

[Proposed] Amended and Restated  
Memorandum of Agreement  
between  
Federated Indians of Graton Rancheria  
and  
County of Sonoma

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JUNE 6, 2023

# Federated Indians of Graton Rancheria

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- Federally recognized Tribe
- 254 acres Reservation (in trust), located in unincorporated County west of Rohnert Park
- Operate Graton Resort and Casino

# Jurisdictional Overview

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- The County does *not* have civil regulatory authority over Tribal Trust (Reservation) Lands.
- The County's land use and zoning laws do *not* apply.
- The County does *not* have authority to approve, deny, or condition development on the Tribe's reservation.
- The Tribe's reservation and trust lands are *not* subject to property taxes.
- Pursuant to Public Law 280, the County has criminal-prohibitory jurisdiction on Tribal Trust Lands.

# Graton Resort & Casino

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- Phase I

- 317,750 sq ft casino and entertainment space
- Completed November 2013

- Phase II

- 200-room hotel, convention center, pool and spa
- Completed November 2016

- Phase III (current proposal)

- Expanded gaming floor, back of house, banquet area, and swimming pool area, new rooftop restaurant, 221 room hotel wing, parking structure, and theater.

# Local Government Agreements

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- 2004 Memorandum of Understanding: agreed to good faith negotiations regarding proposed Resort and Casino that led to 2012 IMA.
- 2008 Memorandum of Agreement: agreed to only one casino, discretionary fee-to-trust applications, and environmental review for certain future development.
- 2012 Intergovernmental Mitigation Agreement: agreed to mitigations for the Resort and Casino, community benefits, and various other provisions.
  - 2019 First Amendment to 2012 IMA
- 2019 Intergovernmental Mitigation Agreement re Back of House Expansion

# Tribal-State Gaming Compacts

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- 2012 Tribal-State Gaming Compact (currently in effect)
  - Authorizes up to 3,000 gaming devices
  - Requires compliance with provisions related to gaming, operations and management, workplace health and safety, building regulations, alcohol service, tobacco use, and environmental review.
  - Established the Graton Mitigation Fund with waterfall mitigation and community benefit payments administered by the State.
- 2023 Tribal-State Gaming Compact
  - Authorizes up to 6,000 gaming devices
  - Continues many provisions but removes environmental review requirements and the Graton Mitigation Fund
  - Ratified by Governor May 22, 2023
  - Secretary of the Interior has 45 days to review
  - Effective when notice of approval is published in Federal Register (within 90 days)

# Proposed Amended and Restated IMA

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- Continues \$14.5 million in recurring payments to mitigate direct impacts of the Resort and Casino related to public safety, health and human services, traffic, affordable housing, greenhouse gases, fire services, tourism, transportation, and groundwater.
- Removes category-specific amounts so mitigation funds can be spent more efficiently on any listed mitigation category.
- Reduces 2012 IMA community benefit provision to Regional Parks and the Agricultural Preservation and Open Space District from up to \$25 million to \$7 million. Payments would start at \$3 million and increase as the expansion project is completed.
- Removes undefined community benefit programs contribution and passthrough community benefits payments.
- Removes mitigation monitoring for the current Resort and Casino. Tribe agrees to implement the mitigation measures in the TEIR for the expansion.
- Removes provisions covered under the Compact, such as those related to alcohol service and smoking.
- Removes provisions that have been or will soon be completed, such as non-recurring pre-opening payments, non-recurring payments after opening, land transfer to Sonoma Land Trust, and Williamson Act compliance.

# Fee to Trust Application

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- 2019 Fee to Trust Application:

- 48.8 acres of land contiguous to the Rancheria, including land located between the Casino & Resort within Rohnert Park's city limits and parcels within the unincorporated County.
- Proposed development included a Tribal employee housing complex of approximately 930 units.
- Application withdrawn.

- 2022 Fee to Trust Application:

- 73.817 acres contiguous to the Rancheria, including parcels previously part of the 2019 application. Parcels are currently undeveloped open space.
- May 30, 2023, BIA notified the County that the lands would be accepted into trust.
- *This fee to trust application is not directly addressed in the proposed Amended and Restated IMA, parties have generally agreed to meet and confer and attempt in good faith to resolve any concerns with fee to trust applications.*

# Recommended Actions

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- A. Approve Amended and Restated Intergovernmental Mitigation Agreement (IMA) with the Federated Indians of Graton Rancheria.
- B. Authorize the Board of Supervisors Chair to execute the Amended and Restated IMA.

# Questions

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