TOWN OF WINDSOR
AGENDA REPORT

Special Joint Windsor Town Council, Windsor Redevelopment Successor Agency, Windsor Water District and Planning Commission Meeting Date: August 14, 2024

To: Mayor and Town Council; Chair and Planning Commission
From: Patrick Streeter, Community Development Director
Subject: Consideration of Town Comments on the Draft Environmental Impact Statement for the Koi Nation Shiloh Resort and Casino Project

Recommendation to Council:
Receive a report, accept community comments, and consider a draft letter to the Bureau of Indian Affairs regarding the Draft Environmental Impact Statement for the Koi Nation Shiloh Resort and Casino Project.

Strategic Plan Element:
The recommended action supports the goals of Infrastructure and Livability. Goal Statement: Through a lens of sustainability and innovation, invest in the Town's infrastructure and public facilities to meet the needs of future generations. Goal Statement: Preserve community character by maximizing the use of existing amenities and creating future opportunities that enhance quality of life for all.

Background:

The Koi Nation, one of the state's federally recognized Native American tribes, announced on September 15, 2021, that it intends to build a resort and casino that includes a 2,500 Class III gaming machine facility, a 200-room hotel, and six restaurant and food service areas (Project) on a 68- acre vineyard site, 222 E. Shiloh Road, adjacent to town limits, in unincorporated Sonoma County, west of the U.S. Highway 101 exit to Shiloh Road (Project Site).

A Notice of Preparation (NOP) for the Proposed Project was issued on May 27, 2022. The NOP described the Proposed Action and announced the initiation of the 30-day public scoping comment period, which ended on June 27, 2022. The purpose of the public scoping process was to identify potential environmental issues, concerns, reasonable mitigation measures, and alternatives to be considered in the Environmental Assessment (EA) being prepared for the project. The Town of Windsor submitted comments to the BIA in response to the NOP. The BIA published a “Scoping Report” summarizing the results of the public scoping process in September of 2022.

A Notice of Availability for the EA was issued on September 12, 2023, initiating a 45-day public review period. A virtual public hearing was held on September 27, 2023, that included an overview of the environmental review process, description of Proposed Action and Alternatives, summary of the contents of the EA, and an opportunity for the public to submit verbal comments on the EA. Following the hearing, the BIA extended the public review and comment period 15 days, to November 13, 2023. On October 18, 2023, the Council considered a draft response to the EA and took comments from the

public. The Town's response to the EA was submitted to the BIA on November 13, 2023.

On March 8, 2024, in consideration of public and agency comments received, the BIA issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement. The Town prepared a letter in response to the NOI, included in this report as Attachment 2. A Notice of Availability (NOA) for the EIS was issued on July 8, 2024, advising the public that the BIA has filed a Draft Environmental Impact Statement (DEIS) with the Environmental Protection Agency in connection with the proposed Project. The filing of the NOA initiated a 45-day comment period on the DEIS, with comments being due to the BIA no later than August 26, 2024.

Discussion:

The draft letter contains comments related to the proposed project and alternatives as described in the DEIS, water resources, air quality, cultural resources, socioeconomic conditions and environmental justice, transportation and circulation, land use, public services and utilities, noise, hazardous materials and hazards (including wildfire and evacuations), visual resources, growth-inducing effects, and cumulative effects. In reviewing the DEIS, the Town finds that several potentially significant adverse impacts associated with the proposed project are either not identified, or not mitigated below the threshold of significance. The Town urges the BIA to require adoption of the "no project" alternative as it is the only alternative that ensures the protection of the Town's environmental resources, public safety, community character, and quality of life.

Fiscal Impact:

This action will not have an impact on the General Fund.

Environmental Review:

There is no environmental review required as a result of this action. The recommended action is not in-and-of-itself a "project" pursuant to CEQA Guidelines Section 15378 since it does not result in a physical change in the environment.

Attachment(s):
1. DRAFT Koi Nation Shiloh Resort and Casino Project - Town of Windsor Comments on DEIS.docx
2. NOI Comments Koi Nation Fee-to-Trust and Casino Project - Town of Windsor - 4-7-2024.pdf
3. Koi Nation Casino Resort DEIS
6.1 Presentation from Staff re Shiloh Resort DEIS.pdf
6.1 Correspondence received (distributed 08-14-2024).pdf
6.1 Correspondence received (distributed 08-14-2024) No. 2.pdf

Prepared by:

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Community Development Director

Recommended by:

Jon Davis
Town Manager