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November 27, 2024

VIA U.S. MAIL and EMAIL
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Environmental Protection Specialist
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Re: FEIS Comments, Shiloh Resort and Casino Project and Request for Comment Period Extension

Dear Ms. Dutschke and Mr. Broussard:

I write on behalf of the County of Sonoma to request a 45-day extension to the comment period on the Final Environmental Impact Statement (FEIS) for the Koi Nation of Northern California's (Tribe's) Proposed Shiloh Resort and Casino Project in Sonoma County, California. The 30-day comment period proposed by the Bureau of Indian Affairs (Bureau) is unreasonable and must be extended because the FEIS contains significant changes and new information and analysis, and the County has been in the process of responding to a flood emergency. The proposed massive resort and casino project will have significant impacts on the County and these circumstances inhibit critical public review and comment on the Bureau's compliance with the National Environmental Policy Act (NEPA) and public participation in the decision-making process.

The Tribe submitted a fee-to-trust application to the Bureau requesting that approximately 68.6 acres of fee land be placed in trust by the federal government as restored lands pursuant to 25

CFR part 292 for gaming purposes. The subject property is in rural Sonoma County and is zoned for and currently in agricultural use. It is outside the Town of Windsor's Urban Growth Boundary and within the County's Community Separator, a general plan designation enacted by the voters to contain urban sprawl and protect invaluable farmland. Contrary to the voter initiative and onsite and surrounding land uses, the Tribe proposes to develop a casino-resort facility with a three-story casino of approximately 538,137 square feet, a 400-room hotel with spa and pool area of approximately 268,930 square feet, a four-story parking garage of 5,119 spaces, plus ballroom/meeting space, an event center, and associated infrastructure. The County appreciates the purpose of the federal fee to trust process and the desire of the Tribe to take land into trust to support self-sufficiency and exercise sovereignty. However, the nature and scale of development at the proposed location is entirely inappropriate and the County has been forced to repeatedly convey its concerns over the potential environmental and societal impacts of such development and the legally inadequate fact-finding and analysis of the fee-to-trust and NEPA processes that require the Bureau to study such impacts.

Flooding emergencies in the County require an extension to the comment period. The County received the Notice of Availability of the FEIS on November 22. At the same time, the County was being hit hard by a category 4 atmospheric river storm which commenced November 20, 2024. This caused widespread flooding, closed roads, downed trees, landsides, debris flows, loss of power, and other devastations that the County and citizens are still working to assess and repair. On November 27, 2024, the County of Sonoma issued a *Proclamation of a Local Emergency*, which is included with this letter. During these types of events, a wide range of County staff are called to assist in the emergency response and most other non-life-threatening work is put on hold. It is simply not possible, not to mention unadvisable, for the County to prioritize environmental review over emergency response. Any refusal by your agency to extend the comment period under these circumstances forecloses public comment and participation that is vital to the NEPA process.

The environmental review process for this enormous development has been fraught from the beginning with procedural and substantive inadequacies. The Bureau initially attempted to prepare an Environmental Assessment (EA) for the project concluding that there would be no significant impacts. After substantial comment, the Bureau conceded there would be significant impacts and prepared a Draft EIS. However, the Draft EIS remained woefully deficient, technically and legally, and merely repackaged many of the prior failures of the EA. The Bureau has now released a 10,000-page FEIS that includes new and revised technical studies and analysis. Whether these revisions cure the deficiencies of the DEIS (and at first glance they do not), is simply not something that can be reasonably and meaningfully analyzed and commented on in 30 days, and especially not during a declared local emergency and continuing impacts caused by the extreme storm event.

Comment periods have repeatedly been insufficient for a project of this scale. In response to requests that the DEIS comment period be extended, the Bureau stated that opportunities for comment on the deficient EA justified maintaining the minimum comment period. Of course, when an agency has attempted to conduct a lower level of environmental review than is required by NEPA by gathering insufficient facts and twisting significance conclusions, the opposite is true. To move forward at this time with the FEIS without a meaningful comment period is to concede that public comment is immaterial, and that the outcome is predetermined, in clear violation of NEPA.

The County of Sonoma respectfully requests a 45-day extension to the comment period on the FEIS in order to provide essential review and comment on the environmental analysis of this significant project.

Sincerely yours,

Jennifer C. Klein
Chief Deputy County Counsel

Attachment

Cc: Sonoma County Board of Supervisors

PROCLAMATION OF A LOCAL EMERGENCY

FOR THE COUNTY OF SONOMA, STATE OF CALIFORNIA

WHEREAS, the County of Sonoma Code of Ordinances, Chapter 10, Article 1, Section 10-5(b) empowers the Director of Emergency Services to proclaim the existence of a Local Emergency when the Sonoma County Board of Supervisors is not in session, and

WHEREAS, the Director of Emergency Services finds:

(1) That at the time of this proclamation the Sonoma County Board of Supervisors is not in session;

(2) That conditions of extreme peril to the safety of persons and property have arisen within the County starting on November 20, 2024, caused by an extreme category 4 atmospheric river storm which has resulted in downed trees, disrupted utility services, and blocked and damaged roadways in parts of Sonoma County ("November 2024 Atmospheric River Storm Event");

(3) That conditions of extreme peril caused by this extreme storm condition over the past seven days have caused severe ground saturation, unstable hillsides, debris flows, landslides, downed trees, flooding, road blockages and road washouts/slip-outs, and power outages which have significantly impacted County and community operations and resources, and require the provision of additional public safety, health and emergency services;

(4) That these conditions of extreme peril to the safety of persons and property are continuing due to impacts to from over 13 inches of rain in the span of 6 days, as recorded at the Charles M. Schulz–Sonoma County Airport. Several creeks and streams are still above the action/monitor stage, requiring emergency protective measures to stabilize these areas to safeguard life, health, and property, and before additional precipitation exacerbates the damage, and the situation is of such severity and magnitude that effective response is beyond the capabilities of the affected local governments; and

(5) That the aforementioned conditions of extreme peril and warrant and necessitate the proclamation of a Local Emergency; now, therefore,

IT IS HEREBY PROCLAIMED that a Local Emergency exists throughout Sonoma County, commencing on or about the 20th day of November 2024; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said Local Emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law and the ordinances, resolutions, and approved plan of the County of Sonoma in order to mitigate the effects of said Local Emergency; and

IT IS FURTHER PROCLAIMED AND ORDERED that said Local Emergency shall be deemed to continue to exist for the next seven (7) days, and hereafter by ratification of the Sonoma County Board of Supervisors, until its termination is proclaimed by the Sonoma County Board of Supervisors; and

IT IS REQUESTED that the Governor of the State of California proclaim a State of Emergency; waive any regulations that may hinder response and recovery efforts; make available California Disaster Assistance Act Assistance; and seek all available forms of disaster assistance and relief programs.

Dated: 11/26/2024

Director of Emergency Services