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CSAC Tribal State Compact Amendment Summary

Compact Issue	Proposed Amendment	Compact Section¹
Counties Not Included in Consultation on Key Operational Impacts of Gaming Projects.	Insure that Counties are included as “Interested Parties” entitled to consultation on key operational issues.	Counties defined as part of “Interested Parties”. Section 2.16.
No Mechanism to Address Impacts Caused by Project Modification or Adding Machines to Existing Facility.	Expand “Project” definition to include new impacts caused by addition of machines to existing facility or renovation or expansion of facility.	“Project” definition expanded to address CSAC concerns. Section 2.23.
Funding for Environmental Challenge to Counties with Limited Resources.	Allow for reimbursement from state regulatory fund to reimburse counties for extraordinary expenses needed to respond to TEIR.	Made local government administrative costs, including environmental review, eligible for reimbursement from Special Distribution Fund. Section 4.3.1.
Funding for Public Health and Safety Impact Mitigation.	Creation of County Gaming Mitigation Fund funded through percent of net win of gaming revenue to ensure on-going support of mitigation for public health and safety impacts. Funds controlled by the Board of Supervisors to pay for regional impacts.	Mitigation Fund established to address local impacts based on percent of net win from slot machines. Section 4.5.
TEIR Minimum Standards.	Need to update CEQA Checklist to cover additional appropriate requirements.	CEQA Standards in TEIR updated. Appendix B.

¹ The Compact section references are to the Federated Indians of Graton Rancheria Compact but this agreement is now serving as a template for the Brown Administration compacts which, to date, follow a similar sectional/numbering structure.

Compact Issue	Proposed Amendment	Compact Section
County Building, Health, and Fire Inspection Role.	County inspections necessary to protect health and safety, e.g., fire personnel are often first responders to fire and other emergencies on tribal/gaming properties. Need to insure that volunteers, county personnel, and public are adequately protected.	<p>Specifically allows Tribe to contract with County for inspection services. Section 6.4.2(b).</p> <p>County required to be included in Plan Check process. Section 6.4.2 (c) and (d).</p> <p>County health inspectors to be provided access for food and beverage handling and safe drinking water. Section 12.3 (a) and (b).</p>
Tribal Environmental Impact Review (TEIR) Document and Process Adequacy.	Insure that there is a minimum standard for review, input, and analysis for these critical environmental documents which provides for a fair determination of project impacts and appropriate mitigation.	<p>TEIR shall consider existing baseline and environmental setting. Section 11.8.1(a).</p> <p>Tribe shall consider recommendations from county on EIR preparer selection. Section 11.8.1 (b).</p> <p>Tribe required to provide good faith responses to comments. Section 11.8.4.</p>
Challenge to TEIR Adequacy.	Include third party review by Governor of adequacy (if challenged) of TEIR. Separate process to address TEIR adequacy from arbitration determination of adequacy of mitigation proposed for Intergovernmental Agreement.	<p>Failure to prepare an adequate TEIR shall be deemed breach of the Compact. Section 11.8.6.</p> <p>Arbitrator shall take into account whether Final TEIR provides adequate data to determine necessary level of mitigation. Section 11.8.8 (a).</p>

<p>Intergovernmental Agreements.</p>	<p>Requires agreements to address both direct environmental impacts as well as public health and safety impacts.</p>	<p>Tribe shall not commence project until enforceable intergovernmental agreement is executed to address significant impacts, including public safety and other public services. Section 11.8.7 (b).</p>
<p>Streamline Arbitration Process for Intergovernmental Agreement Impasse.</p>	<p>Limits scope of arbitration in attempt to reduce time and expense for both tribes and counties.</p>	<p>Sets expedited arbitration schedule and requires arbitrator to take into account whether Final TEIR provides adequate data to determine necessary level of mitigation. Section 11.8.8 (a).</p>