

History and Current Status of Graton Casino Project

The Graton Rancheria Restoration Act of 2000 restored the Graton Tribe to federally recognized status. The Restoration Act allowed the Tribe to establish a reservation through the fee-to-trust process, required the Secretary of the Interior to accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, and provided that property taken into trust for the benefit of the Graton Tribe shall be part of the Tribe's reservation.

In 2003, the Graton Tribe secured an option on land in the unincorporated County, adjacent to the City of Rohnert Park, and within the City's urban growth boundary and sphere of influence (Wilfred site). In early 2004, the National Indian Gaming Commission (NIGC) published notice of its intent to prepare an Environmental Impact Statement (EIS) and on March 10, 2004, held a public scoping meeting at the Luther Burbank Center in Santa Rosa.

Concerned about the adequacy of the Project description and the potential for inadequate environmental review, the Board authorized a letter petitioning the NIGC to allow the County to participate as a "cooperating agency" in the National Environmental Protection Act (NEPA) process. The Board made clear that designation as a cooperating agency in no way signified support for the project. Rather, the County expressed its strong interest in ensuring that the environmental review process fully and fairly addressed the potential impacts of the project so that any identified impacts could be fully mitigated. The NIGC approved the designation, which allowed the County to play a more meaningful role in determining both the scope and level of environmental analysis.

In November 2004 the County entered into a Memorandum of Understanding (MOU) with the Federated Indians of Graton Rancheria (Tribe) to provide for binding, enforceable, and timely mitigation of the Graton Casino and Hotel Project's (Project) off-Reservation impacts that are within the primary jurisdiction or responsibility of the County. The MOU requires the County and Tribe to negotiate in good faith toward an intergovernmental agreement that identifies and ensures mitigation measures. Entry of an intergovernmental agreement does not constitute approval or support for any project, but is instead necessary to make enforceable certain environmental mitigation measures that are not otherwise enforceable by public agencies.

The NIGC released a Draft EIS (DEIS) on March 9, 2007, and conducted informational workshops and public hearings on April 4 and 5, 2007. The CAO and County Counsel formed a multi-departmental/agency team to review and comment on the sufficiency of the analysis and mitigations contained in the Draft EIS. On May 15, 2007, the Board held a public meeting and accepted public testimony on the County's comments on the Draft EIS. On June 4, 2007, the County submitted 58 pages of comments to the NIGC identifying concerns in the approach, methodology, and analysis in the DEIS.

The NIGC released a Final EIS in 2009. On March 24, 2009, the Board held another public meeting and accepted public testimony on the County's comments on the Final EIS. The County thereafter submitted 28 pages of comments on the Final EIS to the NIGC.

In May 2008, the Bureau of Indian Affairs (BIA) made a final decision to take the project site into trust. In July 2008, the Board entered a Memorandum of Agreement in which the Tribe agreed not to develop a second casino in the County, and agreed that future new tribal development projects

shall be compliant with the County zoning code and General Plan provisions addressing land use, open space, and resource conservation issues, and shall undergo an environmental review and mitigation process. The Stop the Casino 101 Coalition filed a lawsuit challenging the trust decision in 2008; a federal district court dismissed the suit in 2009, and the court of appeals affirmed in June 2010. The project site is now in trust.

In October 2010, the NIGC issued a Record of Decision choosing a reduced project alternative and approving a management contract for a gaming facility on the site.

On May 7, 2012, the California state legislature voted 64-3 to ratify a compact between the State of California and the Tribe authorizing gaming on the project site. The compact was submitted to the Secretary of the Interior. On July 12, the Secretary of the Interior published notice in the Federal Register that the State-Tribal Compact is considered approved pursuant to the Indian Gaming Regulatory Act.

The compact requires the County and Tribe to negotiate in good faith and reach a mitigation agreement within 90 days of compact approval. The compact also sets the stage for the County mitigation agreement, by requiring the Tribe to pay a percentage of its slot machine net win into the new Graton Mitigation Fund, from which funds are required to be paid in the following descending order, until fully exhausted: (1) to the City of Rohnert Park; (2) to the County of Sonoma pursuant to the proposed agreement; and (3) to the State Revenue Sharing Trust Fund or the Tribal Nations Grant Fund.