would need to be reduced in size and scope, or be in violation of EPA emission limits. The DEIS should acknowledge that offsets may be hard or impossible to acquire in this air basin, and the scope of the project may need to be reduced to meet NO_x and other conformity standards.

The DEIS requires only that the project proponent purchase as-yet-unidentified offset credits for VOC and PM emissions "if available." The DEIS must identify the specific credits or other methods that would use to offset project air quality impacts, and delete the "if available" exception. In addition, the offsets should benefit Sonoma County, where much of the project emissions would occur.

Noise

The Wilfred site is rural in character, with corresponding low, rural noise levels. The proposed project would dramatically increase ambient noise levels by imposing substantial additional traffic on neighbors and along principal traffic routes. Unfortunately, the DEIS does not provide enough information to quantify noise impacts to sensitive receptors. The key long-term impacts with the greatest potential to cause harm to public health are those from project traffic and operations noise during evening/nighttime and weekend hours, when receptors are most sensitive. The DEIS should provide verifiable noise level projections, and put forward mitigation measures to address these.

Land Use

The Wilfred site is within Rohnert Park's sphere of influence and shown in the City's general plan as a mix of commercial and residential uses. Unless and until this land is annexed to the City, however, the Wilfred site is subject to the County's General Plan. The General Plan is the County's constitution for all future development, and its ultimate expression of public and official objectives for the orderly development of the community. The proposed project is

inconsistent with the adopted County General plan on many counts. As enumerated in the more detailed comments, the proposed project is inconsistent with the land use designation for the Wilfred site as well as numerous policies and goals enumerated in the General Plan, including those pertaining to development within a Community Separator. Indeed, absent annexation, the project would be the antithesis of the County's plan for this land, which includes only agricultural and scenic open space uses.

The DEIS acknowledges that the proposed casino would be inconsistent with several local land use regulations, while at the same time concluding that conflicts with surrounding land uses "are not expected." This conclusion is an unsupported supposition at best, and at worst an improper dismissal of the thoughtful planning processes employed in the County to avoid or minimize land use conflicts and preserve the agricultural and scenic objectives of the General Plan.

The DEIS also improperly dismisses the loss of agricultural land by stating that the soil at the Wilfred site is not of a superior type. This conclusion ignores the fact that some of the County's most productive and valuable agriculture (i.e. vineyards) occurs on less than ideal soil.

Visual

The visual impacts of the proposed project, including its size, mass, design, lighting and glare, and signage, would dramatically and adversely affect the surrounding community. The project would be visible from local streets and roads and residences over a large area, including from Highway 101. The size of the structure alone would dominate any existing or future development in the surrounding rural and urban communities. The proposed project's scope does not resemble the existing commercial development in the area, nor what is likely to occur in the future without the casino. The simulations provided in the DEIS improperly minimize the proposed project's aesthetic impacts by excluding landscaping, the full definition of the structure and façade, and surface parking.

The DEIS similarly does not provide a reasonable analysis of night lighting and glare, one that discloses the adverse effects on off-site locations. The simulations provide only a mid-day 'view' of the proposed casino, ignoring the significant visual intrusion of a lit-up casino operating through the night. As result, the DEIS fails to explore or provide necessary mitigation measures.

The DEIS thus provides essentially no analysis of visual impacts that would allow a meaningful comparison of the alternatives. The DEIS must be revised and recirculated to adequately describe and mitigate the impacts of the various alternatives.

Biology

The endangered California tiger salamander is likely to be seriously harmed by the project. The Stony Point and Wilfred sites lie within an area midway between the key Santa Rosa and Rohnert Park/Cotati California tiger salamander population areas. Development of the proposed project would create significant barriers to species mobility and migration, putting survival of the local population at risk. The DEIS must be revised and recirculated to identify direct and indirect adverse impacts on the tiger salamander and other special-status animal and plant species. Appropriate protocol surveys must be conducted within the property proposed for development, and in any areas where implementation of project-related mitigation measures, such as road widening, highway improvements, and pipeline installation, have the potential to affect wetlands or special-status species. The recirculated DEIS must identify areas for

biological impact mitigation, and analyze and mitigate any impacts of implementing the proposed measures.

Cumulative Impacts

Understanding cumulative impacts is a crucial part of the NEPA review process. Yet the DEIS relies on the error-filled resource sections of the document to reach conclusions that the proposed project's cumulative impacts would be less than significant. The DEIS misses the unprecedented, transformative impact the proposed project would have on the County and its communities. The DEIS must be revised to correct the individual resource sections and undertake a full, meaningful analysis of cumulative impacts.

The mitigation measures presented in the DEIS are not commitments and include no enforcement mechanisms.

The DEIS correctly notes that NEPA requires the inclusion of means to mitigate adverse environmental impacts, including limitations on the size of the proposed project and its implementation. (40 CFR §§ 1502.14(f), 1502.16(h), 1508.20(b).) NEPA further requires the inclusion of a monitoring and enforcement program to ensure that mitigation measures are implemented. (40 CFR § 1506.2(c), NIGC NEPA Guidance Manual §§ 2.7.3.5, 2.7.4.7.)

The DEIS lists mitigation measures that are “recommended” for the various alternatives. The DEIS does not require that the project proponent actually implement any of the measures, and includes no monitoring or enforcement program of any kind. The DEIS thus includes no commitment or guarantee that the project proponent would mitigate adverse impacts at all, much less reduce them to less-than-significant levels.

Absent an enforceable commitment, the measures set forth in the DEIS do not constitute actual mitigations, and do not support the document's claims that impacts of the proposed project will be less than significant. The DEIS must be revised and recirculated to require actual implementation of all proposed mitigation measures, articulate a monitoring program to verify compliance, and identify enforcement steps that the NIGC would take to ensure compliance.

The analysis of alternatives is inadequate.

The only real way to mitigate many of the proposed project's adverse environmental impacts is to reduce to the size and intensity of its gaming operations. A reduced gaming project is a reasonable alternative that the DEIS must “[r]igorously explore and objectively evaluate” in substantial detail. (40 CFR § 1502.14(a)(b).)

Yet the DEIS includes just one reduced intensity alternative that would not reduce the casino gaming portion of the project, and would not even be located on the Wilfred site. The DEIS concedes that this Alternative D does not actually identify changes to the proposed project, Alternative A, but is rather “a scaled-down version of Alternative B.” Alternative D would not be located on the Wilfred site, would not reduce casino gaming in any way, and would make only minimal changes to the rest of the proposed project. The DEIS acknowledges that Alternative D would only remove “the spa and some entertainment venues,” 200 hotel rooms, and 200 of the proposed project's 1,615 food and beverage seats.

The DEIS briefly mentions an Alternative H that would consist of Alternative D's project configuration on the Wilfred site. The DEIS does not actually analyze this alternative, but rather states that it will be added to a Final EIS and considered by the NIGC. This approach is

improper. The alternatives section is “an essential part of NEPA” and “the heart of the environmental impact statement.” (40 CFR § 1502.14, NIGC NEPA Guidance Manual § 2.7.3.2.4.) Including Alternative H in a Final EIS would not allow non-NIGC reviewers and the public a proper opportunity to evaluate its comparative merits. The DEIS must be revised and recirculated to fully analyze Alternative H.

The DEIS must also be revised and recirculated to fully address a new Alternative I that would reduce the number of slot machines and other proposed casino gaming. As noted above, the DEIS contains *no* reduced gaming alternative, even though casino gaming is the largest driver of the proposed project’s traffic, socioeconomic, fiscal, and other impacts. This inadequacy must be rectified in a recirculated DEIS.

The DEIS states that the proposed project’s purpose and need is to provide a revenue source to improve the Tribe’s socioeconomic status, strengthen its self-governance, provide employment opportunities, and fund local and Tribal programs. These objectives do not dictate a particular kind of revenue source, nor the size or intensity of that use. Nor should they; the NIGC should instead to examine all reasonable alternatives that would meet the Tribe’s objectives, including non-gaming and reduced gaming alternatives that might be less lucrative.

The DEIS properly evaluates one non-casino project in depth, demonstrating that non-gaming approaches could provide for the Tribe’s economic and other objectives. The DEIS does not provide sufficient evidence to support its conclusion that no other non-gaming alternatives would meet the purpose and need, however. Investment and development partners presumably could have been found for other economic development projects that would meet the Tribe’s objectives. The DEIS should be revised and recirculated to consider additional non-gaming alternatives in greater depth.