

SECTION 2.0

Proposed Action and Alternatives

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PROPOSED ACTION AND ALTERNATIVES

2.1 PURPOSE AND NEED

Implementation of the Proposed Action would assist the Tribe in meeting the following objectives:

- Improve the socioeconomic status of the Tribe by providing an augmented revenue source that could be used to: strengthen the tribal government; fund a variety of social, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of tribal members; and provide capital for other economic development and investment opportunities.
- Provide employment opportunities to the tribal and non-tribal community.
- Make donations to charitable organizations and governmental operations, including local educational institutions.
- Fund local governmental agencies, programs, and services.
- Allow the Tribe to establish economic self-sufficiency.

A lack of economic development opportunities exists for the Tribe primarily due to a lack of funds for project development and operation. The Tribe has no sustained revenue stream that could be used to fund programs and provide assistance to tribal members.

The Tribe's need for an economic base represents one of the primary purposes behind the Indian Gaming Regulatory Act (IGRA). IGRA states that Congress finds "a principal goal of Federal Indian policy is to promote tribal economic development, tribal self sufficiency, and strong tribal government..." 25 U.S.C. § 2701. The IGRA also states that one of the purposes of the act is "to provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments..." 25 U.S.C. § 2702.

To ensure that revenues raised from gaming are used to "promote tribal economic development, tribal self sufficiency, and strong tribal government," IGRA (25 U.S.C. § 2710(b)(2)(A)) limits the use of net gaming revenues to the following:

- Funding tribal government operations or programs.
- Providing for the general welfare of the Indian tribe and its members.
- Promoting tribal economic development.
- Making donations to charitable organizations.
- Funding operations of local government agencies.

The Proposed Action would provide the Tribe with a long-term, viable, and sustainable revenue base. Class III gaming is potentially very profitable. Revenues from the operation of the casino and hotel would be used for at least the following purposes:

- Funding governmental programs and services, including housing, educational, environmental, health, and safety programs and services.
- Hiring additional staff, upgrading equipment and facilities, and generally improving governmental operations.
- Decreasing the Tribe's and tribal members' dependence on Federal and State grants and assistance programs.
- Making donations to charitable organizations and governmental operations, including local educational institutions.
- Funding local governmental agencies, programs, and services.
- Providing capital for other economic development and investment opportunities and allowing the Tribe to diversify its holdings over time, so that it is no longer dependent upon the Federal or State government or even upon gaming to survive and prosper.

Each of these purposes is consistent with the limited allowable uses for gaming revenues, as required by IGRA. The hotel, casino, and related facilities would also provide employment opportunities for Tribal members as well as local non-tribal residents. Operation of the hotel, casino, and related facilities would require the purchase of goods and services, increasing opportunities for local businesses and stimulating the local economy.

The Tribal government's purpose for requesting the approval of the proposed management contract is to team with SC Madera Management LLC to develop and manage a casino and hotel resort. The Tribal government needs a developer/manager because the Tribe alone cannot secure the necessary financing to develop this project and lacks the necessary expertise to manage a casino and hotel resort. Management contracts with casino management companies are consistent with IGRA and heavily scrutinized by the NIGC prior to approval. In addition to required environmental review pursuant to NEPA, IGRA (25 U.S.C. § 2711(b)) requires that the NIGC approve a management contract only if it is determined that it at least provides for the following:

- Adequate accounting procedures that are maintained, and verifiable financial reports that are prepared, by or for the tribal governing body on a monthly basis.
- Access to daily operations of the gaming to appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such gaming activity.
- A minimum guaranteed payment to the Indian tribe that has preference over the retirement of development and construction costs.
- An agreed ceiling for the repayment of development and construction costs.

- A contract term not to exceed five years, except that, upon the request of an Indian tribe, the Chairman may authorize a contract term that exceeds five years but does not exceed seven years if the Chairman is satisfied that the capital investment required, and the income projections, for the particular gaming activity require the additional time.
- Grounds and mechanisms for terminating the management contract, but actual contract termination shall not require the approval of the Commission.

In addition to the above management contract requirements, IGRA (25 U.S.C. § 2711(a)) requires that the NIGC conduct a background investigation “on each person or entity (including individuals comprising such entity) having a direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of the stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock.” According to IGRA (25 U.S.C. § 2711(e)), the NIGC shall not approve a management contract if the background investigation determines that one of the persons or entities noted above:

- Is an elected member of the governing body of the Indian tribe which is the party to the management contract.
- Has been or subsequently is convicted of any felony or gaming offense.
- Has knowingly and willfully provided materially important false statements or information to the NIGC or the Indian tribe or has refused to respond to questions propounded pursuant to the background investigation requirement of IGRA.
- Has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.

2.1.1 PROJECT LOCATION

The 305-acre project site is located in southwest Madera County, just north of the City of Madera and adjacent to State Route 99 (SR-99). The site is bounded on the north by Avenue 18, rural residential land, vacant land, and a greenhouse that appears to be unused; on the east by Golden State Boulevard and SR-99; on the south by agricultural land and rural residential land; and on the west by Road 23 and agricultural land. A towing and auto salvage yard is located adjacent to the northeast corner of the project site. Regional access to the project site is via SR-99. Road 23, Avenue 18, and Golden State Boulevard would provide direct access to the proposed casino and hotel resort. **Figure 2-1** shows the regional location of the project site. **Figure 2-2** shows the vicinity of the project site. **Figure 2-3** shows an aerial photo of the project site.

Figure 2-1 Regional Location Map

Figure 2-2 Site and Vicinity Map

Figure 2-3 Aerial Map

2.2 ALTERNATIVES TO BE ANALYZED WITHIN THE EIS

The EIS will analyze four development alternatives and a no action alternative. Three of the four development alternatives include placing 305± acres into federal trust status. The other development alternative is located on an 80-acre parcel in North Fork that is currently held in trust for the Tribe. Many aspects of the proposed alternatives are presently being studied, including wastewater, grading, and drainage. Additional information on each alternative will be presented in the EIS.

2.2.1 ALTERNATIVE A – PROPOSED ACTION

The Proposed Action to be analyzed within the DEIS are the Fee-to-Trust acquisition of a 305± acre proposed project site and subsequent approval of a gaming management contract by the National Indian Gaming Commission (NIGC). The foreseeable consequence of the Proposed Action will be the development of a casino and hotel resort on the trust land (project site). **Figure 2-4** shows the proposed site plan for the proposed casino and hotel resort, including supporting facilities. The casino and hotel resort is expected to employ approximately 1,400 employees. **Table 2-1** shows the breakdown of proposed uses with associated square footages for the proposed casino and hotel development.

The casino and hotel resort would include a mixture of uses including a main gaming hall, food and beverage services, retail space, banquet/meeting space, and administrative space. Four food service facilities are planned, including a buffet, steakhouse, food court, and a leased restaurant space. Five bars in total are proposed for the casino area, including a large center bar, a main gaming area bar, and three service bars. The casino gaming floor would encompass an area of 68,150 square feet. There is 21,760 square feet of circulation area proposed in association with the casino floor, along with approximately 4,000 square feet of high-limit gaming and approximately 11,000 feet of bingo floor space. There is 5,785 square feet of cage space proposed for the casino. Several restrooms and vestibules are also proposed in association with the casino resort, with a combined square footage of approximately 10,000 square feet (**Table 2-1**).

The 200-room hotel would include 20% suites and would be located adjacent to a resort-type pool and spa area. The proposed plan includes a pool grill and two bars, one of which is a swim-up bar associated with the pool area. Restrooms and other concessions would also be provided.

A total of 4,500 parking spaces would be provided to serve the patrons and employees of the hotel/casino resort and supporting facilities. A multi-level parking structure would provide 2,000 parking spaces and would be located on the southern side of the resort, with an entry vestibule and valet area separating the street-level floor of the structure from the entrance to the casino gaming floor and food court area. The

FIGURE 2-4 ALTERNATIVE A SITE PLAN

TABLE 2-1
ALTERNATIVE A – PROPOSED ACTION COMPONENTS

Area	Seats/Rooms/Parking Spaces	Square Footage
CASINO & ENTERTAINMENT		
Casino		
Casino Gaming		68,150
Casino Circulation		21,760
High Limit Gaming		3,925
Bingo		10,990
Entry Vestibules (7 total)		3,945
Restrooms (4 total)		6,085
Rewards Center		990
Cage		5,785
Back of House		50,000
Retail		
Gift Shop		1,185
Food and Beverage		
Buffet	500	23,500
Bars (2 total)		4,050
Service Bars (3 total)		2,650
Lease Restaurant (1 total)	200	8,000
Coffee Shop	225	8,800
Steakhouse	180	10,000
Food Court (5 tenants)	175	10,365
Entertainment		
Lounge	350	7,000
Total Casino & Entertainment Square Footage		247,180
HOTEL & SPA		
Hotel		
Lodging Area	200 rooms	191,000
Lobby/Promenade		14,800
VIP Check-in		1,880
Pool & Spa		
Spa		6,000
Pool Restrooms		2,600
Pool Concessions		1,500
Pool Grill		3,000
Pool Bars (2 total)		2,250
Pool Equipment		1,500
Total Hotel & Spa Square Footage		224,530
CENTRAL PLANT		21,300
ALTERNATIVE A TOTAL SQUARE FOOTAGE		493,010
PARKING		
Surface Parking Spaces	2,500	
Parking Structure Spaces	2,000	
Alternative A Total Parking Spaces		4,500

NOTE: All figures are approximate.

SOURCE: Friedmutter Group, 2004; AES, 2004.

remaining 2,500 parking spaces would be included as surface parking. The remainder of the project site is expected to be used for stormwater detention, wastewater treatment and open space.

2.2.2 ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Alternative B consists of a casino with a smaller-scale version of the Alternative A development. Alternative B is approximately 50% of the total square footage of the proposed project described as Alternative A. The casino general location would not differ from Alternative A, however no hotel would be developed. **Table 2-2** shows the breakdown of proposed uses with associated square footages for the proposed casino described as Alternative B. **Figure 2-5** shows the site plan for the proposed casino, including supporting facilities. There would be no hotel and spa. The casino would have smaller gaming, circulation, high limit square footage, and fewer service bars.

TABLE 2-2
ALTERNATIVE B – REDUCED INTENSITY COMPONENTS

Area	Seats/Rooms/Parking Spaces	Square Footage
CASINO & ENTERTAINMENT		
Casino		
Casino Gaming		55,000
Casino Circulation		17,000
High Limit Gaming		2,000
Entry Vestibules (5 total)		3,395
Restrooms (4 total)		6,085
Rewards Center		990
Cage		5,785
Back of House		36,320
Loading Docks		1,505
Retail		
Gift Shop		1,185
Food and Beverage		
Buffet	400	18,800
Bars (2 total)		4,050
Service Bars (2 total)		1,710
Coffee Shop	225	8,800
Steakhouse	180	10,000
Food Court (5 tenants)	175	10,365
Entertainment		
Lounge	350	7,000
Total Casino & Entertainment Square Footage		189,990
CENTRAL PLANT		
Alternative B Total Square Footage		198,990
PARKING		
Surface Parking Spaces	1,200	
Parking Structure Spaces	2,000	
Alternative B Total Parking Spaces		3,200

NOTE: All figures are approximate.

SOURCE: Friedmutter Group, 2005; AES, 2005.

Figure 2-5 Alternative B Site Plan

A total of 3,200 parking spaces would be provided to serve the employees of the hotel/casino resort and supporting facilities. A multi-level parking structure would provide 2,000 parking spaces and would be located on the southern side of the casino/hotel resort. The remaining 1,200 parking spaces would be included as surface parking.

2.2.3 ALTERNATIVE C – ALTERNATIVE USE ALTERNATIVE

Alternative C is the alternative use or “non-gaming” alternative, proposed as a mixed-use retail/restaurant development. This development also entails the conveyance of the 305± acres of land into federal trust status on behalf of the Tribal Government. Alternative C would include two large “big box” retail outlets and three smaller food and beverage establishments, as shown in **Figure 2-6**. **Table 2-3** shows the breakdown of proposed uses with associated square footages for the proposed retail and restaurant facilities described as Alternative C.

TABLE 2-3
ALTERNATIVE C – RETAIL COMPONENTS

Area	Parking Spaces	Square Footage
Retail Commercial Development		
Retail Store #1		125,000
Retail Store #2		100,000
Food and Beverage		
Restaurant #1		5,000
Restaurant #2		4,000
Restaurant #3		3,000
Parking		
Surface Parking Spaces	1,860	

NOTE: All figures are approximate.
SOURCE: Friedmutter Group, 2005; AES, 2005.

The retail facilities would employ approximately 695 employees and the restaurant facilities would employ approximately 80 employees, for a total of approximately 775 employees. Since this alternative is a non-gaming use, the Tribe would not be required to obtain a Tribal-State Compact for Alternative C.

Figure 2-6 Alternative C Site Plan

2.2.4 ALTERNATIVE D – ALTERNATE LOCATION ALTERNATIVE

Alternative D consists of an alternate location for the development of a casino resort. The remote location of the North Fork Rancheria would necessitate the construction of a much smaller facility, when compared with Alternative A. Under Alternative D, a casino would be constructed and operated on the 80-acre North Fork Rancheria. The North Fork Rancheria is located three miles west of North Fork east of Mammoth Pool Road and ½ miles southwest of Hill 3954 (1½ miles southwest of Cascadel), in portions of sections 17, 20, and 21 in Township 8 South, Range 23 East, Mount Diablo Base Line and Meridian, Madera County, California (**Figure 2-7**). The property is situated at an elevation of 2800 to 3400 feet.

Alternative D consists of a casino including a primary gaming area, and administrative facilities, as shown in **Figure 2-8**. Components of Alternative D are shown in **Table 2-4**. Food and beverage facilities would include a service bar, a coffee shop and a food court/deli. Also included in the casino square footage would be casino floor, entryways, rewards center and the cage. Alternative D would include a total of 250 surface parking spaces to serve the approximately 408 patrons and 162 employees of the casino and supporting facilities.

TABLE 2-4
ALTERNATIVE D – ALTERNATE LOCATION COMPONENTS

Area	Seats/Rooms/Parking Spaces	Square Footage
CASINO & ENTERTAINMENT		
Casino		
Casino Gaming		8,888
Casino Circulation		2,963
Entry Vestibules (3 total)		750
Restrooms (2 total)		1,250
Rewards Center		600
Cage		1,000
Back of House		
Back of House		6,000
Food and Beverage		
Service Bar		500
Coffee Shop	30	1,350
Food Court / Deli	60	2,700
Alternative D Total Square Footage		26,001
PARKING		
Surface Parking Spaces	250	
Alternative D Total Parking Spaces	250	

NOTE: All figures are approximate.

SOURCE: Friedmutter Group, 2005; AES, 2005.

Figure 2-7 Off Site Location

Figure 2-8 Alternative D Site Plan

2.2.5 ALTERNATIVE E – NO ACTION ALTERNATIVE

Under the No Action Alternative no land would be developed or placed into federal trust. Land use jurisdiction of the alternative sites would remain with the County of Madera. The Madera site would continue to be utilized by the existing tenants for a variety of agricultural related uses. For the purposes of the environmental analysis in the EIS, it is assumed that the properties would continue to remain under their current uses. Land use jurisdiction of the North Fork Rancheria would remain with the BIA and the Tribe. The North Fork Rancheria would continue to be used for rural residential purposes.