



**FINAL ENVIRONMENTAL IMPACT STATEMENT**

COQUILLE INDIAN TRIBE  
FEE-TO-TRUST AND GAMING FACILITY PROJECT

**VOLUME I: RESPONSE TO COMMENTS**

**November 2024**

LEAD AGENCY:  
U.S. Department of the Interior  
Bureau of Indian Affairs  
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**ENVIRONMENTAL IMPACT STATEMENT**  
**For the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project**  
**Fee-to-Trust Acquisition of 2.4-Acre Property, City of Medford, Jackson County, Oregon**

**Lead Agency:** U.S. Department of the Interior, Bureau of Indian Affairs

**Cooperating Agencies:** Coquille Indian Tribe, City of Medford, Jackson County, and the Oregon Department of Transportation

**Document Status:** Draft ( ) Final ( X )

**Abstract:** This Final Environmental Impact Statement (FEIS) has been prepared pursuant to the National Environmental Policy Act (NEPA) to assess the environmental effects resulting from the Coquille Indian Tribe's application to transfer into trust approximately 2.4 acres for gaming purposes in the City of Medford, Jackson County, Oregon (Proposed Action). Volume I of the FEIS includes comment letters received during the review period for the Draft EIS, and responses thereto. Volume II of the FEIS includes a description of the Proposed Action and alternatives, analysis of environmental effects, mitigation recommendations, and technical appendices. The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Phoenix Site; (3) Expansion of the Mill Casino; and (4) and No Action/No Development Alternative. The BIA has selected Alternative 1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS. Environmental issues addressed in the FEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth inducing effects.

**Dates:** The Record of Decision for the Proposed Action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the Federal Register. The BIA must receive any comments on the FEIS before that date.

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## APPENDICES

Appendices A-N are attached to the Draft EIS dated July 2022 and are electronically available at <http://www.coquille-eis.com/> or by written request. Appendices O-T are attached to Volume II of this Final EIS.

Included as Appendices to the Draft EIS:

Appendix A	Executive Summary Table
Appendix B	Expanded Regulatory and Environmental Setting
Appendix C	Notice of Intent
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Appendix E	Socioeconomic Impact Reports
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Included as Appendices to the Final EIS:

<u>Appendix O</u>	<u>Updated Substitution Effects Analysis for the Coquille Medford Project</u>
<u>Appendix P</u>	<u>Traffic Technical Memorandum: Comparison of 2019 Traffic Impact Analysis Volumes to 2023 Traffic Volumes</u>
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# SECTION 1.0

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## INTRODUCTION

This Final Environmental Impact Statement, hereinafter referred to as Final EIS, has been prepared for the proposed Coquille Indian Tribe's (Tribe) Fee-to-Trust (FTT) and Gaming Facility Project (Alternative A-Proposed Project) pursuant to the requirements of the National Environmental Policy Act (NEPA).

The Final EIS is organized into two volumes:

- Volume I consists of this introduction chapter, all comments received on the Draft EIS (**Section 2.0**) and responses to representative comment letters (**Section 3.0**). If any comment required revisions or clarifications to the Draft EIS text, corresponding text changes to the EIS are noted within the responses to comments.
- Volume II is composed of the revised text of the Draft EIS and provides new and supplementary appendices that were not included in the Draft EIS.

The Notice of Availability (NOA) of the Draft EIS was published by the U.S Department of Interior Bureau of Indian Affairs (BIA) and U.S. Environmental Protection Agency (USEPA) in the Federal Register on November 25, 2022. Additionally, the NOA was published in the local paper, Medford Mail Tribune, and was mailed to interested parties. The Draft EIS was originally made available for public comment for a 45-day period. However, the BIA extended the public comment period for an additional 45-day period that concluded on February 23, 2023, resulting in a total comment period of 90 days. Virtual public hearings were held on December 15, 2022, and January 31, 2023, to collect verbal comments on the Draft EIS. Copies of the federal register NOA and newspaper publications are provided in the Final EIS, Volume I, **Attachment 1**.

In total, 111 comment letters and 81 public hearing comments were received during the comment period for the Draft EIS. A substantial number of these comment letters were “vote” letters for or against the project that did not provide substantive comments. Pursuant to NEPA, Section 1503.4(b), “the lead agency shall consider and respond to all substantive comments received on the Draft EIS (or summaries thereof where the response has been exceptionally voluminous).” Therefore, only substantive comments considered representative of the majority of comments have been included and specifically responded to within the Final EIS.

This Final EIS has been prepared according to the requirements of NEPA, which states that the lead agency shall consider and respond to all “substantive comments” received on the Draft EIS (40 Code of Federal Regulations [CFR] § 1503.4). Federal agencies must follow the requirements in the Council on Environmental Quality (CEQ) NEPA Regulations, 40 CFR § 1500, when responding to comments. The CEQ Regulations generally recommend that comments be addressed if they are: “1) Substantive and relate to inadequacies or inaccuracies in the analysis or methodologies used; 2) Identify new impacts or recommend reasonable new alternatives or mitigation measures; 3) Involve substantive disagreements on interpretations of significance and scientific or technical conclusions.” According to 40 CFR §1500.1, the goal of NEPA is to ensure that relevant environmental information is identified and considered early in the process in order to ensure informed decision making by federal agencies and that the public has been informed regarding the decision-making process. Comments received that further NEPA’s purposes are included and responded to within this Final EIS. Responses are not required for comments that do not raise

a substantive environmental issue, such as comments merely expressing an opinion. However, such comments have been included within the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.

The response to comments provided herein, along with the revised Final EIS text, will be considered by the BIA prior to issuing a decision on the Proposed Action. Following the 30-day waiting period for this Final EIS, the BIA may decide on the Proposed Action. At the time the BIA makes its decision, a concise public Record of Decision (ROD) will be prepared that states what the decision is, identifies all the alternatives considered in reaching the decision, and discusses preferences among alternatives based on relevant factors, including economic and technical considerations and the BIA's statutory mission (40 C.F.R § 1505.2). The ROD will also identify and discuss factors that were considered in making the decision and discuss whether practicable mitigation measures have been adopted to minimize the environmental effects. If all practicable measures are not adopted, the BIA must state why such measures were not adopted. CEQ requires that, "Mitigation and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency" (40 C.F.R. § 1505.3). Specific details of any adopted mitigation measures shall be included as appropriate conditions in the ROD by the lead agency.

# SECTION 2.0

## COMMENTS

This section lists all of the comments received by the U.S. Department of the Interior BIA on the Draft EIS during the public review period. The comments presented herein were submitted to the BIA by way of letter, email, and verbally at the two public hearings held for the Draft EIS. All received comments are indexed in **Table 1** and presented in their entirety in **Attachment 2**. Comments are organized into four categories: those submitted in writing by public agencies and other governmental entities (A); those submitted in writing by tribal governments (T); those submitted in writing by individual private citizens or organizations (I); and those given orally during the public hearing as recorded on the official public hearing transcript (P). In addition to category, each comment letter is assigned a unique number (e.g. A1). Of the 108 comment letters received by the BIA, 37 letters were identified that were determined to be representative of the substantive comments received. These letters include all comments received from public agencies and Tribal Governments, as well as selected representative comments from interested parties. Individual substantive comments within the representative letters have been bracketed into specific comments, which are then numbered (e.g., A1-1) for ease of reference. **Sections 3.2** and **3.3** contain responses to substantive comments, which correspond to the numbering presented in **Table 1**. Comments that were deemed to not be substantive may not be responded to pursuant to 40 CFR § 1503.4 and CEQ Regulations (see **Section 1.0**).

**TABLE 1**  
LIST OF COMMENT LETTERS

Letter Number	Representative Comment Letter?	Commenter	Date
<b>Agency</b>			
A1	Yes	City of Medford	12/2/2022
A2	Yes	State of California – Office of the Governor	1/12/2023
A3	Yes	Oregon Department of Transportation – Region 3	1/31/2023
A4	Yes	Jackson County	2/14/2023
A5	Yes	City of Medford	2/23/2023
A6	Yes	U.S. Environmental Protection Agency – Region 10	2/23/2023
<b>Tribal Government</b>			
T1	Yes	Carla Keene, Chairman, Cow Creek Band of Umpqua Tribe of Indians	11/30/2022
T2	Yes	Russell Attebery, Chairman, Karuk Tribe	12/5/2022
T3	Yes	Brad Kneaper, Chair, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians	12/5/2022
T4	Yes	Jerri Lynn Thompson, Chairperson, Tolowa Dee-ni' Nation	12/5/2022
T5	Yes	Jonathan Smith Jr, Chairman, Confederated Tribes of Warm Springs	1/16/2023
T6	Yes	Carla Keene, Chairman, Cow Creek Band of Umpqua Tribe of Indians	2/1/2023
T7	Yes	Jerri Lynn Thompson, Chairperson, Tolowa Dee-ni' Nation	12/30/2022
T8	Yes	Dale Miller, Chairman, Elk Valley Rancheria	2/17/2023

## 2.0 Comments

Letter Number	Representative Comment Letter?	Commenter	Date
T9	Yes	Cheryle A. Kennedy, Chairwoman, Confederated Tribes of the Grand Ronde	2/23/2023
T10	Yes	Russell Attebery, Chairman, Karuk Tribe	2/22/2023
T11	Yes	Anthony Broadman, Attorney, Cow Creek Band of Umpqua Tribe of Indians	2/23/2023
T12	Yes	Gail Hatcher, Vice Chairwoman, Klamath Tribes	2/23/2023
T13	Yes	Carla Keene, Chairman, Cow Creek Band of Umpqua Tribe of Indians	2/23/2023
T14	Yes	Brenda Meade, Chairperson, Coquille Indian Tribe	2/23/2023
T15	Yes	Delores Pigsley, Chairman, Confederated Tribes of Siletz Indians	1/31/2023
T16	Yes	Tee Jim Prevatt, Tribal Council, Shasta Nation	2/15/2023
Individual			
I1	No	Rick Greene	12/19/2022
I2	Yes	Kathryn Nilles	12/27/2022
I3	Yes	Stephen Beckham	1/17/2023
I4	No	William Mansfield	12/5/2022
I5	No	Jan Doyle	1/19/2023
I6	No	Samantha Smith	1/28/2023
I7	No	Pam Hogan	1/27/2023
I8	No	Christopher Cornett	1/27/2023
I9	No	Alberto Enriquez	1/27/2023
I10	No	Betty Martin	1/27/2023
I11	No	Mike Yarnell	1/27/2023
I12	Yes	Earl Blumenauer, Congressman, U.S. House of Representative	1/31/2023
I13	No	Mike Yarnell	1/30/2023
I14	Yes	Christine Goodwin, Representative, Oregon House of Representatives	1/31/2023
I15	No	Meg Hartmann	2/1/2023
I16	Yes	Chad Mead	1/27/2023
I17	No	Joseph Bauer	1/28/2023
I18	No	Liz Hamilton	1/29/2023
I19	No	Rhonda Young	1/29/2023
I20	Yes	Ian Gordon	1/31/2023
I21	No	Kent Francis	2/3/2023
I22	No	Desiree Canton	2/8/2023
I23	No	Lisa Case	2/13/2023
I24	No	Candi Lewis	2/8/2023
I25	No	Denise Hunter	2/7/2023
I26	No	John Sidwell	2/8/2023
I27	No	Carol Clarke	2/8/2023
I28	No	James Risko	2/8/2023



## 2.0 Comments

Letter Number	Representative Comment Letter?	Commenter	Date
I29	No	Mitzi Coleman	2/8/2023
I30	No	Sandra Gerritz	2/8/2023
I31	No	Athena Goldberg	2/8/2023
I32	No	L. Salvatori	2/13/2023
I33	No	Linda Moore	2/9/2023
I34	No	Gayle Stubbs	2/9/2023
I35	No	Nora Thompson	2/10/2023
I36	No	John Ivy	2/11/2023
I37	Yes	Pat Eisenberg	2/11/2023
I38	No	Jill Ganger	2/11/2023
I39	No	Eddie Gonzalez	2/11/2023
I40	No	Dana Rayburn	2/17/2023
I41	No	Clarkie Clark	2/17/2023
I42	No	John Sweet, Commissioner, Coos County	2/17/2023
I43	No	Alexis Ravuri	2/15/2023
I44	No	Annette Sandberg	2/16/2023
I45	No	Caddy McKeown	2/17/2023
I46	No	Edward Metcalf	2/18/2023
I47	Yes	Susan Wade	2/19/2023
I48	Yes	Riley Sutphin	2/19/2023
I49	Yes	Denise Sutphin	2/19/2023
I50	No	Nancy Unis	2/19/2023
I51	No	Connie Liles	2/20/2023
I52	No	Bill Richardson	2/20/2023
I53	No	Carmen Bernhardt	2/20/2023
I54	No	Macy Metcalf	2/20/2023
I55	No	Alicia Van Riggs	2/22/2023
I56	Yes	Judy Farm	2/21/2023
I57	No	Duke Summers	2/22/2023
I58	No	Bridgette Wheeler	2/22/2023
I59	No	Cheyenne Datan	2/22/2023
I60	Yes	Bob and Joanne Wilcox	2/22/2023
I61	No	Reginald Breeze	2/22/2023
I62	No	Fauna Hill	2/22/2023
I63	No	JJ	2/22/2023
I64	Yes	Kathleen Robertson-Rieman	2/23/2023
I65	No	Kyle Viksnehill	2/23/2023
I66	No	Harry Hirsch	2/23/2023
I67	No	Beth Gipson	2/23/2023

## 2.0 Comments

Letter Number	Representative Comment Letter?	Commenter	Date
I68	No	Randy Sparacino	2/23/2023
I69	No	Brett Kenney	2/23/2023
I70	No	Judy Farm	2/23/2023
I71	No	Royce Deardorff	2/23/2023
I72	No	Judy Farm	2/23/2023
I73	No	David Wright	1/31/2023
I74	No	Bridgette Wheeler	2/23/2023
I75	No	Sandra Slattery, Ashland Chamber of Commerce	2/21/2023
I76	Yes	John Lively, Representative, District 7, Oregon House of Representatives	2/21/2023
I77	No	Dee Anne Everson, CEO, United Way of Jackson County	2/22/2023
I78	Yes	Virgile Osborne, District 2, Oregon House of Representatives	1/31/2023
I79	No	Jessica Engelke, Mayor, North Bend	2/23/2023
I80	No	Donna Ruffer	2/8/2023
I81	No	George S.	2/10/2023
I82	No	Lotus Shay	12/17/2022
I83	No	Angus Troxel	12/16/2022
I84	No	Debbie Scott	12/15/2022
I85	No	Unsigned email	12/16/2022
I86	No	Unsigned email	12/16/2022
<b>First Public Hearing Speakers</b>			
P1	No	Brenda Meade, Chairperson, Coquille Indian Tribe	12/15/22
P2	No	Terry Hansen	12/15/22
P3	No	Michael Rondeau	12/15/22
P4	No	Carla Keene, Chairman, Cow Creek Band of Umpqua Tribe of Indians	12/15/22
P5	No	Crystal Ansuers	12/15/22
P6	No	Heather Vick	12/15/22
P7	No	Dan Courtney	12/15/22
P8	No	Travis Mackie	12/15/22
P9	No	Lily Morgan, Representative, District 3, Oregon House of Representatives	12/15/22
P10	No	Heather Bartlette	12/15/22
P11	No	Vera Jones	12/15/22
P12	No	Anthony Broadman	12/15/22
P13	No	Kim Wallen, Representative, City of Medford, Oregon State Legislature	12/15/22
P14	No	Jeri Thompson, Chairperson, Tolowa Indian Nation	12/15/22
P15	No	Joseph Clarizio	12/15/22
P16	No	Kathleen Sue Steward, Board Member, Cow Creek Band of Umpqua Tribe	12/15/22
P17	No	Edward Metcalf	12/15/22

## 2.0 Comments

Letter Number	Representative Comment Letter?	Commenter	Date
P18	No	Sue Kupillas	12/15/22
P19	No	Michael Brady	12/15/22
P20	No	Gary Miller	12/15/22
P21	No	Lorri Albertson	12/15/22
P22	No	Jay Ellenberger	12/15/22
P23	No	Greg Lemhouse	12/15/22
P24	No	Richard Raider	12/15/22
P25	No	Ray Martin	12/15/22
P26	No	Allen Purdy	12/15/22
P27	No	Rachel Tobias	12/15/22
P28	No	Jacob Ansuers	12/15/22
P29	No	Melissa Cribbins, Commissioner, Coos County	12/15/22
P30	No	Tabbitha Mataya	12/15/22
P31	No	Ron Doan	12/15/22
P32	No	Gail Hatcher, Vice Chair, Klamath Tribes	12/15/22
P33	No	Katrina Potter	12/15/22
P34	No	Mia Murphy	12/15/22
<b>Second Public Hearing Speakers</b>			
P35	No	Brenda Meade, Chairperson, Coquille Indian Tribe	1/31/23
P36	No	Kevin Stein, Council Member, Medford City Council	1/31/23
P37	No	JD Clarizio,	1/31/23
P38	No	Judy Farm	1/31/23
P39	No	Joe Benetti, Mayor, Coos Bay	1/31/23
P40	No	Boomer Wright, Representative, District 9, Oregon House of Representatives	1/31/23
P41	No	Brian Cassidy	1/31/23
P42	No	Renie Doshier	1/31/23
P43	No	Mark Johnston	1/31/23
P44	No	Laura Beth Barton, Council Member, Coquille Indian Tribe	1/31/23
P45	No	Arnie Roblan	1/31/23
P46	No	Lily Morgan, Representative, District 3, Oregon House of Representatives	1/31/23
P47	No	Sam Smith	1/31/23
P48	No	Kendra Doshier	1/31/23
P49	No	Jamie Painter, Field Representative for Congressman Earl Blumenauer of Oregon District 3.	1/31/23
P50	No	Marcus Holcumb	1/31/23
P51	No	Kelly Coates	1/31/23
P52	No	Armond Crispen	1/31/23
P53	No	Virgle Osborne, Representative, District 2, Oregon House of Representatives	1/31/23

## 2.0 Comments

Letter Number	Representative Comment Letter?	Commenter	Date
P54	No	Kelly Huddleson	1/31/23
P55	No	Kevin Clark	1/31/23
P56	No	Tiffany Maple	1/31/23
P57	No	Mark Mattechek	1/31/23
P58	No	Joseph Giovannetti, Councilman, Smith River Tribe	1/31/23
P59	No	Kyle Viksnehill	1/31/23
P60	No	George Adams	1/31/23
P61	No	Scott Sullivan	1/31/23
P62	No	Chris Cornett	1/31/23
P63	No	Alexandria Jones	1/31/23
P64	No	Nicole Keeton	1/31/23
P65	No	Chris Gerschler	1/31/23
P66	No	Jeff Jenson	1/31/23
P67	No	Simon Johnson	1/31/23
P68	No	Jasmine Hanz	1/31/23
P69	No	Jessica Gomez	1/31/23
P70	No	Michael Mason	1/31/23
P71	No	Russel Buster Attebury, Chairman, Karuk Tribe	1/31/23
P72	No	Stephen Beckham	1/31/23
P73	No	Lance Duey	1/31/23
P74	No	Bob Khos	1/31/23
P75	No	Holly Michaels, speaking on behalf of Representative Christine Goodwin of District 4 in the Oregon House of Representatives	1/31/23
P76	No	Michael Brady	1/31/23
P77	No	Jen Procter Andrews, Tribal Council Representative, Coquille Indian Tribe	1/31/23
P78	No	Chris Cornette	1/31/23
P79	No	Brenda Meade, Chairperson, Coquille Indian Tribe	1/31/23
P80	No	Jose Flores	1/31/23
P81	No	Wayne Shammel	1/31/23

# SECTION 3.0

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## RESPONSE TO COMMENTS

This section contains responses to the substantive comments that were received during the public comment period on the Draft EIS and included in **Attachment 2**. Based on the comments received on the Draft EIS, revisions have been made in the Final EIS, Volume II to improve language, enhance data, and provide clarification. The changes made to the Draft EIS are consistent with direction provided in the President’s CEQ Regulation 40 CFR § 1503.4 and the BIA NEPA Guidebook (59 IAM 3-H), Section 8.5.3.

### 3.1 MASTER RESPONSE TO COMMENTS

Master responses in this section address comments with similar subject matter that were submitted multiple times in separate comments. Responses to separate comments may refer to these master responses in whole or in part to avoid repetition.

#### 3.1.1 MASTER RESPONSE 1: EXTENSION OF THE COMMENT PERIOD

##### Summary of Comments

The BIA received several comments requesting an extension of the original comment period on the Draft EIS.

##### Response

The comment period for the Draft EIS is stipulated by NEPA, 40 CFR §1506.11, which states that, subject to certain exceptions, agencies shall allow not less than 45 days for comments on draft EISs. The NOA for the Draft EIS was published in the Federal Register on November 25, 2022, and announced a 45 day comment period. In response to requests, the BIA extended the comment period for an additional 45 days to end on February 23, 2023, and announced a second virtual public hearing, which was held on January 31, 2023. The comment period extension and second virtual public hearing was noticed in the federal register on December 20, 2022 (FR Vol. 87, No. 243), the Mail Tribune newspaper on December 18, 2022, and on the project website ([coquille-eis.com](http://coquille-eis.com)). Video recordings of both virtual hearings are available online at the project website. In total, the comment period for the Draft EIS was 90 days, or 45 days more than is required under NEPA. Thus, the Draft EIS comment period and the comment period extension are consistent with 40 CFR §1506.11.

#### 3.1.2 MASTER RESPONSE 2: NEPA TIMELINE AND EIS ACCURACY

##### Summary of Comments

Multiple comments expressed that too much time has lapsed between the scoping process in 2015 and the release of the Draft EIS in 2022, and that this lapse of time has subsequently caused deficiencies in the NEPA process for the Tribe FTT Proposed Project. The most prominent concern specified in these comments is the use of “stale” or outdated information and data (e.g. technical studies) in the Draft EIS that is based on the 2015 scoping report issued seven years prior to the publication of the Draft EIS. Because of these factors, the commenters specify that the Draft EIS is no longer relevant or reflective of the current environment and therefore the analysis fails to satisfy the “hard look” standard when assessing the impacts of the various alternatives. To remedy this, the commenters state that the scoping process should be

reinitiated, and the EIS should be updated based on this new scoping report with more recent data and information.

### Response

Section 1.4 of the Draft EIS gives an overview of the NEPA process for the Tribe FTT Proposed Project. As summarized therein, the Notice of Intent (NOI) was published in the Federal Register on January 15, 2015, and the scoping comment period closed on March 19, 2015. The NOI announced that the BIA would be preparing an EIS for the proposed action and solicited input from the public and agencies on the environmental issues and alternatives to be considered in the EIS. Written and spoken comments submitted during the scoping period were compiled and a report summarizing the results of scoping was subsequently issued in June 2015. The scoping report summarized the comments received, alternatives publicly suggested, and alternatives selected for the EIS analysis. Preparation of the Draft EIS and associated technical studies was then initiated based on NEPA regulations and guidelines and the results of the scoping process. On September 3, 2020, a Notice of Cancellation of the EIS for the Proposed Action was published in the Federal Register. On December 22, 2021, the Assistant Secretary remanded the Tribe's application to the BIA to complete the environmental review process. The Notice of Cancellation was subsequently withdrawn with publication of a notice in the Federal Register on December 27, 2021, which announced that "the [BIA] will *resume preparation* of an environmental impact statement (EIS) for the proposed project" (*emphasis added*). Upon resumption of the EIS, the analysis was reviewed and updated where warranted to reflect the most recently available information as needed to provide "full and fair discussion of significant environmental impacts" as required by NEPA (40 CFR 1502.1). Once the Draft EIS was determined to be complete by the BIA, the Lead Agency, a NOA for the Draft EIS was published in the Federal Register on November 25, 2022. The NOA initiated the public review period for the Draft EIS that ended on February 23, 2023.

The EIS process described above was conducted in compliance with NEPA (42 Section USC 4321), the CEQ NEPA Implementing Regulations (40 CFR parts 1500 through 1508), and the BIA's NEPA Guidebook. In accordance with 40 CFR 1501.7(i), the BIA as lead agency is responsible for, "...develop[ing] a schedule, setting milestones for all environmental reviews and authorizations required for implementation of the action..." In other words, the BIA as Lead Agency has the discretion to determine the appropriate course and schedule for the NEPA compliance process. The Draft EIS includes a thorough analysis of the environmental impacts of the alternatives including, but not limited to, all relevant areas of concern raised during the scoping process.

While the CEQ NEPA regulations do not stipulate a trigger for restarting the NEPA process, as requested by some commenters, they do provide guidance related to the preparation of supplemental draft EISs. As set forth in 40 CFR 1502.9(d), agencies "[s]hall prepare supplements to either draft or final environmental impact statements if a major Federal action remains to occur, and: (i) The agency makes substantial changes to the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." In addition, agencies "[m]ay also prepare supplements when the agency determines that the purposes of the [National Environmental Policy] Act will be furthered by doing so."

Since the publication of the scoping report, substantial changes relevant to environmental concerns related to the Proposed Action have not been made, nor has a new alternative been introduced as the Proposed Action. Similarly, there are no significant new circumstances or information relevant to environmental concerns and bearing on the Proposed Action or its impacts. In response to comments received on the Draft EIS, text and analyses contained in the EIS have been supplemented, modified, and improved; and factual corrections have been made. While new information has been presented, the information has not resulted in substantial changes in the EIS's conclusions regarding the environmental impacts of the Proposed Action.

As demonstrated below for each issue area, after reviewing the public comments received on the Draft EIS during the public comment period and clarifying the EIS in response to the comments received, the BIA has determined that the EIS presents a “hard look” at potential environmental impacts and no new significant environmental issues have been identified that would change the conclusions of the Draft EIS for each environmental issue area. Further, the BIA recently solicited and gathered input from the public and agencies as to the accuracy and findings of the Draft EIS during the 90-day public review period. Reinitiating the scoping process at this time would be unlikely to reveal any new information beyond the feedback received during the Draft EIS public review period. Therefore, reinitiating the scoping and NEPA process for the Proposed Action is neither required nor warranted and the BIA has determined that the purposes of NEPA would not be furthered by restarting the NEPA process.

Furthermore, the preparation of revised analyses to evaluate effects caused by the passage of time could perpetuate a continual cycle of document revisions, followed by new commenter assertions that fresher data, or a more recent scoping, is still required. Such repetitious exercises are not generally beneficial to the environment or required under NEPA. As stated by the U.S. Court of Appeals for the District of Columbia Circuit:

*However desirable it may be for agencies to use the most current and comprehensive data available when making decisions, the FAA has expressed its professional judgment that the later data would not alter its conclusions in the EIS or the approval of Alternative C, and it is reasonably concerned that an unyielding avalanche of information might overwhelm an agency’s ability to reach a final decision. [Citation omitted] The method that the FAA chose, creating its models with the best information available when it began its analysis and then checking the assumptions of those models as new information became available, was a reasonable means of balancing those competing considerations, particularly given the many months required to conduct full modeling with new data.<sup>1</sup>*

Similar to the Federal Aviation Administration decision cited above, the BIA has also made best efforts at each phase of the NEPA process to use the most current and comprehensive data available when preparing the Draft EIS to the extent that such data may alter the EIS conclusions or consideration of the project alternatives.

The following issue area discussion demonstrates why the passage of time since the publication of the scoping report in 2015 has not affected the conclusions of the analysis.

#### ***Land Use***

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on land use that was based on numerous sources, including input received from agencies and the public during scoping, more recently published information, and other supporting information, such as U.S. Department of Agriculture Farmland Conversion Impact Rating form (Draft EIS, Appendix I). Comments related to land use raised during the scoping period covered the following topics:

- The EIS should address consistency with local land use regulations on vehicle access requirements, block length requirements, development standards (including building heights and setbacks), big box requirements, and buffer yard requirements on certain property lines.
- The zoning of the adjacent Bear Creek Golf Course and the presence of a high school and youth sports facility near the project sites should be taken into account.

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<sup>1</sup> Source: Village of Bensenville v. FAA, 457 F.3d 52, 71-72 (D.C. Cir. 2006). Available at Legal.com and accessed October 2, 2019 at <https://www.leagle.com/decision/2006509457f3d521504>

- The Proposed Project, were it not to take place on trust land, would require a zoning change from single-family residential to commercial.

The scoping comments were addressed in Section 3.9 and Section 4.9 of the Draft EIS. Furthermore, impacts to adjacent land uses, such as the Bear Creek Golf Course and nearby school, were addressed as appropriate throughout Sections 3 and 4 of the Draft EIS. Significant and potentially significant impacts identified in Section 4.9 of the Draft EIS were reduced with mitigation measures included in Section 5 of the Draft EIS or Best Management Practices (BMPs) included in Section 2 of the Draft EIS. With these mitigation measures and BMPs in place, land use related impacts identified in the Draft EIS were reduced to less-than-significant levels.

Since the preparation of the 2015 scoping report, there have been no significant changes related to land use that would alter the determinations of the Draft EIS. While limited development has occurred in the vicinity of the alternative sites, all recent development has been consistent with City's Comprehensive Plan and zoning ordinance. Projects that have recently occurred in the vicinity of the Project Sites include the development of the Compass Hotel immediately adjacent to the southeast of the Madera Site. This hotel was approved prior to the publication of the Draft EIS and was considered as a cumulative project in the Draft EIS. Further, the Hotel was determined to be consistent with the underlying zoning designation of the site, and it is compatible with surrounding land uses. While several updates to local land use plans were adopted since the EIS scoping period, the Draft EIS was updated to reflect those changes, and no updates to the City's Comprehensive Plan Land Use Element, the County's General Plan Land Use Element, or the Greater Bear Creek Valley Regional Problem Solving Plan have occurred since publication of the Draft EIS.

Therefore, there are no new significant environmental issues pertaining to land use that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

#### ***Geology and Soils***

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on geology and soils that was based on numerous sources, including input received from agencies and the public during scoping, more recently published data and regulations, and the 2016 Water and Wastewater Feasibility Study and Drainage and Stormwater Quality Analysis (Draft EIS Appendix D). Comments related to geology and soils raised during the scoping period covered the following topics:

- The EIS should address potential impacts to soil quality, mineral resources, and topography, including the effects of erosion, geologic hazards, and implementation of a grading/drainage plan.
- The EIS should take into account the seismic setting of the project sites and should include a seismic map.
- The EIS should list all permits and authorizations necessary for the Proposed Project.

The environmental setting for geology and soils was described in Section 3.2, and environmental impacts were described in Section 4.2 of the Draft EIS. Furthermore, Section 1.6 of the Draft EIS described the permits and authorizations necessary for implementation of the alternatives. Significant and potentially significant impacts identified in Section 4.2 of the Draft EIS were reduced with mitigation measures included in Section 5 of the Draft EIS or BMPs included in Section 2 of the Draft EIS. With these mitigation measures and BMPs in place, geology and soil related impacts identified in the Draft EIS were reduced to less than significant levels. Further, no substantive comments specific to geology and soils were raised by the public or agencies during the Draft EIS review period. Therefore, the Draft EIS comment period did not



reveal novel impacts or require changes to the Draft EIS that would change the determinations of the analysis.

While the resources utilized to compose the environmental background and analysis for geology and soils vary in age, the information is still relevant. No substantive changes to the environmental or regulatory setting related to geology and soils have occurred since the publication of the scoping report that would have a bearing on the Proposed Action or its environmental effects. For example, as discussed for water resources below, the Compass Hotel has started operation since the scoping period. However, this property was already developed with commercial development prior to the hotel and paved. In addition, there have been no changes to the underlying soils or seismic conditions since the NOI was published.

Therefore, there are no new significant environmental issues pertaining to geology and soils that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

#### ***Water Resources***

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on water resources that was based on numerous sources, including input received from agencies and the public during scoping, more recently published information, and the 2016 Water and Wastewater Feasibility Study and Drainage and Stormwater Quality Analysis (Draft EIS, Appendix D). Comments related to water resources raised during the scoping period covered the following topics:

- Identify surface waters (especially Bear Creek), wetland and riparian habitats, Waters of the U.S., wildlife corridors, and fish and wildlife, include existing enhancement or restoration efforts. List and identify activities that may affect these water resources, including potential contaminants, and measures to protect them.
- Assess floodplains, including potential for rising water levels in Bear Creek and Executive Order 11988.
- List all permits and authorizations necessary for the Proposed Project, including the Clean Water Act, National Pollutant Discharge Elimination System permit, and coordination with the Oregon Department of Environmental Quality (ODEQ).
- Consider historic low snowpack level in Oregon.
- Consider water supply quality topics, including groundwater quality, aquifer recharge, and irrigation.
- Assess increase in impervious surfaces that may affect stormwater quality and runoff/flow patterns, including to Bear Creek, and stormwater detention. Should include potential for contamination by heavy metals, pesticides, and/or septic systems.

These scoping comments were addressed throughout the Draft EIS. Section 3.3 of the Draft EIS discussed the existing water resources setting that included information about water resource regulations, watersheds, local and region drainage, flood designations, irrigation water features, surface water quality, and groundwater conditions, including supply. Section 3.5 of the Draft EIS identified Waters of the U.S., wetland and riparian habitat, and fish and wildlife species. Section 3.4 of the Draft EIS discusses snowpack in Oregon under climate change. Section 4.3 of the Draft EIS examined the potential impacts to flooding, groundwater (including recharge), runoff and stormwater, and water quality that included examining the potential sources and types of contamination. Significant and potentially significant impacts identified in Section 4.3 of the Draft EIS were reduced with mitigation measures included in Section 5 of the Draft EIS or BMPs included in Section 2 of the Draft EIS, including water quality BMPs. With these mitigation measures and BMPs in place, all water resource related impacts identified in the Draft EIS were reduced to less-than-significant levels. Aside from the scoping comments incorporated into the Draft EIS, few comments were received during the public comment period for the Draft EIS that directly addressed water

resources. Of the comments received, the only substantive comments pertained to the chemical content in stormwater runoff from the alternative sites, which was already addressed in detail in the Draft EIS. Responses to these comments did not reveal novel impacts or require changes to the Draft EIS that would change the determinations of the analysis.

While the resources utilized to compose the environmental background and analysis for water resources vary in date, the information is still relevant despite the age. The water resources analysis relied on the technical study, Water and Wastewater Feasibility Study and Drainage and Stormwater Quality Analysis (attached as Appendix D of the Draft EIS), in addition to online resources. The technical study was prepared in 2016 to assess the existing water, wastewater, and stormwater facilities, and assess the potential impacts from the alternatives on these in addition to suggesting design measures for each alternative. Since the preparation of the study, a limited quantity of new development has occurred, and thus water, wastewater, and stormwater facilities have changed slightly. An example of changed new development since the preparation of this study is the construction of the Compass Hotel that is adjacent to the Medford Site; however, it should be noted that the Compass Hotel Site was previously developed with commercial development and mostly paved at the time of scoping and was therefore already a source of stormwater runoff and water use/consumption. The existence of the hotel has contributed to minor changes in the environment, such as changes to drainage and storm runoff patterns (however the volume of stormwater runoff would not increase as the site was previously paved). It has also increased the water consumption and wastewater requirements within the City. However, this change in background conditions does not alter the water, wastewater, and stormwater needs of the alternatives or alter the water resource and hydrology landscape that would substantively change the findings and conclusions of the EIS. Therefore, the water, wastewater, and stormwater report prepared for the Draft EIS is still relevant.

Therefore, there are no new significant environmental issues pertaining to water resources that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

#### ***Air Quality and Climate Change***

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on air quality and climate change that was based on numerous sources, including input received from agencies and the public during scoping, more recently published information, executive orders and regulations, relevant CEQ guidelines, and emission calculations using USEPA's model MOVES2014. Comments related to air quality raised during the scoping period covered the following topics:

- The EIS should take into account potential impacts relating to climate change and greenhouse gas (GHG) emissions, including CEQ guidelines on these topics, and relevant mitigation should be proposed.
- The reduction in GHG emissions as a result of Medford residents patronizing the Proposed Project driving fewer miles to a gaming facility should be taken into account.
- The EIS should analyze potential effects due to dust associated with the construction of the Proposed Project.
- The EIS should consider pollution prevention and Leadership in Energy and Environmental Design Standards.

Information related to air quality and climate change was presented in the Draft EIS Sections 3.4, 4.4, and 4.15. These sections discussed air quality and climate change regulations and guidelines, including the most recent CEQ guidelines available at the time the Draft EIS was published. Significant and potentially significant impacts identified in Section 4.4 of the Draft EIS were reduced with mitigation measures included in Section 5 of the Draft EIS or BMPs included in Section 2 of the Draft EIS. With these mitigation measures and BMPs in place, all air quality and climate change related impacts identified in the Draft EIS

were reduced to less than significant levels. Several comments were received during the public comment period for the Draft EIS that directly addressed air quality and climate change issues. In response the comments, the Final EIS, Volume II has been revised as follows:

- Estimated background concentrations of criteria pollutants have been added to Section 3.4.2 of the Final EIS, Volume II. It should be noted that all estimated background concentrations are below the NAAQS.
- Additional information and analysis have been provided in the Final EIS, Volume II to comply with the CEQ's guidance on the consideration of GHG emissions and climate change that was issued in January 2023, after release of the Draft EIS. Specifically, Section 3.4.1 summarizes the guidance and Section 4.15 provides additional analysis, including an estimate of the social cost of GHG emissions for the alternatives.
- Additional information and discussion have been provided in the Final EIS, Volume II to address Oregon's Climate-Friendly and Equitable Communities Rules adopted on March 10, 2020. Specifically, the BMPs in Table 2-5 of Section 2 of the Final EIS, Volume II have been supplemented to specify that the parking areas of the project will include electric vehicle charging infrastructure consistent with these rules, and that the Tribe will provide incentives for employee carpooling.
- The operational emission estimates presented in Section 4.4 and Section 4.15 of the Final EIS, Volume II have been updated using EPA's more recent MOVES3.1 (versus MOVES2014). The revised emissions estimates are also provided in new **Appendix S** of the Final EIS, Volume II. The resulting emission estimates continue to be less than significant with the addition of BMPs in Final EIS, Volume II, Section 2 of the and mitigation measures in Final EIS, Volume II, Section 5.

No new significant novel and more adverse impacts were identified as a result of the above-described changes. Furthermore, the attainment status of the region has not changed, and there have been no new significant sources of emissions in the vicinity of the Medford Site that would cause the criteria pollutant and GHG emissions from the alternatives to have a worsened cumulative effect.

Therefore, there are no new significant environmental issues pertaining to air quality and GHG issues that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

#### ***Biological Resources***

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on biological resources that was based on numerous sources, including input received from agencies and the public during scoping, more recently published information, biological surveys of the sites conducted in 2015, and supporting documentation, including 2019 United States Fish and Wildlife Service (USFWS) lists of Special-Status Species (Draft EIS, Appendix F). Comments related to biological resources raised during the scoping period covered the following topics:

- The EIS should consider issues relating to the Federal Endangered Species Act, specifically lampreys and salmonids (chum, Coho, and fall-run Chinook) salmon.
- The EIS should consider potential impacts to wetlands, waters of the U.S., habitats (especially salmon-spawning habitat), Bear Creek, wildlife, and vegetation.
- There are approximately 9.31 acres of wetlands on/near the project sites.
- The EIS should consider monitoring.
- The EIS should list all permits and authorizations necessary for the Proposed Project.

Biological resource issues were addressed in Sections 3.5 and 4.5 of the Draft EIS, with Sections 3.3 and 4.3 providing additional information and analysis relating to water resources. Furthermore, Section 1.6 of the Draft EIS listed potential permits, and approvals required for development of the alternatives. Significant and potentially significant impacts identified in Section 4.5 of the Draft EIS were reduced with mitigation measures included in Section 5 of the Draft EIS or BMPs included in Section 2 of the Draft EIS, including water quality BMPs. With these mitigation measures and BMPs in place, all biological resource related impacts identified in the Draft EIS were reduced to less than significant levels. Aside from the scoping comments incorporated into the Draft EIS, comments were received during the public comment period for the Draft EIS that directly addressed biological resources. Of the comments received, substantive comments pertained to updating/expanding the special-status species lists used, updating/expanding fish habitat information, storm water runoff pollution and effects on fish populations, and specifying the evolutionarily significant units (ESU) of the fish species discussed. In response to these comments, the following assessments were performed:

- Creation of new (March 2023) species lists using USFWS Information for Planning and Consultation species list generator and the NOAA Fisheries Endangered Species Act Threatened & Endangered Species Directory (Final EIS, Volume II, **Appendix Q**).
- Query of Essential Fish Habitats in, or near, the project sites using the NOAA Fisheries Essential Fish Habitat Mapper (Final EIS Volume II, **Figure 3.5-4**).
- Query of critical habitat in, or near, the project sites using the USFWS critical habitat mappers and GIS layers (Final EIS Volume II, **Figures 3.5-2 and 3.5-7**).
- Query of federally listed, state listed, and sensitive species that have been reported in, or near, the project sites using the Oregon Department of Fish and Wildlife (ODFW) Compass database and the Oregon Biodiversity Information Center (ORBIC) database (Final EIS, Volume II, **Appendix Q**).
- Query of wetlands that have been mapped in, or near, the project sites using the USFWS National Wetland Inventory (Final EIS, Volume II, **Appendix Q**).
- Review of current and historical aerial photography.

The results of these queries resulted in some changes to the list of listed species and sensitive species that occur in the region, but there are no new records of such species occurring on the alternative sites. In addition, the Final EIS, Volume II, Section 3.5 was updated to correctly state that, in the vicinity of the Medford Site and the Phoenix Site, the nearest Critical Habitat occurs in Bear Creek, and is for Southern Oregon Northern California Coast Coho. The Medford Site is approximately 1,400 feet from Bear Creek and the Phoenix Site is about 800 feet from Bear Creek. The Draft EIS, Section 4.5.1 acknowledged that “Bear Creek is an anadromous-bearing stream containing two listed species, Chinook salmon (*Oncorhynchus tshawytscha*) and coho salmon (*O. kisutch*).” The correction and expanded discussion of the nearest designated critical habitat did not alter the analysis of impacts to fisheries resources, so the conclusions in Section 4.5 of the Draft EIS regarding the potential for effects to biological resources remain the same. Finally, aerial photography did not display any significant changes in land use or vegetation cover in any of the alternative sites. Thus, while the new assessments and queries provided new information about the biological setting and the plants and animals that occur in the region, no new biological resource impacts were identified, and where there was a potential adverse effect upon biological resources, the existing mitigation measures in Section 5 of the Draft EIS reduced these to less than significant.

Therefore, there are no new significant environmental issues pertaining to biological resources that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

***Cultural and Paleontological Resources***

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on cultural and paleontological resources that was based on numerous sources, including input received from agencies and the public during scoping, more recently published information, archaeological survey of the Medford Site conducted in 2015, 2015 Cultural Resources Report (Draft EIS Appendix G), supplemental archeological research report for the Medford Site completed in 2022, Native American consultation, and the results of consultation with the State Historic Preservation Officer (SHPO) conducted in accordance with Section 106 of the National Historic Preservation Act (NHPA) which concluded in 2022. Comments related to cultural and paleontological resources raised during the scoping period covered the following topics:

- The EIS should involve a cultural field survey of the project sites.
- Cultural consultation should take into account the cultural viewsheds as well as the project sites.
- Cultural consultation should involve tribes within 100 miles of Medford (specifically including Shasta Nation, the Cow Creek Band of Umpqua Indians, and the Karuk Tribe).
- Cultural consultation should be conducted pursuant to Section 106 of the NHPA and the Archeological Resources Protection Act, and involve appropriate consultation with the SHPO.

Issues pertaining to cultural resources were addressed in the Draft EIS Sections 3.6 and 4.6. All significant and potentially significant impacts were reduced to less than significant levels with mitigation measures in Section 5 of the Draft EIS. No substantive comments specific to cultural and paleontological resources within the alternative sites were raised by the public or agencies during the Draft EIS review period; however, several comments were received that stated impacts to salmon species should be considered impacts to tribal cultural resources. The potential for impacts to salmon has been thoroughly addressed in Section 4.3 of the Final EIS, Volume II. Refer to the discussion above titled “Biological Resources”. No substantive changes to the environmental or regulatory setting related to cultural and paleontological resources have occurred since the scoping period that would have a bearing on the Proposed Action or its environmental effects. As noted in Section 4.6.1 of the Draft EIS, in addition to an archaeological investigation conducted in 2015, a supplemental archaeological research report was prepared for the Medford Site in 2022. Similar to the 2015 report, the supplemental study concluded that the potential for discovery of unknown buried resources is low given the disturbed nature of the site. The Draft EIS was reflective of the best available information related to cultural resources.

Therefore, there are no new significant environmental issues pertaining to cultural resources that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

***Socioeconomic Conditions***

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on socioeconomic resources that was based on numerous sources, including but not limited to input received from agencies and the public during scoping, more recently published information, census data, the Impact Study for the Coquille Development Project (August 2019) and a Gaming Market Assessment (January 2016), which are attached as Appendix E of the Draft EIS. Comments related to socioeconomic resources raised during the scoping period covered the following topics:

- Discuss projected effects to the local economy (including other businesses in the area, as well as the Oregon Lottery and programs that benefit from lottery revenues).
- Address whether or not the Proposed Project would result in an increase in crime and/or addictive behaviors, such as problem gambling and alcoholism, and mitigate appropriately, such as with rehabilitation programs.

- Address potential financial and social impacts to the Cow Creek Band of Umpqua Indians, and impacts to existing community support they currently provide, both to Jackson County and their Tribal members.
- Address the impacts on non-profit organizations in the community.
- Address whether or not the development of the Proposed Project would change the character of Medford (such as by causing urban blight) and the City's ability to attract tourism and family-oriented businesses.
- Address potential social issues, such as marriage counseling, child welfare, and drunk driving.
- Address the effect of lost tax revenues on the City of Medford.
- Incorporate an updated socioeconomics study that takes into account the potential for logging in the Coquille Forest.
- Address environmental justice and Tribal participation, pursuant to Executive Order 12898 (possibly by consulting with Tribes located up to 100 miles from Medford).
- Address the potential for housing impacts as a result of the Proposed Project.

Section 3.7 of the Draft EIS included a description of the socioeconomic conditions of the Tribe and surrounding communities. Section 4.7 of the Draft EIS analyzed reasonably foreseeable and disproportionate impacts of the alternatives on minority and low-income populations, and analyzed socioeconomic issues such as employment, housing, local business revenue, substitution effects, property value, problem gambling, and crime rates. Significant and potentially significant impacts identified in Section 4.7 of the Draft EIS were reduced with mitigation measures included in Section 5 of the Draft EIS or BMPs included in Section 2 of the Draft EIS. With these mitigation measures and BMPs in place, all socioeconomic resource related impacts identified in the Draft EIS were reduced to less than significant levels. Multiple comments were submitted during the Draft EIS comment period concerning the socio-economic impacts of the project alternatives, including but not limited to comments concerning environmental justice issues, economic impacts and benefits, and adverse effects to other tribal governments and communities from competitive effects to tribal gaming entities. In response the comments, the Final EIS, Volume II has been revised as follows:

- Property tax information for the Medford and Phoenix Sites in Table 3.7-2 has been updated in the Final EIS, Volume II, Section 3.7 to reflect information available from 2023.
- A screening analysis using the Environmental Justice Screening and Mapping Tool (EJScreen version 2.1) and the Climate and Economic Justice Screening Tool (CEJST) has been added to the Final EIS, Volume II, Section 3.7.4 to assist in identifying potentially disadvantaged communities near the Medford, Phoenix, and Casino Mill Sites. Updated U.S. Census Bureau information for race/ethnicity and income for the alternatives sites and surrounding area has been incorporated into the Final EIS, Volume II. Since the preparation of the Draft EIS, the economic and demographic conditions of the region have not changed materially.
- The 2019 analysis of potential competitive effects to tribal gaming enterprises included in the Final EIS, Volume II, Appendix E has been updated to address recent demographic trends, video lottery terminal ("VLT") market changes, casino gaming market changes, the potential for phased gaming operations under Alternative A (refer to the Final EIS, Volume II, Section 2.3.4), and other environmental/economic factors, and is provided in the Final EIS, Volume II, **Appendix O**, and summarized in the Final EIS, Volume II, Section 4.7. Final EIS, Volume II, **Appendix O**, prepared by Global Market Advisors (GMA), considered the proposed expansion by the Karuk Tribe at its Rain Rock Casino as well as other improvements planned or recently conducted at other competitive facilities in the market area. As shown described in more detail under **Master Response 3**, in general competitive effects to tribal gaming enterprises are expected to be slightly reduced when compared to the results of the previous study.

- The projected level of gaming revenue anticipated for the alternatives as evaluated in Final EIS, Volume II, **Appendix O** is very similar to that contemplated in the 2019 analysis (Draft EIS, Appendix E). Accordingly, an updated economic impact study was determined not to be warranted as the results would likely be substantially similar.

While the new data and assessments described above provided new information about the socioeconomic setting and clarified impacts, no new or novel socioeconomic impacts were identified, and where there was a potential adverse effect, the existing mitigation measures in Section 5 of the Draft EIS reduced these to less than significant.

Therefore, there are no new significant socioeconomic environmental issues that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

#### ***Transportation and Circulation***

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on transportation and circulation that was based on numerous sources, including input received from agencies and the public during scoping, 2019 Traffic Impact Analysis (TIA) and 2022 Hotel Memo (Appendix H of the Draft EIS), and more recently published information. Comments related to transportation and circulation raised during the scoping period covered the following topics:

- The EIS should consider parking, bike parking, public transit service, and pedestrian access on the project sites.
- The EIS should consider the contribution of the project to traffic (especially queuing and accident potential) on Hwy 99 and adjacent roadways.
- A TIA should be completed.
- The EIS should consider whether it is appropriate for the Proposed Project to pay utility fees to the Medford Public Works Department to mitigate roadway degradation impacts.
- The EIS should list all permits and authorizations necessary for the Proposed Project.

The existing setting related to traffic, public transport/access, and roadways was described in Section 3.8 of the Draft EIS and transportation impacts were described in Section 4.8 of the Draft EIS, with permits and authorizations needed listed in Section 1.6 of the Draft EIS. Furthermore, as mentioned above, a TIA was prepared in 2019 and included as Appendix H of the Draft EIS. Significant and potentially significant impacts identified in Section 4.8 of the Draft EIS were reduced with mitigation measures included in Section 5 of the Draft EIS. With these mitigation measures, all transportation and circulation related impacts identified in the Draft EIS were reduced to less than significant levels. Several comments were received during the public comment period for the Draft EIS that directly and indirectly addressed transportation and traffic issues. In response to these comments, updated traffic counts were collected in March 2023 at the study area intersections for the Medford site to determine if changes in background traffic conditions could alter the results and recommendations of the 2019 TIA. The results of this assessment are summarized in the 2023 Traffic Technical Memorandum (attached as Final EIS, Volume II, **Appendix P**). The Traffic Technical Memorandum revealed that the differences between the 2019 traffic levels and the 2023 traffic levels at the study intersections were less than +/- 10% and the overall percent change of the study area intersections was a one percent reduction in traffic volumes. This traffic memo revealed that while traffic volumes have shifted since the 2019 TIA assessment, the changes were not enough to alter the impacts of Alternative A as described in the 2019 TIA.

Therefore, there are no new significant environmental issues pertaining to traffic and circulation that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

### *Public Services*

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on public services that was based on numerous sources, including input received from agencies and the public during scoping, the 2016 Water and Wastewater Feasibility Study and Drainage and Stormwater Quality Analysis (Draft EIS, Appendix D), the August 2019 Socioeconomic Impact Report for the Coquille Development Project (Draft EIS, Appendix E), and more recently published information. Comments related to public services raised during the scoping period covered the following topics:

- The EIS should analyze potential impacts to public services, including police protection, water supply, wastewater/sewer service (including system development fees and capacity analysis), fire protection and emergency medical services, schools, the justice system (including jails, district attorneys, and courts), solid waste service, social services, electricity and natural gas service, and public health services.
- The EIS should consider the potential for public infrastructure damage.

Section 4.10 of the Draft EIS examined the potential impacts to police protection, water/wastewater service, fire protection and emergency medical services, solid waste services, and utilities. Section 4.7 of the Draft EIS addressed the socioeconomic effects of alternatives, such as parks, libraries, and schools. Significant and potentially significant impacts identified in Sections 4.10 and 4.7 of the Draft EIS were reduced with mitigation measures included in Section 5 of the Draft EIS or BMPs included in Section 2 of the Draft EIS, including security BMPs to reduce crime incidents. With these mitigation measures and BMPs in place, all public service and utility related impacts identified in the Draft EIS were reduced to less-than-significant levels. Numerous comments were received during the public comment period for the Draft EIS that directly addressed public services. Substantive comments primarily pertained to law enforcement, fire protection and emergency services, the jail system, and the District Attorney (DA). Final EIS, Volume II, Section 3.10 was revised to incorporate updated information relevant to these issue areas that was provided by commenters. Additionally, a memorandum was prepared to estimate the projected increase in calls for service that would occur as a result of Alternatives A and B. This memorandum (attached as Final EIS, Volume II, **Appendix T**) found that at most approximately 294 and 54 calls for services would be generated for law enforcement and fire protection in the first stabilized year of operations, respectively. As a result of these updates, Mitigation Measure 5.10(C) has been revised in the Final EIS, Volume II to include negotiations for an agreement with Jackson County to reimburse law enforcement costs associated with the increase in demand for the DA and County jail as a result of Alternative A. With this updated mitigation measure, impacts associated with law enforcement, fire protection, and emergency services would continue to be less than significant.

For water and wastewater related public services, Section 3.10.1 and Section 4.10.1 of the Final EIS, Volume II have been revised to reflect the 2017 update to the 2007 Medford Water Commission Water Distribution System Facility Plan and the City's 2022 Comprehensive Plan Public Facilities Element. These revisions did not result in significantly increased impacts as compared to the Draft EIS. Furthermore, no other substantive updates to the references cited within the water and wastewater analyses were identified. This includes the technical study, Water and Wastewater Feasibility Study and Drainage and Stormwater Quality Analysis (Draft EIS, Appendix D). As described above for water resources, limited development has occurred that would change the results of the study, and therefore it is still deemed applicable for the Final EIS analysis.

Therefore, there are no new significant environmental issues pertaining to public services that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.



### *Noise*

The Draft EIS included an analysis of the potential impacts of the alternatives on the ambient noise environment that was based on numerous sources, including input received from agencies and the public during scoping, noise measurements collected in 2015 (Draft EIS, Appendix K), sensitive receptors located in the vicinity of the sites when the Draft EIS was released in 2022, and traffic volumes as reported in the 2019 TIS (Draft EIS, Appendix H). However, during the scoping period, no specific comments were received that related to noise. Despite this, the Draft EIS still performed a comprehensive analysis of the potential impacts of the alternatives on the ambient noise environment that included detailed and pertinent environmental information. As shown in Section 3.11 of the Draft EIS, the existing noise setting includes information about noise regulations, and existing noise sources and sensitive receptors near the different alternative sites. Section 4.11 of the Draft EIS examined the potential increases to the ambient noise environment and vibration impacts based on the alternatives, which included assessing the potential impacts on nearby sensitive receptors and buildings. After thorough analysis, the impacts were determined to be less than significant with the mitigation measures specified in Section 5 of the Draft EIS. Furthermore, during the public comment period for Draft EIS, no comments were received that directly addressed noise.

While the resources utilized to compose the environmental background and analysis for noise vary in age, the information is still relevant despite the environmental changes mentioned in the comments. In the areas surrounding the alternative sites, no new sensitive receptors have been introduced to the landscape that were not previously considered in the Draft EIS. Furthermore, as noted above in the “Transportation and Circulation”, 2023 traffic volumes, which are the largest contributor to ambient noise levels in the vicinity of the Medford Site, have changed relatively little since the 2019 Draft TIA (refer to the Final EIS, Volume II, **Appendix P**). By extension, this same conclusion can be applied to the traffic portion of the noise environment.

Therefore, there are no new significant environmental issues pertaining to noise that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

### *Hazardous Materials*

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on hazardous materials that was based on numerous sources, including input received from agencies and the public during scoping, more recently published information, the 2012 Phase I Environmental Site Assessments (ESA) and 2015 Supplemental Due Diligence Orchards Investigation for Medford Site (Draft EIS, Appendix L), and an updated radius report generated by NETROnline in March 2022, to identify locations of past and current hazardous materials involvement on and in the vicinity of the Medford Site (Draft EIS, Appendix M). Comments related to hazardous materials raised during the scoping period covered the following topics:

- The project should comply with any relevant hazardous waste laws.

This scoping comment was addressed. Section 3.12 of the Draft EIS described the relevant hazardous material laws and regulations while Section 4.12 of the Draft EIS discussed how the alternatives would comply with these laws and regulations. Significant and potentially significant impacts identified in Section 4.13 of the Draft EIS were reduced with mitigation measures included in Section 5 of the Draft EIS or BMPs included in Section 2 of the Draft EIS. With these mitigation measures and BMPs in place, hazardous material related impacts identified in the Draft EIS were reduced to less than significant levels. Several comments were received during the public comment period for the Draft EIS that directly addressed hazardous materials. Responses to comments did not reveal new impacts or require changes to the Draft EIS.

While the resources utilized to compose the environmental background and analysis for hazardous materials vary in age, the information is still relevant despite the environmental changes mentioned in the comments. An updated radius report was generated by NETROnline in March 2022, to identify locations of past and current hazardous materials involvement on and in the vicinity of the Medford Site. This report found no significant new sources of hazardous material that could affect the Medford Site.

Therefore, there are no new significant environmental issues pertaining to hazardous materials that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

### *Aesthetics*

The Draft EIS included a comprehensive analysis of the potential impacts of the alternatives on aesthetics that was based on numerous sources, including input received from agencies and the public during scoping. Comments related to aesthetics raised during the scoping period covered the following topics:

- The EIS should analyze potential impacts to scenic beauty.
- The EIS should analyze potential impacts as a result of lighting and signage.
- The EIS should consider measures (including landscaping) to screen trash and mechanical equipment from view during construction and operation.

Section 3.13 of the Draft EIS included a description of the existing setting as it related to aesthetics, visual resources and lighting, and Section 4.13 included an analysis of the aesthetic and lighting related impacts of the project alternatives. With BMPs in Section 2.3.3 of the Draft EIS, all aesthetic related impacts were determined to be less than significant. Few comments were received during the public comment period for the Draft EIS that directly addressed aesthetics. These comments did not reveal novel impacts or changes to the Draft EIS that would change the determinations of the analysis. Furthermore, while the resources utilized to compose the environmental background and analysis for aesthetics vary in age, the information is still relevant despite the environmental changes mentioned in the comments. No significant changes to aesthetics resources or laws/regulations have occurred since the publication of the Draft EIS to alter the impacts results of the alternatives. The Compass Hotel has been constructed within the viewshed of Alternative A, however, the addition of the hotel in the urban setting of the project does not alter the EIS conclusions with respect to aesthetic impacts.

Therefore, there are no new significant environmental issues pertaining to aesthetics or visual resources that would warrant re-circulation of the Draft EIS or re-initiation of the NEPA process.

### *Conclusion*

Based on the information presented above, the EIS presents a “full and fair discussion of significant environmental impacts” as required by NEPA (40 CFR 1502.1), and recirculation of the Draft EIS or re-initiation of the NEPA process is not warranted.

## **3.1.3 MASTER RESPONSE 3: GAMING SUBSTITUTION EFFECTS**

### **Summary of Comments**

Some comments state that the Draft EIS did not adequately assess substitution effects to competing gaming businesses, including tribal casinos. Other comments state that the Draft EIS incorrectly concluded that such substitution effects would be less than significant. At least one comment states that the Draft EIS did not provide evidence that substitution or competitive effects typically dissipate with the passage of time. Some comments stated that substitution effects on tribal casinos would affect tribal government funding and services and is an environmental justice impact.

## **Response**

As a practical matter, most proposed projects that involve substantial economic development will compete at some level with existing businesses, including tribal businesses. The issue for consideration under NEPA is whether competitive effects will result in significant environmental consequences. This issue of competitive or substitution effects are fully evaluated in the Draft EIS Section 4.7 and in the Draft EIS, Appendix E. The significance criteria are described in the Final EIS, Volume II, Section 4.7 and are based on the likelihood that a competitor will close, whether cash flows are sufficient to allow a tribe to continue to provide services to its membership, and anticipated effects to the physical environment. This emphasis has been upheld by the United States District Court for the Eastern District of California, which ruled that “competition....is not sufficient, in and of itself, to conclude that it would result in a detrimental impact to [a tribe]”.

The 2019 analysis of potential competitive effects to tribal gaming enterprises has been updated to address recent demographic trends, “VLT” market changes, casino gaming market changes, the potential for phased gaming operations under Alternative A (refer to the Final EIS, Volume II, Section 2.3.4), and other environmental/economic factors, and is provided in the Final EIS, Volume II, **Appendix O**, and summarized in the Final EIS, Volume II, Section 4.7. **Appendix O**, prepared by GMA, considered the proposed expansion by the Karuk Tribe at its Rain Rock Casino as well as other improvements planned or recently conducted at other competitive facilities in the market area. GMA’s updated analysis quantifies the projected impact of the Alternative A on the future gaming revenues expected to be produced by these facilities. As shown in **Appendix O** and associated updates made in the Final EIS, Volume II, Section 4.7.1, in general competitive effects to tribal gaming enterprises are expected to be slightly reduced when compared to the results of the previous study. Most of this variance is due to changing demographic trends by market segment and their associated impacts on gaming revenue produced by facilities in the market area. GMA’s analysis was supported by sound methodology, its proprietary knowledge of casino operations across relevant markets in the United States, and a firm grasp of market dynamics in the subject region. The analysis performed is based on industry respected methodology and a third party, independent review of the potential impact of the project.

As stated in the Final EIS, Volume II, Section 4.7.1, the largest substitution effects under Alternative A are anticipated to occur with the Karuk Tribe’s Rain Rock Casino (Karuk Casino), Cow Creek Band of Umpqua Tribe of Indians’ Seven Feathers Casino Resort (Cow Creek Casino), and the Klamath, Modoc, and Yahooskin Tribes’ Kla-Mo-Ya Casino. These tribes were considered as minority populations that could be impacted by the alternatives under consideration. It was determined that the full build phase of Alternative A (650 gaming machines) would have a -23.4% impact on the gaming revenue produced at the expanded Rain Rock Casino, 21.3% impact to the Seven Feathers Casino Resort, and 17.6% impact to the Kla-Mo-Ya Casino. However, these impacts are expected to be much less in Phase I of Alternative A (150 gaming machines) (-9.4%, 7.1% and 5%, respectively) and Phase II of Alternative A (300 gaming machines) (-16.2%, 15.7%, and 8.7% respectively).

Estimated substitution effects are anticipated to diminish after the first year of the project operations because local residents will have experienced the casino and will gradually return to more typical and more diverse spending patterns. These effects are gradually lessened by marketing and incentive-based initiatives as well as due to any demographic-based growth. This finding is based on proprietary and confidential data held by GMA for other comparable properties in similar markets. In the previous analysis, GMA compared to fixed 2023 levels for illustrative purposes and has provided an updated alternative analysis to demonstrate this subject in a different way. This analysis is presented in the updated competitive effects study in the Final EIS, Volume II, **Appendix O**.

While the contemplated gaming revenue impacts illustrated in the competitive effects study would have impacts on other gaming operations, multiple casinos across the U.S., including facilities similar in size to the Karuk and Cow Creek facilities, have undergone similar gaming revenue impacts due to increased competition and remain open and profitable. The management practices required to keep these facilities open includes revised player reinvestment and marketing strategies, adjustments to facility programs, and staffing changes to relevant departments. Competitive economic effects were not considered to be disproportionate as they would be dispersed between multiple markets (e.g. other commercial recreation, restaurants) and facilities and would diminish over time.

Profits from the tribal gaming facilities may be utilized for a variety of purposes by its tribal government, with some of these revenues providing funding for government and social services. For certain tribes, these profits also provide funding for distributions to tribal members. Without confidential and proprietary information specific to the revenues of each tribal casino and the amount distributed to the respective tribal governments and tribal members, the environmental justice impact on governmental and social services cannot be determined. Additionally, revenues from gaming facilities are not typically the sole source of funding for tribal governmental and social services, which also use funds from grants and/or other tribal economic enterprises.

### **3.2 RESPONSE TO REPRESENTATIVE COMMENT LETTERS**

Responses to comments in representative written comment letters are included in **Table 2** (see next page).

### **3.3 RESPONSE TO PUBLIC HEARING COMMENTS**

A transcript of the oral comments provided during the public hearings held on December 15, 2022, and January 31, 2023, is provided in **Attachment 2**. Verbal comments submitted during the public hearing did not raise any new substantive environmental issues beyond those contained in the written comment letters that have been responded to throughout this section. Therefore, no additional responses are required.

**TABLE 2**  
RESPONSES TO REPRESENTATIVE COMMENT LETTERS

Comment Number	Response to Comment
<b>Agency Comments</b>	
A1-1	Please refer to <b>Master Response 1</b> regarding the extension of the Draft EIS comment period.
A2-1	<p>Comment noted. Please refer to <b>Master Response 3</b>. In GMA's updated study, included as Final EIS, Volume II, Appendix O, it is anticipated that the Karuk Tribe, as an example of the impact on a tribe in Northern California, would experience a -23.4% impact to its projected baseline gaming revenue in the first stabilized year of operations of the fully built out Alternative A. However, in prior phases the impact is only expected to be between -9.4% and -16.2%. While this is a meaningful reduction, it is far from being great enough to jeopardize the operation of the Karuk Tribe's Casino. Furthermore, given the time that tribes will have to prepare for this impact, proper planning can be utilized to minimize any expected reduction in gaming revenue. Profits from tribal gaming operations may be utilized for a variety of purposes by its tribal government, with some of these revenues providing funding for government services. For certain tribes, these profits also provide funding for distributions to tribal members. Without understanding the exact financial condition of the Karuk Tribe, it is difficult to determine what actual level of impact will be felt as a result of the projected decrease in gaming revenue.</p> <p>It is important to note that gaming revenues (and associated non-gaming revenues) are not always the sole source of funding for tribal governments as they can rely on funds from grants and/or other tribal economic enterprises as well. While GMA is not aware of the source of funding for the Karuk Tribe, it does anticipate that the proposed expansion of its casino at Rain Rock will increase gaming revenues above existing conditions. As such, assuming tribal government expenditures remain similar in the future (adjusted for inflation etc.), this expanded base of revenues should help mitigate impacts on its governmental operations to a degree.</p>
A2-2	Noticing for the EIS (described in Draft EIS, Section 1.4 and Final EIS, Volume II, Section 1) has been completed in accordance with the applicable requirements of NEPA, its implementing regulations and guidance, and the BIA NEPA Guidebook. In addition, as discussed in Draft EIS, Section 3.6.4, the BIA consulted with tribes pursuant to Section 106 of the NHPA. All letters and communication received from tribes by the BIA will be considered as part of the Secretary's decision including, but not limited to, the 17 comment letters received from Tribes on the Draft EIS (see Comment Letters T1-T17) and comments received through the Section 106 consultation process.
A3-1	Comment noted. All required permits and approvals, including access and encroachment permits included in Table 1-1 of the Draft EIS, will be obtained prior to the construction of access improvements.

<p>A4-1</p>	<p>Comment Noted. For clarification, Jackson County, as well as the other cooperating agencies, were requested to review an Administrative Draft version of the EIS in April 2016 in accordance with 40 CFR Section 1502.9(b). The BIA received the County’s comments on the 2016 Administrative Draft EIS dated June 3, 2016, and considered them in the preparation of the 2022 Draft EIS as required by NEPA. As insinuated by the Commenter, the 2016 Administrative Draft EIS included an additional alternative referred to therein as “Alternative B - On-Site Water and Wastewater Facilities”. This alternative was subsequently eliminated from full consideration. The explanation for its elimination from consideration was included in Draft EIS, Section 2.7.1. The other four alternatives included in the 2016 Administrative Draft EIS are similar to the alternatives included in the 2022 Draft EIS; therefore, the County had the opportunity to provide initial comments on all of the alternatives presented in the 2022 Draft EIS as part of their review of the 2016 Administrative Draft EIS as a Cooperating Agency.</p>
<p>A4-2</p>	<p>The property tax figures referenced in this comment equate to 0.052% of Jackson County’s total property taxes in FY 2022, and therefore are a minimal source of the County’s overall property taxes. Even still, it is important to note that the reduction in property taxes resulting from Alternative A will be offset by a number of other economic benefits to Jackson County, including direct and indirect impacts as estimated in the 2019 Economic Impact Study provided as Appendix E of the Draft EIS. Additionally, Mitigation Measure 5.10 has been revised in the Final EIS, Volume II to include a requirement that the Tribe will offer to enter into an agreement with Jackson County to reimburse increased costs associated with jail services (referto <b>Responses to Comment A4-4</b> through <b>A4-7</b>).</p> <p>Additionally, as demonstrated in Appendix E of the Draft EIS, Alternative A is expected to create economic impact ripple effects that will provide an increase in household property taxes of \$2,515 during the operations phase of the project.</p>
<p>A4-3</p>	<p>As discussed in Draft EIS Sections 4.7.1 and 4.10.1, Alternative A would result in an increased number of patrons and employees traveling/commuting into the area on a daily basis. As a result, under Alternative A, criminal incidents would likely increase in the vicinity of the Medford Site, as would be expected with any type of large commercial development. As described in the Draft EIS Section 4.7.1 and <b>Appendix E</b>, the level of criminal incidents that occur at casinos and other gaming venues are similar to those of other commercial venues. The commenter is incorrect in stating that Appendix E strongly links existing casinos with petty crime, violent crime, and prostitution. Instead, the study did not find strong evidence indicating that casinos or gambling concretely increases petty crime and violent crimes, and while the prevalence of prostitution and white-collared crimes were found to be higher for the large-scale destination based casino regions described in <b>Appendix E</b>, no clear trend or connection was found linking these types of crimes directly with casinos more similar in nature to Alternative A. Smaller scale gaming developments similar to Alternative A are typically associated with criminal activity that is more in line with other non-gaming developments of a similar size and visitation scale.</p> <p>For information regarding the impacts to Jackson County Sheriff’s Office, the Jackson County DA’s Office, and the Jackson County Jail, please refer to <b>Responses to Comments A4-4</b> through <b>A4-7</b>.</p>

### 3.0 Response to Comments

A4-4	<p>As noted in Section 4.10 of the Draft EIS, the project alternatives would result in potentially significant impacts associated with an increase in calls for law enforcement services. Mitigation Measure 5.10 C within Section 5.0 of the Draft EIS requires the Tribe to offer to enter into an agreement with the Medford Police Department to compensate for the direct and indirect costs associated with the increase in calls for service as a result of Alternative A, and Mitigation Measure 5.10 D requires a service agreement between the Tribe and Jackson County Sheriff's Department for development of Alternative B. Section 2.3.3 of the Draft EIS provides a list of BMPs that would further reduce the potential impacts to law enforcement, including on-site security measures, personnel training, adopting responsible drinking policies, and assisting local law enforcement agencies. Therefore, the Draft EIS does provide sufficient details of how impacts to local law enforcement would be reduced via mitigation measures and BMPs.</p> <p>A Public Services Memorandum, included as Final EIS, Volume II, Appendix T, was prepared to estimate the calls for service and subsequent arrests that would occur under Alternative A and B. For police services, it is estimated that these alternatives would generate 294 calls for law enforcement services and 26 arrests during the first stabilized year of operations. This is a conservative estimate for Alternative A as the existing bowling alley currently operates VLTs and generates police calls; therefore, the net increase in police calls would be less than these estimates. The Final EIS, Volume II, Section 4.10.1 has been updated to address the potential impacts to the Jackson County Sheriff's office from operation of Alternative A. As described therein, the City of Medford would be the primary responder to the Medford Site; therefore, the number of calls that would require response from Jackson County Sheriff's Office would be minimal, and any costs would be offset by the increase in economic activity and associated taxes that would accrue to the County.</p>
A4-5	<p>Please refer to the <b>Response to Comment A4-4</b> regarding impacts to Jackson County Sheriff's Office under Alternative A. With regards to impacts on the DA's Office and Jackson County Jail, please refer to the <b>Response to Comment A4-6</b> and <b>Response to Comment A4-7</b>, respectively.</p>
A4-6	<p>Please refer to the <b>Response to Comment A4-3</b> with regards to crime increases in relations to casinos. With regards to the impacts on the Jackson County DA's Office, as specified in the <b>Response to Comment A4-4</b>, Alternatives A and B are expected to generate approximately 26 arrests per year. This is a conservative estimate for Alternative A as the existing bowling alley currently operates VLTs and generates police calls; therefore, the net increase in arrests would be less than these estimates. Final EIS, Volume II, Section 4.10.1 has been updated to address the potential impacts to the Jackson County DA from operation of Alternative A. As described therein, the increase in arrests associated with Alternative A, which is estimated to be 26 additional arrests annually, may result in increased costs for Jackson County. Therefore, Mitigation Measure 5.10(C) has been revised to include negotiations for an agreement with Jackson County to reimburse law enforcement costs associated with the increase in demand for the DA as a result of Alternative A. With implementation of this mitigation, the impact to the Jackson County DA would be less than significant.</p>
A4-7	<p>Please refer to the <b>Response to Comment A4-3</b> regarding increases in crime associated with casinos. Regarding impacts on the County's jail, as specified in the <b>Response to Comment A4-4</b>, the anticipated arrests as a result of Alternative A and B are expected to be approximately 26 per year. This is a marginal increase of approximately 2 arrests per month, and jail times would vary for each arrest. Despite the small increase, the Final EIS, Volume II, Section 4.10.1 has been updated to address the potential impacts to the Jackson County Jail from operation of Alternative A and Mitigation Measure 5.10(C) has been revised to include negotiations for an agreement with Jackson County to reimburse law enforcement costs associated with the increase in demand for the jail as a result of Alternative A. With implementation of this mitigation, impacts to the Jackson County Jail would be less than significant.</p>

### 3.0 Response to Comments

A4-8	<p>Comment noted. The Medford Site is within the service area of the Medford Fire-Rescue, and as discussed in Draft EIS, Section 3.10.5, the Medford Site is within 1.1 miles of Station #3. Therefore, impacts to Jackson County fire services would be minimal, if any. The Phoenix Site is located within the service area of the Jackson County Fire District No. 5 and would therefore generate calls for service. Mitigation has been included in Section 5.0 of the Draft EIS to negotiate appropriate compensation for this increase in calls for service, which would reduce this impact to less than significant. For additional information regarding impacts to fire services, please refer to Section 3.10.5 and Section 4.10 of the Draft EIS.</p> <p>With regards to ambulance services, these are typically private services rather than public services. The ambulance service that serves the project sites, Mercy Flights, is a non-profit ground and air ambulance organization that is not publicly owned. Usually, ambulance service costs are the responsibility of the person requiring the services. Should ambulance services be required under any of the alternatives, the costs will be covered by the individual receiving the service or in some circumstances by another party on behalf of the individual receiving the service. Therefore, any increase in ambulance services would be compensated for each time the service is utilized and would not result in an adverse fiscal effect.</p>
A4-9	<p>Comment noted. As discussed in Draft EIS, Section 4.7.2, while Jackson County would no longer be able to collect property taxes on the Phoenix Site after being taken into trust, the economic activity generated in Jackson County during operation of Alternative B would more than off-set the loss in current property taxes and projected property tax values after being developed. This would include taxes generated from secondary economic activity generated by tribal gaming, such as corporate profits tax and income tax (for additional information on anticipated positive economic activity, refer to Appendix E of the Draft EIS). Therefore, it is not necessary to discuss alternative revenue options because of the anticipated positive economic impacts for the County after development of Alternative B. Further, regarding the potential of tax revenue from future unplanned development of the Phoenix Site, the lack of such taxes is not an impact pursuant to NEPA. Specifically, as noted by the Commenter, the Phoenix Site is not currently generating the level of tax revenue that would be anticipated if it were to be developed for commercial or other use under baseline environmental conditions, and consequently Alternative B would not cause tax revenue to be “lost” when compared to existing conditions. Final EIS, Volume II, Section 3.9.3 has been revised to note that the Phoenix Site is now in the City of Phoenix UGA.</p>
A4-10	<p>Draft EIS, Section 4.10.2 acknowledges the potential increase in calls to the Jackson County Sheriff’s Office that would result from Alternative B. Mitigation Measure 5.10 (D) is included to reduce the effect on Jackson County to a less-than-significant level. This mitigation measure requires the Tribe to offer to enter into an agreement with Jackson County to compensate for the direct and indirect costs associated with the increase in calls for service as a result of Alternative B.</p>



<p>A4-11</p>	<p>As set forth in 40 CFR Section 1502.1, an EIS “shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.” As noted by the Commenter, Draft EIS, Section 4.10.2 acknowledges the potential impact as a result of the potential for increase in calls for fire protection and emergency services and provides BMPs (see Draft EIS, Table 2-5) and a mitigation measure (MM 5.10 F) that would avoid or minimize the potential for impacts. MM 5.10 F specifies the negotiation of a service agreement between the Jackson County Fire District 5 and the Tribe with regards to serving the Phoenix Site. This service agreement would determine the monetary compensation required to off-set the direct and indirect costs associated with development of Alternative B, which could include emergency medical services. While negotiations between Jackson County Fire District 5 and the Tribe have not officially started, this does not mean the mitigation measure is insufficient to reduce the impact from potentially significant to less than significant. Furthermore, if Alternative B is selected for implementation, a mitigation monitoring plan would be established to ensure implementation of the mitigation measures, including the implementation of the mitigation measure to reduce impacts to fire protection and emergency medical services. Therefore, negotiations prior to finalization of the Final EIS are not required to reduce the impacts to Jack County Fire District 5 to less-than-significant levels.</p> <p>With regards to ambulance services, please refer to the <b>Response to Comment A4-8</b>.</p>
<p>A4-12</p>	<p>Comment noted. As discussed in Section 4.7.1 and Appendix E of the Draft EIS, problem gambling likely already exists in the community due to the other forms of gambling that are already available in the City of Medford, such scratch lottery cards, lotto, and Oregon VLTs, including VLTs currently operating on the Medford Site. Furthermore, the development of Alternative A is unlikely to increase the local gambling rates due to the prominence of other casino facilities in the Pacific Northwest region. While Alternative A would be located close to residential areas and the sporting complex, this would not be the first gambling exposure for the community as the bowling alley located on the site currently operates VLTs and is open to all ages. Furthermore, Alternative A includes BMPs (see Draft EIS, Table 2-5) to address problem gambling including monitoring customers for signs of problem gaming, providing information about problem gaming to customers suspected of having an unhealthy gaming habit, and maintaining and enforcing policies to monitor and respond to problem gaming, including the most stringent possible self-ban rule (a lifetime ban from the facility grounds). Finally, individuals under the age of 21, such as children, would not be permitted to enter the gaming floors of the casino under Alternative A and therefore would not be directly exposed to gambling on-site.</p> <p>With regards to the co-morbidities mentioned in the comment, Appendix E studied the most likely adverse health effects that could be by-products of problem gambling. As specified in Appendix E, assessing the community costs associated with problem gambling that is a direct result of problem gambling is difficult to quantify, and correlation does not indicate causation. Despite this, there are BMPs in place (see Table 2-5 of the Draft EIS for additional information) to reduce the potential adverse effects from problem gambling for the alternatives. Therefore, given the lack of evidence of casino presence directly causing increase problem gambling and their potential co-morbidities and the BMPs specified in Table 2-5 of the Draft EIS, the alternatives are not anticipated to cause a significant impact. The other adverse health effects associated with legal activities for persons not underaged, such as smoking and drinking, would be administered and managed onsite according to federal regulations, and a Responsible Alcoholic Beverage Policy would be implemented as a BMP (see Table 2-5 of the Draft EIS).</p>
<p>A5-1</p>	<p>Comment Noted.</p>

### 3.0 Response to Comments

A5-2	<p>Comment noted. Section 4.8 of the Draft EIS assessed potential safety issues related to traffic as a result of Alternative A. Specifically, crash rate data was examined for intersections surrounding the Medford Site and while three areas were found to exceed ODOT standards, ultimately Alternative A would not increase this crash risk and therefore have a less than significant impact. According to Medford’s Municipal Code 10.461 (5)(s)(ii), a mitigation plan should be provided if “the proposed development trips will affect an identified crash pattern or safety concern.” In this case, the crash data does not identify an existing concern/pattern for development of Alternative A. While the upgraded street would likely benefit the pedestrian environment and user experience, there is no data to suggest a problem is inevitable between pedestrians and vehicles. Therefore, the suggested upgrades to Charlotte Ann Road from the Commenter are not necessary to reduce a potential impact under NEPA.</p> <p>It should be noted that in a letter dated July 31, 2023, the Coquille Indian Tribe stated that due to concerns raised by the City, they no longer propose to use the property to the northwest of Charlotte Ann Road for the purposes of parking. Regardless, this EIS continues to assume that this area would be utilized for parking to provide a conservative analysis.</p>
A5-3	<p>Comment noted. For information regarding the relevance of the traffic study and the Draft EIS, please refer to <b>Master Response 2</b>.</p>
A5-4	<p>Section 2.3.3 of the Final EIS, Volume II has been clarified to state that the stormwater detention, retention, and water quality facilities proposed for the gaming facility will adhere to the most current version of the Rogue Valley Stormwater Quality Design Manual standards adopted by the City at the time of construction. By complying with the specifications and requirements of this updated manual, Alternative A will have a well-functioning stormwater treatment system that will not significantly impact the City’s municipal stormwater system nor will it interfere with the compliance of the City’s MS4 (municipal separate storm sewer system) permit.</p>
A5-5	<p>Comment Noted. Once the land is in federal trust, the Tribe will not be required to follow State or local building codes but may elect to do so. Final EIS, Volume II, Section 2.0 has been clarified to note that the development alternatives will be constructed to meet the Coquille Tribe’s Land Development Ordinance, which requires that construction on trust land must comply with the most recent version of the International Building Code (IBC) standards.</p>
A5-6	<p>Comment noted. Once the land is in federal trust, the Tribe will not be required to delegate the City of Medford Building Safety Department for Building Code review but may elect to do so.</p>
A5-7	<p>Comment noted. The information regarding citizens served, personnel, apparatuses, and incidents responded to has been revised as requested in Section 3.10.5 of the Final EIS, Volume II. Furthermore, reference “Medford Fire-Rescue. 2018” on pg. 8-7 has been removed.</p>

### 3.0 Response to Comments

A5-8	<p>Comment noted. Mitigation Measure 5.10(E) in Section 5 of the Draft EIS includes the following language with regards to emergency access and fire measures, “...The agreement shall address any required conditions and standards for emergency access and fire protection system.” This mitigation measure can address the commenter’s requests for routine fire-life-safety inspections, verifying emergency egress, the functionality of the fire suppression systems, and building inspection for maintenance that ensure safe entry/exit for emergencies during the negotiations between the Tribe and City of Medford’s Fire Department. Therefore, no revisions to the Draft EIS are required.</p>
A5-9	<p>Comment noted. The Commenter agrees that additional calls for service for the Medford Fire Department may occur under Alternative A and that they are open to negotiating an agreement for service as set forth in Mitigation Measure 5.10(E) of the Final EIS.</p>
A5-10	<p>Comment noted. Once the land is in federal trust, the Tribe will not be required to follow local codes but may elect to do so. As noted in Section 4.9.1 of the Draft EIS, “Alternative A would not substantially conflict with City of Medford standards, including permitted uses, parking standards, utilities and lighting requirements, sign standards, and architectural/building standards” (emphasis added).</p>
A5-11	<p>Table 2-5 in Section 2.3 of the Final EIS, Volume II has been revised to require the Tribe to provide at least twenty percent of parking spaces with electric service capacity to enable future installation of electric vehicle charging stations. This measure provides for electric vehicle readiness consistent with Oregon Building Code standards requiring the provision of electric service capacity for charging electric vehicles (ORS 455.417). Sections 3.4.1 and 4.15 of the Final EIS, Volume II have been revised to address Oregon’s Climate-Friendly and Equitable Communities Rules.</p> <p>As stated in Section 2.3.4 of the Draft EIS, under Alternative A, “construction activities will consist of renovations to the interior portion of the Roxy Ann Lanes facility, an expansion to that facility, grading and paving the northern portion of the vacant lot in the central portion of the site (southeast of Charlotte Ann Road), removing pavement in some areas to create stormwater infiltration and treatment facilities, and landscaping with native plants”.</p>
A5-12	<p>Comment noted. Revisions in Section 3.10.4 and to Table 3-10-1 in the Final EIS, Volume II have been made in response to this comment. These revisions updated the Medford Police Department personnel and headquarters location. In addition, calls for service for 2021 and 2022 were added to Table 3-10-1 while the incident categories and statistical percentages suggesting a decrease in calls for service were removed.</p>
A5-13	<p>Comment noted. The Commenter supports the BMPs for on-site security and the negotiation of a service agreement— included as Mitigation Measure 5.10(C) in Section 5 of the Draft EIS—between the Medford Police Department and Tribe to offset the potential adverse effects due to increased calls for service under Alternative A. No further response required.</p>

### 3.0 Response to Comments

A5-14	The comment is acknowledged. Section 3.10.1 and Section 4.10.1 have been revised to reflect the 2017 update to the 2007 Medford Water Commission Water Distribution System Facility Plan and the City's 2022 Comprehensive Plan Public Facilities Element. These revisions did not result in significantly increased impacts as compared to the Draft EIS. For responses to comments raised by the Oregon Department of Transportation, please refer to <b>Response to Comment A3</b> . Comments on the Draft EIS were not submitted by the Medford Water Commission or Rogue Valley Sewer Services.
A6-1	Comment Noted. Please refer to <b>Response to Comments A6-2</b> through <b>A6-9</b> below.
A6-2	In response to the comment, estimated background concentrations of criteria pollutants have been added to <b>Section 3.4.2</b> of the Final EIS, Volume II. It should be noted that all estimated background concentrations are below the NAAQS. In addition, the emission estimates presented in <b>Section 4.4</b> and <b>Section 4.15</b> of the Final EIS, Volume II have been updated using MOVES3.1. The revised emissions estimates are also provided in the Final EIS, Volume II in the new <b>Appendix S</b> .
A6-3	In response to the comment, <b>Section 3.4.2</b> of the Final EIS, Volume II has been edited for clarity. In addition, a screening analysis using the USEPA's EJScreen version 2.1 and CJEST has been added to Section 3.7.4 of the Final EIS, Volume II to assist in identifying potential disadvantaged communities near the Medford, Phoenix, and Casino Mill Sites.

<p>A6-4</p>	<p>Comment noted. As described in Draft EIS, Section 5.0 Mitigation Measure 5.2(A), the Tribe shall obtain coverage under the USEPA General Construction NPDES permit in accordance with the federal requirements of the CWA. This will include coverage under the current NPDES General Construction permit in place at the commencement of construction, including the updated requirements noted in the comment.</p> <p>Alternative A already incorporates some of the green infrastructure suggested by EPA. Specifically, the project includes the installation of vegetated bioretention swales and/or a distributed pervious strip system throughout the site (refer to the Draft EIS Section 3.3.3, Grading and Drainage discussion). As stated in the Draft EIS Section 4.31, these facilities would be developed consistent with USEPA recommended Low Impact Development (LID) practices to address non-point pollution in urban areas, and in accordance with the adopted Rogue Valley Stormwater Quality Design Manual. The current Rogue Valley Stormwater Quality Design Manual requires that post-development peak flow be equal to or less than pre-development peak flow. Note that there would be no substantial grading associated with Alternative A as the majority of the site is already paved; approximately 1,600 square feet of parking lot would be converted to vegetated pervious strips. Thus, any potential increase in run-off would be minimal.</p> <p>Other project design elements that address USEPA's concern over water consumption were described in Section 2.3.3 of the Draft EIS and are as follows:</p> <ul style="list-style-type: none"> <li>▪ Water conservation measures shall be implemented, including low flow fixtures and electronic dispensing devices in faucets.</li> <li>▪ Landscape irrigation shall be adjusted based on weather conditions and shall be reduced or eliminated during the wet portion of the year in order to prevent excessive runoff.</li> <li>▪ The architectural design of the project will employ landscaping that uses plants native to the region.</li> </ul> <p>The use of a native plant palette is an effective means of addressing water shortages under various climate change scenarios because the native plants are adapted to the local environment, including climate extremes that are already influencing local plant communities. Note that the irrigation water demand estimates in Appendix D did not factor in the use of native plants in landscaping, and therefore the water use estimates are likely overstated to present a conservative analysis.</p>
<p>A6-5</p>	<p>In response to the comment, Table 2-5 in Section 2.3 of the Final EIS, Volume II has been revised to indicate that the Tribe will offer employee incentives for alternative transportation. The recommendation to have the Tribe offer EV shuttle service for visitors to/from major destinations (hotel, airport, train station, etc.) was not included as this is not a destination resort, so visitors coming directly from an airport is expected to be minimal and there is no train station. Additionally, hotels are located near the proposed facility, including one directly adjacent.</p>
<p>A6-6</p>	<p>To address this comment, new queries of species lists and critical habitat mapping were performed in March 2023, including queries of the ODFW Compass database and ORBIC database; the results of these queries have been incorporated into the Final EIS, Volume II in the new <b>Appendix Q</b>. No new threatened or endangered species were identified with the potential to occur on the Medford Site. Additionally, the discussion of critical habitat and essential fish habitat has been updated in Sections 3.5 and 4.5 of the Final EIS, Volume II. Note that the need to consult with the National Marine Fisheries Service as indicated in the Draft EIS Table 1-1 is only applicable to Alternative C, which is adjacent to the marine environment. Alternatives A and B will not directly impact Bear Creek, and therefore formal consultation is not required.</p>

### 3.0 Response to Comments

A6-7	Pedestrian wildlife surveys for the Phoenix site are still not available due to site access issues. However, surveys from the periphery, as well as the ORBIC database query, allowed consulting biologists to adequately assess biological resources on the Phoenix site. Note that the pre-construction wildlife surveys that are prescribed as part of the avoidance and mitigation measures in Section 5.0 of the Draft EIS would be protective of wildlife resources. Should federal or state listed species be detected, the consultation with wildlife agencies and the avoidance measures will ensure that these species are not impacted.
A6-8	The Final EIS, Volume II has been updated to provide additional information and analysis to comply with the CEQ's guidance on the consideration of GHG emissions and climate change that was issued in January 2023, after release of the Draft EIS. Specifically, Section 3.4.1 summarizes the guidance and Section 4.15 provides additional analysis, including an estimate of the social cost of GHG emissions for the alternatives.

<p>A6-9</p>	<p>See <b>Master Response 2</b>. The use of the 2010 to 2014 American Community Survey was appropriate at the time of the publication of the Draft EIS. <b>Table 3.7-3B</b> and <b>Table 3.7-5</b> in the Final EIS, Volume II were updated to provide more recent demographic information. The Final EIS, Volume II includes a broader definition of low-income as the population at or below 200 percent of the poverty level in comparison to the Draft EIS which uses population at or below the poverty level. The Draft EIS identified Jackson County census tract 1 as containing low-income populations. In addition, the Final EIS, Volume II identified Jackson County census tract 16.01, which contains the Medford Site, and the City of Phoenix as containing low-income populations.</p> <p>The comment specifically mentions the development of the Charles Point Apartment housing complex following the 2010-2014 American Community Survey. The Charles Point Apartment housing complex is not identified as affordable rental housing by Oregon Housing and Community Services (2022) or the Housing Authority of Jackson County (2023). Regardless, the Final EIS, Volume II has been updated with an added screening analysis to capture potential demographic changes since 2014 as discussed below.</p> <p>A screening analysis using the USEPA’s EJScreen version 2.1 and CEJST has been added to Section 3.7.4 of the Final EIS, Volume II to assist in identifying potential disadvantaged communities near the Medford, Phoenix, and Casino Mill Sites. While CEJST identifies census tract 41029001601 (containing the Medford Site) as disadvantaged due to its definition of low income, the Final EIS, Volume II uses an alternative methodology for defining low-income populations that is consistent with EO 12098.</p> <p>The original analysis looked beyond the census tracts containing the alternative sites and analyzed adjacent census tracts. The comment recommends utilizing EJScreen at the block group level. CEQ found U.S. Census Bureau’s demographic data at the block group level to be “statistically unreliable” due to high margins of error and thus did not include it within the CEJST (CEQ, 2022). EJScreen also cautions the use of EJScreen data in general, but particularly at the block group level.</p> <p><i>“EJScreen relies on demographic and environmental estimates that involve substantial uncertainty. This is especially true when looking at a small geographic area, such as a single Census block group. A single block group is often small and has uncertain estimates.” (USEPA, 2023)</i></p> <p>Due to statistical unreliability at the block group level, the census tract level used in the Draft EIS continues to be an appropriate level of review.</p> <p>A summary of public scoping was included within Sections 1.4 and 1.5 of the Draft EIS and the scoping report available at: <a href="http://www.coquille-eis.com/">http://www.coquille-eis.com/</a>. Additional public engagement opportunities in the NEPA process included the Draft EIS NOA, comment period and public meetings as summarized in Section 1.4 of the Final EIS, Volume II. The issuance of the NOI on January 15, 2015, as described above, initiated the scoping period during which comments were accepted. The issues that were raised during the NOI comment period have been summarized within the Tribe FTT and Gaming Facility Project Scoping Report. This report was issued by the BIA in June 2015 and is available for review at <a href="https://coquille-eis.com/">https://coquille-eis.com/</a>.</p> <p>The NEPA analysis adequately identifies whether EJ communities are located within a geographic area where disproportionate and adverse impacts could occur, assesses the potential for disproportionate and adverse environmental impacts of the alternatives, considers beneficial impacts, and provides mitigation for significant impacts.</p>
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Tribal Government Comments	
T1-1	Please refer to <b>Master Response 1</b> regarding the extension of the Draft EIS comment period.
T1-2	<p>As described in Section 2.2 and Section 2.3 of the Draft EIS, the total acreage of the Medford Site is 7.24 acres; however, the Proposed Action consists only of the transfer of only 2.4 acres of land within the Medford Site into federal trust for the benefit of the Tribe. All construction associated with Alternative A would occur within this 2.4-acre area, and the remainder of the Medford Site would remain in fee status and would continue to be utilized for surface parking. A site plan for the proposed facilities is presented as Figure 2-6 of the Draft EIS.</p> <p>The Draft EIS analyzes the impacts of the whole of Alternative A, which comprises the Proposed Action, the subsequent retrofit and remodel of the existing bowling alley within the proposed trust parcel boundaries, and utilization of adjacent fee land within the Medford Site as parking for Alternative A.</p> <p>Alternative A does not include the development of a hotel. Please refer to Section 2.7 of the Draft EIS, Alternatives Eliminated from Consideration. This section provides a discussion of alternatives that were eliminated from further study, including a hotel alternative, and the reasons for their elimination. The existing adjacent hotel (Compass by Margaritaville Hotel) was developed as a standalone, independent economic enterprise and is already in operation today on land owned in fee by the Tribe. The independent utility of the hotel as a standalone, separate project from Alternative A is illustrated by the fact that the hotel has been in operation since the summer of 2022, well in advance of the proposed opening year of Alternative A (2025). Construction of the adjacent hotel was subject to permitting and approvals by the City of Medford, the local jurisdictional agency, similar to any other private development project on fee land within the City’s boundaries. The hotel is not located on existing or proposed federal trust land, and was not subject to federal approval, oversight, or permitting, and thus there was no associated federal action that would trigger analysis under NEPA. Figure 2-6 of the Draft EIS illustrates the location of the hotel in relation to the Medford Site and clearly labels the hotel as a separate project. Accordingly, as with any other existing privately operated business, the adjacent hotel was included in the baseline existing setting for the impact analysis throughout the Draft EIS and is also considered as cumulative project in Section 4.15 the Draft EIS.</p> <p>Please also refer to <b>Master Response 2</b> regarding the analysis timeline.</p>
T1-3	Compliance with the Freedom of Information Act (FOIA) is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action. Please refer to <b>Master Response 1</b> regarding the extension of the Draft EIS comment period.
T1-4	Please refer to <b>Master Response 1</b> regarding the extension of the Draft EIS comment period.



### 3.0 Response to Comments

T2-1	Please refer to <b>Master Response 1</b> regarding the extension of the Draft EIS comment period.
T2-2	Comment noted. Please refer to <b>Master Response 3</b> .
T3-1	Please refer to <b>Master Response 1</b> regarding the extension of the Draft EIS comment period.
T4-1	Please refer to <b>Master Response 1</b> regarding the extension of the Draft EIS comment period.
T5-1	The Warm Springs Tribal Council support of Alternative A is noted.
T6-1	The public hearings video recordings and transcripts can be found on the project website <a href="http://www.coquille-eis.com">http://www.coquille-eis.com</a> . A response was provided to the Cow Creek Tribe on February 3, 2023.
T7-1	Please refer to <b>Master Response 1</b> regarding the extension of the Draft EIS comment period.
T8-1	Compliance with 25 CFR Section 292 is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.

<p>T8-2</p>	<p>As described in Draft EIS, Section 2.3, Alternative A includes only Class II gaming, as opposed to Class III which, as noted by the commenter, is limited to being conducted at The Mill Casino by the Coquille Tribe’s tribal-state compact. Tribes do not need to enter into any agreements at the state level to conduct Class II gaming under IGRA, which allows for restored tribes to game on any land taken into trust as part of a “restoration of lands” (the “restored lands exception”).</p> <p>The statutory basis for the operation of gaming by Native American Tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments is included within the federal Indian Gaming Regulatory Act (IGRA; 25 USC §2719). As stated therein, gaming is permitted on lands that are taken into trust as part of “the restoration of lands for an Indian tribe that is restored to Federal recognition” (25 USC §2719(b)(1)(B)(iii)). Therefore, if the Secretary takes the Medford Site into trust as part of the restoration of lands, gaming would be permitted on the Medford Site. State and local policies and regulations do not apply to the eligibility for gaming on a trust parcel and, once the land is in federal trust, state and local laws and policies would not apply to the Medford Site. That being said, it should be noted that the Oregon Joint Committee on Gambling Regulations found no evidence that any “one tribe, one casino” policy has been formally adopted or exists in written form (see Comment Letter 176 from State Representative, John Lively). Therefore, there are no officially adopted federal or state policies that would limit a federally-recognized tribe to only one gaming facility.</p> <p>The summary of the background on the Medford Site is noted and is consistent with what is included within the Draft EIS.</p>
<p>T8-3</p>	<p>Please refer to <b>Response to Comment T8-2</b> regarding operation of a Class II casino, as is proposed under Alternative A, and the ability for a tribe to operate more than one casino in Oregon.</p> <p>As described in Draft EIS, Section 2.3.1, “[t]he Secretary will make its determination regarding the proposed fee-to-trust acquisition in accordance with the Coquille Restoration Act (25 USC 715). Pursuant to the Coquille Restoration Act, the Secretary <i>may</i> accept into trust any acreage in the five-county (Coos, Curry, Douglas, Jackson, and Lane counties) service area of the Tribe; land transferred shall be taken in the name of the United States in trust for the Tribe as part of its reservation” (<i>emphasis added</i>). Therefore, the Draft EIS does not imply that the Secretary would be “required” to take the land into federal trust, as insinuated by the Commenter. As described in Draft EIS, Section 1.2, the need for the Department of the Interior (Department) to act on the Tribe’s application is established by the Department’s regulations at 25 CFR § 151.10(h) and 151.12. In regard to gaming eligibility, on January 19, 2017, the Department informed the Regional Director that the Solicitor’s Office had completed a preliminary review and determined the land was eligible for gaming under a restored lands analysis if the land is acquired in trust pursuant to the Coquille Restoration Act.</p> <p>Compliance with the Coquille Restoration Act and IGRA is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.</p>
<p>T8-4</p>	<p>Comment noted. Please refer to <b>Master Response 3</b>.</p>

T8-5	<p>The Commenter’s preference for Alternative C - Expansion of The Mill Casino is noted. Additional discussion regarding the limited expansion potential of the Mill Casino has been added to the Final EIS, Volume II, Section 2.8. Consistent with CEQ NEPA Regulations (40 C.F.R. § 1502.14), Section 2.9 has been added to the Final EIS, Volume II identifying Alternative A as the BIA’s preferred alternative. As described therein, the development of Alternative A would meet the purpose and need of the Proposed Action better than the other development alternatives due to the potentially detrimental fiscal effects to the Tribe that could occur under Alternative C from the Tribe investing in facilities that do not generate additional revenue for the tribal governments and incur more debt. Furthermore, Alternative A would result in fewer potential environmental impacts than Alternative C as it would not require construction activities in Coos Bay, which is designated critical habitat for several federally listed fish species, as proposed under Alternative C. For a detailed, quantitative discussion of potential environmental consequences associated with each of the alternatives, refer to Section 4.0 of the Final EIS, Volume II.</p> <p>Please refer to <b>Response to Comment T8-2</b> regarding operation of a Class II casino, as is proposed under Alternative A, and the ability for a tribe to operate more than one casino in Oregon.</p>
T8-6	<p>Please refer to <b>Master Response 2</b> for information regarding the NEPA timeline and the relevancy of the Draft EIS and <b>Master Response 3</b> regarding gaming substitution effects.</p>
T8-7	<p>Comment noted. For the potential environmental impacts of the Proposed Action on the surrounding region, please refer to Section 4.0 of the Final EIS, Volume II. For information regarding the Tribe’s application for acquisition of land in trust for gaming purposes under the restored lands rather than two-part determination, please refer to the <b>Response to Comment T8-3</b>.</p>
T9-1	<p>The historical and cultural connection of the referenced tribes to the Medford area is noted. The comment does not identify specific deficiencies in the analysis provided in the Draft EIS. Please refer to Draft EIS, Section 4.6, which evaluates the potential impacts of each alternative to cultural resources.</p> <p>Please refer to <b>Master Response 3.1.3</b> regarding gaming substitution effects. Please also refer to Section 4.7 of the Final EIS, Volume II which quantifies substitution effects of each alternative on existing regional casinos.</p>
T9-2	<p>Comment noted. Please refer to <b>Master Response 3</b>.</p>
T10-1	<p>As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, the Commenter’s objection to Alternatives A and B has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action. Please refer to <b>Master Response 2</b> for information regarding the NEPA timeline and the relevancy of the Draft EIS and <b>Master Response 3</b> regarding gaming substitution effects. Please refer <b>Response to Comments T10-2</b> through <b>T10-27</b> regarding the other comments identified in this letter.</p>

### 3.0 Response to Comments

T10-2	<p>The Draft EIS underwent a thorough scoping process that was in compliance with 40 CFR 1501.9. This scoping process included alerting the governments of Cow Creek Band of Umpqua Tribe of Indians, Elk Valley Rancheria, and Karuk Tribe early in the scoping process for the Proposed Action. The input received from these tribal governments and others, including tribal members in non-governmental capacities, were considered in the scope of the Draft EIS. In addition, as discussed in Draft EIS, Section 3.6.4, the BIA consulted with tribes pursuant to Section 106 of the NHPA.</p>
T10-3	<p>Comment noted. Please refer to <b>Master Response 3</b>. In GMA's updated study (Final EIS, Volume II, <b>Appendix O</b>), it is anticipated that the Karuk Tribe would experience a -23.4% impact to its projected baseline gaming revenue in the first stabilized year of operations of <b>Alternative A</b>. The proposed expansion of the Karuk Tribe's Rain Rock Casino will increase gaming revenues above existing conditions. As such, assuming tribal government expenditures remain similar in the future (adjusted for inflation etc.), this expanded base of revenues should help mitigate impacts on its governmental operations to a degree.</p>
T10-4	<p>The Commenter's preference for Alternative C - Expansion of The Mill Casino is noted. Additional discussion regarding the limited expansion potential of the Mill Casino has been added to the Final EIS, Volume II, Section 2.8. Consistent with CEQ NEPA Regulations (40 C.F.R. § 1502.14), Section 2.9 has been added to the Final EIS, Volume II identifying Alternative A as the BIA's preferred alternative. As described therein, the development of Alternative A would meet the purpose and need of the Proposed Action better than the other development alternatives due to the potentially detrimental fiscal effects to the Tribe that could occur under Alternative C from the Tribe investing in facilities that do not generate additional revenue for the tribal governments and incur more debt. Furthermore, Alternative A would result in fewer potential environmental impacts than Alternative C as it would not require construction activities in Coos Bay, which is designated critical habitat for several federally listed fish species, as proposed under Alternative C.</p> <p>Please refer to <b>Master Response 3</b> regarding gaming substitution effects. Please also refer to Section 4.7 of the Final EIS, Volume II which quantifies substitution effects of each alternative on existing regional casinos.</p>
T10-5	<p>For information regarding the NEPA Timeline and the authority to resume the NEPA process, please refer to <b>Master Response 2</b>.</p>

<p>T10-6</p>	<p>For information regarding the NEPA timeline and the accuracy of the Draft EIS, please refer to <b>Master Response 2</b>. The commenter asserts that 40 CFR 1501.10(b) is “required to ensure the timeliness and relevance of the data used in the Draft EIS”. However, as discussed in <b>Master Response 2</b>, the data and analysis included in the Draft EIS was not restricted to information available at the time the scoping report was published (2015), but rather included more recent information as appropriate and available to provide “full and fair discussion of significant environmental impacts” (40 CFR 1502.1). Therefore, regardless of the time between the publication of the scoping report and publication of the Draft EIS, the Draft EIS satisfies the purpose of an EIS as set forth in 40 CFR 1502.1. In accordance with 40 CFR 1501.7(i), the BIA as lead agency is responsible for, “...develop[ing] a schedule, setting milestones for all environmental reviews and authorizations required for implementation of the action...” In other words, the BIA as Lead Agency has the discretion to determine the appropriate course and schedule for the NEPA compliance process.</p> <p>With regards to the alternatives that were eliminated from consideration, Section 1502.14(a) stipulates that “...for alternatives that the agency eliminated from detailed study, briefly discuss the reasons for their elimination.” The alternative eliminated from consideration are discussed in sufficient detail in Section 2.7 of the Draft EIS to disclose to the reader the reasoning for eliminating these alternatives from further discussion in the Draft EIS. Therefore, additional details about the alternatives removed from consideration are not required under NEPA and therefore changes to the Draft EIS are not needed.</p> <p>Please refer to <b>Master Response 3</b> regarding gaming substitution effects on the Rain Rock Casino. Potential adverse effects to other environmental issue areas, such as water resources, noise, and biological resources, would be negligible to the Karuk Tribe and Northern California given the distance from the alternatives, and therefore it would not be relevant to edit the Draft EIS to include discussions about these in detail.</p>
<p>T10-7</p>	<p>Please refer to <b>Response to Comment T1-2</b> regarding the scope of the development proposed under alternative A and the independent utility of the Compass by Margaritaville Hotel owned by the Tribe. Similar to the hotel, the Coquille Tribe currently leases Bear Creek Golf Course, which would continue to operate independently with or without the development of Alternative A. The Bear Creek Golf Course is not located on existing or proposed federal trust land, and was not subject to federal approval, oversight, or permitting, and thus there was no associated federal action that would trigger analysis under NEPA. As with any other existing privately operated business, the Bear Creek Golf Course was included in the baseline existing setting for the impact analysis throughout the Draft EIS. Kim’s Restaurant was demolished in 2014 pursuant to a Demolition Permit issued by the City of Medford. As the restaurant was demolished prior to the issuance of the NOI in January 2015, it was not included as an existing condition in the Draft EIS. However, the property that Kim’s Restaurant occupied is part of the 7.24-acre Medford Site described and analyzed in the Draft EIS.</p>
<p>T10-8</p>	<p>The Draft EIS underwent a thorough scoping process that was in compliance with 40 CFR 1501.9. This scoping process included alerting the governments of Cow Creek Band of Umpqua Tribe of Indians, Elk Valley Rancheria, and Karuk Tribe early in the scoping process for the Proposed Action. The input received from these tribal governments and others, including tribal members in non-governmental capacities, were considered in the scope of the Draft EIS. In addition, as discussed in Draft EIS, Section 3.6.4, the BIA consulted with tribes pursuant to Section 106 of the NHPA. “Pre-scoping” is not a term used in NEPA, CEQ Regulations for Implementing NEPA, or the BIA’s NEPA Guidebook and thus it is unclear what the Commenter is referring to when it refers to “pre-scoping.”</p>

T10-9	<p>The scoping process provided agencies and the public an opportunity to provide information on the scope of the EIS, including environmental justice issues. Local governments and tribes throughout the region provided input during the scoping process. There is no requirement to include the results of an environmental justice screening analysis in scoping notices or the NOI. The Draft EIS includes an environmental justice analysis which recognizes the Cow Creek Band of Umpqua Indians; Karuk Tribe; and the Klamath, Modoc and Yahooskin Tribes as minority populations that would be impacted by substitution effects.</p>
T10-10	<p>As defined by 40 CFR Part 1502.13 which defines the purpose and need, “The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” Accordingly, the purpose and need included in Draft EIS, Section 1.2, briefly explains the reason the application is being submitted and why it should be considered by the federal government. As stated therein, the purpose and need of the Proposed Action is “...to facilitate tribal self-sufficiency, self-determination, and economic development, thus, satisfying both the Department of the Interior’s (Department) land acquisition policy as articulated in the Department’s trust land regulations at 25 CFR Part 151, and the principle goal of IGRA as articulated in 25 USC § 2701” and “the need for the Department to act on the Tribe’s application is established by the Department’s regulations at 25 CFR § 151.10(h) and 151.12.” The needs and goals of the parties involved in the application, specifically the Tribe, are provided as background information. Specifically, Section 1.3 of the Draft EIS provides a thorough explanation for the Tribe’s selection of the project and details the Tribe’s specific needs as they relate to various project components. Information regarding the potential for a tsunami at the Mill Casino Site is included in Draft EIS Sections 1.3 and 3.2.3.</p> <p>Compliance with the 25 CFR Part 151 and IGRA is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.</p>
T10-11	<p>As described in Section 2.2 and Section 2.3 of the Draft EIS, the total acreage of the Medford Site is 7.24 acres; however, the Proposed Action consists only of the transfer of only 2.4 acres of land within the Medford Site into federal trust for the benefit of the Tribe. All construction associated with Alternative A would occur within this 2.4-acre area, and the remainder of the Medford Site would remain in fee status and would continue to be utilized for surface parking. A site plan for the proposed facilities is presented as Figure 2-6 of the Draft EIS.</p> <p>The Draft EIS analyzes the impacts of the whole of Alternative A, which comprises the Proposed Action, the subsequent retrofit and remodel of the existing bowling alley within the proposed trust parcel boundaries, and utilization of adjacent fee land within the Medford Site as parking for Alternative A. Please refer to <b>Response to Comment T1-2</b> regarding the scope of the development proposed under alternative A and the independent utility of the Compass by Margaritaville Hotel owned by the Tribe and <b>Response to Comment T10-7</b> regarding the adjacent golf course.</p>

### 3.0 Response to Comments

T10-12	<p>As described in Draft EIS, Section 2.3.1, the Tribe has submitted an application to the BIA for the transfer of 2.4 acres of land within the Medford Site into federal trust for the development of a casino and related facilities. While the BIA did consider the development of a gaming facility, as proposed by the Coquille Tribe as the applicant, the BIA did not limit the range of alternatives to only consider gaming uses. Please refer to Draft EIS, Section 2.7, Alternatives Eliminated from Consideration. This section provides a discussion of alternatives that were eliminated from further study, including a variety of non-gaming alternatives, and the reasons for their elimination. Additionally, the commenter suggests that alternatives dismissed in the “2015 feasibility analysis” should be reconsidered for feasibility; however, the commenter does not identify a specific alternative that should be reconsidered. Please also refer to the <b>Response to Comment T10-10</b> regarding the purpose and need statement.</p>
T10-13	<p>For information regarding the scope of the Draft EIS and the use of “stale” data, please refer to <b>Master Response 2</b>.</p> <p>With regards to the “hard look,” the Draft EIS satisfies the requirements of 40 CFR 1502.23 because of the thorough environmental background and analysis conducted, which are presented throughout the Draft EIS. This includes the data sources being clearly referenced and listed and the analysis methodology being described adequately either in the Draft EIS itself or the technical studies attached to the Draft EIS.</p> <p>With regards to failure to discuss “all major points of view” on the environmental impacts of the alternatives, 40 CFR 1502.9(b) specifies that “At appropriate points in the draft statement, the agency shall discuss all major points of view on the environmental impacts of the alternatives including the proposed action.” This CFR does not specify that “responsible opposing views” are obligated to be discussed but simply “all major points of views.” The Commentor does not provide examples where “responsible opposing views” exist in regard to the analysis within the Draft EIS; therefore, no further response can be provided. Noticing for the EIS (described in Draft EIS, Section 1.4 and Final EIS, Volume II, Section 1) has been completed in accordance with the applicable requirements of NEPA, its implementing regulations and guidance, and the BIA NEPA Guidebook. All comments received during the scoping period were included as an appendix to the scoping report and all comments received during the public comment period on the Draft EIS are included in <b>Attachment 2</b> of this Final EIS, Volume I. These comments included those in support of, in opposition of, and neutral to the Proposed Action.</p>
T10-14	<p>As described in 43 CFR § 46.30, reasonably foreseeable activities include those for which there are existing decisions, funding, or proposals identified by the BIA. Reasonably foreseeable future actions do not include those actions that are highly speculative or indefinite. Accordingly, direct impacts, caused by the action and occurring at the same time and place as the action, have been discussed in Sections 4.2 to 4.13 of the Draft EIS and cumulative impacts measured in conjunction with other reasonably foreseeable projects, whether past, present, or future, are addressed in Section 4.15 of the Draft EIS. The development of a Class III gaming facility is not currently planned, proposed, or approved, and accordingly is highly speculative. Should the Tribe later decide to develop such a project, the project would be subject to a separate environmental review process in accordance with NEPA.</p>

<p>T10-15</p>	<p>Comment noted. Please refer to <b>Master Response 3</b>.</p> <p>Potential impact to the City of Yreka would depend on the specifics of the economic arrangement agreed to within the IGA. The actual impact on the City of Yreka may vary based on the economic structure of payments (e.g. whether they are based on a fixed fee or a percentage of certain performance metrics, such as gaming revenue). Presumably, payments should be roughly proportional to the level of services provided by the City as a means to offset fiscal impacts. Any decrease in payments to the City under the IGA should coincide with a decreased level of service costs from reduced economic activity, resulting in negligible or no fiscal effects.</p>
<p>T10-16</p>	<p>Comment noted. Please refer to <b>Master Response 3</b>. Regarding the consideration of the Karuk Tribe in the environmental justice analysis, see <b>Response to Comment T10-19</b>. In GMA's updated study (Final EIS, Volume II, <b>Appendix O</b>), it is anticipated that the Karuk Tribe would experience a -23.4% impact to its projected baseline gaming revenue in the first stabilized year of operations of <b>Alternative A</b>. The proposed expansion of the Karuk Tribe's Rain Rock Casino will increase gaming revenues above existing conditions. As such, assuming tribal government expenditures remain similar in the future (adjusted for inflation etc.), this expanded base of revenues should help mitigate impacts on its governmental operations to a degree.</p> <p>Comment noted. Please refer to <b>Master Response 3</b>. In GMA's updated study (Final EIS, Volume II, <b>Appendix O</b>), it is anticipated that the Karuk Tribe would experience a -23.4% impact to its projected baseline gaming revenue in the first stabilized year of operations of <b>Alternative A</b>. The proposed expansion of the Karuk Tribe's Rain Rock Casino will increase gaming revenues above existing conditions. As such, assuming tribal government expenditures remain similar in the future (adjusted for inflation etc.), this expanded base of revenues should help mitigate impacts on its governmental operations to a degree.</p> <p>Alternative A's scope of development was assumed to be limited to Class II gaming as that is what is currently being contemplated by the Tribe. As such, Class III gaming impacts were not analyzed as a part of the Draft EIS. It is important to note that modernized Class II gaming machines perform very similarly to their Class III counterparts as Class II games now feature many of the same titles, manufacturers, and experience. Due to this fact, economic impacts from the use of Class II versus Class III gaming machines are expected to be extremely similar.</p> <p>Regarding consideration of an Alternative in Lane County, as described in Section 2.7 of the Draft EIS a variety of other sites were considered within the Tribe's congressionally approved five-county service area, including Lane County. These alternatives and the reasons for their elimination are described in the report <i>Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project Alternatives Evaluation</i> (AES, 2015).</p>



<p>T10-17</p>	<p>Please refer to <b>Master Response 3</b>. GMA’s analysis was supported by sound methodology, its proprietary knowledge of casino operations across relevant markets in the United States, and a firm grasp of market dynamics in the subject region. The analysis performed is based on industry respected methodology and a third party, independent review of the potential impact of the project. The defined Project, which is limited to Class II gaming, was the only development contemplated in this analysis.</p> <p>GMA compiled the following response to the comments provided by Meister Economic Consulting (“Meister”) in Appendix B of the comment letter.</p> <p>Appendix B of the Karuk Tribe’s comment letter (referenced within this comment) notes that the Tribe is currently “using all casino profits to pay off the casino debt and to reinvest in the expansion of the casino.” This statement clarifies that no casino profits are being distributed to the tribe’s government operations or to tribal members. As a result, the Karuk Tribe’s tribal government must be supported by other financial means in its current state. While the reduction in gaming revenue quantified in GMA’s analysis would have an impact on the tribe’s casino operations, it would therefore not have a direct impact on the tribal governments source of funding unless gaming revenue changes prevented the tribe from appropriately meeting any existing or future expansion-related debt obligations. It should be noted that the report references that once these existing financial obligations are met and the expansion is finished, the tribe would utilize profits to fund tribal government operations, programs, and services, such as health care, housing, education, and fuel reduction; provide for the general welfare of its members; and promote tribal economic development.</p> <p>The analysis presented in Appendix B of the comment letter assumes that Alternative A will utilize a nearby hotel as a part of the scope of the project. However, the adjacent hotel was developed as a standalone project that is already independently and successfully operating in the market area and was not constructed as a part of the scope of Alternative A.</p> <p>Furthermore, the Appendix B analysis purports that the casino would “lose approximately 37.0% of its annual gross gaming revenues to the proposed Medford Casino mainly due to the loss of its Oregon customer base.” It should be noted that the “Oregon customer base” referenced would be much larger than it is currently due to the assumed expansion of the Rain Rock Casino, which would include an 80-room hotel. The existing Rain Rock Casino likely receives much less gaming revenue from its Oregon customer base as a percentage of overall revenue today than would be expected with its expanded facility.</p> <p>Additionally, the analysis presented within Appendix B of the comment letter does not adequately consider the impact of the additional amenities present at the existing and/or expanded Rain Rock facility in terms of its overall level of attraction in comparison to the Medford project. The Proposed Medford Casino will only present limited Class II gaming and one food &amp; beverage venue whereas the Rain Rock Casino currently offers and will offer a more robust and attractive gaming and non-gaming product.</p> <p>Additionally, the analysis presented in Appendix B of the comment letter states that Rain Rock Casino would “lose approximately 51.7% of its annual food and beverage revenues to the Proposed Medford Casino.” These projected losses are overstated due to the fact that a large portion of food and beverage revenue at the expanded Rain Rock Casino would likely stem from comped revenue, which is typically utilized as a player reinvestment/marketing tool and contributes little to the bottom line of the business. Furthermore, in GMA’s experience it has found that gaming revenue and food &amp; beverage revenue performance at local casino properties are directly correlated. As such, GMA would expect gross food &amp; beverage revenue (including cash and comp revenue) to experience similar impacts as the gaming revenue.</p>
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T10-18	<p>Please refer to <b>Master Response 3</b> and <b>Responses to Comments T10-15</b> and <b>T10-17</b>.</p> <p>The Draft EIS does not limit indirect effects analysis to the stated topics as the economic impact study included in Appendix E of the Draft EIS measures a number of economic benefits to Jackson County, including direct, indirect, and induced impacts. Additionally, the study focused on the defined subject region, Jackson County, as that subject region is expected to experience a majority of economic impacts resulting from Alternative A. Economic impact studies typically analyze a defined market area surrounding the project site, which may include a county, multiple counties, or the subject state. It becomes increasingly difficult to accurately assess the impacts to distant geographies due to the number of assumptions that need to be made within those analyses.</p>
T10-19	<p>The comment is incorrect regarding the environmental justice analysis which looked at census tracts containing all three alternative sites as well as the adjacent census tracts to those containing the three alternative sites. Further, the environmental justice analysis has been expanded as discussed in <b>Response to Comment A6-9</b>. The Karuk Tribe was recognized as an environmental justice population. See <b>Master Response 3</b> regarding substitution impacts related to the Karuk Tribe and its gaming facility. It is unclear how competitive effects expose Karuk Tribe to more hazardous conditions as stated in the comment. While the Karuk Tribe is not a cooperating agency, it has had the opportunity to provide comments during scoping and the Draft EIS comment period.</p>
T10-20	<p>Please refer to <b>Master Response 3</b>. While the contemplated gaming revenue impacts illustrated in the competitive effects study would certainly have impacts on operations, several casinos have undergone similar gaming revenue impacts due to increased competition and remain open and profitable. As a result, while there may be an impact to city benefits, these benefits will be reduced, not eliminated. Please refer to <b>Response to Comment T10-15</b> regarding payments under the IGA.</p>
T10-21	<p>See <b>Master Response 3</b> regarding substitution impacts related to the Karuk Tribe and its gaming facility.</p> <p>Regarding the basis of the restored lands determination, please refer to <b>Response to Comment T8-3</b>.</p> <p>As discussed in Section 1.2 of the Draft EIS, the Medford Site was selected based on the need for the Department to act on the Tribe's application pursuant to the Department's regulations at 25 CFR § 151.10(h) and 151.12. The Phoenix Site was selected to further the analysis of a reasonable range of alternatives that are both feasible and sufficiently different from each other in critical aspects to decision makers and the public.</p>

### 3.0 Response to Comments

T10-22	<p>Section 3.6.2 and Section 4.6.1 of the Draft EIS summarize the results of cultural resources surveys of the Medford Site. The vacant lot south of Charlotte Ann Road presented the only area of unpaved ground that was accessible for archaeological survey. Investigations in 2015 and 2022 revealed no cultural or archaeological resources. As discussed in the Draft EIS, the bowling alley does not meet National Register of Historic Places criteria. In accordance with Section 106 of the NHPA, consultation letters were sent by the BIA to the Cow Creek Band and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians to request information on known cultural resources in the vicinity of the alternative sites. The Oregon SHPO concurred that “the project will likely have no effect on any significant archaeological objects or sites” but recommended that additional research related to the potential for buried unknown resources be conducted or that an archaeologist be on site for all ground disturbances during construction. Accordingly, Mitigation Measure 5.6 includes archaeological monitoring for all earth disturbing activities involving excavation greater than 2 feet in depth.</p>
T10-23	<p>Both Alternative A and B have the potential to divert traffic from I-5. Vehicles from I-5 would presumably access the Medford Site via Interchange 27 and the Phoenix Site via Interchange 24. As seen in Table 4.8-5 of the Draft EIS, Alternative A is expected to generate approximately 92 net inbound trips into the Medford Site during the PM Peak hour. Table 4.8-7 of the Draft EIS specifies that Alternative B is expected to generate approximately 112 inbound trips into the Phoenix Site during the PM Peak Hour. According to the 2022 PM Peak Hour traffic volumes in Figure 4 and 5 of Appendix H of the Draft EIS, Interchange 27 is expected to experience approximately 5,515 vehicles while Interchange 24 would experience approximately 3,768. If it was assumed that all inbound trips to the Medford Site originated from Interchange 27, this would constitute approximately 0.5% diversion of the PM Peak Hour traffic from Interchange 27. For the Phoenix Site and Interchange 24, the approximate diversion of PM Peak Hour traffic would be 3%. These are considered minor diversions of traffic from I-5, and therefore not a significant impact. Please see the <b>Response to Comment T10-14</b> regarding the speculation that the Proposed Action would result in a Class III casino.</p> <p>Please refer to <b>Master Response 3</b> regarding gaming substitution effects. For additional information on the potential economic impacts on the Karuk Tribe, please refer to <b>Appendix O</b> and Sections 3.7 and 4.7 of the Final EIS, Volume II.</p>
T10-24	<p>Please refer to the <b>Response to Comment T10-14</b> regarding cumulative impacts and the speculation that the Proposed Action would result in a Class III casino. Please also refer to Draft EIS, Section 4.14.2, Growth-Inducing Effects where the potential for indirect growth inducement is discussed for each development alternative. As described therein: “Indirect and induced output could stimulate further commercial growth; however, such demand would be diffused and distributed among a variety of different sectors and businesses in Jackson County. As such, significant regional commercial growth would not be anticipated to occur under Alternative A.” The potential for indirect and induced growth to occur outside of Jackson County would diminish in relation to the distance from the Medford Site.</p>
T10-25	<p>Please refer to <b>Master Response 3</b> regarding gaming substitution effects. For additional information on the potential economic impacts on the Karuk Tribe, please refer to Appendix O and Sections 3.7 and 4.7 of the Final EIS, Volume II. The Commenter’s preference for Alternative C - Expansion of The Mill Casino is noted. Please refer to <b>Response to Comment T10-4</b> regarding the preferred alternative selected by the BIA.</p>
T10-26	<p>Please refer to the <b>Response to Comment T10-2</b> regarding tribal consultation. Please also refer to the <b>Response to Comment T10-27</b> regarding the competitive gaming analysis.</p>

T10-27	Please refer to <b>Response to Comment T10-17</b> .
T11-1	According to 40 CFR §1500.1 and 1500.4, the goal of NEPA is to ensure that relevant environmental information is identified and considered early in the process in order to ensure informed decision making by federal agencies and that the public has been informed regarding the decision-making process. NEPA does not require that an EIS disclose the level of support for or opposition to a project. That notwithstanding, all comments received during the scoping period were included as an appendix to the scoping report and all comments received during the public comment period on the Draft EIS, including the letters attached to Comment Letter T11 are included in <b>Attachment 2</b> of this Final EIS, Volume I. These comments included those in support of, in opposition of, and neutral to the Proposed Action. As described in Section 1.0, comments that do not raise a substantive environmental issue, such as comments merely expressing an opinion, are not required to be responded to in the Final EIS. However, this comment letter and all the letters attached to it has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.
T12-1	Comment noted. Please refer to <b>Master Response 3</b> . The level of projected impact to Kla-Mo-Ya Casino contained in the Final EIS, Volume II, <b>Appendix O</b> is supported by the fact that an overwhelming majority of casinos in the United States source a majority of their gaming revenue from within a 90-minute drive time with most gaming revenue stemming from within 30 minutes of the gaming facility. The lack of amenities provided at the Kla-Mo-Ya Casino and the roadway infrastructure and terrain between this facility and the Medford Site limit its catchment area and, as a result, expected impacts due to the Project. As a result, the projected impacts for the Kla-Mo-Ya Casino are very reasonable and supported by sound methodology, and proprietary knowledge of casino operations across relevant markets in the United States and the projected decreases described in this comment in the 50-75% range are extremely unlikely to occur.
T13-1	<p>The Draft EIS underwent a thorough scoping process that was in compliance with 40 CFR 1501.9. This scoping process included alerting the governments of Cow Creek Band of Umpqua Tribe of Indians, Elk Valley Rancheria, and Karuk Tribe early in the scoping process for the Proposed Action. The input received from these tribal governments and others, including tribal members in non-governmental capacities, were considered in the scope of the Draft EIS. In addition, as discussed in Draft EIS, Section 3.6.4, the BIA consulted with tribes pursuant to Section 106 of the NHPA.</p> <p>All comment letters on the Draft EIS received from the Cow Creek Band during the public comment period are included in <b>Attachment 2</b> of the Final EIS, Volume I and are responded to in this section.</p> <p>Compliance with the FOIA is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action. Please refer to <b>Master Response 1</b> regarding the extension of the Draft EIS comment period.</p>

### 3.0 Response to Comments

T13-2	<p>The commenter is incorrect in stating that the Proposed Action has changed since the 2015 scoping report because no other properties or developments have been added to the Proposed Action since the 2015 scoping report. The Proposed Action is still defined as the BIA taking an approximately 2.4-acre property (Medford Site) from fee into trust, and the subsequently remodeling of the existing bowling alley on that property into a gaming facility (see Section 1.1 of the Draft EIS), which is the same as in the scoping report (specified in Section 1 of the 2015 Scoping Report). Please refer to <b>Response to Comment T1-2</b> regarding the scope of the development proposed under Alternative A and the independent utility of the Compass by Margaritaville Hotel owned by the Tribe.</p> <p>Please refer to <b>Master Response 2</b> for information regarding the NEPA timeline and the relevancy of the Draft EIS. The BIA acknowledges receiving the Cow Creek Tribe letters specified in the comment. However, as discussed in <b>Master Response 2</b>, the BIA determined that the scoping process did not need to be restarted as no substantial changes were made to the proposed action and no significant new circumstances or information have arisen which bear on the proposal or its impacts (40 C.F.R. § 1501.9(g)).</p>
T13-3	<p>Please refer to <b>Master Response 2</b> for information regarding the NEPA timeline and the relevancy of the Draft EIS and <b>Master Response 3</b> regarding gaming substitution effects. Please also refer to Section 4.7.1 of the Final EIS, Volume II which quantifies substitution effects of each alternative on existing regional casinos.</p>
T13-4	<p>Please refer to the <b>Response to Comment T10-10</b> regarding the purpose and need statement.</p> <p>According to 40 CFR §1500.1 and 1500.4, the goal of NEPA is to ensure that relevant environmental information is identified and considered early in the process in order to ensure informed decision making by federal agencies and that the public has been informed regarding the decision-making process. Although the EIS will provide the Secretary information on the potential physical environmental effects of the proposed federal action which must be considered in its decision, there are other non-environmental factors that will be considered by the Secretary regarding the proposed FTT acquisition (i.e. the Coquille Tribe's unmet needs) that are outside of the scope of NEPA and, therefore, not described in detail in the EIS. The EIS is not the decision document which concludes whether or not the Proposed Action is legal under IGRA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.</p>
T13-5	<p>Please refer to <b>Response to Comment T1-2</b> regarding the scope of the development proposed under Alternative A and the independent utility of the Compass by Margaritaville Hotel owned by the Tribe and <b>Response to Comment T10-7</b> regarding the adjacent golf course. Please also refer to the <b>Response to Comment T10-14</b> regarding reasonably foreseeable actions.</p>
T13-6	<p>Please refer to <b>Response to Comment T1-2</b>. The adjacent hotel was developed as a standalone project that is already independently and successfully operating in the market area and was not constructed as a part of the scope of Alternative A. As a result, GMA's analysis does not integrate or consider the impact of an existing hotel property. It should be noted that GMA did consider the fact that the surrounding area features hotels/motels and other business activities which provide a benefit to the overall attraction of the Project's location and, thus, its gaming revenue generation.</p>

### 3.0 Response to Comments

T13-7	<p><b>Response to Comment T1-2</b> regarding the scope of the development proposed under Alternative A and the independent utility of the Compass by Margaritaville Hotel owned by the Tribe and <b>Response to Comment T10-7</b> regarding the adjacent golf course. Please also refer to the <b>Response to Comment T10-14</b> regarding reasonably foreseeable actions.</p>
T13-8	<p>For information regarding the NEPA timeline and the relevancy of the Draft EIS (including the “hard look” requirement), please refer to <b>Master Response 2</b>. With regards to the purpose and need statement, please refer to the <b>Response to Comment T10-10</b>.</p>
T13-9	<p>Please refer to the <b>Response to Comment T10-12</b> regarding the consideration of non-gaming alternatives in the NEPA process.</p>
T13-10	<p>Compliance with the Coquille Restoration Act and IGRA is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action. In regard to gaming eligibility, on January 19, 2017, the Department informed the Regional Director that the Solicitor’s Office had completed a preliminary review and determined the land was eligible for gaming under a restored lands analysis if the land is acquired in trust pursuant to the Coquille Restoration Act.</p> <p>Regarding the claim that the approval of the proposed action would lead to other tribes seeking to develop off-reservation gaming facilities closer to favorable market environments, NEPA requires the analysis of reasonably foreseeable effects. It does not require the consideration of remote, speculative, or worst-case effects. The decision to allow gaming on any trust parcel is governed by federal statutes and regulations, and concerns raised about policy implications or legal precedent created by that decision are speculative.</p>
T13-11	<p>Please refer to <b>Response to Comment T13-10</b> regarding the consideration of legality of a Proposed Action under NEPA and <b>Master Response 2</b> regarding the “hard look” under NEPA.</p>
T13-12	<p>The BIA has not breached its fiduciary duty to the Cow Creek Tribe. The EIS was prepared in compliance with NEPA, see responses that respond to the commenter’s comments regarding the analysis within the EIS. Please refer to <b>Response to Comment T13-10</b> regarding the consideration of legality of a Proposed Action under NEPA and <b>Master Response 3</b> regarding substitution effects.</p>
T13-13	<p>Comment noted. Please refer to <b>Response to Comment T8-2</b> regarding the ability for a tribe to operate more than one casino in Oregon.</p>
T13-14	<p>Comment noted. Please refer to <b>Master Response 3</b>.</p>

### 3.0 Response to Comments

T13-15	Comment noted. Please refer to <b>Master Response 3</b>
T13-16	Comment noted. Please refer to <b>Master Response 3</b> regarding substitution effects, and <b>Response to Comment T13-6</b> regarding consideration of the existing adjacent hotel.
T13-17	<p>Please refer to <b>Master Response 3</b>. GMA's analysis was supported by sound methodology, its proprietary knowledge of casino operations across relevant markets in the United States, and a firm grasp of market dynamics in the subject region. The analysis performed is based on industry respected methodology and a third party, independent review of the potential impact of the project. The stated higher value of the annual visits stemming from the Medford area provided in this comment was factored into GMA's analysis as it is evident that Seven Feathers Casino Resort relies on the Medford market area for a sizeable amount of gaming revenue.</p> <p>It is not anticipated that Alternative A will have an impact on gaming revenue sourced from pass-through traffic as the project does not feature a hotel or a robust non-gaming amenity program, whereas Seven Feathers Casino Resort offers a comprehensive amenity package to that market segment. Furthermore, the Medford Site is not located directly on I5, like Seven Feathers, and will not be in a position to attract pass-through traffic.</p> <p>In GMA's view, the non-gaming revenue impacts referenced in this comment seem overstated considering the level of anticipated gaming revenue impacts. It is likely that a sizeable portion of the non-gaming revenue being considered within the analysis would be classified as comp revenue, which is typically utilized as a marketing and player reinvestment tool and contributes little revenue to the bottom line, and in fact generally results in a reduction of bottom-line profits. Furthermore, in GMA's experience it has found that gaming revenue and food &amp; beverage revenue performance at local casino properties are directly correlated. As such, GMA would expect gross food &amp; beverage revenue (including cash and comp revenue) to experience similar impacts as the gaming revenue.</p> <p>Tables games are not a part of the scope of the Project. Additionally, as the facility will only be able to offer Class II gaming, it will be precluded from featuring house-banked table games on property. As such, the defined Project, which is limited to Class II gaming, was the only development contemplated in the Draft EIS analysis.</p>
T13-18	Comment noted. Please refer to <b>Master Response 3</b> .

<p>T13-19</p>	<p>Please refer to <b>Master Response 3</b>. While the contemplated gaming revenue impacts illustrated in the updated competitive effects study (Final EIS, Volume II, <b>Appendix O</b>) would certainly have impacts on casino operations, dozens of casinos of similar size across the United States have undergone similar gaming revenue impacts due to increased competition and remain open and profitable. In those rare situations where a casino is forced to close, it is only when the casino is already suffering and simply could not afford any further decreases in revenue. Seven Feathers, on the other hand, is a successful, well-run enterprise. While Alternative A will have a negative impact on Seven Feathers, the impact is not nearly great enough to threaten the viability of the operation and it can be expected that the casino resort will continue to be a meaningful asset to the Cow Creek tribe.</p> <p>Information regarding the Cow Creek Tribe’s government finances and funding sources has not been provided for review; as such, the statements made in this comment regarding the potential impact to existing tribal operations and tribal members cannot be verified.</p> <p>In the previous analysis, GMA compared to fixed 2023 levels for illustrative purposes and has since eliminated this consideration. It is important to note that this analysis considers the impact the Project will have on future revenue levels at nearby casino locations. However, the NEPA process focuses on the impact that the Project may have on existing facility revenue levels. As future revenue levels at nearby casinos are expected to be greater (due to demographic growth expectations), the net reduction in revenue between future operating conditions with Alternative A when compared against existing baseline would be less.</p>
<p>T13-20</p>	<p>As stated in section 4.7.1 criminal incidents could increase in the vicinity of the Medford Site, and this could be considered a potentially significant effect. Mitigation to require payments to the Medford Police Department for direct and indirect costs incurred in conjunction with providing law enforcement, will lower social effects associated with crime to less than significant. For more information regarding the increase in crime and the calls for service as a result, please refer to the <b>Responses to Comments A4-3</b> and <b>A4-4</b>.</p>
<p>T13-21</p>	<p>Section 4.5.1 of the Draft EIS states “There is a hydrological connection between the Medford Site and <i>Bear Creek, an anadromous-bearing stream containing two listed species, Chinook salmon (Oncorhynchus tshawytscha) and coho salmon (O. kisutch).</i>” The discussion of Bear Creek in Section 3.5 of the Draft EIS has been updated in the Final EIS, Volume II to acknowledge that Bear Creek is currently used by anadromous fish (versus potentially used). The Commentor incorrectly states that the Medford Site is adjacent to Bear Creek. In fact, the Medford Site is approximately 1,400 feet away from Bear Creek.</p>
<p>T13-22</p>	<p>The Commentor states that runoff from the proposed action will contain toxins such as petroleum distillates and mercury. There is no evidence that such toxins occur in the runoff of the Medford Site; the Phase I ESA prepared for the Medford Site did not detect any evidence of toxins or hazardous waste discharges or pollution in general (Draft EIS <b>Appendix L</b>).</p>



### 3.0 Response to Comments

T13-23	<p>An ESU of Pacific salmon is considered to be a "distinct population segment" and thus a "species" under the Endangered Species Act. However, ESU's are, by definition, taxonomic identifications below the species level. Thus, the Draft EIS biological resources analysis remains valid because the analysis pertains to the same species of fish Chinook salmon (<i>Oncorhynchus tshawytscha</i>) and coho salmon (<i>O. kisutch</i>). While the Draft EIS Section 4.5.1 acknowledged that "Bear Creek is an anadromous-bearing stream containing two listed species, Chinook salmon (<i>Oncorhynchus tshawytscha</i>) and coho salmon (<i>O. kisutch</i>)", the Final EIS, Volume II Sections 3.5, 4.5, and new Appendix Q have been updated to clarify the specific ESU of coho salmon that has the potential to occur in Bear Creek in the vicinity of the Medford and Phoenix Sites: Southern Oregon Northern California Coast Coho (ESU). The reference to the Coho Salmon-Oregon Coast (ESU) in Appendix F of the Draft EIS has been retained for the Mill Casino Site, as it remains accurate.</p>
T13-24	<p>The Final EIS, Volume II Section 3.5 was updated to correctly state that, in the vicinity of the Medford Site and the Phoenix Site, the nearest Critical Habitat is for Southern Oregon Northern California Coast Coho Salmon which occurs in Bear Creek. The Medford Site is approximately 1,400 feet from Bear Creek and the Phoenix Site is approximately 800 feet from Bear Creek. As described above in <b>Response to Comment T13-23</b>, the Draft EIS, Section 4.5.1 acknowledged that "Bear Creek is an anadromous-bearing stream containing two listed species, Chinook salmon (<i>Oncorhynchus tshawytscha</i>) and coho salmon (<i>O. kisutch</i>)."</p> <p>The correction and expanded discussion of the nearest designated critical habitat does not alter the analysis of impacts to fisheries resources, so the conclusions in Section 4.5 of the Draft EIS regarding the potential for effects to biological resources remain the same.</p> <p>The analysis of biological impacts encompasses impacts on cultural resources because the focus is on the health of the coho salmon, regardless of whether it is protected under biological laws or by cultural significance. The Commentor incorrectly states that the Medford Site is adjacent to Bear Creek. In fact, the Medford Site is approximately 1,400 feet away from Bear Creek.</p>
T13-25	<p>Please refer to the Draft EIS, Section 4.12.1 regarding the potential for hazardous materials impacts resulting from soil contamination. The Commentor states that off-site properties in the vicinity of the Medford Site contain contamination with agricultural chemicals, and that the Medford Site likely contains similar contamination. The G.R.I. (2012) Phase 1 ESA did confirm that the Medford Site was used for agriculture (orchard), and the Alpine Environmental (2015) Phase 2 ESA investigation did report that some soil samples contained metals and pesticides (refer to <b>Appendix L</b> of the Draft EIS). However, the concentrations of metals and pesticides were not high enough to warrant remedial action or the opening of a contamination case with ODEQ, and these concentrations are near the ODEQ background concentrations in soil. The Medford Site is almost completely covered with pavement, and such pavement adequately reduces the potential exposure pathways of inhaling/ingesting soil particles. Similarly, the groundwater below the Medford Site will not be used for drinking water (instead municipal water service will be used). This eliminates the potential pathway of ingestion. The presence of residual agricultural chemicals is common throughout the Medford region, and such residues have not warranted remedial action by ODEQ for the Medford Site. While the Alpine Environmental (2015) Phase 2 ESA investigation was limited to soil samples within the proposed 2.4 acre trust property, additional sampling within the remaining areas of the site is not warranted because these areas mostly consist of impervious paved surfaces that will remain paved, or areas that will be paved under the project. Because Alternative A will retain existing impervious surfaces, and create new impervious surfaces, and because the bioswales trap and attenuate pollutants, implementation of Alternative A will not significantly impact Bear Creek via stormwater contact with soils.</p>

### 3.0 Response to Comments

T13-26	<p>Note that the Alpine Environmental (2015) Phase 2 ESA investigation did adequately sample the soil of the 2.4-acre Medford Site, and that the Medford Site does not contain high concentrations of any contaminant. The other areas that make up the 7.2 acres are already paved or otherwise developed, and do not require major earthmoving or other construction (refer to <b>Response to Comment T13-26</b>). Additionally, please refer to <b>Master Response 2</b> for information regarding the NEPA timeline and the relevancy of the Draft EIS. As noted therein, an updated radius report was generated by NETROnline in March 2022, to identify locations of past and current hazardous materials involvement on and in the vicinity of the Medford Site. This report found no significant new sources of hazardous material that could affect the Medford Site. Furthermore, there have been no notable laws or regulations that would cause the alternatives to have more severe impacts.</p>
T13-27	<p>GMA compiled the following response to the comments provided by Meister Economic Consulting (“Meister”) in Appendix A.</p> <p>Appendix A of this comment letter estimates that the anticipated impact Alternative A will have on Seven Feathers Casino Resort’s gaming revenue will be 28.5% in the first stabilized year of Project operations. This projected level of impact assumes that the adjacent and previously developed hotel (Compass by Margaritaville Hotel) is considered a part of the scope of the Project development. However, this hotel was developed on a standalone, independent basis and is already in operation today. For the purposes of GMA’s competitive effects analysis, the existence of Margaritaville Hotel was not considered as it is already operational.</p> <p>The analysis presented within Appendix A does not adequately consider the impact of the additional amenities present at the existing Seven Feathers facility in terms of its overall level of attraction in comparison to the Medford project. The Proposed Medford Casino will only present limited Class II gaming and one food &amp; beverage venue whereas the Seven Feathers Casino Resort provides a more robust and attractive gaming and non-gaming product, greatly increasing its level of attraction within a gravity model.</p> <p>Additionally, the analysis presented in Appendix A states that Seven Feathers Casino Resort would “lose approximately 52.1% of its annual food and beverage revenues to the Proposed Medford Casino.” These projected losses are overstated due to the fact that a large portion of food and beverage revenue at the Seven Feathers Casino Resort would likely stem from comped revenue, which is typically utilized as a player reinvestment/marketing tool and contributes little to the bottom line of the business. Furthermore, in GMA’s experience, it has found that gaming revenue and food &amp; beverage revenue performance at local casino properties are directly correlated. As such, GMA would expect gross food &amp; beverage revenue (including cash and comp revenue) to experience similar impacts to gaming revenue.</p>
T13-28	<p>The Meister Report alludes to the fact that the historical reduction of gaming machines at Seven Feathers Resort Casino impacts its comparative gravity relative to Alternative A, adding to the competitive advantage of the proposed casino. While it is true that the size of casinos (illustrated by number of slot machines and table games) is a key input in a gravity model, it is not the only input in the gravity model. Alongside casino size, a gravity model must appropriately consider the amount of gaming revenue generated at each casino. Gravity models utilize casino size as a starting point to distribute gaming revenue within a market, but actual revenues produced by facility, marketing practices, the overall attraction of facilities, the number and types of amenities at a casino (hotel, restaurants, bars, entertainment venues, etc.) and access factors must be determined and applied to appropriately determine competitive dynamics and how they influence the model. While the number of slot machines presented at a facility can limit the amount of gaming revenue produced at the facility (due to capacity constraints), a reduction in gaming machines does not necessarily equate to a reduction in gaming revenue. Casinos regularly adjust slot floor programs to more effectively and efficiently serve their customers. As such, this statement made in the Meister report fails to explain that gaming facility size is only one factor that is important to include in a complex gravity model.</p>

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T13-29	Please refer to <b>Response to Comment T13-6</b> .
T13-30	Please refer to <b>Response to Comment T13-27</b> .
T13-31	Please refer to <b>Master Response 3</b> and <b>Response to Comment T13-19</b> .
T13-32	Appendix O shows that approximately 25% of the gaming revenues projected under Alternative A (approximately 11.9 million) would result from an increase in local market activity. Additionally, Alternative would increase economic activity within Jackson County specifically, versus other nearby counties in which gaming activities occur. Please refer to the Final EIS, Volume II, Appendix O for additional information regarding the economic effects of Alternative A.
T14-1	Comment noted.
T14-2	Comment noted. The comment states there is support for the project. No response required.
T14-3	Commented noted. Draft EIS, Section 2.3.1 reflects that the Secretary will make its determination regarding the proposed FTT acquisition in accordance with the Coquille Restoration Act (25 USC 715). Final EIS, Volume II, Section 1.3 has been updated in regard to the Coquille Tribe's financial situation.
T14-4	Comment noted. Final EIS, Volume II, Section 1.2 has been clarified to note that the acquisition of the Medford Site in trust to the Secretary's authority would occur under the Indian Reorganization Act, 25 United States Code (USC) 5108 and the Coquille Restoration Act (25 USC 715).
T14-5	Comment noted. The comment states the current situation of the Mill Casino in relation to potential earthquake and tsunami threats and how this could financially negatively affect the Tribe. Similar information is presently discussed in Section 1.4, 3.2, and 3.3 of the Draft EIS, and therefore additional information is not required.
T14-6	Compliance with the Coquille Restoration Act and 25 CFR Part 151 is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.

### 3.0 Response to Comments

T14-7	The information provided by the Commenter on the Coquille Tribes connection to Jackson County is noted. While this comment does not raise a substantive environmental issue and is therefore not required to be responded to in the Final EIS, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.
T14-8	Comment noted. The justification or legality for gaming on the alternative sites is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.
T14-9	Comment noted. Please refer to <b>Response to Comment T8-2</b> regarding the ability for a tribe to operate more than one casino in Oregon.
T14-10	Comment noted. Please refer to <b>Master Response 3</b> regarding gaming substitution effects. An Updated Substitution Effects Analysis (attached as Final EIS, Volume II, Appendix O) has been prepared to assess the effects of gaming competition on neighboring tribes. Details of these findings can be found in Final EIS, Volume II, Section 4.8. As shown in Appendix O and associated updates made in the Final EIS, Volume II, Section 4.7.1, in general competitive effects to tribal gaming enterprises are expected to be slightly reduced when compared to the results of the previous study.
T14-11	Comment noted. Please refer to <b>Master Response 3</b> and <b>Response to Comment T13-19</b> .
T14-12	Comment noted. Support for or opposition to the Proposed Action is not a NEPA topic and is therefore not considered in the Draft or Final EIS. These comments are however noted in the public record and considered by the BIA. With regards to impacts to neighboring Tribes, information regarding the financial impacts to Karuk Tribe and others from the alternatives has been included in Sections 3.7 and 4.7 of the Draft EIS that relied on Socioeconomic Impact Reports attached as Appendix E of the Draft EIS. Furthermore, an Updated Substitution Effects Analysis (attached as Final EIS, Volume II, Appendix O) has been prepared to assess the effects of gaming competition on neighboring tribes, and this information had been included in Final EIS, Volume II, Sections 3.7 and 4.7 as needed.
T14-13	Comment noted. Positive socioeconomic effects as a result of the alternatives are described in Section 4.7 of the Draft EIS. However, whether development of additional businesses, such as Alternatives A and B, would reduce crime is speculative because while Appendix E of the Draft EIS determined that gaming in itself does not increase crime, there was not strong evidence that it would definitively reduce crime rates either.
T14-14	The Commenter's support for alternatives examined in the Draft EIS is noted.

### 3.0 Response to Comments

T14-15	The Commenter's agreement with the portrayal and analysis of the Compass Hotel in the Draft EIS and supplemental information about the hotel is noted.
T14-16	The status of a municipal services agreement between the City of Medford and the Coquille Tribe is noted. References to the Rogue Valley Stormwater Quality Design Manual in the Final EIS, Volume II, have been updated to refer to the 2023 version.
T14-17	The Commenter's concurrence with the analysis in the Draft EIS regarding impacts to special-status species and their willingness to implement mitigation measures is noted.
T14-18	The Commenter's agreement with the environmental justice analysis in the Draft EIS and additional environmental information is noted. Note that the environmental justice information and analysis in Final EIS, Volume II, Sections 3.7 and 4.7 have been updated with new data, but this did not change the determinations of the Draft EIS.
T14-19	Comment noted.
T15-1	The Confederated Tribes of Siletz Indians support of Alternative A is noted.
T16-1	As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, the Commenter's objection to Alternatives A and B has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.

Individual Comments	
I2	<p>Compliance with the Coquille Restoration Act and IGRA is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.</p> <p>Please refer to <b>Response to Comment T8-2</b> regarding operation of a Class II casino, as is proposed under Alternative A, and the ability for a tribe to operate more than one casino in Oregon.</p> <p>Please refer to the <b>Response to Comment T10-12</b> regarding the consideration of non-gaming alternatives in the NEPA process.</p> <p>Please refer to <b>Master Response 3</b> regarding gaming substitution effects.</p>
I3-1	Please refer to <b>Response to Comment T13-10</b> regarding the consideration of legality of a Proposed Action under NEPA.
I3-2	Please refer to <b>Master Response 3</b> regarding gaming substitution effects.
I3-3	Please refer to <b>Response to Comment T8-2</b> regarding operation of a Class II casino, as is proposed under Alternative A, and the ability for a tribe to operate more than one casino in Oregon.
I3-4	Please refer to Draft EIS, Section 4.1.1 for a discussion of the potential impacts to the Oregon Lottery from the operation of Alternative A.
I3-5	Comment noted.
I12-1	Comment noted. The Draft EIS did analyze the full scope of the Tribe's proposed project. Please refer to <b>Master Response 2</b> regarding the scope and age of the Draft EIS analysis. Potential impacts to habitats are discussed in Section 4.5 of the Draft EIS, and alternative considered but dismissed from detailed evaluation, including non-gaming alternatives, are discussion in Section 2.7 of the Draft EIS.
I14-1	Please refer to <b>Response to Comment T13-17</b> regarding potential fiscal impacts to Cow Creek Casino.

### 3.0 Response to Comments

114-2	<p>Please refer to <b>Response to Comment T8-2</b> regarding operation of a Class II casino, as is proposed under Alternative A, and the ability for a tribe to operate more than one casino in Oregon. Regarding the claim that the approval of the proposed action would lead to the Coquille Tribe seeking to develop other off-reservation gaming facilities, NEPA requires the analysis of reasonably foreseeable effects. It does not require the consideration of remote, speculative, or worst-case effects. The decision to allow gaming on any trust parcel is governed by federal statutes and regulations, and concerns raised about policy implications or legal precedent created by that decision are speculative.</p>
114-3	<p>Regarding the claim that the approval of the proposed action would lead to other tribes seeking to develop off-reservation gaming facilities closer to favorable market environments, NEPA requires the analysis of reasonably foreseeable effects. It does not require the consideration of remote, speculative, or worst-case effects. The decision to allow gaming on any trust parcel is governed by federal statutes and regulations, and concerns raised about policy implications or legal precedent created by that decision are speculative.</p> <p>Gaming on tribal trust lands is regulated under IGRA (25 USC §2719) and is not subject to the discretion of state and local officials.</p> <p>As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, the Commenter's objection to Alternatives A and B has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.</p>
116-1	<p>Please refer to <b>Response to Comment T8-2</b> regarding operation of a Class II casino, as is proposed under Alternative A, and the ability for a tribe to operate more than one casino in Oregon. Compliance with the Coquille Restoration Act and IGRA is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.</p>
120-1	<p>Comment noted. The economic benefits associated with Alternative A are illustrated in the Draft EIS Section 4.7 and <b>Appendix E</b>.</p>
137-1	<p>Please refer to <b>Response to Comment T8-2</b> regarding operation of a Class II casino, as is proposed under Alternative A, and the ability for a tribe to operate more than one casino in Oregon. Compliance with the Coquille Restoration Act and IGRA is a procedural issue and is beyond the scope of NEPA. As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, this comment has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.</p>
137-2	<p>For a discussion of impacts associated with increases in traffic due to the alternatives, please refer to Section 4.8 of the Draft EIS. For a discussion of potential impacts on local law enforcement, please refer to Section 4.10 of the Draft EIS. Mitigation measures are included in Section 5.0 of the Draft EIS to reduce impacts related to transportation and law enforcement to less than significant.</p>

### 3.0 Response to Comments

I37-3	As described in Section 1.0, comments that do not raise a substantive environmental issue are not required to be responded to in the Final EIS. However, the Commenter's objection to Alternatives A and B has been included in the administrative record and thus will be considered by the BIA in its decision on the Proposed Action.
I47-1	Please refer to Section 4.9.1 of the Draft EIS regarding impacts to Agriculture.
I48-1	Please refer to <b>Response to Comment T8-2</b> regarding operation of a Class II casino, as is proposed under Alternative A, and the ability for a tribe to operate more than one casino in Oregon. Regarding the claim that the approval of the proposed action would lead to the Coquille Tribe seeking to develop other off-reservation gaming facilities, NEPA requires the analysis of reasonably foreseeable effects. It does not require the consideration of remote, speculative, or worst-case effects. The decision to allow gaming on any trust parcel is governed by federal statutes and regulations, and concerns raised about policy implications or legal precedent created by that decision are speculative.
I49-1	Comment noted. While certain areas may be more conducive to homeless populations than others, there is nothing unique about the alternative project sites that would make them more attractive to homeless people than other parcels. Instead, implementation of the alternatives would render such parcels less attractive to transient persons desiring to establish tents and sleeping spaces because of the increased development. Therefore, it can be determined that the operation of the project alternatives will have a less than significant effect on the incidence of homelessness in the surrounding community.
I56-1	Comment noted. Please refer to <b>Master Response 3</b> . The economic benefits associated with Alternative A are illustrated in the Draft EIS Section 4.7 and <b>Appendix E</b> .
I56-2	Comment noted. For information regarding traffic safety impacts, please refer to Section 4.8 of the Draft EIS.
I56-3	Comment noted. While Alternative A may reduce vehicle miles traveled by capturing local trips that may have otherwise traveled longer distances for gaming entertainment, Alternative A is also expected to increase the propensity for gaming by approximately 33% in the local market (refer to the Final EIS, Volume II, <b>Appendix O</b> ). To provide a conservative analysis, the estimate of GHG emissions in Section 4.14 of the Final EIS, Volume II assumes that all trips associated with the project alternatives would be "new" trips.
I60-1	Comment noted. For information regarding air quality impacts, please refer to Sections 4.4 and 4.15 of the Final EIS, Volume II.



### 3.0 Response to Comments

160-2	Comment noted. For information regarding the impacts on public services, please refer to Section 4.10 of the Draft EIS. As specified therein, the alternatives would have a less-than-significant impact on public services with mitigation.
164-1	Comment noted. For information regarding the impacts on public services, please refer to Section 4.10 of the Draft EIS. As specified therein, the alternatives would have a less-than-significant impact on public services with mitigation.
164-2	Comment noted. Assessed values of each site and the property taxes are shown in Table 3.7-2 of the Draft EIS. The Medford sites taxes are higher due to their location within the City of Medford, while the Phoenix sites are located in unincorporated Jackson County lands and receive a tax break due to the zoning. The Mill Casino site is not subject to property tax due to being on tribal land. Total acreage for acquisition is only 2.4 acres. Lost property and business taxes would be more than offset by tax revenues generated for State and local governments from economic activity associated with the construction and operation of Alternative A as described in Draft EIS, Section 4.7.1 and shown in Table 4.7-7.
164-3	As stated in section 4.7.1 criminal incidents could increase in the vicinity of the Medford Site, and this could be considered a potentially significant effect. Mitigation to require payments to the Medford Police Department for direct and indirect costs incurred in conjunction with providing law enforcement, will lower social effects associated with crime to less than significant.
164-4	Please refer to <b>Response to Comment A4-12</b> regarding problem gambling.
176-1	Comment Noted.
178-1	Please refer to <b>Master Response 3</b> and <b>Response to Comment T13-19</b> .