

J. Williams # 14 BOS 10/6/15

To me, it seems obvious that the plan is in place, it's just a matter of time and money, so let's make sure the study and infrastructure is properly performed BEFORE we have major problems in the area. Study the project's off-site impacts as a whole. This is far bigger than a gas station and the Tribe needs to be upfront and honest about this. The County needs to be upfront about the mitigation expectations for a project of this magnitude. The infrastructure needed should be understood and installed before ANY part of the project moves forward.

James Williams

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Public comment on agenda item 14, at EDC, BOS meeting 10-3-15

Today's BOS agenda item is about whether the County should be the lead agency in the CEQA process to allow the County and community to have input on the project with regard to ingress, egress, and utilities, OR if the County and community should take a backseat to the process. It seems like an obvious answer, YES, the County should be the lead agency and the public should have input. Today I ask this Board to approve the contract to enter into the CEQA process. I request clarification that the CEQA analysis will study the entire "master plan" with regards to ingress, egress, and utilities and not just the gas station. If the CEQA process has no plan to study the entire project with regard to ingress, egress and utilities, I request that that be changed.

Traffic and public safety is a huge concern. There are deficiencies in the current infrastructure that will be significantly increased with ANY project. When exiting Hwy. 50 eastbound or westbound at Shingle Springs Dr., the visibility under the overcrossing is very limited to safely turn onto Shingle Springs Dr. This hazard will be magnified tremendously by this project. The Tribe's master plan will require major modifications to the Shingle Springs Dr. area and I'd like this infrastructure to be put in place before the project commences. Proper analysis and mitigation needs to be thought about well in advance to make the proper decisions. Otherwise we put the public and neighbors at risk.

The Tribe continually states that the buildings on the master plan have no assigned purposes. They only drew some usage examples on the property because the county asked them to. This appears to be factually incorrect. In fact, the master plan IS described on the Shingle Springs Rancheria website. You have a copy of the screen shot from the website. On Mr. Fonseca's profile page it reads "Looking to the Future- Economic Diversification. The Tribe has many exciting plans on the drawing board, including building TWO hotels AND a CONVENTION CENTER, a gas station, and a retail shop....." It is dated November 4, 2010. All that has changed from 2010 to now, is that the plan has grown, and now includes a fast food business and coffee shop.

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1. Nicholas H. Fonseca - Chairman
(Governance/Tribal Council)
... Looking to the Future - Economic
Diversification The Tribe has many exciting plans
on the drawing board, including building two hotels
and a convention center, a gas station, and a retail
shop. ...
Thursday, 04 November 2010

Events Calendar

Events Calendar grid showing dates and event details.

Click image to enlarge



Red Hawk Casino | Health & Wellness Center | Tribal TANF

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Designed by Tribal Economic and Social Solutions Agency.

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NEPA in Indian Country

The NEPA process analyzes and discloses the significant impacts a proposed action may have on the quality of the human environment. However, tribal governments have substantial authority through their retained tribal sovereignty for environmental protection on lands within their jurisdiction.¹ NEPA only applies to “major federal actions” that are subject to federal control and responsibility. Federal actions include adoption of official policy, adoption of formal plans, adoption of programs, and approval of specific projects.²

BIA Initiated Actions. If BIA is initiating, funding or approving a project, then it is a Federal action as defined by NEPA. These include Fire Management Plans, Forest Management Plans, Integrated Resource Management Plans, Range Unit Management Plans and Agriculture Resources Management Plans.³ However, not all activities on Indian trust lands require BIA funding or approval, and may not be subject to NEPA.⁴

Actions Proposed By Others. Proposals to use or develop resources on Indian trust lands may also trigger NEPA. Applicants may include tribal governments and individual tribal members, as well as other Federal, state and local agencies, and private individuals or corporations. If the BIA acts on such proposals, NEPA review would be required. These include, Applications for rights-of-way/easements, Land transactions (e.g. fee-to-trust), Mineral activities, Farm and grazing leases, Homestead and business leases. However, in some cases the BIA may have no approval authority for actions proposed by others on trust lands, so NEPA may not be triggered unless another Federal agency is approving or funding the project.⁵

Determining whether a proposed action is subject to the procedural requirements of NEPA depends on the extent to which the BIA (or another federal agency) exercises control and responsibility over the proposed action and whether Federal funding or approval are necessary to implement it. If Federal funding is provided with no Federal agency control as to the expenditure of such funds by the recipient, NEPA compliance is not necessary (43 CFR 46.100(a)). If tribes or individual Indians undertake actions on Indian trust lands that do not require any kind of funding, permit or approval by BIA (or other Federal agency), then compliance with NEPA is not required.⁶

Federal Environmental Laws Applicable in Indian Country

LAW	Application in Indian Country
Clean Air Act	EPA to treat eligible federally recognized Indian tribes in a similar manner as a state for implementing and managing.
Clean Water Act	EPA to treat eligible federally recognized Indian tribes in a similar manner as a state for implementing and managing.
Safe Drinking Water Act	EPA to treat eligible federally recognized Indian tribes in a similar manner as a state for implementing and managing.
Federal Insecticide, Fungicide, & Rodenticide Act	EPA is authorized to enter into cooperative agreements with Indian tribes for specific purposes under the Act.
Emergency Planning and Community Right-to-Know Act	EPA has interpreted Act to authorize tribal participation.
Toxic Substances Control Act	EPA has interpreted Act to authorize tribal participation.
Comprehensive Environmental Response, Compensation and Liability Act	CERCLA provides that tribes are to be treated substantially the same as states. ⁷
Resource Conservation and Recovery Act	Tribes are responsible for implementing and enforcing the minimal requirements. ⁸
Endangered Species Act	US Fish & Wildlife works with Tribes to protect sensitive species and ecosystems in Indian Country. ⁹

¹ *Indian Affairs National Environmental Policy Act (NEPA) Guidebook*, 11 (2012).

² *Indian Affairs National Environmental Policy Act (NEPA) Guidebook*, 8 (2012).

³ *Indian Affairs National Environmental Policy Act (NEPA) Guidebook*, 8 (2012).

⁴ *Indian Affairs National Environmental Policy Act (NEPA) Guidebook*, 2 (2012).

⁵ *Indian Affairs National Environmental Policy Act (NEPA) Guidebook*, 8 (2012).

⁶ *Indian Affairs National Environmental Policy Act (NEPA) Guidebook*, 9 (2012).

⁷ *Tribal Assumption of Federal Laws* available at <http://www2.epa.gov/tribal/tribal-assumption-federal-laws-treatment-state-tas>

⁸ *Solid Waste Management on Tribal Lands* available at <http://www3.epa.gov/region09/waste/tribal/reg.html#TribesdefinedinRCRA>

⁹ *Working with Tribes* available at <http://www.fws.gov/endangered/what-we-do/tribes-overview.html>

EXECUTIVE OVERVIEW

The Shingle Springs Band of Miwok Indians is deeply committed to sustaining and improving the quality of life in El Dorado County. This guiding principle is a responsibility and a privilege of the Tribe as it strives to make a meaningful difference in the lives of its members, employees and patrons, as well as the citizens and guests of El Dorado County.

The Shingle Springs Rancheria was purchased by the United States government in 1916 on behalf of the Verona Tract of Homeless Indians. Originally from the Discovery Park area of Sacramento, the tribal members of the Shingle Springs Band of Miwok Indians are descendants of Miwok, Maidu and Nisenan Indians. The reservation was originally 160 acres. Over the years, the Tribe has purchased approximately 270 acres for a total of 430 acres.

The Rancheria has changed significantly from its humble beginnings and today is a bustling, vibrant community. The Tribe is financially independent and has diverse enterprises including, most notably, Red Hawk Casino and the Shingle Springs Health & Wellness Center. Its Business Development Board is dedicated to developing other enterprises for the Tribe's long-term sustainability.

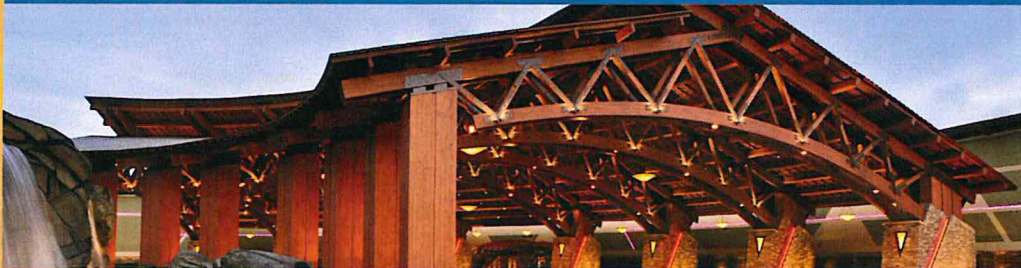
The Shingle Springs Band of Miwok Indians is proud of its substantial economic and social impact in El Dorado County.



EL DORADO COUNTY MEMORANDUM OF UNDERSTANDING – TRIBE'S CONTRIBUTIONS

- ▷ \$5.2* million per year for road improvement
- ▷ \$2 million per year – El Dorado County Discretionary Fund
- ▷ \$500,000 per year – fire protection
- ▷ \$500,000 per year – law enforcement
- ▷ \$2,000 per call for EMS. Approximately \$344,000 annually based on 172 average calls per year
- ▷ \$500,000 per year – payment in lieu of sales tax
- ▷ \$200,000+ per year – Class III slot machine fees

*2.6 million refunded to support Shingle Springs Health & Wellness Center



JOBS AND JOB CREATION



- ▷ With approximately 1,500 jobs onsite, the Tribe is one of the largest employers in El Dorado County
- ▷ Tribe gives hiring preference to El Dorado County residents and those residents make up approximately 50 percent of the Tribe's workforce
- ▷ Approximately \$30 million in payroll per year to El Dorado County residents alone - money that is infused into the local economy

SHINGLE SPRINGS HEALTH & WELLNESS CENTER



The Shingle Springs Health & Wellness Center provides medical, dental and behavioral health services to thousands of El Dorado County residents. In addition to the meaningful work done in the Center, our providers volunteer hundreds of hours in the community serving the underserved.

- ▷ One of only two health care clinics in El Dorado County that accepts Medi-Cal insurance
- ▷ Main provider for Denti-Cal patients in El Dorado County
- ▷ Key provider of desperately-needed mental health services in El Dorado County – substance abuse, domestic violence, complex mental health issues
- ▷ 95% of patients are El Dorado County residents
- ▷ 85% of patients are non-native
- ▷ Variety of free support groups including diabetes, Wellbriety, and Hepatitis C
- ▷ Key referral source for El Dorado County Hep C patients

COMMUNITY GIVING

In addition to being active in the community through membership and other organizations, the Shingle Springs Band of Miwok Indians sponsor a wide variety of charitable organizations, groups and support the local community.

Just a few such organizations include:

- ▷ City of Placerville Youth Fund
- ▷ El Dorado County Deputy Sheriff's Association
- ▷ Cameron Park Community Services District
- ▷ Accel – Access El Dorado, Health Care Access
- ▷ Marshall Foundation
- ▷ California Police Youth Charities
- ▷ Red Cross
- ▷ Habitat for Humanity
- ▷ Soroptimists
- ▷ El Dorado County Special Olympics
- ▷ Big Brothers, Big Sisters Program of El Dorado County
- ▷ Rotary Club of Cameron Park
- ▷ Miscellaneous contributions for academic and athletic programs





PROJECT Shingle Springs Village

TRADITIONAL BUILDING STYLE AND MODERN CONVENIENCE

- Fuel Center at Shingle Springs Village will feature:
- Diesel fuel on select pumps
- Convenience Store
- Car Wash/Vacuum services
- Electric vehicle charging stations



DEEPLY COMMITTED
TO SUSTAINING
AND IMPROVING
THE QUALITY OF LIFE
IN EL DORADO COUNTY



CONTRIBUTIONS TO EL DORADO COUNTY 2015