

# EXECUTIVE SUMMARY

---

## TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT

### ES.1 INTRODUCTION

This Environmental Impact Statement (EIS)/Tribal Environmental Impact Report (TEIR), hereinafter referred to as an EIS, has been prepared pursuant to the National Environmental Policy Act (NEPA) and the Tribal-State Gaming Compact to assess the environmental effects of the Tule River Indian Tribe's (Tribe's) proposed Fee-to-Trust and Eagle Mountain Casino Relocation Project, which would involve the transfer of approximately 40 acres (Airpark Site) from fee to federal trust status for the benefit of the Tribe, located within the City of Porterville (City) in Tulare County (County), California. For the purpose of this EIS, the Bureau of Indian Affairs (BIA) serves as the Lead Agency for compliance with NEPA, with the Tribe, the United States Environmental Protection Agency (USEPA), California Department of Transportation (Caltrans), City, and County serving as Cooperating Agencies.

### ES.2 PURPOSE AND NEED

The federal Proposed Action is the acquisition of the 40-acre Airpark Site in trust for the Tribe pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC § 5108 and issuing a two-part determination under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719 (b)(1)(A). The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus, satisfying both the Department's land acquisition policy as articulated in the Department's trust land regulations at 25 C.F.R. Part 151, and the principle goal of IGRA as articulated in 25 U.S.C. § 2701. The need for the Department to act on the Tribe's application is established by the Department's regulations at 25 C.F.R. §§ 151.10(h) and 151.12.

### ES.3 SUMMARY OF THE PROPOSED ACTION AND ALTERNATIVES

This document describes and analyzes five development alternatives and the No Action Alternative, which are described in detail in **Section 2.0** and are summarized below. Other off-site alternatives were considered and then eliminated from further consideration; these alternatives are described in **Section 2.9**.

The Executive Summary Table (**Appendix N**) summarizes potential effects to each environmental issue area from each alternative, mitigation measures to avoid or minimize impacts, and levels of significance for each environmental impact.

## ALTERNATIVE A – PROPOSED PROJECT

Alternative A, the Proposed Project, includes the following components:

- Transfer of the 40-acre Airpark Site, currently owned in fee by the Tribe, to federal trust status for the benefit of the Tribe;
- Issuance of a two-part determination by the Secretary of the Interior under the Indian Gaming Regulatory Act (IGRA) that the Proposed Action is in the best interest of the Tribe and not detrimental to the surrounding community, making the site eligible for gaming; and
- Subsequent development of the trust property with a variety of uses including, but not limited to, an approximately 104,637-square foot (sf) casino, 250-room hotel, food and beverage facilities, administrative space, multipurpose events center, conference center, and associated parking and infrastructure;
- Connection to the City’s municipal water supply and wastewater facilities, and associated off-site construction of recycled water, sewer, and stormwater infrastructure; and
- Closure of the existing Casino and conversion of the facility into tribal administrative offices and service uses.

At build out, the gaming component of the casino-resort would include approximately 1,750 electronic gaming devices (EGDs) and 20 table games and would include service bars and lounges. The hotel would be an approximately 100-foot tall, 7-story building with a gross footprint of approximately 151,836 sf and would include a fitness center and outdoor pool. Proposed dining facilities would have a gross footprint of approximately 36,301 sf, with 530 total seats split between diverse dining opportunities. The Proposed Project also includes the construction of a 64,002-sf multi-purpose event center (including a 1,700-seat entertainment venue) and a 29,081-sf convention space (including a 9,000-sf divisible ballroom).

Under Alternative A, a connection would be made to the City’s potable water system to provide all potable water demands for the Proposed Project. Wastewater generated at the Proposed Project would be conveyed to the City’s wastewater treatment plant (WWTP) for primary and secondary treatment. As part of the Proposed Project, a water reclamation facility (WRF) would be constructed on either (1) a 40-acre City-owned property just southwest of the Airpark Site (40-acre site), or (2) an 8-acre City-owned property just east of the Airpark Site (8-acre-site). This proposed WRF would treat secondary effluent produced from the City’s WWTP and provide recycled water to the Proposed Project and for irrigation of the Porterville Sports Complex, located just north of the Airpark Site, which is currently irrigated with potable, well-drawn City water. This use of recycled water at the City’s Sports Complex would fully offset the use of potable water under Alternative A, resulting in a “net-zero” increase in potable water consumption under the Proposed Project. Alternative A would also include the construction of a 200-acre-foot (AF) regional stormwater retention basin in the northern portion of the 40-acre site. Renovation of the existing Casino for tribal government uses under Alternative A would result in beneficial impacts to the surface water supply on the Reservation and to the capacity of the Reservation’s water distribution and wastewater treatment systems due to the decreased demand for potable water at the renovated facility.

## **ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS**

Alternative B includes all of the same development components as Alternative A, with the exception of instead of connecting to City infrastructure for water supply and wastewater service, Alternative B would utilize on-site water and wastewater treatment facilities. Two on-site wells, along with pumping, storage, and disinfection facilities, would supply potable water. A package WWTP would be constructed on the Airpark Site to treat wastewater to a tertiary level; treated wastewater would then be disposed of through a leach field below the development's parking lot.

## **ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO**

Alternative C would involve the fee-to-trust transfer of the Airpark Site and the construction of a similar development as that described under Alternatives A and B, but at a smaller scale. Water and wastewater services would be provided either through connection to City facilities (as described under Alternative A) or through development of on-site facilities (as described under Alternative B). As with Alternatives A and B, Alternative C would include the construction of a 200-AF regional stormwater retention basin on the 40-acre site and the renovation of the existing Casino for tribal government uses.

## **ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER**

Alternative D consists of the transfer of the Airpark Site into federal trust status and the subsequent development of a hotel as described under Alternative A, and a slightly smaller conference center. There would be no casino or multi-purpose events center under Alternative D. As with Alternative C, Alternative D would either connect to City wastewater infrastructure or develop on-site facilities. As with Alternative B, Alternative D would involve the construction of two on-site wells and associated pumping, storage, and disinfection facilities to supply potable water. A 200-AF regional stormwater retention basin would be constructed on the 40-acre site. Under Alternative D, the existing Casino would continue to operate.

## **ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO**

Alternative E consists of the expansion of the Tribe's existing Casino within the existing Reservation, which is currently held in federal trust for the Tribe. The expanded gaming component of the facility would consist of 16,500 sf of new building space, 350 additional EGDs, and a new 3,500-sf dining venue.

## **ALTERNATIVE F – NO ACTION ALTERNATIVE**

Under the No Action Alternative, none of the development alternatives considered within this EIS would be implemented. The No Action Alternative assumes that no parcels within the Airpark Site would be taken into trust and the Tribe would continue to operate its existing Casino as it does presently. Under

this alternative, the BIA would not take any actions in furtherance of its obligation to promote tribal self-determination and economic development.

## ES.4 ISSUES AND CONCERNS

The BIA published a Notice of Intent (NOI) in the *Federal Register* on December 30, 2016, describing the Proposed Action and announcing the BIA's intent to prepare an EIS. The results of the scoping period were made available in a scoping report published by the BIA in April 2017. This report is available for review at <http://www.tulerivereis.com/>. Issues raised during scoping generally fell into the following categories.

- Alternatives and Purpose and Need
- Water Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Socioeconomics and Environmental Justice
- Transportation
- Land Use
- Public Services and Utilities
- Hazardous Materials
- Indirect and Growth-Inducing Effects
- Cumulative Impacts
- Procedural and Non-EIS Issues

To the extent required by NEPA, this EIS has incorporated the issues and concerns identified during the scoping process.

## ES.5 SUMMARY MATRIX

The potential adverse and beneficial effects, as well as mitigation measures, relevant to each alternative are presented in **Table ES-1**, included as **Appendix N** to this Final EIS. For a detailed discussion of environmental consequences and mitigation measures see **Sections 4.0** and **5.0**.