

Record of Decision

Trust Acquisition of the 2.4-Acre Site in Medford, Oregon, for the Coquille Indian Tribe

U.S. Department of the Interior

Bureau of Indian Affairs

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U.S. Department of the Interior

Agency: Bureau of Indian Affairs

Action: Record of Decision (ROD) for the Trust Acquisition of the approximately 2.4-acre Medford Site in Medford, Oregon, for the Coquille Indian Tribe (Tribe).

Summary: The Tribe submitted a fee-to-trust application to the Bureau of Indian Affairs (BIA), requesting that the Department of the Interior (Department) accept trust title to land totaling approximately 2.4 acres in Medford, Oregon (Medford Parcel) for gaming and other purposes (Proposed Action). The Tribe proposes to remodel the existing bowling alley structure on the Medford Site into a 30,300-square-foot gaming facility (Proposed Project). The Proposed Project was analyzed in an Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act (NEPA), under the direction and supervision of the BIA Northwest Regional Office. The BIA issued the Draft EIS for public review and comment on November 25, 2022. After a comment period, public hearing, and consideration and incorporation of comments received on the Draft EIS, the BIA issued the Final EIS on November 22, 2024. The Draft and Final EIS evaluated a reasonable range of alternatives that would meet the purpose and need for the Proposed Action, analyzed the potential effects of those alternatives, and identified feasible mitigation measures.

With this Record of Decision (ROD), the Department announces that it will acquire the 2.4-acre Medford Site in trust for the Tribe for gaming purposes. The Department has selected Alternative A in the FEIS as the Preferred Alternative as it has determined Alternative A will best meet the purpose and need for the Proposed Action of promoting the long-term economic self-sufficiency, self-determination, and self-governance of the Tribe. The Preferred Alternative will provide the Tribe with the best opportunity for attracting and maintaining a significant, stable, long-term source of governmental revenue. Accordingly, the Preferred Alternative will provide the best prospects for maintaining and expanding tribal governmental programs to provide a wide range of health, education, housing, social, cultural, environmental, and other programs, as well as employment and career development opportunities for its members.

The Department has considered potential effects to the environment, including potential impacts to local governments and other tribes, has adopted all practicable means to avoid or minimize environmental harm, and has determined that potentially significant effects on the environment will be adequately addressed by mitigation measures, as described in this ROD.

The Department's decision to acquire the Medford Site into trust for the Tribe is based on thorough review and consideration of the Tribe's fee-to-trust application and materials submitted therewith; the applicable statutory and regulatory authorities governing acquisition of trust title to land and eligibility of land for gaming; the Draft EIS; the FEIS; the administrative record; and comments received from the public, federal, state, and local governmental agencies, and potentially affected Indian tribes.

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Record of Decision

TRUST ACQUISITION OF THE MEDFORD SITE IN MEDFORD, OREGON, FOR THE COQUILLE INDIAN TRIBE

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ATTACHMENTS

- Attachment 1 Mitigation Monitoring and Compliance Plan
- Attachment 2 FEIS Notices
- Attachment 3 Supplemental Response to Substantive Comments on the FEIS
- Attachment 4 Tribal Resolution adopting BMPs and Mitigation Measures

1.0 INTRODUCTION

1.1 SUMMARY

The Coquille Indian Tribe (Tribe) submitted a request to the Bureau of Indian Affairs (BIA) to acquire approximately 2.4 acres of land located in Medford, Oregon (Medford Parcel) into trust for gaming and other purposes (Proposed Action).

The BIA analyzed the potential environmental impacts of the Proposed Action in an Environmental Impact Statement (EIS). The Draft EIS (DEIS), issued for public review on November 25, 2022, and the Final EIS (FEIS), issued on November 23, 2024, considered various alternatives to meet the stated purpose and need, and analyzed in detail the potential effects of a reasonable range of alternatives. With this Record of Decision (ROD), the Department has determined that Alternative A is the Preferred Alternative to be implemented, which consists of the Department's transfer of the 2.4-acre Medford Parcel from fee to trust status on behalf of the Tribe for gaming purposes and subsequent remodeling by the Tribe of the former 23,300-square-foot Roxy Ann Lanes into a 30,300-square-foot gaming facility with 650 Class II gaming machines and mitigation measures presented in **Section 6.0** of this ROD.

The Department has determined that the Preferred Alternative would best meet the purpose and need for the Proposed Action consistent with its statutory mission and responsibilities to promote the long-term economic vitality, self-sufficiency, self-determination, and self-governance of the Tribe. The Department's decision to acquire the Medford Parcel into trust for the Tribe is based on thorough review and consideration of the Tribe's fee-to-trust application and materials submitted therewith; the applicable statutory and regulatory authorities governing acquisition of trust title to land and eligibility of land for gaming; the DEIS; the FEIS; the administrative record; and comments received from the public, federal, state, and local governmental agencies, and potentially affected Indian tribes.

1.2 DESCRIPTION OF THE PROPOSED ACTION

The federal Proposed Action is the acquisition of the 2.4-acre Medford Parcel in trust pursuant to the Secretary's authority under the Indian Reorganization Act, 25 United States Code (U.S.C.) 5108 and the Coquille Restoration Act (25 U.S.C. 715). Subsequently, the Tribe proposes to retrofit and remodel the former bowling alley within the Medford Parcel into a 30,300-square-foot gaming facility with 650 Class II gaming machines. The gaming facility would also include a bar/deli and space devoted to gaming support services. A loading dock shielded by 6-foot concrete walls would be located on the east side of the facility. Parking areas would be provided both within the 2.4-acre Medford Parcel, as well on adjacent fee land. The Project Site, as analyzed in the EIS, consists of 7.24 acres, which encompasses both the 2.4-acre Medford Parcel proposed to be acquired into trust, as well as adjacent fee land that would be utilized for parking. The Project Site is located within unincorporated Medford, Oregon, adjacent to the northeastern boundary of Oregon State Highway 99.

1.3 PURPOSE AND NEED

The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus, satisfying both the Department's land acquisition policy as articulated in the Department's trust land regulations at 25 CFR Part 151, and the principal goal of the Indian Gaming Regulatory Act (IGRA) as articulated in 25 U.S.C. § 2701. 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.

1.3.1 Background

The Tribe's needs related to facilitation of tribal self-sufficiency, self-determination, and economic development are as follows:

The Tribal government of the Coquille Tribe is responsible for providing essential services to its growing membership and preserving its culture for future generations. These services include housing, health care, employment, social services, educational support, and cultural preservation. The Proposed Action would serve the needs of the Tribe by promoting opportunities for economic development and self-sufficiency for the tribal government and tribal members. In particular, implementation of the Proposed Action would assist the Tribe in meeting the following objectives:

- Provide funding for essential programs and services such as health care, education, housing, social services, elder services, cultural preservation, and environmental protection; and
- Strengthen the socioeconomic status of the Tribe by mitigating the probable risk of natural disasters affecting the Mill Casino and diversifying the Tribe's economic revenue streams.

1.4 AUTHORITIES

Section 5 of the Indian Reorganization Act (IRA) of 1934, 25 U.S.C. § 5108, provides the Secretary of the Interior with general authority to acquire land in trust status for Indian tribes in furtherance of the statute's broad goals of promoting Indian self-government and economic self-sufficiency. If a tribe is seeking to acquire lands in trust, it must apply to the BIA and comply with the regulations in 25 Code of Federal Regulations (CFR) Part 151, which implement the Secretary's trust acquisition authority in Section 5 of the IRA. This ROD records the decision by the Department to acquire in trust the Medford Parcel in Medford, Oregon, for the Tribe.

IGRA was enacted in 1988 to regulate the conduct of Indian gaming and to promote tribal economic development, self-sufficiency and strong tribal governments. IGRA generally prohibits gaming on lands acquired in trust after 1988, unless certain exceptions found in Section 20, 25 U.S.C. § 2719, are met. Here the relevant exception is the "restored lands" exception in Section 20 (b)(1)(B)(iii), which allows gaming on after-acquired lands if the lands are taken in trust as part of "the restoration of lands for an Indian tribe that is restored to Federal recognition." The Section 20 exceptions are implemented through regulations found in 25 CFR Part 292. Therefore, Section 20 of IGRA does not provide the Secretary of the Interior with the authority to acquire land in trust; rather, it authorizes gaming on certain after-acquired lands once those lands are acquired into trust. Because the Tribe has requested that the Project Site be taken in trust for gaming, the Tribe must satisfy one of the IGRA Section 20 exceptions before it may game on the parcel. This Record of Decision (ROD) and the attached Decision Letter, records the Department's determination that the Project Site is eligible for gaming under the "restored lands" exception in IGRA Section 20, 25 U.S.C. § 2719(b)(1)(B)(iii), such that the Tribe may game on the Site once it is acquired in trust.

1.5 PROCEDURAL BACKGROUND

The requested federal Proposed Action requires compliance with the National Environmental Policy Act (NEPA). Accordingly, the BIA published a Notice of Intent (NOI) in the Federal Register on January 15, 2015, (Volume 80, page 2120) describing the Proposed Action, announcing the BIA's intent to prepare an EIS for the Proposed Action and inviting public and agency comments. A newspaper notice announcing the scoping process, and the date and location of the public scoping meeting, was published in the Medford Mail Tribune on January 16 and 18, 2015. On February 19, 2015, notices extending the comment period for an additional 30 days were mailed to interested parties, and a newspaper notice announcing the extension was published in the Medford Mail Tribune on February 24, 2015. The comment period was open until March 19, 2015. A report outlining the results of scoping was issued in June 2015. The scoping report summarized the major issues and concerns from the comments received during the scoping process. Scoping comments were considered by the BIA in developing the project alternatives and analytical methodologies presented in the EIS. During the scoping process, the BIA identified and formally invited the States Environmental Protection Agency (USEPA), Tribe, Oregon

Department of Transportation (ODOT), City of Medford, Jackson County, the National Indian Gaming Commission, and Rogue Valley Sewer Services. Four of these accepted as cooperating agencies for the EIS: (1) the Tribe, (2) ODOT, (3) the City of Medford, and (4) Jackson County.

On September 3, 2020, the BIA published a Notice of Cancellation of the EIS for the Proposed Action in the Federal Register. However, the Notice of Cancellation was subsequently withdrawn with the publication of a notice entitled “Resumption of Preparation of an EIS for the Proposed Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, Medford, Oregon” in the Federal Register on December 21, 2021.

An administrative version of the DEIS was circulated to Cooperating Agencies for review and comment. Comments were taken into consideration and revisions were completed as appropriate prior to public release. On November 25, 2022, the DEIS was made available to federal, Tribal, state, and local agencies and other interested parties for review and comment. The BIA’s Notice of Availability (NOA) for the DEIS was published in the *Federal Register* on November 25, 2022 (Volume 87, page 72505), initiating a 45-day public review period. The NOA was additionally published in the *Medford Mail Tribune* on November 27, 2022, which circulated in the surrounding area. The NOA provided information concerning the proposed project, public comment period, and the time and location of the public hearing to receive comments from the public concerning the DEIS. On December 20, 2022, the BIA published a notice in the *Federal Register*, and in the *Medford Mail Tribune* on December 18, 2022, extending the review period for an additional 45 days and announcing a second public hearing. Virtual public hearings were held on December 15, 2022, and January 31, 2023, and approximately 62 and 98 people attended the public hearings, respectively. The extended public comment period ended on February 23, 2023.

Public and agency comments on the DEIS received during the comment period, including those submitted or recorded at the public hearing, were considered in the preparation of the FEIS. Responses to the comments received were provided in Volume I of the FEIS and relevant information was revised in Volume II of the FEIS as appropriate to address those comments. An administrative version of the FEIS was circulated to Cooperating Agencies in June 2023 for review. All comments received as a result of Cooperating Agency review were considered, and changes to the FEIS were made as appropriate. The NOA for the FEIS was published in the *Federal Register* on November 22, 2024 (Volume 89, page 92712). The NOA for the FEIS was also published in local and regional newspapers, including *Medford Mail Tribune* on November 23, 2024. A separate USEPA NOA for the FEIS (USEPA EIS No. 20240220) was published in the *Federal Register* on November 22, 2024 (Volume 89, page 92713). The 30-day waiting period ended on December 23, 2024. A summary of the substantive comments received during this period that were not previously raised and responded to in the EIS process, and responses thereto are included in **Attachment 3** of this ROD.

2.0 ANALYSIS OF ALTERNATIVES

2.1 ALTERNATIVE SCREENING PROCESS

The BIA considered a range of possible alternatives in the EIS to meet the purpose and need (see **Section 1.3**), including an alternative site, and expansion of the Tribe’s existing casino. Alternatives, other than the required No Action Alternative, were screened based on four criteria 1) extent to which they meet the purpose and need for the Proposed Action, 2) feasibility, 3) ability to provide environmental advantages, and 4) ability to expand the range of alternatives in a way that would promote informed decision-making. Alternatives considered but rejected from detailed analysis are discussed below.

2.2 ALTERNATIVES ELIMINATED FROM DETAILED CONSIDERATION

2.2.1 Reduced Intensity

The Reduced Intensity Alternative would involve a smaller footprint than the Proposed Project at the Medford Parcel. No expansion of the existing structure would occur; construction would include interior renovations to transform the bowling alley into a gaming facility, offering a smaller range of amenities, thus likely attracting fewer customers. Because the Proposed Project is already relatively small and of low intensity, this alternative does not contribute to a reasonable range of alternatives and, thus, was eliminated from detailed consideration.

2.2.2 On-Site Wastewater Facility

This alternative would be similar to the Proposed Project, but it would include the construction of an on-site wastewater treatment facility and disposal of treated wastewater on-site via leach fields of through a direct discharge to area surface waters. Because it is feasible for the project to connect to the RVSS sewer lines and existing off-site wastewater system, it is not necessary to build an on-site wastewater facility. Further, this alternative could result in additional environmental impacts associated with increased construction activities and a greater potential for effects to water quality from disposal of treated wastewater. Therefore, this alternative was eliminated from further consideration.

2.2.3 Pre-Construction Demolition

This alternative would involve demolishing the existing bowling alley on the Medford Parcel and constructing a new gaming facility within the site boundaries. This alternative would result in greater environmental impacts due to the increase in construction activities and demolition waste. Therefore, this alternative was eliminated from further consideration.

2.2.4 Retail Development

This alternative would consist of commercial development on the Medford Parcel. A significant number of parcels zoned commercial and light industrial which neighbor the Medford Parcel are vacant or available for lease, potentially indicating a high rate of market saturation (LoopNet, 2019; City of Medford, 2019). Due to the prevalence of existing retail establishments in the area and potential future competition, it is uncertain that commercial development on the site would be financially viable and able to meet the purpose and need of the Proposed Action. Therefore, this alternative was eliminated from further consideration.

2.2.5 Hotel Resort

This alternative would locate a hotel and supporting facilities on the Medford Parcel. There are 11 hotels within a 1-mile radius of the Medford Parcel, indicating a very competitive business environment, and the small size of the site would limit parking for a larger hotel/resort. Additionally, the Tribe is currently operating a hotel to serve the existing local market on the adjacent property to the south of the Medford Parcel; construction of the hotel was approved by the City of Medford under a local permitting process. Although the proposed Class II gaming facility would not be marketable as a destination facility given its small scale and location, the adjacent hotel would be available to serve patrons of the proposed Class II gaming facility if Alternative A is approved. Further, this alternative would not likely avoid or reduce any of the potentially significant environmental impacts of the Proposed Action. Therefore, this alternative was eliminated from detailed consideration.

2.2.6 Tribal Offices

This alternative would involve remodeling the existing bowling alley into Tribal offices. The environmental effects of construction would be similar to the Proposed Project, and operational effects are expected to be reduced due to reduced traffic generation and demand for public services. However, this alternative would not generate additional revenue for the Tribe, and the costs of implementation would exacerbate the Tribe's projected financial shortfall. Therefore, this alternative was eliminated from detailed consideration as it would not meet the purpose and need for the Proposed Action.

2.3 ALTERNATIVES CONSIDERED IN DETAIL

The DEIS and FEIS evaluated the following reasonable alternatives and the mandatory No Action Alternative in detail. The below alternatives are described in more detail in FEIS Section 2.

2.3.1 Alternative A – Proposed Project

Alternative A, the Proposed Action, consists of the following components: (1) the transfer of the approximately 2.4-acre Medford Parcel from fee to trust status as part of the restoration of lands for the Tribe by the Secretary in accordance with the Coquille Restoration Act of 1989 (25 U.S.C. 715); (2) the subsequent retrofit and remodel of the bowling alley structure within the proposed trust parcel boundaries into a 30,300-square-foot gaming facility with 650 Class II gaming machines; and (3) utilization of adjacent fee land within the Medford Site as parking for the Alternative A. This alternative, which constitutes the Proposed Action and the BIA's Preferred Alternative, most suitably meets all aspects of the purpose and needs of the Proposed Action by promoting the Tribe's self-governance capability and long-term economic development. Components of Alternative A are summarized below.

Proposed Facilities: Alternative A would result in the development of a portion of the Medford Parcel with a 30,300-square-foot gaming facility, including 650 Class II gaming machines, a bar/deli, and ancillary infrastructure. Approximately 520 parking spaces would be provided throughout the Project Site, with surface parking within the proposed 2.4-acre trust property and additional parking spaces on adjacent fee land. The remainder of the site would remain undeveloped. Proposed facilities would be constructed to meet International Building Code (IBC) requirements.

Site Access: Access to the Project Site would be provided via two existing driveways located along OR 99. Additional site ingress/egress to the proposed parking areas may be provided through future driveways located along Charlotte Ann Road.

Signage, Lighting, and Landscaping: Exterior signage would enhance the architecture of the building and the natural characteristics of the Medford Site by incorporating native materials in combination with architectural trim. Illuminated signs would be designed to blend with the light levels of the building and landscape lighting in both illumination levels and color characteristics. The exterior lighting would be integrated into components of the architecture and would be strategically positioned to minimize off-site lighting and any direct site lines to the public. Light fixtures would not extend above 30 feet in height, and the lighting would be designed to confine direct rays to the premises. Signage would be architecturally compatible with the buildings and of appropriate size and content. The architectural design of the project would be enhanced by landscaping using plants native to the region.

Public Services: The City of Medford would continue to provide law enforcement and fire protection services to the Medford Site. The Tribe plans to compensate the City for public services provided, ensuring sustainable support for public safety operations. The gaming facility will also operate under the Tribe's Responsible Alcoholic Beverage Policy to maintain safety and order on-site.

Water Supply: Potable water for the Proposed Project will continue to be provided by the Medford Water Commission (MWC) through an existing connection to a 16-inch diameter water main located along OR 99. The existing service is sufficient to meet daily potable water demands. To accommodate fire suppression needs, a separate fire protection service connection will be installed. Fire flow requirements will be supported by the 500,000-gallon MWC Barneburg Storage Reservoir, located northeast of the Medford Site. Water conservation measures, such as low-flow fixtures and efficient irrigation systems, to reduce water usage will be implemented.

Wastewater Treatment and Disposal: Wastewater treatment and disposal will be provided by Rogue Valley Sewer Services (RVSS) through the existing sewer main along OR 99. Wastewater from the gaming facility will be conveyed to the Medford Regional Water Reclamation Facility (RWRF) in White City, Oregon.

Grading and Drainage: The Medford Site is already developed, with existing paved areas and minimal grading is anticipated. Construction activities will primarily involve grading and excavation for the gaming facility, parking areas, and stormwater management infrastructure. Grading is expected to balance cut and fill materials on-site, eliminating the need for material import or export. Adequate stormwater conveyance, detention, and treatment would be provided through Low Impact Development (LID) practices, including the installation of either vegetated bioretention swales or a distributed pervious strip system throughout the site. These LID measures are consistent with stormwater management approaches recommended by the U.S. EPA to address non-point pollution in urban areas.

Best Management Practices: Construction and operation of Alternative A would incorporate a variety of industry standard best management practices (BMPs) designed to avoid or minimize potential adverse effects resulting from the development of Alternative A. These are listed in FEIS Table 2-5. The Tribe has committed to the implementation of these measures as a matter of Tribal Law; refer to the tribal resolution provided in **Attachment 4** of this ROD.

2.3.2 Alternative B – Phoenix Site Alternative

Alternative B consists of the following components: (1) the transfer of approximately 49.34 acres (Tax Lots 38 1W-09A-100 and 38-1W-04-500; Phoenix Site) from fee to trust status as part of the restoration of lands for the Tribe by the Secretary; and (2) the construction of a 30,300-square-foot gaming facility and associated parking facilities on the Phoenix Site. Under Alternative B, the gaming facility, ancillary components related to parking – signage, lighting, and landscaping and BMPs are similar to those described under Alternative A. However, under Alternative B, the gaming facility would be constructed as a new facility within an approximately 7.8-acre area within the 49.34-acre Phoenix Site. The 30,300-square foot gaming facility structure would be developed consistent with applicable seismic codes and the Coquille Tribe's Land Development Ordinance, which incorporates IBC standards. A detailed description of Alternative B is provided in Section 2.4 of the FEIS.

2.3.3 Alternative C – Expansion of the Mill Casino Alternative

Alternative C consists of a 5,000-square-foot expansion of the existing 30,000-square-foot Mill Casino owned by the Tribe, located on the 10.95-acre Mill Casino Site. A fee-to-trust acquisition would not be necessary for Alternative C because the Mill Casino Site is on land that is already in federal trust for the Tribe and is authorized for gaming under the IGRA. Operation of the casino facility would be similar to current operations. Under Alternative C, the gaming facility would expand to include 650 additional gaming machines on a 5,000-square-foot gaming floor, located at the north end of the existing building in an area currently used as a parking lot. The expansion would be constructed in accordance with seismic codes and the Coquille Tribe's Land Development Ordinance, which aligns with IBC standards. There would be no changes to site access, signage, lighting, or landscaping for the Mill Casino. A detailed description of Alternative C is provided in Section 2.5 of the FEIS.

2.3.4 Alternative D - No Action/No Development

Under the No Action/No Development Alternative, none of the three development alternatives (Alternatives A, B, and C) considered within this EIS would be implemented. The No Action/No Development Alternative assumes that no parcels within the Medford Site or Phoenix Site would be taken into trust and the Tribe would continue to operate the existing Roxy Ann Lanes bowling alley as it does presently. Under this alternative, the BIA would take no action.

3.0 PREFERRED ALTERNATIVE

For the reasons discussed herein and in the FEIS, the Department has determined that Alternative A is the agency's Preferred Alternative because it best meets the purpose and need for the proposed federal action. BIA's mission is to enhance the quality of life and to promote economic opportunity in balance with meeting the responsibility to protect and improve the trust resources of American Indians, Indian Tribes and Alaska Natives. This mission is reflected in the policies underlying the statutory authorities governing this action, namely, the IRA, which was enacted to promote Indian self-government and economic self-sufficiency, and IGRA, which was enacted to govern Indian gaming as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments. Of the alternatives evaluated within the EIS, Alternative A would best meet the purposes and needs of the BIA, consistent with its statutory mission and responsibilities to promote the long-term economic vitality, self-sufficiency, self-determination, and self-governance of the Tribe. The casino described under Alternative A would provide the Tribe with the best opportunity for securing a viable means of attracting and maintaining a long-term, sustainable revenue stream for the Tribal government. Under such conditions, the Tribal Government would be stable and better prepared to establish, fund, and maintain governmental programs that offer a wide range of health, education, and welfare services to Tribal members, as well as provide the Tribe, its members, and local communities with greater opportunities for employment and economic growth. Alternative A would also allow the Tribe to implement the highest and best use of the property. Finally, while Alternative A would have greater environmental impacts than the No Action Alternative, that alternative does not meet the purpose and need for the Proposed Action, and the environmental impacts of the Preferred Alternative are adequately addressed by the mitigation measures adopted in this ROD.

Alternative B, the development of a casino on the Phoenix Site, would be similar in design as Alternative A and have similar economic effects, although the environmental impacts would be greater due to the site currently being undeveloped. As a result, the environmental impacts would be comparatively more significant. Further, the costs of developing this alternative would be greater, resulting in fewer economic benefits to the Tribe.

Alternative C, the expansion of the Tribe's existing Mill Casino, would generate substantially less revenue for the Tribe, and it is unclear if the additional revenue would offset the development costs under this alternative. Further, this site is located in a tsunami inundation zone and, thus, Alternative C would result in exposure of the tribe to greater risk from damage from a tsunami and/or earthquake event. Economic returns would be substantially less than Alternative A and, therefore, this alternative would not be the most efficient means of maintaining a long-term, sustainable revenue stream.

In summary, Alternative A is the alternative that best meets the purposes and needs of the Tribe and the BIA while resulting in no significant impacts after mitigation. Therefore, Alternative A is the Department's Preferred Alternative.

4.0 ENVIRONMENTALLY PREFERRED ALTERNATIVE(S)

Of the alternatives with development (Alternative A through C), Alternative C would result in the fewest potential environmental impacts than the other development alternatives. Alternative C would not result

in the development of a new facility and associated infrastructure on an undeveloped site as proposed under Alternative B, and it would generate fewer new patrons visits and associated increases in traffic, mobile source air emissions, and traffic related noise as would occur under both Alternatives A and B. Further, Alternative C would significantly reduce substitution effects at local gaming facilities operated by other tribal governments. However, it should be noted that Alternative C would result in potentially detrimental fiscal effects to the Coquille Tribe by investing in facilities that do not generate additional revenue for the tribal government and incur more debt. Additionally, the Mill Casino Site is located in a tsunami inundation zone and, thus, Alternative C would result in exposure of the Coquille Tribe to greater risk from damage from a tsunami and/or earthquake event.

Among all the alternatives, the No Action/Development Alternative (Alternative D) would result in the fewest environmental impacts. Under the No Action/Development Alternative, neither the Medford Site nor the Phoenix Site would be taken into trust, and the Tribe would continue to operate its existing Casino as it does presently. However, the No Action/Development Alternative would not meet the stated purpose and need. Specifically, it would not provide a more stable income source that will enable the tribal government to provide essential social, housing, educational, health, and welfare programs. The No Action/Development Alternative would not promote the economic development and self-sufficiency of the Tribe. The No Action alternative also would likely result in substantially less economic benefits to Jackson County and the City of Medford than any of the development alternatives.

5.0 ENVIRONMENTAL IMPACTS AND PUBLIC COMMENTS

5.1 ENVIRONMENTAL IMPACTS IDENTIFIED IN FEIS

A number of specific issues were raised during the EIS scoping process and public and agency comments on the DEIS. Each of the alternatives considered in the FEIS were evaluated relative to these and other issues. The categories of the most substantive issues raised include:

- Geology and Soils
- Water Resources
- Air Quality
- Biological Resources
- Cultural and Paleontological Resources
- Socioeconomics Conditions
- Transportation and Circulation
- Land Use
- Public Services
- Noise
- Hazardous Materials
- Aesthetics
- Indirect and Growth-Inducing Effects
- Cumulative Effects

The evaluation of project-related impacts included consultations with entities that have jurisdiction or special expertise to ensure that the impact assessments for the FEIS were accomplished using accepted industry standard practice, procedures, and the most currently available data and models for each of the issues evaluated in the FEIS. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues. Section 4 of the FEIS described the environmental effects of Alternatives A through D in detail. The environmental effects of the Preferred Alternative (Alternative A) are summarized below:

5.1.1 Geology and Soils

Topography – No substantial grading would be required for Alternative A, as the site is already developed, and existing slopes would be preserved. Therefore, effects associated with topography resulting from Alternative A would be less than significant, and no mitigation is warranted.

Soils/Geology – The soils at the Medford Site have a slight erosion potential. Construction of Alternative A could potentially impact soils through activities such as clearing, grading, trenching, and backfilling. However, implementation of a Stormwater Pollution Prevention Plan (SWPPP), required under the National Pollutant Discharge Elimination System (NPDES) General Construction permit, would minimize the risk of erosion and sedimentation. Obtaining coverage under the NPDES General Construction Permit and implementation of a SWPPP is included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS. With Mitigation, effects from the implementation of Alternative A on soils and geology would be less than significant.

Seismicity – The Medford Site is located in a seismically active area with potential for ground shaking. However, no known fault traces are mapped as crossing the Medford Site. Therefore, the potential for surface rupturing at the site is low. Alternative A would be built to meet applicable seismic codes and International Building Code (IBC) standards, which would safeguard against structural failures. Therefore, impacts related to seismic hazards would be less than significant and no mitigation is warranted.

Mineral Resources – Alternative A would not adversely affect known or recorded mineral resources. Alteration in the land use would not result in a loss of economically viable aggregate rock or diminish the extraction of important ores or minerals. There are no known mineral resources within the Medford Site. Therefore, development and use of the land would not affect such resources. There are no abandoned mines, shafts, or tailings that would affect development. Impacts to mineral resources under Alternative A would be less than significant, and no mitigation is warranted.

5.1.2 Water Resources

Surface Water – Under Alternative A, water supply would be provided through connections to existing municipal infrastructure, with no impacts to floodplains as the site is located outside both the 100-year and 500-year floodplain zones. Construction activities could lead to temporary erosion and sediment discharge into nearby surface waters during storm events, potentially degrading water quality. Additionally, construction-related pollutants, such as oil, grease, and concrete washings, could further affect water quality if not managed appropriately. Stormwater treatment facilities, including vegetated bioretention swales or distributed pervious strip systems, would be implemented to manage runoff and mitigate water quality impacts. BMPs provided in Section 2.3.3 of the FEIS include the use of source control and treatment methods to further prevent the contamination of surface water and groundwater by polluted stormwater. With adherence to SWPPP requirements included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS and compliance with the Rogue Valley Stormwater Quality Design Manual, impacts from stormwater runoff under Alternative A would be less than significant.

Groundwater – Alternative A would not require the use of on-site groundwater supplies, as water would be sourced from municipal infrastructure. Although the project would introduce additional impervious surfaces, stormwater management features, including vegetated swales or pervious systems, would enable groundwater recharge. The depth to groundwater in the vicinity is between 60 and 190 feet, and the natural soil infiltration process, combined with stormwater treatment measures, would ensure minimal effects on groundwater levels or quality. Therefore, impacts related to groundwater would be less than significant and no mitigation is warranted.

5.1.3 Air Quality

Construction Emissions – Construction activities for Alternative A would emit criteria pollutants, including PM₁₀, NO_x, SO₂, CO, VOC, and greenhouse gases (GHGs), primarily due to diesel-fueled equipment and minor grading activities. These emissions could increase concentrations of diesel particulate matter (DPM) near the site, potentially affecting air quality within 500 feet of the construction area. Best Management Practices (BMPs) described in Section 2.3.3 of the FEIS, such as dust suppression measures and equipment upgrades, would reduce DPM emissions by approximately 85%, ensuring that construction impacts remain less than significant. The Medford Site is located in a region designated as maintenance for CO and PM₁₀, but estimated emissions would not exceed de minimis levels and, therefore, would not violate National Ambient Air Quality Standards (NAAQS). Construction of Alternative A would not result in significant adverse effects associated with the regional air quality environment; therefore, no mitigation is warranted.

Operational Emissions – Operation of Alternative A would generate emissions from mobile sources, including patron, employee, and delivery vehicles, as well as stationary sources like natural gas combustion for boilers, stoves, and heating units. BMPs provided in Section 2.3.3 of the FEIS would further minimize operation related emissions of criteria pollutants, including CO and PM₁₀. Total operational emissions would not exceed de minimis levels and, therefore, would not violate NAAQS and is not subject to a conformity determination. Operation of Alternative A would not result in significant adverse effects associated with the regional air quality environment. Therefore, no mitigation is warranted.

5.1.4 Biological Resources

Habitats and Federally Listed Species – The Medford Site consists entirely of ruderal, previously disturbed habitat that provides minimal value for terrestrial wildlife and no suitable habitat for federally listed terrestrial species. However, the site is hydrologically connected to Bear Creek, located 1,400 feet to the east, which is designated as critical habitat for Chinook salmon and coho salmon and is designated Essential Fish Habitat (EFH). Construction activities could result in sedimentation or pollutant runoff reaching Bear Creek, potentially degrading water quality and impacting these aquatic species. Implementation of a SWPPP included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS and LID features, such as vegetated swales, would minimize sedimentation and pollutant transport, ensuring that impacts to both critical habitat and federally listed species are less than significant.

Migratory Birds and Other Birds of Prey – Construction activities associated with Alternative A could potentially affect migratory birds if vegetation removal or loud noise occurs during the nesting season. Implementation of mitigation measures presented in **Section 6** of this ROD and Section 5 of the FEIS, including pre-construction surveys, noise buffers, and silt fencing, would reduce potential impacts to migratory birds during construction to less-than-significant levels. Operation of Alternative A would increase the level of lighting on the Medford Site; however, BMPs identified in Section 2.3.3 of the FEIS would reduce any potentially significant nighttime lighting impacts on migrating bird populations to a less than significant level.

Waters of the U.S. (WOTUS) – There is one potential WOTUS consisting of a channelized ditch that runs northeast from OR 99 across the Medford Site. Alternative A would not directly alter or impact this drainage facility. However, if not properly controlled, erosion as well as sediment and stormwater runoff from Alternative A could impact water quality within the ditch, which discharges to Bear Creek. Implementation of mitigation measures presented in **Section 6** of this ROD and Section 5.0 of the FEIS, would ensure that construction and operation activities associated with the development of Alternative A would not result in significant adverse effects to WOTUS.

5.1.5 Cultural and Paleontological Resources

Cultural Resources – A 2015 archaeological investigation and a 2022 supplemental archaeological research report revealed no cultural or archaeological resources on the Medford Site. In 2020, the Oregon State Historic Preservation Office (SHPO) concurred with the determination of “No Potential to Effect” historic properties but recommended additional research or archaeological monitoring during ground disturbances. Mitigation measures presented in **Section 6** of this ROD and Section 5 of the FEIS include monitoring of excavation activities deeper than two feet and treatment and avoidance measures that will be implemented in the event of unanticipated archaeological discoveries. Implementation of these measures would reduce any effects to unknown cultural resources to less-than-significant levels.

Paleontological Resources – No paleontological resources have been reported or observed on or near the Medford Site. However, ground-disturbing activities under Alternatives A could result in the unanticipated discovery of paleontological resources. Mitigation measures presented in **Section 6** of this ROD and Section 5 of the FEIS address the treatment and documentation of such discoveries. Implementation of these measures would reduce any effects on previously unknown paleontological resources to less-than-significant levels.

5.1.6 Socioeconomic Conditions

Economic Effects – Alternative A would provide economic benefits to the local economy through construction and operation activities. Construction would generate direct, indirect, and induced economic output, benefiting local businesses and creating employment opportunities. Operation would similarly increase revenues for businesses across multiple sectors, including entertainment, recreation, and food services. No mitigation is warranted.

Substitution Effects - The operation of Alternative A would cause substitution effects, particularly among competing tribal gaming facilities and state-run video lottery terminals (VLTs). The effects on tribal gaming facilities are expected to stabilize after the first year of operation and would not threaten the viability of affected facilities or their ability to provide essential services to tribal members. The VLT market in the State of Oregon would experience less than a 1% decrease as a result of Alternative A. This potential loss is likely to be at least partially if not fully mitigated by normal growth in lottery revenues within a one-year time period. Therefore, Alternative A would not have a significant adverse impact on the State’s ability to fund lottery-funded programs. Non-gaming substitution effects on local businesses would be minimal, as the development alternatives primarily attract customers for gaming-related activities. Environmental impacts associated with substitution effects would be less than significant and no mitigation is warranted.

Fiscal Effects - Construction and operation of Alternative A would generate significant tax revenues for federal, state, and local governments, offsetting losses associated with transferring land to federal trust. No mitigation is warranted.

Employment and Housing – Construction and operation of Alternative A would create employment opportunities. For example, Alternative A would generate an estimated 183 construction-related jobs and 360 permanent operational jobs, with wages contributing to increased economic activity in Jackson County and resulting in a beneficial effect. The housing market in Jackson County has sufficient vacancy to accommodate any employees relocating to the area to work at the proposed facilities. Given the anticipated reliance on the local workforce, impacts on regional housing development would be less than significant. Additionally, given the location of the Medford Site in a commercially zoned area, any effect of Alternative A on housing values will be less than significant. No mitigation is warranted.

Social Effects – Problem gambling and crime are potential social concerns associated with Alternative A. There would be no anticipated significant increase to problem gambling rates in the local area because

of the relatively large number of existing casinos in the greater Pacific Northwest area, as well as the presence of VLTs in the area. BMPs, including implementing problem gambling policies consistent with those already in place at the Mill Casino, are presented in Section 2.3.3 of the FEIS would further reduce potential increase in problem gambling rates. Consequently, potential impacts associated with an increase in problem gambling as a result of Alternative A would be less than significant.

Increased law enforcement demand, resulting from higher visitation levels, would be mitigated through financial contributions or agreements with local agencies as presented in **Section 6** of this ROD and Section 5 of the FEIS. As a result, social effects related to gambling and crime would be less than significant with mitigation. Community impacts to schools, libraries, and parks would be negligible due to the limited number of employees expected to relocate. Additionally, revenue from new residents and businesses could offset any increased demand on these services. No mitigation warranted.

Environmental Justice – Increased employment opportunities and economic development from Alternative A would positively affect low-income communities near the Medford Site. Alternative A would not disproportionately expose minority or low-income communities to environmental risks, as potential impacts that could result as a result of Alternative A would be mitigated to less-than-significant levels with the implementation of mitigation in **Section 6** of this ROD and Section 5 of the FEIS. For the Coquille Tribe, Alternative A would provide significant benefits by generating revenue to fund essential services, such as healthcare, education, housing, and cultural preservation. This revenue would improve the Tribe's quality of life and enhance its self-sufficiency. The project would also create employment opportunities for tribal members, reducing unemployment rates, which currently exceed state averages. Competing tribal casinos are expected to experience substitution effects. The effects on tribal gaming facilities are expected to stabilize after the first year of operation and would not threaten the viability of affected facilities or their ability to provide essential services to tribal members.

5.1.7 Transportation and Circulation

Traffic Conditions – Construction activities would include truck trips as well as daily trips by construction workers. These impacts would primarily occur during off-peak hours and would be concentrated near the Medford Site. Since construction traffic would be temporary and significantly less than operational traffic, no significant adverse effects would occur, and no mitigation is warranted.

Operational traffic generated by Alternative A would impact traffic flow at certain intersections, resulting in levels of service exceeding acceptable thresholds. To address these impacts, mitigation measures identified in **Section 6** of this ROD and Section 5 of the FEIS include site access improvements, intersection reconfigurations, and roadway upgrades. With these improvements, traffic impacts would be reduced to less-than-significant levels.

Crash Analysis – The crash analysis conducted for Alternative A indicated that no significant increase in crash rates would occur at any study intersections. Therefore, no mitigation is warranted.

Transit, Bicycle, and Pedestrian Facilities – Bicycle and pedestrian facilities would remain unaffected under Alternative A due to sufficient parking and the limited demand for these modes of travel. Public transit impacts would also be minimal, with no significant capacity issues anticipated. Therefore, a less-than-significant effect to public transit facilities would occur and no mitigation is warranted.

5.1.8 Land Use

Land Use Plans – Alternative A would transfer 2.4 acres of the Medford Site into federal trust, removing it from the jurisdiction of the City of Medford's land use regulations. However, the gaming facility is consistent with the existing regional and heavy commercial zoning designations and complies with local standards for parking, lighting, signage, and aesthetics. Therefore, the development of Alternative A

would be generally consistent with regional land use planning and would not result in significant adverse effects and no mitigation is warranted.

Land Use Compatibility – Alternative A would be compatible with surrounding commercial development, as it aligns with existing uses at the Medford Site. Potential impacts to sensitive receptors, such as air quality, noise, and traffic, would be mitigated to less-than-significant levels with the implementation of measures in **Section 6** of this ROD and Section 5 of the FEIS. Therefore, Alternative A would not disrupt neighboring land uses or restrict access to adjacent parcels.

Agriculture – The Medford Site is located in an urban area and does not contain any farming operations or infrastructure that would support land cultivation. Therefore, no farmland would be converted, and no effect to agricultural resources would occur under Alternative A.

5.1.9 Public Services

Water Supply – Alternative A would rely on the Medford Water Commission (MWC) for potable water, with average daily demands accounting for less than 0.3% of available capacity. In addition to the potable water demand, Alternative A will require fire suppression flows to supply the automatic sprinkler system within the building. To meet fire flow delivery requirements, Alternative A would construct a separate standby fire protection service connection from the 16-inch water line along OR 99 to the building. With the construction of the standby fire protection service connection, existing MWC treatment, conveyance, and distribution systems are capable of conveying both potable water demand and fire suppression flow requirements to Alternative A. With the continued payment of monthly service fees by the Tribe, the impact on water supply infrastructure and service from the operation of Alternative A is less than significant, and no mitigation is warranted.

Wastewater Service – Alternative A would direct wastewater to the Medford Regional Water Reclamation Facility (RWRF), with flows representing less than 1% of the facility's available capacity. Existing conveyance systems are sufficient for Alternative A. With the continued payment of monthly service fees by the Tribe, the impact on wastewater treatment infrastructure and service from the operation of Alternative A would be less than significant and no mitigation is warranted.

Solid Waste Service – The solid waste generated by Alternative A would be equal to approximately 0.04% of the current daily acceptance rate for the landfill. BMPs included in Section 2.3.3 of the FEIS would further reduce the amount of solid waste disposed of at the landfill. Therefore, operation of Alternative A would result in less-than-significant effects on solid waste services, and no mitigation is warranted.

Law Enforcement – Alternative A would result in increased demands for law enforcement services. BMPs included in Section 2.3.3 of the FEIS would minimize the number of calls through on-site security measures. Regardless, the Medford Police Department would experience an estimated 294 annual calls and 26 arrests. Mitigation measures in **Section 6** of this ROD and Section 5 of the FEIS would reduce impacts to less-than-significant levels.

Fire Protection and Emergency Medical Services – Under Alternative A, the gaming facility would be constructed to meet IBC design requirement, and the facilities would be constructed to meet adequate fire flow requirements. BMPs included in Section 2.3.3 of the FEIS would minimize the number of calls through implementation of safety measures during construction and providing medical and fire training to staff. Regardless, Alternative A would increase calls for fire protection and emergency medical services. Mitigation measures in **Section 6** of this ROD and Section 5 of the FEIS would reduce impacts to less-than-significant levels.

Electricity and Natural Gas – The electrical and natural gas demand of Alternative A would not be significantly greater than the current electrical demand of the Medford Site and BMPs included in Section 2.3.3 of the FEIS would minimize the electrical and natural gas demand through installation of energy-efficient equipment and lighting. Therefore, Alternative A would not result in significant effects on energy services and no mitigation is warranted.

5.1.10 Noise

Noise – Construction noise caused by Alternative A would be temporary and intermittent and could be caused by construction traffic or by activities such as earthmoving, paving, and equipment operation generating elevated noise levels near the construction site. Construction traffic would access the Medford Site via OR 99, which is a common truck route, and the noise resulting from construction traffic would be barely perceivable and would not result in a significant adverse effect to the ambient noise level. Paving activities on the Medford Site would cause significant short-term noise impacts near sensitive receptors. Noise-reduction measures are included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS including limiting construction hours, requiring mufflers, and minimizing idling times. After implementation of these mitigation measures, Alternative A construction noise would exceed the FHWA standard of 85 dBA at the nearest sensitive receptor for a short time; therefore, this is considered a short-term significant impact.

Operation of Alternative A would result in minor increases in traffic-related noise, operation of HVAC equipment, and other site activities, such as parking lot use and deliveries. Traffic noise, parking lot use, and deliveries resulting from Alternative A would not result in significant adverse effects associated with the ambient noise environment. However, the operation of HVAC equipment under Alternative A could result in a significant noise impact. Therefore, mitigation measures require that HVAC equipment would be roof-mounted and shielded to reduce this impact, which are included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS. With mitigation, operational noise impacts are less than significant.

Vibration – Construction activities under Alternative A could produce temporary vibration levels noticeable to nearby residents during paving activities, which would be a significant impact. Mitigation measures, such as limiting construction hours, are included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS. These measures would reduce but not eliminate short-term vibration impacts. During operation, Alternative A would not include sources of perceptible vibration, and therefore, no operational impacts would occur. Operation of Alternative A would not result in significant adverse effects associated with vibration release. Therefore, no mitigation is warranted.

5.1.11 Hazardous Materials

Contaminated Soil – A Supplemental Investigation confirmed elevated arsenic levels in native soils below the fill layer at the Medford Site, and, therefore, construction of Alternative A presents potential significant health risks to construction workers if exposed. These risks are minimized by the presence of compacted non-native fill, which limits soil disturbance, and can be further mitigated through the use of personal protective equipment (PPE), decontamination procedures, and measures that are included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS. Additionally, if unanticipated contaminated soil is discovered during construction, protocols outlined in Section 2.3.3 of the FEIS require appropriate handling and response measures to ensure that such discoveries do not pose significant risks to workers or the environment. With mitigation, potential impacts from the implementation of Alternative A due to contaminated soils would be less than significant.

Construction Activities – Construction activities for Alternative A involve typical risks associated with hazardous materials such as fuels, solvents, and lubricants used during equipment operation and maintenance. Accidental spills or leaks could pose risks to human health and the environment. Typical

construction BMPs outlined in Section 2.3.3 of the FEIS, including containment protocols, proper storage, and spill response plans, would ensure that these risks remain less than significant. Additionally, demolition activities under Alternative A could encounter materials such as asbestos, lead paint, or PCBs. Compliance with federal regulations, such as the National Emissions Standard for Hazardous Air Pollutants (NESHAP), and BMPs outlined in Section 2.3.3 of the FEIS, including testing and safe disposal, would reduce these risks to less-than-significant levels. Construction of Alternative A would not result in significant adverse effects associated with hazardous materials release. Therefore, no mitigation is warranted.

Operation Activities – Operational activities present distinct risks associated with arsenic and lead due to the existing conditions at the Medford Site. Arsenic in soils at the site poses potential health risks through direct exposure (e.g., ingestion, dermal contact, or inhalation). Since the site will be paved, occupational workers would not have direct exposure to contaminated soils. Risks associated with lead contamination would occur due to lead leaching into groundwater which is then ingested. Because Alternative A would rely on municipal water from the Medford Water Commission (MWC), and there are no groundwater wells on the site or nearby, this would be a less than significant effect. Alternative A would use and store small amounts of hazardous materials, such as motor oil, solvents, and paints, in compliance with state, federal, and manufacturer guidelines. Therefore, operation of Alternative A would not result in significant adverse effects associated with hazardous materials, and no mitigation is warranted.

5.1.12 Aesthetics

Overall Visual Compatibility – Alternative A would result in development that is visually compatible with the surrounding land uses. Alternative A involves retrofitting and remodeling the existing building into a gaming facility with surface parking, maintaining a similar height and appearance to the current structure. The area surrounding the Medford Site is already dominated by commercial and industrial development. Therefore, Alternative A blends with the existing character of the area. Alternative A would not significantly impact aesthetic resources, and no mitigation is warranted.

Effects on Viewsheds – At the Medford Site, views from nearby vantage points, including OR 99 and residences along Charlotte Ann Road, would remain dominated by commercial and industrial features, with only minor changes such as additional parking resulting from Alternative A. This would not result in significant changes to viewsheds, and no mitigation is warranted.

Shadow, Light, and Glare – Shadows cast by Alternative A would remain consistent with existing conditions, as the proposed structures would match the height of current buildings. Alternative A is located in an area already illuminated by significant commercial and industrial lighting, and new lighting would not create substantial additional impacts. BMPs provided in Section 2.3.3 of the FEIS include the use of shielding and directional lighting to further minimize potential light and glare effects. There would be no significant impacts due to shadow, light, or glare, and no mitigation is warranted.

5.1.13 Indirect and Growth-Inducing Effects

Indirect Effects from Off-Site Traffic Mitigation Improvements – Under Alternative A, off-site traffic mitigation measures, including the construction of a narrow median on OR 99, would involve grading and minor construction activities. These activities could have potential effects on geology and soils, water resources, air quality, biological resources, cultural resources, noise, and hazardous materials. However, all activities would occur within existing paved roadways or developed areas, and standard construction practices, BMPs, and regulatory compliance would minimize these effects to less-than-significant levels. Therefore, there are no significant indirect effects due to implementation of Alternative A.

Growth-Inducing Effects – Alternative A would result in temporary construction-related employment and long-term operational employment opportunities, including direct, indirect, and induced economic activity. These activities would generate approximately 360 permanent jobs, primarily filled by local residents, avoiding the need for significant new housing development. Economic activity from Alternative A may generate minor commercial growth, but this would be distributed across the region, remaining consistent with local planning constraints. As such, significant regional commercial growth-inducing impacts would not be anticipated to occur under Alternative A.

5.1.14 Cumulative Effects

Geology and Soils – Cumulative effects to geology and soils would not occur under Alternative A due to compliance with NPDES Construction General Permit BMPs, which is included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS, and local permitting requirements. These local permitting requirements would address potential erosion, geotechnical hazards, and soil stability issues that could arise from other regional past, present, and reasonably foreseeable future actions. Topographic changes and soil loss would be minimized through erosion control practices during construction, and no significant impacts to cumulative topographic changes or soil loss would occur.

Water Resources – Cumulative effects to water resources would result from buildout of Jackson County and City of Medford Comprehensive Plans in combination with development of Alternative A due to increased impermeable surfaces and stormwater runoff. However, Alternative A would involve a minimal increase in the amount of impermeable surfaces on the site that could affect surface runoff, water quality, or groundwater recharge. With adherence to SWPPP requirements included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS and compliance with the Rogue Valley Stormwater Quality Design Manual, impacts from stormwater runoff under Alternative A would be less than significant. Proposed cumulative projects listed in Section 4.15.2 of the FEIS would also comply with ODEQ regulations, including NPDES permit requirements and BMPs, such as LID practices and stormwater management systems. These measures would ensure surface water quality is maintained and groundwater recharge is not significantly affected. Therefore, cumulative effects to water resources would not be significant.

Air Quality and Climate Change – Past, present, and future development projects contribute to a region's air quality conditions on a cumulative basis. Therefore, by its very nature, air pollution is largely a cumulative impact. Cumulative air quality impacts under Alternative A would be minimized through implementation of BMPs during construction, such as dust control and equipment maintenance, and operational measures to reduce emissions. Alternative A would remain within regulatory thresholds for criteria pollutants, including de minimis levels for CO and PM10. Because the individual emissions of Alternative A do not contribute toward exceedance of the NAAQS, then the cumulative impact on air quality would be less than significant, and no mitigation is warranted.

Alternative A would result in some GHG emissions during construction and operation, although direct and indirect GHG emissions of Alternative A are not substantial. BMPs provided in Section 2.3.3 of the FEIS would reduce potential emissions include energy-efficient building systems, vehicle idling reduction, and electric vehicle (EV) infrastructure. These measures align with SO 3399's strategies for reducing emissions and mitigating climate change impacts. Therefore, implementation of Alternative A would have a less-than-significant cumulative adverse effects associated with climate change.

Biological Resources – Cumulative effects to biological resources would occur if Alternative A, in conjunction with buildout of projects listed in Section 4.15.2 of the Final EIR, resulted in significant impacts to sensitive habitats, listed species, or regional conservation goals. Alternative A would occur in previously disturbed areas or low-quality habitats, which offer limited ecological value, and would not contribute to significant cumulative impacts to wildlife and habitats. While no federally listed

species occur on the Medford Site or surrounding developed areas, there is a hydrological connection between the Medford Site and the Bear Creek, which is an anadromous-bearing stream that supports listed salmonid species. Alternative A would adhere to SWPPP requirements included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS, which would reduce potential indirect impacts to Bear Creek to less than significant. Proposed cumulative projects listed in Section 4.15.2 of the FEIS would also comply with ODEQ regulations, including NPDES permit requirements and BMPs, and therefore cumulative impacts to Bear Creek would not be significant. Alternative A would likely not result in significant cumulative effects to nesting migratory birds given the minimal number of trees present within the Medford Site that have the potential to provide nest sites and preconstruction surveys included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS. Alternative A would not result in significant cumulative effects to nesting migratory birds. Alternative A would not result in direct impacts to wetlands or waters of the U.S., and cumulative development projects would have to comply with the requirements of Section 404 of the CWA and ODEQ regulations. Therefore, cumulative effects to biological resources, including wetlands and listed species, would not be significant.

Cultural Resources – Potential impacts to cultural resources under Alternative A would be mitigated by adherence to federal, state, and local regulations, including mitigation measures for inadvertent discoveries during construction included as mitigation in **Section 6** of this ROD and Section 5.0 of the FEIS. As a result, cumulative effects to cultural resources would be less than significant for Alternative A.

Socioeconomic Conditions – Alternative A in combination with buildout of Jackson County and City of Medford Comprehensive Plans could result in cumulative socioeconomic effects, such as impacts to the labor market, housing, and public services. Alternative A would contribute to regional economic growth but would not significantly strain housing or public services. Potential socioeconomic effects of Alternative A would be lessened through implementation of the BMPs described in Section 2.3.3 of the FEIS. As a result, cumulative effects to socioeconomic conditions would be less than significant for Alternative A.

Transportation – Development of Alternative A in combination with 2042 background plus pipeline projects traffic volumes would contribute additional vehicle trips to area intersections. The increase in traffic generated by Alternative A in the cumulative year 2042 would contribute to unacceptable traffic operations at the intersections of Garfield Street at S. Pacific Highway and Charlotte Ann Road at S. Pacific Highway.

Without mitigation, the project would contribute to unacceptable traffic operations at these intersections in the cumulative year 2042; however, implementation of mitigation measures provided in **Section 6** of this ROD and Section 5.0 of the FEIS would restore the intersections to acceptable or pre-development conditions. Therefore, with mitigation, development of Alternative A would not contribute towards significant cumulative effects on traffic and circulation.

Land Use – Cumulative effects to land use could result from buildout of Jackson County and City of Medford Comprehensive Plans in combination with development of Alternative A. Development within the City of Medford and Jackson County will be consistent with applicable planning documents and policies, which prevent disorderly growth and incompatible land uses. While Alternative A would not be subject to local land use policies, with the mitigation provided in **Section 6** of this ROD and Section 5.0 of the FEIS, Alternative A would not disrupt neighboring land uses, prohibit access to neighboring parcels, or otherwise conflict with neighboring land uses. Alternative A would not contribute to significant cumulative land use effects.

Public Services – Cumulative impacts to public services could occur to the water, wastewater, solid waste, law enforcement, fire protection, and emergency medical services. Alternative A would receive

domestic water supply from connection to the MWC via Duff WTP and Big Butte Springs. Duff WTP is currently undergoing a multiphase expansion which would allow it to meet the future average daily demand, but additional improvements may be necessary to serve the future maximum daily demand. Buildout of cumulative projects approved for connection to the system would pay the appropriate water capital connection charges and monthly service fees, allowing MWC to maintain or expand its water supply infrastructure. Alternative A includes mitigation measures outlined in **Section 6** of this ROD and Section 5.0 of the FEIS to ensure that the additional 0.04 MGD maximum daily demand from Alternative A would not result in significant cumulative effects to water supply systems.

Alternative A in the cumulative year of 2030 would generate wastewater in excess of projected flows at the Medford RWWF. Potential future upgrades to and expansion of infrastructure, when warranted due to cumulative projects listed in Section 4.15.2 of the FEIS, would be funded through rates charged to customers, and contributions paid by developers. Alternative A includes mitigation included in **Section 6** of this ROD and Section 5.0 of the FEIS to ensure that the additional wastewater generated by Alternative A would not result in significant cumulative effects to wastewater collection and treatment systems.

Law enforcement services for Alternative A would be provided by the Medford Police Department. Due to existing staffing levels, the Medford Police Department may need additional facilities and equipment to meet the increased need for services due to cumulative growth in the region, including Alternative A. With implementation of the on-site security measures and mitigation outlined in **Section 6** of this ROD and Section 5.0 of the FEIS requiring a service agreement between the Tribe and the City, payments by the Tribe would compensate the City for costs of impacts associated with increased law enforcement services at the Medford Site. Similarly, fire protection and emergency medical services for Alternative A would be provided by Medford Fire-Rescue. With implementation of the mitigation outlined in **Section 6** of this ROD and Section 5.0 of the FEIS requiring a service agreement between the Tribe and Medford Fire-Rescue, payments by the Tribe would compensate the City for costs of impacts associated with increased fire protection services at the Medford Site. It is anticipated that future developments would also be required to off-set costs for services through development impact fees and other funding mechanisms imposed by the City as conditions of project approvals. Therefore, with mitigation, Alternative A would result in a less-than-significant cumulative effect on public law enforcement, fire protection, and emergency medical services.

Alternative A in combination with growth resulting from buildout of the projects listed in Section 4.15.2 of the FEIS, would increase disposal of solid waste to the Dry Creek Landfill. Projected solid waste generation for Alternative A is a small contribution to the waste stream and would not significantly decrease the life expectancy of the landfill. Therefore, Alternative A would not result in significant cumulative effects to solid waste services.

Alternative A in combination with individual projects, including all of the projects listed within Section 4.15.2 of the FEIS, would result in an increase in electrical or natural gas service. All projects, including Alternative A, would be responsible for paying development or user fees to receive electrical or natural gas services. Since potential future cumulative developments would require consultation with these service providers and occur according to planned land uses, capacity would be made available for the projects. Individual projects would be responsible for paying development or user fees to receive electrical, natural gas, cable, and telephone services. Thus, the cumulative effects would be less than significant.

Noise – Cumulative noise impacts due to traffic increases under Alternative A would not be significant because the project would not audibly increase the ambient noise level at sensitive receptor locations or exceed existing levels by greater than 10 dBA. The cumulative increase in traffic noise levels would not result in a perceptible increase in ambient noise, and therefore Alternative A would not contribute to

significant effects to sensitive receptors located in the vicinity of the Medford Site. Operation of HVAC and other on-site equipment at the adjacent hotel in combination with Alternative A would contribute to a significant cumulative increase in ambient noise levels at adjacent sensitive receptors. Alternative A has been designed to include 6-foot walls to shield the loading dock and attenuate noise, as shown in Figure 2-6 of the FEIS. With project design and noise shielding mitigation included in **Section 6** of this ROD and Section 5.0 of the FEIS, Alternative A would not result in adverse cumulative effects to the ambient noise environment.

Hazardous Materials – Potential cumulative impacts associated with hazardous materials under Alternative A would be minimized by adherence to BMPs described in Section 2.3.3 of the FEIS, including proper storage, handling, and disposal of hazardous materials. Spill prevention measures during construction and refueling in designated areas would further reduce risks. Buildout of cumulative projects would be required to follow applicable federal and state regulations concerning hazardous materials management. Alternative A would not result in adverse cumulative impacts due to hazardous materials, and no mitigation is warranted.

Aesthetics – Cumulative effects to aesthetics and visual resources would result from regional urbanization but would be less than significant under Alternative A. Alternative A would incorporate landscaping and design features to enhance compatibility with surrounding commercial and industrial uses and would be visually compatible with land uses currently existing onsite and in the immediate vicinity of the Medford Site. Therefore, potential cumulative effects to visual resources would be less than significant.

5.1.15 Unavoidable Adverse Effects

I. The FEIS found that Alternative A would result in short-term significant adverse impacts related to noise and vibration during construction as impacts cannot be fully mitigated to less-than-significant levels despite implementation of mitigation measures provided in **Section 6** of this ROD and Section 5 of the FEIS. All other potential adverse effects can be mitigated with measures outlined in **Section 6** of this ROD.

5.2 COMMENTS ON THE FEIS AND RESPONSES

During the 30-day waiting period following the publication of the NOA of the FEIS in the federal register on November 22, 2024, the BIA received numerous comment letters from agencies and interested parties. The BIA reviewed and considered all comment letters on the FEIS during the decision-making process for the Proposed Action, and all comments are included within the administrative record for the project. Substantive comments received during this period that were not previously raised and responded to in the FEIS process are summarized and responded to in **Attachment 3** of this ROD. All other comments were determined to either not raise substantive environmental issues or were previously responded to in the FEIS.

6.0 MITIGATION MEASURES

All practicable means to avoid or minimize environmental harm from the Proposed Action have been identified and adopted. Mitigation measures recommended within the FEIS that are specifically applicable to Alternative A are listed in **Table 1** and are adopted as a part of this decision. The Tribe has committed to the implementation of these mitigation measures as a matter of Tribal Law; refer to the tribal resolution provided in **Attachment 4** of this ROD. Where applicable, mitigation measures will be monitored and enforced pursuant to federal law, tribal ordinances, and agreements between the Tribe and appropriate governmental authorities, as well as this decision. Specific mitigation measures adopted pursuant to this decision are set forth below and included within the Mitigation Monitoring and Compliance Plan (MMCP) (see **Attachment 1** of this ROD).

Table 1: Adopted Mitigation Measures

| FEIS Mitigation Number and Resource Area | Mitigation Measure |
|--|--|
| <p>MM 5.2 Geology and Soils</p> | <p>The following mitigation measure shall be implemented in accordance with federal regulatory requirements for Alternative A:</p> <p>A. The Tribe shall obtain coverage under the USEPA General Construction NPDES permit under the federal requirements of the CWA. As required by the NPDES General Construction Permit, a SWPPP shall be prepared that addresses potential water quality impacts associated with construction of the project alternatives. The SWPPP shall make provisions for erosion prevention and sediment control and control of other potential pollutants.</p> <p>The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport. BMPs shall be inspected, maintained, and repaired to assure continued performance of their intended function. Reports summarizing the scope of these inspections, the personnel conducting the inspection, the dates of the inspections, major observations relating to the implementation of the SWPPP, and actions taken as a result of these inspections shall be prepared and retained as part of the SWPPP</p> <p>To minimize the potential for erosion to occur on the site, the following items shall be addressed in the SWPPP and implemented pursuant to the NPDES General Construction Permit.</p> <ol style="list-style-type: none"> 1. Stripped areas shall be stabilized through temporary seeding using dryland grasses. 2. Conveyance channels and severe erosion channels shall be mulched or matted to prevent excessive erosion. 3. Exposed stockpiled soils shall be covered with plastic covering to prevent wind and rain erosion. 4. The construction entrance shall be stabilized by the use of rip-rap, crushed gravel, or other such material to prevent the track-out of dirt and mud. 5. Construction roadways shall be stabilized through the use of frequent watering, stabilizing chemical application, or physical covering of gravel or rip-rap. 6. Filter fences shall be erected at all on-site stormwater exit points and along the edge of graded areas to stabilized non-graded areas and control siltation of onsite stormwater. 7. Dust suppression measures included in FEIS Section 2.3.3 shall be implemented to control the production of fugitive dust and prevent wind erosion of bare and stockpiled soils. 8. Prior to land-disturbing activities, the clearing and grading limits shall be marked clearly, both in the field and on the plans. This can be done using construction fences or by creating buffer zones. 9. Construction traffic shall be limited in its access to the site to a single entrance if possible. Haul roads and staging areas shall be developed to control impacts to on-site soil. All access points, haul roads, and staging areas shall be stabilized with crushed rock. Any sediment shall be removed daily and the road structure maintained. 10. Downstream waterways and properties shall be protected during construction from increased flow rates due to the higher impervious nature of the site. During construction, detention ponds can be combined with sedimentation ponds as long as the detention volume is not impacted by a buildup of sediment. 11. Concentrated flows create high potential for erosion. Therefore, any slopes shall be protected from concentration flow. This can be done by using gradient terraces, interceptor dikes, and swales, and by installing pipe slope drains or level spreaders. Inlets need to be protected to provide an initial filtering of stormwater runoff; however, any sediment buildup shall be removed so the inlet does not become blocked. 12. The SWPPP shall address maintenance and repair of heavy equipment on the site to remove the potential for pollution from oil, fuel, hydraulic fluid, or any other potential pollutant. |

| FEIS Mitigation Number and Resource Area | Mitigation Measure |
|---|--|
| | <ol style="list-style-type: none"> 13. Staging areas and haul roads shall be constructed to minimize future over-excavation of deteriorated sub-grade soil. 14. If construction occurs during wet periods, sub-grade stabilization shall be required. Mulching or netting may be needed for wet-weather construction. 15. Temporary erosion control measures (such as silt fence, gravel filter berms, straw wattles, sediment/grease traps, mulching of disturbed soil, construction stormwater chemical treatment, and construction stormwater filtration) shall be employed for disturbed areas. 16. Exposed and unworked soils shall be stabilized by the application of effective BMPs. These include, but are not limited to, temporary or permanent seeding, mulching, nets and blankets, plastic covering, sodding, and gradient terraces. 17. The SWPPP shall address the maintenance of both temporary and permanent erosion and sediment control BMPs. |
| <p>MM 5.3 Water Resources</p> | <p>Construction Impacts</p> <p>The following mitigation measure shall be implemented in accordance with federal regulatory requirements for Alternatives A:</p> <ol style="list-style-type: none"> A. As described under MM 5.2 (A), prior to construction, an NPDES General Construction permit from the USEPA shall be complied with and a SWPPP shall be prepared. The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport as outlined above. B. In accordance with the NPDES General Construction Permit, a sampling and monitoring program shall be developed and implemented to assess the quality of surface water entering and leaving the site. At a minimum, sampling sites shall include a location above all proposed development and a location downstream of all development. Analyses shall include total suspended solids (TSS), oils, and greases. |
| <p>MM 5.5 Biological Resources</p> | <p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements (MBTA and ESA) for Alternative A:</p> <ol style="list-style-type: none"> A. In accordance with the MBTA, a qualified biologist will conduct a preconstruction survey within 100 feet around the vicinity of the site for active nests should construction activities commence during the nesting season for birds of prey and migratory birds (between February 15 and September 15). In addition, and in accordance with the Bald and Golden Eagle Act, a qualified biologist will conduct at least two preconstruction surveys for bald and golden eagles should construction activities commence during the nesting season for eagles (between January 1 and August 31). Following the preconstruction nesting bird surveys, if any active nests of migratory birds are located within 100 feet of the Action Area, a no-disturbance buffer zone shall be established around the nests to avoid disturbance or destruction of the nest. Following the preconstruction survey for nesting bald and golden eagles, if any active eagle nests are located within 330 feet of the Action Area, a no-disturbance buffer zone shall be established around the nests and nesting resources must also be protected (perching and fledging trees, replacement nest trees, and forested area around the nest tree) to avoid disturbance or destruction of the nest. The distance around the no-disturbance buffer for either migratory birds or eagles shall be determined by the biologist in coordination with the USFWS, if needed, and will depend on the level of noise or construction activity, the level of ambient noise in the vicinity of the nest, line-of-sight between the nest and disturbance, and the species at hand. The biologist shall delimit the buffer zone with construction tape or pin flags. The no-disturbance buffer will remain in place until after the nesting season (to be lifted in August or September) or until the biologist determines that the young birds have fledged. A report shall be prepared and submitted to the Tribe and the USFWS following the fledging of the nestlings to document the results. B. Trees anticipated for removal will be removed between September 15 and December 31, prior to the nesting season. If trees are anticipated to be removed during the nesting season, a preconstruction survey will be conducted by a qualified biologist. If the survey shows that there is no evidence of active nests, then the tree will be removed within 10 days following the survey. If active nests are located within trees identified for removal, |

| FEIS Mitigation Number and Resource Area | Mitigation Measure |
|---|--|
| | <p>a species-specific buffer will be installed around the tree and additional measures outlined in section A above shall be implemented.</p> <p>C. As described under MM 5.2 (A), prior to construction, the project shall obtain coverage under the NPDES General Construction permit from the USEPA and a SWPPP shall be prepared. The SWPPP shall describe construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport as outlined above.</p> <p>D. The site shall incorporate BMPs for stormwater runoff, including sedimentation basins, vegetated swales, and runoff infiltration devices, if necessary, to ensure that the water quality of on-site or nearby waters does not degrade. Stormwater runoff from the site shall be monitored according to BMPs to assess the quality of water leaving the site.</p> <p>E. All equipment refueling and maintenance shall occur in an approved staging area and an agency-approved spill prevention plan will be implemented by the contractor.</p> |
| <p>MM 5.6 Cultural and Paleontological Resources</p> | <p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternative A:</p> <p>A. All earth disturbing activities involving excavation greater than 2 feet in depth shall be monitored by a qualified archaeologist. If intact archaeological deposits and/or cultural features including human remains are discovered during project construction and monitoring activities, the following measures will apply.</p> <p>B. In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the NHPA as amended (36 CFR 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist can assess the significance of the find. If any find is determined to be significant by the archaeologist, then representatives of the Tribe shall meet with the archaeologist to determine the appropriate course of action, including the development of a Treatment Plan, if necessary. All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist according to current professional standards.</p> <p>C. If human remains are discovered during ground-disturbing activities on Tribal lands, the Tribal Official and BIA representative shall be contacted immediately. No further disturbance shall occur until the Tribal Official and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.</p> <p>D. In the event of accidental discovery of paleontological materials during ground-disturbing activities, a qualified paleontologist shall be contacted to evaluate the significance of the find and collect the materials for curation as appropriate.</p> <p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternative B.</p> <p>E. Prior to approval of Alternative B, a comprehensive cultural resources survey will be required, utilizing shovel tests or similar subsurface testing as surface soil visibility is very poor. If any cultural resources are detected during the shovel testing program, all such finds shall be subject to Section 106 of the NHPA as amended (36 CFR 800). Specifically, sufficient subsurface exploration, evaluation, and/or research in the case of historic-era finds shall be performed to allow an evaluation of the finds for NRHP eligibility. If sites are found and are eligible to the NRHP, a Treatment Plan will be prepared and implemented in order to mitigate project impacts. Appropriate treatment may include site sampling, testing, data recovery, documentation, or a combination of measures. Any recommended treatment shall be completed prior to project construction.</p> |
| <p>MM 5.8 Transportation/ Circulation</p> | <p>Opening Year 2022</p> <p>To prevent violation of federal, state, and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measures shall be</p> |

| FEIS Mitigation Number and Resource Area | Mitigation Measure |
|---|--|
| | <p>implemented for Alternative A, with paragraph A below subject to specific negotiations between the Tribe and ODOT:</p> <p>A. In accordance with OAR 734 -051 (Division 51) the Tribe shall enter into discussions with ODOT regarding the two accesses along Hwy 99 and the applicability of the "moving in the direction" criteria. The collaboration may conclude with issuance of access permits. Improvements to the existing accesses as a result of this collaboration may include but may not be limited to.</p> <ol style="list-style-type: none"> 1. Install a narrow median island on Hwy 99 to limit the access to the northern driveway (South Pacific Highway/Human Bean Driveway) to right-in, right-out movements. 2. Restripe the southern driveway on Hwy 99 (South Pacific Highway / Roxy Ann Lanes) with one entry lane and separated right turn and left turn exit lanes. 3. Design truck access locations to accommodate vehicles with a wheel base of 67 feet (WB-67 vehicles). <p>Cumulative Year 2042</p> <p>To prevent violation of federal, state, and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), the Tribe shall offer to implement and pay a fair share contribution to the following mitigation measure for Alternative A.</p> <p>B. <u>South Pacific Highway and Garfield Street</u>: Restripe the westbound right-turn lane to a shared through-right and making appropriate changes to the signal head, controller and signage. Proportionate fair share of 2%.</p> <p>C. <u>South Pacific Highway and Charlotte Ann Road</u>: Access management via turn movement restrictions. Right-out only of the private driveway and striping the westbound movements to be separate movements. Proportionate fair share of 3%.</p> |
| <p>MM 5.10 Public Services</p> | <p>Law Enforcement</p> <p>The following mitigation measure is recommended for Alternative A.</p> <p>C. Prior to operation, the Tribe shall offer to enter into agreements to reimburse the Medford Police Department for direct and indirect costs incurred in conjunction with providing law enforcement services. The agreement shall include a provision requiring the Tribe to meet with the City of Medford at least once a year, if requested, to discuss ways to improve police services and prosecution of crimes associated with the project. In addition, the Tribe shall offer to enter into an agreement with Jackson County to reimburse law enforcement costs associated with the increase in demand for the District Attorney, jail, and Community Justice Department services as a result of Alternative A.</p> <p>Fire Protection and Emergency Medical Services</p> <p>Implementation of the mitigation measures below would minimize potential impacts related to fire protection and emergency services. The following measure is recommended for Alternative A.</p> <p>E. Prior to operation, the Tribe shall offer to enter into an agreement to reimburse the Medford Fire Department for additional demands caused by the operation of the facilities on trust property. The agreement shall address any required conditions and standards for emergency access and fire protection system.</p> |
| <p>MM 5.11 Noise</p> | <p>The following mitigation measures shall be implemented during construction for Alternative A to prevent violation of federal noise abatement criteria standards.</p> <p>A. Construction shall not be conducted between the hours of 6:00 p.m. and 7:00 a.m. Additionally, the following measures shall be used to minimize impacts from noise during work hours (7:00 a.m. to 6:00 p.m.):</p> <ol style="list-style-type: none"> 1. All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' specifications. 2. Haul trucks shall be operated in accordance with posted speed limits. 3. Loud stationary construction equipment shall be located as far away from residential receptor areas as feasible. To the extent feasible, existing barrier features (structures) shall be used to block sound transmission between noise sources and noise sensitive land uses. 4. Equipment shall not be left idling for more than 5 minutes. |

| FEIS Mitigation Number and Resource Area | Mitigation Measure |
|---|--|
| | <p>5. All diesel engine generator sets shall be provided with enclosures.</p> <p>6. The Tribe shall monitor construction noise and will designate a disturbance coordinator (such as an employee of the general contractor or the project manager for the Tribe), post the coordinator’s contact telephone number conspicuously around the project site, and provide the number to nearby sensitive receptors. The disturbance coordinator shall receive all public complaints, be responsible for determining the cause of the complaints, and implement any feasible measures to alleviate the problem.</p> <p>The following mitigation measures shall be implemented during operation for Alternative A to prevent violation of federal noise abatement criteria standards.</p> <p>B. HVAC systems for the gaming facility will be roof mounted and shielded to minimize noise.</p> |
| <p>MM 5.12 Hazardous Materials</p> | <p>The following mitigation measure is recommended during construction of Alternative A:</p> <p>A. The Tribe shall ensure, through the enforcement of contractual obligations, that all contractors require construction personnel to wear appropriate personal protective equipment (PPE) and follow proper decontamination procedures subsequent to working in areas where native soils have been disturbed.</p> |

6.1 MITIGATION MEASURES THAT ARE NOT ADOPTED

Council on Environmental Quality (CEQ)¹ NEPA regulations 40 CFR § 1505.2(c) call for identification in the ROD of any mitigation measures specifically mentioned in the FEIS that are not adopted. Because Alternative A has been selected by BIA in this ROD, mitigation measures for other alternatives in the FEIS are not adopted.

7.0 DECISION TO IMPLEMENT THE PREFERRED ALTERNATIVE

With this ROD, the Department announces that it will implement Alternative A as the Preferred Alternative. Of the alternatives evaluated in the EIS, Alternative A would best meet the purpose and need by promoting the long-term economic vitality and self-sufficiency, self-determination, and self-governance of the Tribe. Alternative A would provide the Tribe the best opportunity for securing a viable means of attracting and maintaining a long-term, sustainable revenue stream for its government. This would enable the tribal government to establish, fund and maintain programs vital to tribal members, as well as provide greater opportunities for employment and economic growth.

The development of Alternative A would meet the purpose and need of the Proposed Action better than the other development alternatives due to the reduced revenues that would be expected from the operation of Alternatives B, C, and D (as described in Section 2.8 of the FEIS. While Alternative A would have greater environmental impacts than Alternatives C (Expansion of Mill Casino) and D (No Action/Development Alternative), those alternatives do not meet the purpose and need for the Proposed Action, and the BMPs and mitigation measures adopted in this ROD adequately address the environmental impacts of the Preferred Alternative. Accordingly, the Department will implement the

¹ The BIA is aware of the November 12, 2024, decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the CEQ regulations implementing NEPA are not judicially enforceable or binding on this agency action, the BIA has nonetheless elected to follow those regulations at 40 CFR Parts 1500– 1508, in addition to the Department of the Interior’s procedures/regulations implementing NEPA at 43 CFR Part 46, and the BIA NEPA Guidebook (59 Indian Affairs Manual 3-H) to meet the agency’s obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

Preferred Alternative subject to implementation of the applicable BMPs and mitigation measures listed in Section 6.0 of this ROD.

7.1 THE PREFERRED ALTERNATIVE RESULTS IN SUBSTANTIAL BENEFICIAL IMPACTS

The Preferred Alternative is reasonably expected to result in beneficial effects for the Tribe and its members, as well as residents of Jackson County. Key beneficial effects include:

- Establishment of a land base for the Tribe to establish a viable business enterprise. Revenues from the operation of the casino would provide funding for a variety of health, housing, education, social, cultural, and other programs and services for Tribal members, and provide employment opportunities for its members.
- Allow the Tribe to achieve Tribal self-sufficiency, self-determination, and a strong, stable Tribal government by mitigating the probable risk of natural disasters affecting the Mill Casino and diversifying the Tribe's economic revenue streams.
- Generation of approximately 183 jobs within Jackson County during the construction period, with total wages of \$8.4 million. These amounts include indirect and induced wages, which are estimated to total \$2.8 million.
- During the first full year of operations, operational activities are estimated to create 360 new jobs in Jackson County. Total annual wages from operations that would accrue to residents of Jackson County are estimated at \$14.4 million.
- One-time Federal, State, County, and local taxes resulting from construction activities are estimated at approximately \$2.8 million.
- Federal, State, County, and local taxes resulting from operating activities are estimated at approximately \$4.3 million per year.

7.2 ALTERNATIVES B RESULT IN FEWER BENEFICIAL EFFECTS AND GREATER ENVIRONMENTAL EFFECTS

Alternative B would generate employment, economic growth, and demand for goods and services comparable to Alternative A; however, its economic benefits to the Tribe would be reduced, and environmental impacts would be greater. The Phoenix Site is undeveloped and designated for agricultural use, requiring significant grading, drainage changes, and utility extensions, which would lead to higher costs and greater environmental disturbances than the Medford Site. Additionally, the upfront expenses for land acquisition and new facility construction would reduce the Tribe's potential economic returns compared to Alternative A, which leverages existing infrastructure and minimizes development costs. While Alternative B would support the Tribe's goals of economic self-sufficiency and self-determination, it would do so to a lesser extent than Alternative A, which better aligns with the purpose and need of the Proposed Action by maximizing revenue potential while minimizing environmental impacts.

7.3 EXPANSION OF THE TRIBE'S EXISTING CASINO (ALTERNATIVE C) WOULD NOT GENERATE SUBSTANTIAL REVENUE

The expansion of the Tribe's existing Mill Casino (Alternative C) would potentially generate some additional revenue for the Tribe, but it would not produce a substantial additional revenue stream to fund essential governmental, social, and other services. It is unclear if the additional revenue would offset the development costs under Alternative C.

7.4 NO ACTION ALTERNATIVE FAILS TO MEET PURPOSE AND NEED

The No Action Alternative (Alternative D) would not meet the stated purpose and need. Specifically, it would not provide a land base for the Tribe and a source of net income to allow the Tribe to achieve self-sufficiency, self-determination, and a strong Tribal government. This alternative also would likely result in substantially less economic benefits to local governments than the development alternatives.

8.0 SIGNATURE

By my signature, I indicate my decision to implement the Preferred Alternative and acquire the Medford property in trust for the Coquille Indian Tribe.

Date: January 10, 2025



Bryan Newland
Assistant Secretary – Indian Affairs

Attachments