

## **Attachment II**

Comments and Responses on  
the Final EIS



## Comments and Responses on the Cloverdale Rancheria Fee-to-Trust and Resort Casino Project Final Environmental Impact Statement

As described in the Record of Decision, the Final Environmental Impact Statement (FEIS) for the Cloverdale Rancheria Fee-to-Trust and Resort Casino Project was made available for public review from April 18, 2014 to June 2, 2014. During the review period 32 comment letters were received on the Final EIS as summarized in the table below.

### COMMENT LETTERS RECEIVED ON THE FINAL EIS

Comment Letter #	Agency/Organization	Signature	Date
G-1	U.S. EPA	Kathleen Goforth	5/19/2014
G-2	California Department of Transportation (Caltrans)	Erik Alm	5/19/2014
G-3	California State Clearinghouse	Scott Morgan	5/20/2014
G-4	Chicken Ranch Rancheria	Melissa Powell	4/21/2014
G-5	Cloverdale Rancheria	Silver Galleto	5/28/2014
G-6	Enterprise Rancheria (Estom Yumeka Maidu Tribe)	Glenda Nelson	5/13/2014
G-7	Federated Indians of Graton Rancheria	Greg Sarris	4/29/2014
G-8	Greenville Rancheria	Crystal Rios	5/1/2014
G-9	Ione Band of Miwok Indians	Yvonne Miller	5/5/2014
G-10	Kashia Band of Pomo Indians	Reno Franklin	4/21/2014
G-11	Lytton Band of Pomo Indians	Margie Mejia	4/21/2014
G-12	Manchester Band of Pomo Indians	Eloisa Oropeza	4/22/2014
G-13	Mechoopda Indian Tribe of Chico Rancheria	Dennis Ramirez	4/23/2014
G-14	Middletown Rancheria of Pomo Indians of California	Jose Simon III	5/1/2014
G-15	Pala Band of Mission Indians	Robert Smith	4/22/2014
G-16	Redding Rancheria	Jason Hart	4/24/2014
G-17	Redwood Valley Little River Band of Pomo Indians	Elizabeth Hansen	4/21/2014
G-18	Sherwood Valley Band of Pomo Indians	Michael Fitzgerral	4/23/2014
G-19	Susanville Indian Rancheria	Stacy Dixon	5/16/2014
G-20	City of Cloverdale	Jose Sanchez	6/2/2014
G-21	Cloverdale Health Care District	Alfred Delsid	5/13/2014
G-22	County of Sonoma and Sonoma County Water Agency	Jennifer Klein	5/28/2014
G-23	Sonoma Marin Area Rail Transit (SMART)	Linda Meckel	5/14/2014

Comment Letter #	Agency/Organization	Signature	Date
<b>Individuals</b>			
I-1		Dobie Edmunds	5/8/2014
I-2		Clark Mason	5/14/2014
I-3		Robert Haugsten	5/26/2014
I-4		Janet & Stan Halverson	5/26/2014
I-5		Lynn Caruso	5/28/2014
I-6		Mary Brugo	5/29/2014
I-7		Linda Lawrence & Shelby Kennedy	5/31/2014
I-8		Jefferey Wilson	6/2/2014
I-9		Julie Dilley & Thomas Foster	6/2/2014

These comment letters are presented on the following pages. The comment letters have been annotated in the margins to identify individual comments and provide an organized format for responses.

Following the comment letters, responses are presented within the table “Responses to Comments on the Final EIS for the Cloverdale Rancheria Fee-to-Trust and Resort Casino Project” dated November 2014.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

Letter G-1

MAY 19 2014

Amy Dutschke  
Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Reg Dir \_\_\_\_\_  
Dep RD Trust \_\_\_\_\_  
Dep RD IS \_\_\_\_\_  
Route DCREMS  
Response Required \_\_\_\_\_  
Due Date \_\_\_\_\_  
Memo \_\_\_\_\_ Ltr \_\_\_\_\_  
Fax \_\_\_\_\_

Subject: Final Environmental Impact Statement (FEIS), Cloverdale Rancheria of Pomo Indians  
Fee-to-Trust and Resort Casino Project, Sonoma County, California  
(CEQ # 20140117)

Dear Ms. Dutschke:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the Bureau of Indian Affairs (BIA) on October 20, 2010. We rated the DEIS as Environmental Concerns - Insufficient Information (EC-2) due to concerns regarding the possible development of drinking water infrastructure and a wastewater treatment plant on a parcel adjacent to, and in, the 100-year floodplain of the Russian River, which has a history of flooding and drainage issues. Constructing these facilities in a floodplain would result in the loss of 32.2 acres of floodplain capacity. As a result, flood water that would have been stored in this area would be displaced into surrounding areas during a 100-year flood event. The Federal Emergency Management Agency has recognized, in general, that increased flood damages are already occurring outside of designated 100-year floodplains<sup>1</sup>. In addition, the potential impacts of climate change threaten to increase the frequency and severity of heavy rainfall events and floods in many regions. Maintaining floodplains is an important strategy for adapting to climate change and is consistent with the recent *Executive Order 13653 - Preparing the United States for the Impacts of Climate Change*, which encourages actions by the Federal government to enhance climate preparedness and resiliency. We continue to strongly recommend that BIA and the Tribe avoid floodplain development for the project.

BIA continues to rely on FEMA approval for a Conditional Letter of Map Revision (CLOMR) and defers responsibility for floodplain impacts to this process, which is identified as a mitigation measure (p. 5-2). However, the CLOMR process does not mitigate floodplain impacts. This process simply confirms the modification of base flood elevations that might occur as a result of the project and leads to a revision of the floodplain maps after a revision request is submitted. In our previous comments, EPA recommended that BIA and the Tribe include floodplain mitigation as part of the project. The FEIS indicates that the Tribe shall establish a Tribal Mitigation Plan, but it is not clear whether this will

<sup>1</sup> Page 9, *Further Advice on Executive Order 11988 Floodplain Management*. Federal Emergency Management Agency (FEMA). Sept 2007.

include actual floodplain mitigation, i.e., creation of floodplain capacity to replace that lost by the project. Compensatory storage mitigation at a minimum ratio of 1:1 should be required to support the goals of E.O. 13653. If the project has the potential to impact existing flood protection structures or neighboring properties, mitigation should also include ways to reduce or compensate for harm to such structures or properties.

↑ G-1.1  
cont.

~~We also continue~~ to recommend that the wastewater treatment plant and potable water system option receive protection for a "critical facility" (i.e., to withstand a 500-year flood event). Critical Facilities are facilities/infrastructure that are critical to the health and welfare of the population and that are especially important following hazard events. Lifeline utility systems - those vital to public health and safety, including potable water and wastewater, are included in this definition.

G-1.2

The FEIS indicates that development in the floodplain would not be permitted to begin until the CLOMR is completed and approved. If floodplain development would occur for the project, we recommend that BIA condition any approval to require that development not occur until the Tribe has submitted its application to FEMA for participation in the National Flood Insurance Program. The mitigation measures state that the Tribe shall seek such participation; however we believe it is important for that process to have commenced before any development proceeds, as it is not clear whether the project can be reviewed through the CLOMR process prior to obtaining participating status.

G-1.3

EPA remains very concerned regarding potential plans for managing wastewater for the on-site wastewater treatment plant option. This option proposes to dispose of treated wastewater via land spraying and temporary storage. Land disposal of wastewater is generally not regulated by EPA and does not require a National Pollutant Discharge Elimination System (NPDES) permit so long as no wastewater reaches a water of the United States. The FEIS states that no NPDES permit will be needed (p. S-4); however, the FEIS has not demonstrated that a sprayfield of 14.6 acres has the necessary capacity to absorb all of the treated wastewater to prevent any discharge to the Russian River.

G-1.4

Additionally, EPA is concerned the wet weather storage ponds may create a direct hydrologic connection to the Russian River, based on the close interaction of surface and groundwater hydrology at the site and its location within the floodplain of the Russian River (see 9<sup>th</sup> Circuit decision of Northern California River Watch v. City of Healdsburg<sup>2</sup>). As described in the FEIS, storage ponds would be required to hold treated wastewater during the wet winter months when sprayfields are not operable. The proposed wastewater storage ponds would be constructed to hold 73 acre-feet of wastewater, would be 26 feet below ground surface, and could interact with groundwater, which, according to the FEIS, lies between 6 and 23 feet below ground surface. While the FEIS states that the ponds would be lined with either a natural soil liner or artificial welded seam plastic liner (App. J, p. 4), EPA's experience with lined ponds is that they can leak over time and they can degrade and require replacement. We have also seen instances in which burrowing animals have caused significant problems with lined ponds. The highly permeable, young alluvial soils characteristic of the site, together with unconfined groundwater conditions, increase the chances that wastewater treatment plant effluent may discharge to the Russian River via pond water seep. In addition, the infiltration of groundwater into the ponds could reduce their storage capacity, and large precipitation events could cause the Russian River to flood the ponds, even with the levees in place. It is EPA's opinion that the proposed on-site wastewater storage and disposal option could lead to violations of the Clean Water Act. EPA requests that BIA not approve this option unless an NPDES permit is pursued and is a condition of BIA's approval.

G-1.5

<sup>2</sup> See <http://caselaw.findlaw.com/us-9th-circuit/1348704.html>

We continue to have concerns regarding drainage and stormwater management. The drainage issues have been deferred to a future comprehensive design-level drainage plan. While this is normally sufficient for the NEPA process, because the site has substantial existing flooding and drainage issues, we recommended that additional investigation occur, prior to BIA approval, regarding the capacity of the site to effectively accommodate stormwater and floodwaters. Given the limitations of the site, such management may require changes to the project footprint or size. The preliminary stormwater quality management plan provides some understanding of how the site will accommodate flows, but it does not provide any predictions as to whether the proposed BMPs would be capable of handling the existing site flooding plus the flows that would result from the hydromodifications that are proposed under the project. It does not show or explain the subterranean stormwater detention system nor the upland drainage release system on the site plan. As presented, it does not appear that the FEIS' conclusion of less than significant impacts to existing drainage patterns is fully supported.

G-1.6

We expressed concerns regarding impacts to wetlands in our DEIS comment letter. We are unclear as to some of the details regarding the avoided wetlands and the wetland mitigation area; however, since this project will require an individual Clean Water Act Section 404 permit, EPA can obtain additional information when coordinating with the Army Corps of Engineers during the permit phase.

G-1.7

EPA appreciates the opportunity to review this FEIS. Because we have continuing concerns, we would appreciate receiving a copy of the Record of Decision when it is available. Please send a copy to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,



Kathleen Martyn Goforth, Manager  
Environmental Review Section

cc: Patricia Hermosillo, Chairperson, Cloverdale Rancheria of Pomo Indians  
Mario Hermosillo, Environmental Planner, Cloverdale Rancheria of Pomo Indians  
Michael Hornick, Federal Emergency Management Agency  
Laurie Monares, U.S. Army Corps of Engineers  
John McKeon, National Marine Fisheries Service

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4

P.O. BOX 23660

OAKLAND, CA 94623-0660

PHONE (510) 286-6053

FAX (510) 286-5559

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**MAY 19 2014**

STATE CLEARING HOUSE

May 19, 2014

SON10185  
SON/101/50.43  
SCH# 200/2084001

Mr. John Rydzik  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Dear Mr. Rydzik:

**Cloverdale Rancheria Pomo Indians Resort Casino – Final Environmental Impact Study (FEIS)**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the FEIS and have the following comments to offer.

**Traffic Safety**

**Traffic Analysis #3 (Appendix G-6.3)**

For Mitigation Measure 5.8-4, the proposed roundabout within the State Right of Way (ROW) will require Caltrans Intersection Control Evaluation (ICE). Caltrans' Conceptual Approval Report (CAR) process has been replaced by the ICE effective 8/30/2013. Please change text in the report noting that the ICE will need to be completed as the first step of Caltrans' Project Initiation Document process.

**Highway Operations:**

- Based on the Traffix Data study results in Appendix G, in addition to ramp intersection improvements at the US 101 Northbound ramps of the South Interchange, there will also be ramp intersection improvements required for US 101 Southbound of the South Interchange.
- The FEIS uses existing traffic data what were collected between 2005 and 2008. How do these values compare to the current 2014 conditions? It is preferred to have traffic analysis utilize traffic data within a three-year period of the document being released.
- The collision history (2002-2007) should be updated.
- The figures used in the FEIS make reference to "W-Trans, 2009". Since the FEIS states that the original intended opening of the project would be between 2010 and 2012, the traffic studies should be revisited.
- Due to the location of the Casino and Resort being adjacent to the freeway, please explain

G-2.1

G-2.2

G-2.3

G-2.4

G-2.5

G-2.6



Mr. John Rydzik, Bureau of Indian Affairs  
May 19, 2014  
Page 2

how the project construction will impact US 101 and SR 128.

↑ G-2.6  
cont.

### ***Traffic Forecasting***

#### **AM Peak Traffic Impact Study Needed (Appendix G-6.5)**

The proposed project would be expected to generate approximately 40% fewer trips during the AM peak hour than during the PM peak hour. However, an AM peak traffic impact study is still needed because the AM generated traffic is likely more than 100 vehicles per hour.

↑ G-2.7

#### **Over-estimated Internal Trip Reduction (Appendix G-6.6)**

The stated 67% internal trip reduction for non-gaming uses is based upon the 2007 Graton Rancheria Casino and Hotel Traffic Impact Study. This figure (67%) is an over-estimation of internal reduction, which is derived from a single casino facility sample. In the Trip Generation Handbook, 2<sup>nd</sup> Edition, on page 131, it describes an internal reduction of restaurant (sit-down), retail, hotel and cinema as 54%, 36%, 30% and 23% respectively. The proposed project, which is adjacent to US 101, will likely attract regional as well as local visitors. On page 135 of the Trip Generation Handbook it describes that having only one of these primary purposes served by visitors (such as a restaurant, retail hotel or cinema) during peak hour, the percent of visitors would be 77%. When two and three purposes are served, the percentage of visitors would be 16% and 17% respectively. Caltrans believes that internal trip reduction due to land mix-use should fall into a reasonable range; a conservative estimate of this internal reduction should be around 36%, not 67%.

↑ G-2.8

### ***Native American Liason***

Caltrans wants to reiterate that it is willing to write a letter of support for the Cloverdale Rancheria if the tribe desires to add a State Route that provides the tribe access to the Indian Reservation Road (IRR) inventory.

↑ G-2.9

Should you have any questions regarding this letter, please call Shawn Hallum of my staff at (510) 622-1696 or shawn.hallum@dot.ca.gov.

Sincerely,



ERIK ALM, AICP  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

May 20, 2014

John Rydzik  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Subject: Cloverdale Rancheria of Pomo Indians Fee-to-Trust and Resort Casino Project  
SCH#: 2002084001

Dear John Rydzik:

The State Clearinghouse submitted the above named Final Document to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 19, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly. G-3.1

Please note that Section 21104(c) of the California Public Resources Code states that,

"...no state or local public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the state clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95811-3044

TEL (916) 445-0613 FAX (916) 325-3018 www.opr.ca.gov

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2002084001  
**Project Title** Cloverdale Rancheria of Pomo Indians Fee-to-Trust and Resort Casino Project  
**Lead Agency** Bureau of Indian Affairs

**Type** FIN Final Document  
**Description** Note: Review Per Lead

The Proposed Action consists of the placement of 6 parcels of land totaling 64.5 acres into federal trust for the Tribe and the subsequent development of a casino, hotel, convention center, entertainment center, tribal government building, and other ancillary facilities. The project site is primarily located within the unincorporated area of Sonoma County, with a small portion located within the City of Cloverdale city limits. Approximately 3,400 parking spaces for patrons and employees will be available through garage and surface parking.

**Lead Agency Contact**

**Name** John Rydzik  
**Agency** Bureau of Indian Affairs  
**Phone** 916 978 6051 **Fax**  
**email**  
**Address** 2800 Cottage Way  
**City** Sacramento **State** CA **Zip** 95825

**Project Location**

**County** Sonoma  
**City** Cloverdale  
**Region**  
**Lat / Long** 38° 47' 25" N / 123° 00' 30" W  
**Cross Streets** Life Lane and Asti Road  
**Parcel No.** 116-310-(005, 020, 035, 039, 040, 044)  
**Township** 11N **Range** 10W **Section** **Base** MDB&M

**Proximity to:**

**Highways** Hwy 101  
**Airports** Cloverdale Municipal Airport  
**Railways** Northwestern Pacific RR  
**Waterways** Russian River  
**Schools** Cloverdale Unified  
**Land Use** Zoning - General Industrial, Rural Residential and Intensive Agriculture/I and Use - General Industry, Business Park, Land Intensive Agriculture.

**Project Issues** Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Minerals; Noise; Population/Housing Balance; Public Services; Landuse; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation, Water Quality; Water Supply; Wetland/Riparian; Wildlife; Aesthetic/Visual; Biological Resources; Agricultural Land

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 3; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Air Resources Board; Regional Water Quality Control Board, Region 1; Native American Heritage Commission; State Lands Commission; California Department of Justice, Attorney General's Office

**Date Received** 04/17/2014 **Start of Review** 04/18/2014 **End of Review** 05/19/2014

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

**DEPARTMENT OF TRANSPORTATION**

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**MAY 19 2014**

STATE CLEARING HOUSE

May 19, 2014

SON10185  
SON/101/50.43  
SCH# 200/2084001

Mr. John Rydzik  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Dear Mr. Rydzik:

**Cloverdale Rancheria Pomo Indians Resort Casino – Final Environmental Impact Study (FEIS)**

G-3.2

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the FEIS and have the following comments to offer.

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Mr. John Rydzik, Bureau of Indian Affairs  
May 19, 2014  
Page 2

how the project construction will impact US 101 and SR 128.

↑ G-3.2  
cont.

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Caltrans wants to reiterate that it is willing to write a letter of support for the Cloverdale Rancheria if the tribe desires to add a State Route that provides the tribe access to the Indian Reservation Road (IRR) inventory.

Should you have any questions regarding this letter, please call Shawn Hallum of my staff at (510) 622-1696 or shawn.hallum@dot.ca.gov.

Sincerely,



ERIK ALM, AICP  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse



April 21, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: Support for Cloverdale Rancheria Fee-To Trust Application**

On behalf of the Chicken Ranch Rancheria of Me-Wuk Indians of California, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959 their Tribe was wrongfully terminated. In 1983 as part of the Tillie Hardwick Lawsuit they were restored, but had no tribal trust lands. This acquisition will be the first acquisition for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale's long-standing efforts to acquire a land base. The Cloverdale Application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

*Melissa E. Powell*  
Melissa E. Powell  
Chairman  
Chicken Ranch Rancheria



## Cloverdale Rancheria

555 S. Cloverdale Blvd., ~ Cloverdale, CA 95425  
(707) 894-5775 ~ Fax (707) 894-5727

Letter G-5

Reg Dir. aled  
Dep RD Trust ✓  
Dep RD IS ✓  
Route Deems  
Response Required         
Due Date         
Memo        Ltr         
Fax         
        
      

May 28, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs,  
Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

RE: Cloverdale Rancheria of Pomo Indians Fee To Trust Support

Dear Regional Director Dutschke;

Enclosed you will find letters from various California Tribes that support the Cloverdale Rancheria of Pomo Indians of California efforts to attain trust lands.

Please include them with the Final Environmental Impact Statement comments.

If you have any questions or concerns please contact Silver Galleto, Vice-Chairperson or Vicky Macias, Tribal Treasurer at (707) 894-5775.

Sincerely,

  
Silver Galleto  
Cloverdale Rancheria Vice-Chairperson

Enclosure (15 pages)

### CLOVERDALE RANCHERIA TRIBAL COUNCIL

Patricia Hermosillo  
Chairperson

Silver Galleto  
Vice-Chairperson

Christina Hermosillo  
Secretary

Vicky Macias  
Treasurer

Sandy Roope  
Tribal Representative

RECEIVED BIA  
2014 JUL -2 PM 2:00  
PACIFIC REGIONAL  
OFFICE

**LYTTON RANCHERIA • Lytton Band of Pomo Indians**

437 Aviation Blvd • Santa Rosa, California 95403

(707) 575-5917 • Fax (707) 575-6974



April 21, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: Support for Cloverdale Rancheria Fee-To Trust Application**

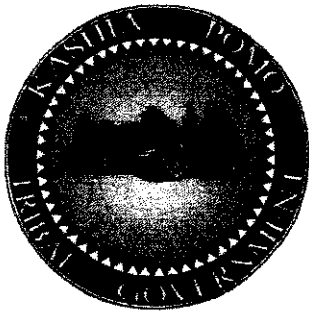
On behalf of Lytton Rancheria of California, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959 their Tribe was wrongfully terminated. In 1983 as part of the Tillie Hardwick Lawsuit they were restored, but had no tribal trust lands. This acquisition will be the first acquisition for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

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Respectfully,

Margie Mejia, Chairperson  
Lytton Rancheria of California





Letter G-5

*Kashia Band of Pomo Indians*  
*of the Stewarts Point Rancheria*

April 21, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: Support for Cloverdale Rancheria Fee-To Trust Application**

On behalf of the Kashia Band of Pomo Indians, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959 their Tribe was wrongfully terminated. In 1983 as part of the Tillie Hardwick Lawsuit they were restored, but had no tribal trust lands. This acquisition will be the first acquisition for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale's long-standing efforts to acquire a land base. The Cloverdale Application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Reno Keoni Franklin  
Tribal Chairman,  
Kashia Band of Pomo Indians



FEDERATED INDIANS OF  
**GRATON**  
RANCHERIA

April 29, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: Support for Cloverdale Rancheria Fee-To Trust Application**

On behalf of the Federated Indians of Graton Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into Trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently landless. This Trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's Tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in Trust on behalf of the Cloverdale Tribe.

Respectfully,

Greg Sarris  
Tribal Chairman  
Federated Indians of Graton Rancheria

# Redwood Valley Little River Band of Pomo Indians

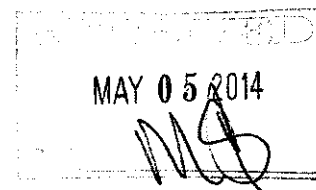
Letter G-5

3250 ROAD I / REDWOOD VALLEY, CALIFORNIA 95470 (707) 485-0361

FAX (707) 485-5726

April 21, 2014

Redwood Valley Rancheria  
3250 Road I  
Redwood Valley, Ca. 95470



Amy Dutschike, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, Ca. 95825

## Re: Support for Cloverdale Rancheria Fee-to-Trust Application

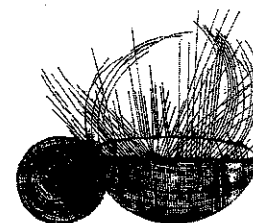
On behalf of the Redwood Valley Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California efforts to have their restored land placed into trust. In 1959 their Tribe was wrongfully terminated. In 1983 as part of the Tillie Hardwick Lawsuit they were restored, but had no tribal trust lands. This acquisition will be the first for their Tribe. These lands were not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale's long-standing efforts to acquire a land base. The Cloverdale application is currently pending approval by the Secretary of the Interior, subject to Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land into trust on behalf of the Cloverdale Tribe.

Sincerely,

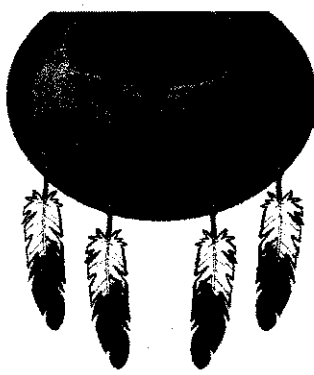
Elizabeth Hansen  
Tribal Chairperson  
Redwood Valley Rancheria

Cc: Tribal Council  
Cloverdale Rancheria



# Manchester Band of Pomo Indians

Letter G-5

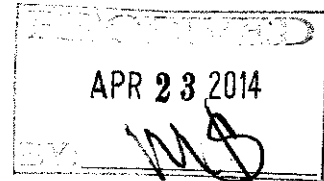


24 Mamie Laiwa Drive ♦ P. O. Box 623, Point Arena CA 95468

♦ Tele (707) 882-2788 ♦ Fax (707) 882-3417

e-mail: [manptarena@gmail.net](mailto:manptarena@gmail.net)

April 22, 2014



Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project

Dear Ms. Dutschke:

On behalf of the Manchester/Point Arena Band of Pomo Indians, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Eloisa C. Oropeza  
Tribal Chairwoman  
Manchester/Point Arena Band of Pomo Indians

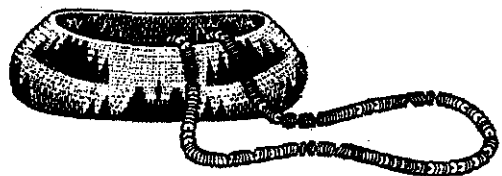
## Tribal Council

Eloisa Oropeza  
*Chair*

Leonard Bechtol  
*Vice Chair*

Lydia Aguayo  
*Treasurer*

Natalie Smith  
*Secretary*



# SHERWOOD VALLEY BAND OF POMO INDIANS

April 23, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project

Dear Ms. Dutschke:

On behalf of the Sherwood Valley Band of Pomo Indians, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael Fitzgerald'. The signature is fluid and cursive, with a large, sweeping 'M' and 'F'.

Michael Fitzgerald  
Tribal Chairman



May 1, 2014

**UNITED STATES**  
**Department of the Interior**  
**Bureau of Indian Affairs**  
Pacific Regional Office  
Amy Dutschke, Regional Director  
2800 Cottage Way  
Sacramento, CA 95825

**Re: Support Letter for Cloverdale Rancheria of Pomo Indians for Fee-To-Trust Status**

Dear Ms. Dutschke,

Middletown Rancheria of Pomo Indians of California is a federally recognized Tribe located in the County of Lake, Middletown, California.

Middletown Rancheria has a government-to-government relationship with Cloverdale Rancheria of Pomo Indians located in the County of Sonoma, Cloverdale, California and is aware of their landless status and their persistent undertaking to attain land base in their indigenous ancestral area.

Middletown Rancheria is officially providing a support letter in favor of Cloverdale Rancheria to obtain their Fee-To-Trust recognition by the United States Department of the Interior, Bureau of Indian Affairs.

Please don't hesitate to contact me at the Middletown Rancheria Tribal Office 707.987.3670 ext. 103, if there are any further questions or concerns regarding this matter.

Thank you,

A handwritten signature in black ink, appearing to read "Jose Simon III". The signature is written in a cursive, flowing style.

Jose Simon III  
Tribal Council Chairman of  
Middletown Rancheria of Pomo Indians of California

cc: Cloverdale Rancheria of Pomo Indians Tribal Council Members

# Ione Band of Miwok Indians

May 5, 2014

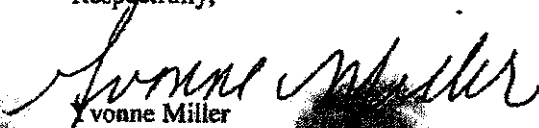
Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2880 Cottage Way  
Sacramento, CA 95825

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project

On behalf of the Ione Band of Miwok Indians, I am writing to express our support for the efforts by the Cloverdale Rancheria of Pomo Indians of California to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently landless. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

  
Yvonne Miller  
Chairperson  
Ione Band of Miwok Indians

Cc: Silver Galletto, Vice Chairman, Cloverdale Rancheria of Pomo Indians



April 21, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: Support for Cloverdale Rancheria Fee-To Trust Application**

On behalf of the Chicken Ranch Rancheria of Me-Wuk Indians of California, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959 their Tribe was wrongfully terminated. In 1983 as part of the Tillie Hardwick Lawsuit they were restored, but had no tribal trust lands. This acquisition will be the first acquisition for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale's long-standing efforts to acquire a land base. The Cloverdale Application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

*Melissa E. Powell*  
Melissa E. Powell  
Chairman  
Chicken Ranch Rancheria





# Greenville Rancheria

"A Community Clinic"

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*Red Bluff Clinic: 1425 Montgomery Road • Red Bluff, Ca 96080 • 530.528.8600 • Fax 530.528.8612*

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*Greenville Clinic: PO Box 279 / 410 Main Street • Greenville, Ca 95947 • 530.284.6135 • Fax 530.284.7594*

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May 01, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to Trust and Resort Casino Project

On behalf of the Greenville Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongly terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Kyle Self, Tribal Chairman

And / or

Crystal Rios, Vice Tribal Chairwoman



April 24, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project**

On behalf of the Redding Rancheria Tribal Government, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Jason Hart

Redding Rancheria

Tribal Chairman



# Enterprise Rancheria

Estom Yumeka Maidu Tribe

Letter G-5

2133 Monte Vista Ave  
Oroville, CA. 95966

Ph: (530) 532-9214  
Fax: (530) 532-1768  
Email: [info@enterpriserancheria.org](mailto:info@enterpriserancheria.org)

May 13, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project

Ms. Dutschke,

On behalf of the Enterprise Rancheria, Estom Yumeka Maidu Tribe, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. Our Tribe is familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Glenda Nelson  
Tribal Chairperson  
Enterprise Rancheria



# SUSANVILLE INDIAN RANCHERIA

Letter G-5

MAY 19 2014

May 16, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and  
Resort Casino Project

Dear Ms. Dutschke,

On behalf of the Susanville Indian Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Mr. Stacy Dixon  
Tribal Chairman

Cc: Silver Galleto, Vice-Chairman, Cloverdale Rancheria of Pomo Indians of  
California, 555 South Cloverdale Blvd., Cloverdale, CA 95425

Mechoopda Indian Tribe



of Chico Rancheria

April 23, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Dear Ms. Dutschke:

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project

On behalf of the Mechoopda Indian Tribe of Chico Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,



Dennis Ramirez  
Tribal Chairman

DR/aw



Letter G-5

**PALA BAND OF  
MISSION INDIANS**

PMB 50, 35008 Pala Temecula Road  
Pala, CA 92059  
Phone 760-891-3500 | Fax 760-742-1411

April 22, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project**

On behalf of the Pala Band of Mission Indians, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the Hardwick action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert H. Smith".

Chairman Robert H. Smith  
Pala Band of Mission Indians



Letter G-6

# Enterprise Rancheria

Estom Yumeka Maidu Tribe

2133 Monte Vista Ave  
Oroville, CA. 95966

Ph: (530) 532-9214  
Fax: (530) 532-1768  
Email: [info@enterpriserancheria.org](mailto:info@enterpriserancheria.org)

May 13, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Reg Dir add  
Dep RD Trust add  
Dep RD IS add  
Route add  
Response Required add  
Due Date add  
Memo add Ltr add  
Fax add

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project

Ms. Dutschke,

On behalf of the Enterprise Rancheria, Estom Yumeka Maidu Tribe, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. Our Tribe is familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Glenda Nelson  
Tribal Chairperson  
Enterprise Rancheria

RECEIVED  
2014 MAY 15 AM 7:36  
PACIFIC REGIONAL  
OFFICE



FEDERATED INDIANS OF  
**GRATON**  
RANCHERIA

April 29, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: Support for Cloverdale Rancheria Fee-To Trust Application**

On behalf of the Federated Indians of Graton Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into Trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently landless. This Trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's Tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in Trust on behalf of the Cloverdale Tribe.

Respectfully,

Greg Sarris  
Tribal Chairman  
Federated Indians of Graton Rancheria





# Greenville Rancheria

"A Community Clinic"

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*Red Bluff Clinic: 1425 Montgomery Road • Red Bluff, Ca 96080 • 530.528.8600 • Fax 530.528.8612*

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*Greenville Clinic: PO Box 279 / 410 Main Street • Greenville, Ca 95947 • 530.284.6135 • Fax 530.284.7594*

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May 01, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to Trust and Resort Casino Project

On behalf of the Greenville Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongly terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Kyle Self, Tribal Chairman

And / or

Crystal Rios, Vice Tribal Chairwoman

May 5, 2014

Amy Dutschke, Regional Director  
 Bureau of Indian Affairs  
 Pacific Regional Office  
 2800 Cottage Way  
 Sacramento, CA 95825

Reg Dir	<i>all</i>	✓
Dep Reg Dir	<i>T</i>	
Reg Adm Ofc		
Route	<i>Realty</i>	
Response Required		
Due Date		
Info		
File		

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project

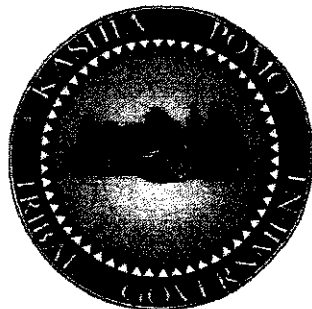
On behalf of the Lone Band of Miwok Indians, I am writing to express our support for the efforts by the Cloverdale Rancheria of Pomo Indians of California to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently landless. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

*Yvonne Miller*  
 Yvonne Miller  
 Chairperson  
 Lone Band of Miwok Indians

Cc: Silver Galletto, Vice Chairman, Cloverdale Rancheria of Pomo Indians



*Kashia Band of Pomo Indians*  
*of the Stewarts Point Rancheria*

April 21, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: Support for Cloverdale Rancheria Fee-To Trust Application**

On behalf of the Kashia Band of Pomo Indians, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959 their Tribe was wrongfully terminated. In 1983 as part of the Tillie Hardwick Lawsuit they were restored, but had no tribal trust lands. This acquisition will be the first acquisition for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale's long-standing efforts to acquire a land base. The Cloverdale Application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Reno Keoni Franklin  
Tribal Chairman,  
Kashia Band of Pomo Indians



Letter G-11

**LYTTON RANCHERIA • Lytton Band of Pomo Indians**



437 Aviation Blvd • Santa Rosa, California 95403

(707) 575-5917 • Fax (707) 575-6974

Reg Dir \_\_\_\_\_ *ald*  
Dep RD Trust \_\_\_\_\_ *TS*  
Dep RD IS \_\_\_\_\_  
Route \_\_\_\_\_ *Boyle*  
Response Required \_\_\_\_\_  
Due Date \_\_\_\_\_  
Memo \_\_\_\_\_ Ltr \_\_\_\_\_  
Fax \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

April 21, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: Support for Cloverdale Rancheria Fee-To Trust Application**

On behalf of Lytton Rancheria of California, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959 their Tribe was wrongfully terminated. In 1983 as part of the Tillie Hardwick Lawsuit they were restored, but had no tribal trust lands. This acquisition will be the first acquisition for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale's long-standing efforts to acquire a land base. The Cloverdale Application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

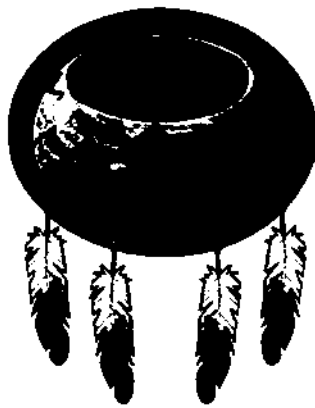
*Margie Mejia*

Margie Mejia, Chairperson  
Lytton Rancheria of California

REGIONAL  
OFFICE

4/22/14

# Manchester Band of Pomo Indians



24 Mamie Laiwa Drive ♦ P. O. Box 623, Point Arena CA 95468

♦ Tele (707) 882-2788 ♦ Fax (707) 882-3417

e-mail: [manptarena@gmail.net](mailto:manptarena@gmail.net)

April 22, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Reg Dir \_\_\_\_\_  
Dep RD Trust \_\_\_\_\_  
Dep RD IS \_\_\_\_\_  
Route \_\_\_\_\_  
Response Required \_\_\_\_\_  
Due Date \_\_\_\_\_  
Memo \_\_\_\_\_ Ltr \_\_\_\_\_  
Fax \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project

Dear Ms. Dutschke:

On behalf of the Manchester/Point Arena Band of Pomo Indians, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Eloisa C. Oropeza  
Tribal Chairwoman  
Manchester/Point Arena Band of Pomo Indians

REGIONAL  
OFFICE

## Tribal Council

Eloisa Oropeza  
Chair

Leonard Bechtol  
Vice Chair

Lydia Aguayo  
Treasurer

Natalie Smith  
Secretary

Mechoopda Indian Tribe



of Chico Rancheria

April 23, 2014

REGIONAL  
OFFICE

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

_____	_____
_____	_____
Response Required _____	_____
Due Date _____	_____
Memo _____	Ltr _____
Tele _____	Other _____
_____	_____
_____	_____

Dear Ms. Dutschke:

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project

On behalf of the Mechoopda Indian Tribe of Chico Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Dennis Ramirez  
Tribal Chairman

DR/aw



**TRIBAL COUNCIL**

May 1, 2014

**UNITED STATES**  
**Department of the Interior**  
**Bureau of Indian Affairs**  
Pacific Regional Office  
Amy Dutschke, Regional Director  
2800 Cottage Way  
Sacramento, CA 95825

**Re: Support Letter for Cloverdale Rancheria of Pomo Indians for Fee-To-Trust Status**

Dear Ms. Dutschke,

Middletown Rancheria of Pomo Indians of California is a federally recognized Tribe located in the County of Lake, Middletown, California.

Middletown Rancheria has a government-to-government relationship with Cloverdale Rancheria of Pomo Indians located in the County of Sonoma, Cloverdale, California and is aware of their landless status and their persistent undertaking to attain land base in their indigenous ancestral area.

Middletown Rancheria is officially providing a support letter in favor of Cloverdale Rancheria to obtain their Fee-To-Trust recognition by the United States Department of the Interior, Bureau of Indian Affairs.

Please don't hesitate to contact me at the Middletown Rancheria Tribal Office 707.987.3670 ext. 103, if there are any further questions or concerns regarding this matter.

Thank you,

A handwritten signature in black ink, appearing to read "Jose Simon III".

Jose Simon III  
Tribal Council Chairman of  
Middletown Rancheria of Pomo Indians of California

cc: Cloverdale Rancheria of Pomo Indians Tribal Council Members



Letter G-15

**PALA BAND OF  
MISSION INDIANS**

PMB 50, 35008 Pala Temecula Road  
Pala, CA 92059  
Phone 760-891-3500 | Fax 760-742-1411

April 22, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project**

On behalf of the Pala Band of Mission Indians, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the Hardwick action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Chairman Robert H. Smith  
Pala Band of Mission Indians





April 24, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project**

On behalf of the Redding Rancheria Tribal Government, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Jason Hart

Redding Rancheria

Tribal Chairman

# Redwood Valley Little River Band of Pomo Indians

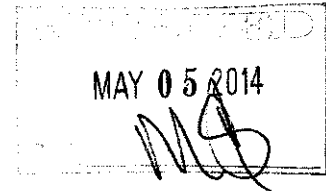
Letter G-17

3250 ROAD I / REDWOOD VALLEY, CALIFORNIA 95470 (707) 485-0361

FAX (707) 485-5726

April 21, 2014

Redwood Valley Rancheria  
3250 Road I  
Redwood Valley, Ca. 95470



Amy Dutschike, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, Ca. 95825

## Re: Support for Cloverdale Rancheria Fee-to-Trust Application

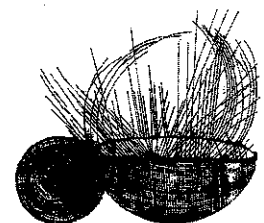
On behalf of the Redwood Valley Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California efforts to have their restored land placed into trust. In 1959 their Tribe was wrongfully terminated. In 1983 as part of the Tillie Hardwick Lawsuit they were restored, but had no tribal trust lands. This acquisition will be the first for their Tribe. These lands were not only within their aboriginal area, but they are contiguous to their former Rancheria.

Our Tribe is very familiar with Cloverdale's long-standing efforts to acquire a land base. The Cloverdale application is currently pending approval by the Secretary of the Interior, subject to Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land into trust on behalf of the Cloverdale Tribe.

Sincerely,

Elizabeth Hansen  
Tribal Chairperson  
Redwood Valley Rancheria

Cc: Tribal Council  
Cloverdale Rancheria



PRO  
RECEIVED  
51-14  
5-1-14

**Amy Dutschke, Regional Director**  
**Bureau of Indian Affairs**  
**Pacific Regional Office**  
**2800 Cottage Way**  
**Sacramento, CA 95825**

Dear Ms. Dutschke:

Our Tribe is very familiar with Cloverdale Rancheria's long-standing efforts to acquire a land base. The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

  
Michael Fitzgerrall  
Tribal Chairman

Name                       
 Address                       
 City                       
 State                       
 Zip                       
 Date                       
 Ltr                       
 Other



# SUSANVILLE INDIAN RANCHERIA

Letter G-19

MAY 19 2014

May 16, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Subject: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and  
Resort Casino Project

Dear Ms. Dutschke,

On behalf of the Susanville Indian Rancheria, I am writing to express our support for the Cloverdale Rancheria of Pomo Indians of California's efforts to have land placed into trust as their restored land. In 1959, their Tribe was wrongfully terminated and later restored as part of the *Hardwick* action. Cloverdale Rancheria is currently land less. This trust acquisition will be their first restoration land for their Tribe. These lands are not only within their aboriginal area, but they are contiguous to their former Rancheria.

The Cloverdale Rancheria's application is currently pending approval by the Secretary of the Interior, subject to a Notice of Trust Land Acquisition. We support Cloverdale Rancheria's tribal sovereignty and their efforts to acquire a land base for their people. We urge the Secretary of the Interior to accept the land in trust on behalf of the Cloverdale Tribe.

Respectfully,

Mr. Stacy Dixon  
Tribal Chairman

Cc: Silver Galleto, Vice-Chairman, Cloverdale Rancheria of Pomo Indians of  
California, 555 South Cloverdale Blvd., Cloverdale, CA 95425

555 Capitol Mall, Suite 1200  
 Sacramento, California 95814  
 tel (916) 556-1531  
 fax (916) 556-1516  
 www.meyersnave.com

Jose M. Sanchez  
 Attorney at Law  
 Direct Dial: (916) 556-1531  
 jsanchez@meyersnave.com

**meyers | nave**

A Commitment to Public Law

June 2, 2014

Ms. Amy Dutschke, Regional Director  
 Bureau of Indian Affairs, Pacific Region  
 2800 Cottage Way  
 Sacramento, CA 95825

Reg Dir ald  
 Dep RD Trust [initials]  
 Dep RD IS [initials]  
 Route DECEMS  
 Response Required [initials]  
 Due Date [initials]  
 Memo Ltr  
 Fax [initials]

Re: **Comments on Final Environmental Impact Statement for the Cloverdale Rancheria of Pomo Indians' Proposed 65 acre Fee to Trust Acquisition and Resort Casino Project**

Dear Ms. Dutschke:

The City of Cloverdale (the "City") appreciates the opportunity to provide comments on the Pomo Indian Tribe's (the "Tribe") final Environmental Impact Statement ("EIS") for the above-referenced project. The City's comments provided with this letter have been prepared in an attempt to balance the many interests in the community and assist the Tribe and the Bureau of Indian Affairs in accurately assessing the environmental impacts of the proposed project.

By this comment letter, the City is resubmitting all comments provided in the prior comment letters submitted on the draft EIS, dated October 19, 2010 and August 26, 2011, attached hereto and incorporated herein as Exhibit A and Exhibit B. This comment letter further provides additional comments addressing changes to the project description, as well as current economic and environmental conditions. The following comments supplement the City's previous comment letters:

- 1. No Analysis Related to Removal of 2.05-acre Parcel (APN 116-310-020) from Project Description:** Section 1.2 Project Location, page 1-2 of the EIS indicates:

"Subsequent to the release of the Draft EIS one of six parcels was removed from the fee-to-trust application (Assessor's Parcel Number 116-310-020). As the removal of this parcel would not appreciably change the level of significance for the issues analyzed in this EIS, the Final EIS has not been altered to remove this parcel from the impact analysis."

G-20.1

G-20.2

If we understand this comment correctly, it appears APN 116-310-020 is no longer a part of this project and for ease in preparing the final EIS, this APN has been left in the environmental analysis. However, the removal of this parcel from the project description results in a number of potential impacts that must be analyzed.

↑ G-20.2  
cont.

This parcel is the only parcel in the project that is currently located in the City of Cloverdale, currently having access off Santana Drive and abutting the Northwestern Pacific Railroad. Improvements previously planned for this parcel included a 20,000 square foot tribal headquarters building comprised of workspace and offices, a driveway with access to Santana Drive, off-street parking and landscape areas.

Based upon the above statement from the final EIS, it is unclear as to whether these improvements will be relocated to another parcel or eliminated from the project entirely. If these improvements are to be relocated, additional information and analysis is needed in order to adequately assess the potential impacts associated with these relocated improvements. If these improvements are to be eliminated from the project description entirely, additional information and analysis is needed in order to demonstrate at a minimum:

- a. whether adequate workspace and office area exists to serve the site if the tribal headquarters is eliminated. If relocated, then the project description should be further modified to explain where it is relocated to and the impact that will cause on the rest of the project;
- b. whether adequate access to the site exists if the Santana Drive point of access is eliminated;
- c. whether adequate parking is available to serve the site if the associated parking spaces are eliminated;
- d. whether adequate fire and life safety access, including a turnaround area, exist to the east (rear) of the proposed parking garage and casino/hotel complex to serve the site, particularly in light of the fact that the project is bordered by the railroad tracks to the east and any emergency blocking the single driveway/point of access at the rear of the building would render emergency service providers and emergency response equipment stranded.

If we have inadvertently interpreted this statement incorrectly and APN 116-310-020 is planned to remain a part of this project; please refer to any prior comments made in relation to this APN.

2. **Availability of Adequate Water to Serve the Site:** Contrary to the information contained in the final EIS on page 2-7 which states, "the Tribe has begun discussions with the City of Cloverdale on the provision of public services by the City to the project site," the Tribe has not engaged the City in meaningful discussions related to the potential to provide water or sewer service to the proposed project.

G-20.3

Additionally, the City's current water system is not designed to accommodate the additional demand this project would generate and the City's water capacity is also suffering due to the drought. As is the case with most jurisdictions in the State, the City is faced with the challenge of providing adequate water supply to serve existing residents and businesses – a challenge made more difficult by continuing drought conditions. Current drought conditions have resulted in reduced availability of supply increased air intrusion due to low groundwater levels, unprecedented low levels in Lake Mendocino, and reduced flows in the Russian River. Section 4.3 Water Resources, page 4.3-7, seems to rely upon data that does not reflect these current drought conditions, stating "...the flow of the Russian River between November and April is, on average, 1,763 cfs and during the summer months of May through October, average 286 cfs."

As recently as January of this year, the flows in the Russian River were as low as 25 cfs; just 2.5% of the average flows typically available in the river at that time. This represents a significant discrepancy between the data analyzed and actual conditions that exist today. To rely upon this out-of-date data as a basis for concluding, "...the reduction of less than 0.1% of available flow to the Russian River caused by the proposed groundwater pumping would be very small and not observable or measurable and would not negatively impact the hydrology of the river or aquatic habitats" (page 4.3-7) is misleading, inaccurate and irrelevant. What is relevant is how the additional water will be obtained and its impact on current water users, including the City. As evidenced by the City's prior comments, proper analysis of groundwater impacts during drought years, such as the current year, has and continues to be of significant concern to the City and surrounding property owners; the EIS should be revised to adequately address this very real impact.

In response to these drought conditions, a mandatory City-wide 25% water use reduction has been enacted for all existing users and all new and enlarged water service connections have been suspended during the water shortage emergency. The City has taken a proactive approach to preserving a dwindling water supply to ensure that basic public health, welfare and life safety needs can be met, aggressively pursuing grants and loans available from the United States Department of

Agriculture to ensure the City's water supply and infrastructure are adequate to meet the needs of its residents. Two new wells are currently under construction and are anticipated to be brought on-line during the Summer of 2014. ↑ G-20.3 cont.

Even in light of these capacity improvements, due to continuing drought conditions and unpredictable levels in the Russian River and Lake Mendocino, the City's ability to provide surplus water for new development remains unclear. As stated in prior comments, the City's General Plan identifies the land west of the railroad tracks for industrial uses and the land east of the tracks for conservation. Both the adopted Water Master Plan and the Wastewater Master Plan contemplate serving these lands when developed with industrial uses; a use far less intensive and with much lower water and wastewater demands than would result from the proposed 596,000 square foot combined casino, hotel, entertainment center, convention center and related amenities. In fact, the final EIS estimates the annual water demand for the project at 33.6 million gallons with an average daily demand estimated to be approximately 92,023 gallons (page 2-9).

The proposed casino is a more intensive development than the General Plan land use designated for that area and, therefore, the demands have not been accounted for in the City's Water Master Plan for supply, distribution, and storage. These new demands need to be adequately analyzed; at present the City has neither existing nor planned capacity to accommodate these large additional demands. The EIS should be revised to adequately address how these additional demands (in addition to General Plan buildout demands) would be met and their real impact on the City's systems.

3. **Availability of Adequate Sewer to Serve the Site:** Similar to the water analysis, page 2-10 of the EIS estimates the annual wastewater flow demand for the project at 33.6 million gallons with an average daily demand estimated to be approximately 92,023 gallons. While it is not conceivable that the project's water demand would equal its wastewater rate at a 1:1 ratio; analysis at this rate would be most conservative from an environmental review perspective. However, this type of generalized analysis wherein presumably a specific wastewater analysis that factors in such things as use for landscaping, consumption, and evaporation was apparently not prepared and does not provide a high level of confidence that the specific impacts that can be anticipated from the proposed project have been adequately analyzed. Nonetheless, the facts remain, the City's General Plan and Wastewater Master Plan contemplated the land for industrial and conservation use, not an intensive casino project; resulting in a wastewater rate that far exceeds that which was prudently planned for by the City. The proposed casino is a more intensive development than ↓ G-20.4



the General Plan land use designated for that area and, therefore, the sewer loads have not been accounted for in the City's Sewer Master Plan for wastewater collection and treatment. These loads need to be adequately analyzed; at present the City has neither existing nor planned capacity to accommodate these large additional demands. The EIS should be revised to adequately address the real impact these additional demands would have on the City's systems.

↑ G-20.4  
cont.

4. **Socioeconomic & Market Data:** The socioeconomic and market data in the EIS, particularly related to the market impacts of the project as a result of the economic decline and over saturation of the casino market place, as well as the provision of adequate housing and impacts on local schools, are of great importance to the City. Section 3.7 Socioeconomic Conditions, page 3.7-1, states that most of the 498 tribal members live within a 50 mile radius of the City of Cloverdale and that numerous children of tribal members attend local schools. Assuming that employees will travel as much as 100 miles round trip for employment anticipated to pay less than \$30,000 a year is impractical, fails to adequately analyze the project's impacts on affordable housing in Cloverdale, and undermines one of the City's key General Plan goals which is to achieve a 1:1 jobs/housing ratio. To assume other cities that have already absorbed the impacts of other casinos will also assume the housing needs of this project is short sighted; as is assuming employees will rely solely on a shuttle for transportation to commute long distances to and from work.

↑ G-20.5

In addition, page 3.7-2 states that between 1990 and 2008 the City of Cloverdale was the fastest growing City in the County. This information is dated and no longer factual; the 2010 Census indicates Cloverdale's population was 8,618 and continues to hover near that number today. The City has experienced a dramatic drop in population and housing unit growth as a result of the Great Recession; the population is stagnating and new development has virtually ceased to exist in the last 6 years. In fact, the current ABAG forecasts set forth in Plan Bay Area support this data, showing Cloverdale is not expected to meet the population buildout under the General Plan until 2040, ten years later than previously projected. Furthermore, the socioeconomic data presented dates to 2008, pre-Great Recession when many people lost jobs and their homes due to the dramatic decline in the economy; the EIS does not accurately depict the current condition in the City including current population, housing or job growth estimates. Given the age of data as well as the significant changes in the economy that have occurred since 2008, the accuracy of the analysis of the EIS does not represent current conditions and therefore inadequately analyzes the potential impacts on housing, population and schools. Overstating current

↑ G-20.6  
↓

conditions is a flawed basis from which an accurate assessment cannot be made including appropriate mitigation for impacts.

↑ G-20.6  
 cont.

Finally, and as stated previously, the lack of available market data that provides a basis for the assumptions in the EIS and substantiates the viability of the project must be demonstrated in the EIS. Since the City's 2010 comment letter was initially submitted, the economy has continued to decline and new facilities have been planned, approved and/or constructed - including the Graton Rancheria in Rohnert Park, Alexander Valley Resort in Cloverdale, Saggio Hills in Healdsburg and the Green Center in Rohnert Park - all of which will contribute additional hotel rooms, event space and entertainment venues to the region and result in oversaturation.

G-20.7

With the recent opening of the Graton Rancheria in Rohnert Park, the Dry Creek River Rock Casino has experienced a substantial decline in revenue; the Press Democrat recently reported the Dry Creek Pomo Tribe failed to make a scheduled interest payment on bonds used to build the now 12-year-old River Rock Casino near Geyserville. The same article states, according to the Dry Creek Pomos' Chairman, Harvey Hopkins, that River Rock's revenues declined by more than 30 percent after the Graton Casino opened and that since 2011, at least two rating agencies warned that the business otherwise faced a high risk of default. Cutting 120 workers since its peak, River Rock's recent decline is a direct demonstration of the potential for market oversaturation and stands to further question the long term viability and sustainability of the proposed 596,000 square foot project. The future viability of the project is of paramount concern to the City - particularly the potential impact to existing commercial uses of having almost 600,000 square feet of vacant space in the community and impacts to vital City services.

Construction of a casino, hotel and related entertainment amenities on the fringe of the City will have detrimental impacts on existing businesses, hotels, and restaurants; many of which are already struggling under current economic conditions. As sales are pulled from these local establishments and into the casino, the City's commercial retail and business districts such as the downtown core and Furber Shopping Plaza will suffer a significant loss of retail sales - directly in opposition to the stated goals of the City's General Plan to create a vibrant and economically strong core. This loss of sales will result in greatly reduced sales tax revenue and transient occupancy tax revenue resulting in a direct impact to the City's already challenged General Fund.

G-20.8  
 ↓

Ms. Amy Dutschke

June 2, 2014

Page 7

The City remains committed to working with the Tribe cooperatively and on a government to government basis to resolve its concerns. ↑ G-20.8  
cont.

Very truly yours,



Jose M. Sanchez

Attorney at Law

JMS

cc: Mayor Russell & Honorable City Councilmembers  
Paul Cayler, City Manager  
Karen Massey, Assistant City Manager/Community Development Director

# Cloverdale Health Care District

Post Office Box 434  
Cloverdale, California 95425

May 13 2014

Ms. Amy Dutschke  
Regional Director, BIA  
2800 Cottage Way  
Sacramento CA 95825

Reg Dir	<i>[Signature]</i>
Dep RD Trust	<i>[Signature]</i>
Dep RD IS	
Route	<i>DEPT 15</i>
Response Required	<i>yes</i>
Due Date	
Memo	Ltr
Fax	

RE: FEIS Comments, Cloverdale Rancheria of Pomo Indians Fee-to-Trust and Resort Casino Project.

Dear Ms. Dutschke,

At the regular Board meeting of the Cloverdale Health Care District, the EIS in regards to the captioned casino project was discussed. With special focus to Sec 5.10-5 Public Services-Ambulance Service Agreement, it was determined that additional wording needed to be added to ensure mitigation of future impacts to the District by this project.

*We recommend mitigating the impact through providing a basic level of EMS care on site at the casino EMT-level responders with Automatic External Defibrillators (AED). (Providing basic EMT-level care should limit the number of EMS responses to the casino, thereby limiting the impact the casino has on the local community 911 response system.) This should be monitored and discussed on an ongoing basis. A financial agreement for responses to the casino which do not result in transportation and care shall be in the form of a monthly/yearly stipend based on a negotiated amount vs. actual data. If/when the responses have a greater impact than envisioned the District shall have the ability to proportionally assess the costs for additional FTE positions via negotiation. (Increased responses and transport also increase workload to vehicles, much like the Fire mitigation proposal- A proportional monetary assessment to the District vehicle replacement plan should be included in Sec 5.10-5 by negotiation.*

Thank you for your consideration in amending the relevant section of the EIS to help our District mitigate the impacts from this project.

Sincerely,



Alfred J. Delsid  
President of the Board

RECEIVED  
2014 MAY 15 AM 10:30  
PACIFIC REGIONAL  
OFFICE

G-21.1

COUNTY ADMINISTRATION CENTER  
575 ADMINISTRATION DRIVE,  
ROOM 105A  
SANTA ROSA, CALIFORNIA 95403

TELEPHONE: (707) 565-2421  
FACSIMILE: (707) 565-2624



2014 MAY 29 PM 3:44

ASSISTANT COUNTY COUNSEL  
SHERYL L. BRATTON

OFFICE OF THE COUNTY  
COUNSEL  
BRUCE D. GOLDSTEIN  
County Counsel

Letter G-22

CHIEF DEPUTIES

C. DAVID HURST  
GREGORY T. DION

SUE GALLAGHER  
BARBARA FITZMAURICE

DEPUTIES

JEFFREY L. BERK  
DAVID R. MCFADDEN  
STEVE S. SHUPE  
PHYLLIS C. GALLAGHER  
LINDA D. SCHILTGEN  
ELIZABETH S. HUTTON  
WILLIAM L. ADAMS  
JEFFREY M. BRAX  
JENNIFER C. KLEIN  
MARGARET A. SINGLETON  
DEBBIE F. LATHAM  
CORY W. O'DONNELL

TAMBRA CURTIS  
LISA A. PHEATT  
JOSHUA A. MYERS  
HOLLY RICKETT  
VERNE BALL  
IAN TRUEBLOOD  
ADAM BRAND  
ELIZABETH COLEMAN  
LAUREN BORELLA  
PETRA BRUGGESSER  
RYAN POKRASSO

May 28, 2014

VIA OVERNIGHT MAIL

Ms. Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, California 95825

**Re:** FEIS Comments, Cloverdale Rancheria of Pomo Indians'  
Fee-to-Trust and Resort Casino Project

Dear Ms. Dutschke,

Enclosed please find the comments of the County of Sonoma and Sonoma County Water Agency on the Final EIS for the Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project.

Please contact me if you have any questions or concerns about the enclosed comments.

Very truly yours,

Jennifer C. Klein  
Deputy County Counsel

Enclosure

Cc:

Hon. Patricia Hermosillo, Chair, Cloverdale Rancheria  
Vickey Macias, Tribal Administrator, Cloverdale Rancheria  
Karen Massey, City Manager, City of Cloverdale

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**FEIS Comments, Cloverdale Rancheria of Pomo Indians'  
Fee-to-Trust and Resort Casino Project**

**Jointly submitted by:  
County of Sonoma  
Sonoma County Water Agency**

By: \_\_\_\_\_

**David Rabbitt**

**Chair, Board of Supervisors, County of Sonoma**

**President, Board of Directors, Sonoma County Water Agency**

Date: 5/27/14

## Comments of the County of Sonoma and Sonoma County Water Agency

### **Cloverdale Rancheria of Pomo Indians Fee-to-Trust and Resort Casino Project Final Environmental Impact Statement (FEIS)**

The following comprises the comments of the County of Sonoma and Sonoma County Water Agency (SCWA) (collectively "County") on the FEIS for the above-identified project proposed by the Cloverdale Rancheria of Pomo Indians (Tribe).

G-22.1

The County takes its role as a NEPA cooperating agency very seriously. The County has openly shared its concerns in the areas in which it has jurisdiction by law, including law enforcement and other public services, use of Asti Road, the existing Williamson Act contract over project parcels, and the County General Plan. The County has freely shared the special expertise of its engineers, biologists, planners and other experts in a good faith effort to help the Tribe identify and avoid adverse impacts.

The County expected that the EIS and Bureau of Indian Affairs (BIA) would use the County's "environmental analysis and proposals . . . to the maximum extent possible consistent with its responsibility as lead agency." 40 C.F.R. § 1501.6(a)(2). In a January 30, 2002 memorandum to the heads of federal agencies, the Council on Environmental Quality explained that cooperating agencies provide significant benefits to the NEPA process, including disclosing relevant information, applying available technical expertise, and establishing a mechanism for addressing intergovernmental issues. *See* <http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.html>. More importantly, the CEQ explained that enhanced cooperating agency participation fosters intergovernmental trust and partnerships at the community level, and enhances the ability of lead agencies to adopt environmental documents. *See id.*

Unfortunately, the FEIS does not use the County's environmental analysis and proposals "to the maximum extent possible." 40 C.F.R. § 1501.6(a)(2). Instead, the FEIS declines to respond to many County comments, dismisses others in a sentence, and rejects even modest suggestions like defibrillators and rainwater harvesting. The FEIS inappropriately defers the analysis and mitigation of many project impacts, thus creating the possibility of future disputes.

NEPA review is not a burden or a procedural hurdle to overcome. NEPA instead presents a unique opportunity for the Tribe to work with the community to identify issues and the best ways to address them. NEPA is an opportunity to create community

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partnerships and build intergovernmental trust, and thus avoid disputes as the project moves forward. The County requests that the BIA and Tribe reconsider the Draft EIS comments discussed below, and consider new information also identified below, including severe drought conditions affecting the site, and revise the FEIS to more squarely disclose, evaluate, and mitigate the very real concerns expressed by the County and the community.

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cont.

## **I. Alternatives**

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NEPA requires that an EIS must “inform decisionmakers and the public of the reasonable alternatives which would minimize adverse impacts or enhance the quality of the human environment.” 40 C.F.R. § 1502.1. As a result, in Comments 9.3 and 9.4, the County explained that the EIS must be revised to include an alternative that would reduce the project’s significant air pollution impacts to less than significant. The County explained that it is feasible to avoid significant project impacts to air quality through a combination of mitigation measures and reduced scope of some project components, and that it is legal error to exclude that alternative.

The responses in the FEIS essentially confirm the County’s comments. Response 9.3 confirms that air quality impacts would be significant under all of the alternatives currently proposed. Response 9.4 confirms that the current alternatives would all result in significant adverse impacts for one or more air pollutants. Like the DEIS, the FEIS does not inform the decisionmakers and the public of an alternative that would reduce these impacts to less than significant.

This approach continues to violate NEPA. See Southeast Alaska Conservation Council v. FHA, 2011 U.S. App. LEXIS 9097, \*14-\*16 (9<sup>th</sup> Cir. May 11, 2011); NEPA Forty Questions, No. 2(a) (reasonable alternatives are not limited to those that are “desirable from the standpoint of the applicant”). Without an alternative that reduces air quality impacts to less than significant, the FEIS does not make “a good faith effort to find an adequate range of ways to fully and realistically meet the identified need or purpose of the proposed action.” BIA NEPA Handbook, Section 4.4(D); see also 40 C.F.R. § 1502.14 (evaluation of alternatives is the “heart” of a NEPA document).

## **II. Air Quality**

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The County’s Draft EIS comments attached a letter prepared by Illingworth & Rodkin, Inc., and incorporated its contents “as if fully set forth in this comment letter.”

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The letter is again attached to the present comments on the FEIS, as the comments contained therein are still relevant to the FEIS, with few substantive exceptions. Illingworth and Rodkin reviewed the FEIS and responses to its comments on the DEIS and has provided additional comments, which are also attached to and incorporated by reference as if fully set forth in this comment letter. In short, the FEIS continues to fall short in its analysis of air quality, GHGs, and noise impacts, as explained by Illingworth and Rodkin, and the document should be revised accordingly.

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cont.

#### **A. Greenhouse Gases (GHGs)**

The FEIS declines to evaluate the project's consistency with the BAAQMD CEQA significance threshold of 1,100 metric tons/year of CO<sub>2</sub>e because the Notice of Intent for this project was submitted before BAAQMD adoption. That refusal is inconsistent with the BIA's own practice and is legally unavailing. The Lytton Residential Project was similarly initiated before adoption of the BAAQMD thresholds, but the Final Environmental Assessment correctly compares project emissions to the BAAQMD threshold and imposes mitigation measures intended to reduce the impact to below 1,100 metric tons. Lytton Final EA, Volume 2, at 3-21, 4-9, 5-5 ([http://lyttonhousingea.com/documents/final\\_ea/files/Volume\\_2.pdf](http://lyttonhousingea.com/documents/final_ea/files/Volume_2.pdf)). That EA was similarly prepared by ESA for BIA consideration. The County is not aware of any authority obviating an agency's NEPA duty based on the date of the NOI or approval of CEQA thresholds by a local air district.

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It is not sufficient for the FEIS to rely on a threshold numeric threshold of 25,000 metric tons of CO<sub>2</sub>e. The FEIS has selected a significance threshold that is essentially the highest threshold ever applied to any project in the United States. After considerable effort and public input, the relevant air quality management district has identified the proper threshold for GHG impacts in the project area. This EIS should similarly employ that threshold.

The County, its cities, and public agencies across California have taken greenhouse gases and global climate change very seriously, and devoted substantial resources to reducing their own GHG emissions, developing regional emission inventories, and ensuring that private projects are consistent with the threshold established by the expert air quality management district.

While Mitigation Measure 5.4-10 has been added to the FEIS, to require purchase of GHG credits, this is only for emissions in excess of the 25,000 ton threshold. As a result, the Project will still be emitting 25,000 tons per year of new CO<sub>2</sub>e emissions

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without any offset.

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Response 9.16 claims that enforceability of FEIS mitigation measures “would be ensured through the Tribe’s government.” Allowing any applicant to self-enforce mitigation measures is not sufficient or adequate.

## **B. Criteria Pollutants**

In Comments 9.7 and 9.9, the County asked that the EIS disclose the “criteria pollutant emission factors embedded in the URBEMIS 2007 model.” FEIS at 4.4-3. The County asked “How did the EIS preparers model construction emissions? What inputs were used?” as well as “What inputs were selected? Were emissions from area sources considered, or only “Onroad Vehicle” emissions? What trip length and trip assumptions were used? How were they developed?”

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The FEIS does not answer any of these questions. Responses 9.7 and 9.9 simply note that the URBEMIS program does not supply input files. Input files are not necessary to answer any of these questions, however.

In addition, the FEIS and its Appendix C do not include the emissions documentation and traffic data used to model CO levels. The reader has no ability to verify that the appropriate assumptions were used to model CO. The EIS should provide (or refer the reviewer) to a CO analysis conducted following the Transportation Project-Level Carbon Monoxide Protocol was approved by U.S. EPA, the Federal Highway Administration and California for determining project-level carbon monoxide impacts of transportation projects. This is the guidance required for making CO conformity determinations in California.

↑ G-22.6

Response 9.8 seeks to avoid analysis and mitigation of construction emissions because the Tribe considers construction to be “short term.” In fact, only construction lasting for one building season (or one year) or less is considered a short-term project.

↑ G-22.7

In Comment 9.10, the County asked why the Draft EIS omitted all analysis of CO conformity in the San Francisco Bay Area Air Basin. Response 9.10 does not answer this question, except to implicitly admit that no conformity analysis has been conducted except a “refined” analysis to determine localized impact. The fact remains that this federal action would result in CO emissions in excess of the General Conformity de minimus levels, and a CO Conformity determination is therefore required. No such determination is included in the FEIS and there is no mention of a CO Conformity

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## Determination.

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In addition, as the County previously indicated, the FEIS did not follow the requirements outlined in the Transportation Project-Level Carbon Monoxide Protocol approved by U.S. EPA, the Federal Highway Administration and California for determining project-level carbon monoxide impacts of transportation projects. This is the protocol used for determining whether or not projects conform with applicable State Implementation Plans that pertain to carbon monoxide. The modeling shown in Appendix C indicates that this protocol was not used. Appendix C did not include information regarding how emissions or traffic inputs used in the model were developed.

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Response 9.11 relies on Mitigation Measures 5.4-1 through 5.4-4 to claim that the project's significant construction emissions have been addressed. Those mitigation measures are out of date, vague and no longer recommended by BAAQMD. The EIS should apply the most recent version of mitigation measures recommended by NSCAPCD or BAAQMD.

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In Comment 9.12, the County pointed out that the recent ROD for the Graton Rancheria Casino and Hotel Project includes measures to mitigate that project's significant emissions of NO<sub>x</sub> and other pollutants. Response 9.12 begins by claiming that these measures were proposed "first and foremost" to comply with General Conformity requirements. This alleged motivation is irrelevant; like the Graton project, this project would result in significant adverse air quality impacts. Those impacts must be mitigated.

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Response 9.12 then notes that tribes "have had challenges" obtaining emission reduction credits (ERCs). This statement is irrelevant; obtaining ERCs is feasible, and the FEIS wisely does not claim to the contrary. In addition, ERCs are only one of many feasible measures to reduce project impacts. Under NEPA, it is the job of the BIA and the Tribe to investigate and require ERCs—and all other feasible mitigation—to reduce the project's significant adverse impacts on the community.

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### C. Toxic Air Contaminants (TACs)

In Comment 9.13, the County explained that the Draft EIS did not identify any threshold of significance for TAC emissions and human health risks, provided no analysis or evidence supporting its claims that construction and operation impacts would be less than significant, and did not even contain a health risk assessment.

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Response 9.13 does not address the County's comments except to claim that a health risk assessment is not necessary. This claim is without merit. The FEIS concedes that the project would generate TACs through diesel buses and delivery trucks, both of which would be substantial for the casino proposed by Alternative A. The FEIS admits that the project proposes long-term construction of two years. And the FEIS admits that the nearest sensitive receptor is just 250 feet away.

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The EIS must address whether TAC emissions from project construction combined with operation (delivery truck, bus, patron traffic, and combustion equipment) would cause significant TAC exposures. The obvious and most appropriate means to address this issue is in the form of a human health risk assessment. The fact that the nearest sensitive receptor is 250 feet from the project site strengthens this conclusion, since the BAAQMD screening guidance indicates that minimum screening distance for any construction project is 90 meters (or nearly 300 feet). See <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>. Based on BAAQMD guidance, the EIS should be revised and recirculated to provide a health risk assessment of TAC emissions.

In Comment 9.14, the County explained that the Draft EIS included no explanation or data demonstrating that Mitigation Measures 5.4-6 and -7 would reduce TACs. Response 9.14 ignores the County's comment and does not quantify any reduction that Mitigation Measures 5.4-5 and 5.4-6 would have in reducing total operational emissions, leaving the reader to wonder if they would have any effect at all. The mitigation measures are vague and their effectiveness would vary considerably depending on how they are implemented. Some mitigation measures would not be implemented unless they were determined to be feasible, with no definition of "feasible." The FEIS includes no commitment to implement these measures at all.

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The FEIS still does not quantify the impact of TACs on the environment, and provides no support for its continuing claim that Mitigation Measures 5.4-6 and 5.4-7 would reduce impacts to a less than significant level. Furthermore, Mitigation Measure 5.4-6 would affect emissions mostly off site away from the project, and Mitigation Measure 5.4-7 would have a small effect. Mitigation Measure 5.4-7 essentially requires diesel powered vehicles under control of the proposed project to operate in accordance with all other diesel vehicles that operate in California, which is hardly an effective mitigation measure.

## D. Odors

The FEIS continues to include no facts or real analysis of potential odor impacts. If approved, the project described in the FEIS could construct a wastewater treatment plant that has no odor controls and could cause significant odors. Odor control would then only be addressed after the fact and, therefore, the public could be exposed to significant odors for an extended period. Adequate odor control would only be addressed after complaints are received from the public, an agency has verified the complaints, an engineering solution is developed to address the situation, and then construction or installation of odor control occurs. This would be a clearly unacceptable significant impact that should be avoided in the first instance. Mitigation Measure 5.4-8 should identify the appropriate odor control equipment and plant design that would be included in the wastewater treatment facility to avoid odors (e.g., enclosed headworks).

G-22.15

## III. Traffic and Transportation

In Comment 9.19, the County repeated its request that the EIS evaluate the construction of a roundabout as an alternative to a traffic signal at the primary project driveway onto Asti Road, a County road. The County explained that a traffic signal would result in significant additional costs to monitor and maintain, and commented that the EIS should require the Tribe to enter a maintenance and operations agreement with the County prior to installation of any signal.

G-22.16

The FEIS and Response 9.19 do not analyze a roundabout as an alternative to signalization. Response 9.19 implies that a roundabout would be less desirable because of the potential for landscaping maintenance, but includes no actual conclusions. Of course, a roundabout need not require any landscaping maintenance at all if no landscaping is planted, and nothing more than de minimis maintenance if planted with native plants. The FEIS should revisit its implication that the possibility of landscape maintenance costs excuses all need to evaluate a roundabout in the EIS.

In addition, the FEIS does not adequately address the economic impact of a signal. While Mitigation Measure 5.8-1 has been revised to require the Tribe to enter into a signal maintenance agreement with the County, the FEIS continues to be silent on the significant operational costs associated with a signal.

In Comment 9.23, the County commented that the EIS should be revised to disclose and mitigate the significant adverse impacts of Alternatives D and E, including the creation of level of service E or F at Asti Road and the project access.

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The FEIS does not address the comment except to cite the City of Cloverdale General Plan. The City's General Plan is not on point, because the subject intersection is within County jurisdiction. The Highway Capacity Manual states that "LOS for a two-way, stopped control intersection is defined in terms of its individual movements. With this in mind, total average vehicle delay (i.e., average delay of all movements) for a two-way, stopped-control intersection should be viewed with discretion." Alternatives D and E would result in an unacceptable delay for the westbound approach, and that requires mitigation.

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In Comment 9.27 the County referenced the 2010 Sonoma County Bicycle and Pedestrian Plan and indicated that bicycle parking policy and guidelines in that plan are relevant to the Project. Nowhere in the FEIS has the Tribe committed to adopt the adequate bicycle parking described in that Policy. Various "bicycle recommendations" are made in section 4.8-6 of the FEIS, including provision of short-term and long-term bicycle parking. None of the recommendations are included as mitigation measures, with one exception for installation "of either an off-street path or sidewalk along Asti Road between the SMART track/multi-use trail crossing of Asti Road and the project site entrance."

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In Comment 9.28, the County explained that the EIS should assess the project's potential to damage to pavement on public roads from construction traffic, and mitigate impacts by requiring the project to obtain a County encroachment permit before connecting the project access to Asti Road. The encroachment permit would require assessment of the damage during construction, repairs to maintain roads in a serviceable condition throughout the duration of construction activities, and post-construction repairs or an overlay to restore impacted roads to at least their pre-existing condition.

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The FEIS ignores this comment except to claim that project construction activities are "short-term," would not have on-going impacts, and are "not likely" to damage pavement on public roads. These unsupported conclusions do not constitute analysis under NEPA. Like any other development action, the project has the potential to track mud onto public roads, result in inadequate sight distance for travelers on the public road, and damage the pre-encroachment condition of public roads. There is no reason for the public to bear these impacts.

Response 9.29 is similarly inadequate. Alternatives B through D would require the import of approximately 30,000 cubic yards of material, necessitating more than 1,000 in-bound truck trips. These trips are not addressed in the FEIS. By contrast, the recently-approved Sutter Hospital project in Santa Rosa required the import of

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approximately 70,000 cubic yards. The impacts of the resulting truck trips were fully analyzed in the EIR for that project, and mitigated via imposition of a traffic control measure.

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In Comments 9.30 and 9.31 the County explained that the EIS should require the Tribe to construct all required road improvements prior to project occupancy/operation start-up. Without these necessary improvements, the project would result in significant and adverse congestion, traffic safety, and other impacts. Relevant levels of service, which are currently acceptable, would deteriorate to LOS E or F solely because of the project. Neither the County nor the City of Cloverdale should be expected bear the burden of these impacts.

↑ G-22.21

In response, the FEIS notes that the Tribe “has indicated a willingness to fully fund required road improvements to ensure the improvements are in-place prior to project operation start-up” and refers to Response 7.3, which states “the Tribe would commit to paying its fair share, and if necessary, can commit to fully fund the construction of the necessary roadway improvements.” The Tribe should commit, without equivocation, to fully funding these improvements and ensuring they are in place prior to project operation start-up. These improvements should be treated as a necessary part of the project, given that adequate road access to the project cannot be achieved without them.

#### **IV. Public Services**

##### **A. Law Enforcement**

The FEIS continues to assert that research is “inconclusive” on the issue of whether casinos increase crime in the general community over time. That assertion is incorrect. It is justified by a “literature review” that consisted of reading a 1999 study and statements made in support of the proposed Graton Rancheria casino project. The FEIS preparers do not cite and apparently have never reviewed the most recent and comprehensive study of this subject, Gambling in the Golden State: 1998 Forward. Prepared by the nonpartisan California Research Bureau and published in May 2006, Gambling in the Golden State surveyed the relevant research and explained that:

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crime rises as casinos attract visitors who either commit or are the victims of crime. This phenomenon may also occur in other attractions with cash-bearing participants. In addition, problem and pathological gambling increases among local residents and is associated with crimes that generate money to gamble and/or pay off gambling debts.

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Gambling in the Golden State at 5 (<http://ag.ca.gov/gambling/pdfs/GS98.pdf>).

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The report further found that casinos:

are associated with increased crime (defined as FBI Index 1 Offenses: aggravated assault, rape, murder, robbery, larceny, burglary, and auto theft) after a lag of three or four years. Prior to the opening of a casino, casino[] and noncasino counties had similar crime rates, but six years after casino openings, property crimes were eight percent higher and violent crimes were ten percent higher in casino counties.

Id. at 5, 82. The report also cited specific information from a wide variety of California jurisdictions, including from San Diego County, which has experienced a considerable increase in arrests, crime cases and calls for service on reservations with casinos. Id. at 82-83.

The FEIS should stop claiming that the relationship between casinos and crime is “inconclusive,” and instead provide a detailed analysis of the funding necessary to reduce potential impacts to less than significant.

The FEIS appears to include very few revisions in response to the County’s important concerns and comments on the DEIS regarding law enforcement services. The FEIS continues to correctly acknowledge that the project would adversely impact law enforcement services by increasing the volume of calls for law enforcement services, the number of visitors to the area, response times, and crime rates. Response 9.33 states that Mitigation Measure 5.10-3 has been revised to require approximately 2.0 to 2.5 sworn officer positions for Alternative A based on requests by the City.<sup>1</sup> However, the FEIS still fails to provide a detailed analysis or explanation of its conclusion that this is sufficient to mitigate significant impacts. The County has repeatedly commented that actual mitigation requires funding of at least one additional 24-hour patrol position, which would require at least six officers to cover the necessary shifts.

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<sup>1</sup> The City’s concerns are well-founded but not controlling, because the project site is in the County rather than the City. The Sonoma County Sheriff’s Office has enforcement authority under Public Law 280 and no plan to relinquish it.



The FEIS also continues to ignore the project's potential impacts on the rest of the criminal justice system, including SWAT, helicopter, and bomb squad services, as well as jail, district attorney, public defender, and court services.

G-22.24

## **B. Fire and Emergency Services**

Response 9.39 identifies a lack of clarity in Comment 9.39. The County intended to express that in order to adequately determine the public service impacts related to fire and emergency services, the EIS should calculate the number of annual calls for service generated by the project.

G-22.25

In Comments 9.39 and 9.40, the County explained that NEPA requires an actual analysis of project impacts on emergency service providers and jurisdictions that serve the area, and consistency with objective performance standards. The County explained that the EIS may not simply defer the NEPA analysis to an undefined future agreement between emergency services providers and the project.

The FEIS does not address these comments except to again defer all NEPA analysis to potential future agreements with the Cloverdale Fire Protection District and Cloverdale Health Care District, and perhaps until after a Tribal-State Compact. This deferral is improper. Stating that there will be contracts for emergency services does not address (much less avoid) the public safety impacts related to emergency services. Likewise, the response that "persons requiring emergency medical services are typically charged to offset the costs of providing service which helps to fund increased demands" does little to remedy the EIS's lack of analysis of what the impacts on emergency service providers and local jurisdictions are likely to be or how they will be addressed.

Furthermore, the EIS should require that the project conform to emergency services performance standards regardless of the providing entity. The EIS should specify objective standards for the response times and number of personnel for the initial responder, as well as second and additional responders, such that the project would avoid adverse impacts to the community.

In its Response to the County's Comment 9.40 asking for additional details regarding future agreements with Cloverdale Ambulance and Cloverdale Fire District, including minimum standards, the FEIS references a letter of intent in Appendix N between the Tribe and the Cloverdale Fire District to enter into good faith negotiations for an agreement for fire protection services. The letter of intent, signed in April 2009, states that the Tribe and the Fire District would use their "best efforts" to enter into an

agreement by May 1, 2010. Four years later, no agreement has been reached. The FEIS continues to fail to provide any details, much less minimum performance based standards, for these services.

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With regard to Response 9.43, the County understands that the Cloverdale Fire District does not contain a fire prevention division in which the development standards of the project can be properly reviewed and addressed. Sonoma County Code Section 13-15(c) states that the County Fire Chief shall be responsible for plan checking and inspection of new construction and alterations, including in unincorporated areas in a local fire protection district, unless the local fire protection district notifies the County in writing that it has elected to have the local fire chief exercise those responsibilities within its jurisdictional area, and that action is thereafter approved by the Board of Directors of the local fire protection district.

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With regard to Response 9.47, the amount of water supply designated for fire suppression (500,000 gallons) may not be sufficient for the project due to the lack of information provided to date regarding the proposed buildings. The amount of water supply is dictated by the building construction type and area, information that cannot be found within the FEIS. For example, the California Building Code requires 1,860,000 gallons of water for an 80,000-square foot building of Type-V construction, and at least 540,000 gallons if the building is of Type-I construction. The EIS should provide further information regarding the construction of proposed buildings.

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In Comment 9.50, the County stated that for each alternative, the EIS should provide detailed information regarding the construction type, height, area, and use (occupancy classification) of each building. Response 9.50 states that “[t]his information is provided in Section 2.0 of the Draft EIS.” This response is not accurate. To adequately assess project impacts, the EIS needs to disclose, for each proposed building, the building height in stories or feet; the building area; the construction type; and the use of each building as defined in the California Building Code.

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An additional comment, not previously raised, is that the local ambulance provider, Cloverdale Ambulance, staffs a single ambulance with the potential for a back-up ambulance in response to surge situations. The next closest ambulances are in Healdsburg to the south and Ukiah to the north. Although current call volume is well managed by the provider, multiple calls occurring within the same time period could overtax the available resources. With limited local surge capacity and the closest available mutual aid some miles away, long wait times for ambulance response may occur; both at the casino and in the surrounding community. Longer wait times for

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Advanced Life Support delays patient access to medications for cardiac and respiratory emergencies as well as pain control. Additionally, extended wait times for ambulances mean first response Fire Department units are on scene longer waiting to hand over care to the transporting ambulance, making them unable to respond to other emergencies in the community. This situation emphasizes the need for the FEIS to provide firm details concerning how emergency medical services will be provided, and to enter into agreements with service providers in advance of project approval.

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As further mitigation, the Tribe should provide a basic level of emergency medical services (EMS) care on site at the casino. EMT-level responders with Automatic External Defibrillators(AED) can provide lifesaving CPR and defibrillation to cardiac arrest patients on site. The assessment and treatment provided by the EMTs can often eliminate the need for Fire and/or ambulance response in the case of minor injuries. When outside resources are required, EMTs operating in coordination with the 911 responders can provide a rapid and effective transition of care, minimizing the time 911 responders are out of service. Providing basic EMT-level care should limit the number of EMS responses to the casino, thereby limiting the impact the casino has on the local community 911 response system.

In addition, the Tribe should monitor the actual responses and transports from the casino and take additional steps if the system becomes stressed due to casino-generated workload, including:

- Staffing an on-site first aid station/ patient care area with an RN or Paramedic
- Contracting with an approved ALS Ambulance service provider for on-site ambulance
- Some combination of the above

### **C. Socioeconomic Impacts and Health Services**

With regard to problem and pathological gambling, the County appreciates that Response 9.55 and the FEIS require the Tribe to collaborate with the County to implement Mitigation Measure 5.7-1. As a cooperating agency, the County welcomes collaboration with the Tribe to identify and mitigate potential impacts in the Final EIS.

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For example, Mitigation Measure 5.7-1 does not address:

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- Measures to prevent gambling problems from developing. The measures described to date focus on after-the-fact steps to handle customers with evident problem and pathological gambling behaviors and disorders. See Comment 9.55.
- Measures to limit access to vulnerable adults, particularly seniors on fixed income who may be particularly vulnerable. See Comment 9.55. And limit access to ATMs.
- A requirement that employees be trained to recognize elder abuse situations and respective reporting requirements, display the appropriate hotline number, and work with local agencies in elder abuse prevention. The County raised this issue at the top of page 16 of its comments on the Draft EIS, but the FEIS does not delineate or recognize the relevant paragraph as a comment.
- A youth education program to prevent underage drinking and youth gambling. See Comment 9.61.
- Web-based education resources, including interactive online gambling self risk assessments. See Comment 9.55.
- Prevention and treatment for special populations, such as women, older adults, ethnic and cultural groups. See Comment 9.55.
- Increased costs for new programs other than additional counseling services for treatment of problem gambling. See Comment 9.55.
- The success of other employee training programs that address problem gambling. See Comment 9.56.
- Collect, study, and share data to continually develop gambling treatment and prevention programs that adequately address the needs of the community.

The FEIS unfortunately rejects even inexpensive and innocuous suggestions to address impacts related to domestic violence and sexual assault. The FEIS states that “given the uncertainty of the causal relationship between the casino gambling to problem gambling and subsequent resulting crime incidence, the socioeconomic analysis regards it likely to be too speculative to ascribe specific domestic violence/sexual assault incidences and impacts to the project.”

G-22.31

The County did not actually ask the EIS to “ascribe specific domestic violence/sexual assault incidences and impacts to the project.” The County instead noted that the Draft EIS correctly cited a predictable increase in crimes, and recommended mitigation to monitor and address impacts and cases if they occur. The County recommended monitoring to measure increased demands on the Sexual Assault Response Team (TEAM), domestic violence prevention education, working with Tribal staff and local agencies to recognize and avoid DV/SA situations, and funding for any project-related SART calls that do occur, and any services provided. These are modest, reasonable, and straightforward suggestions. The FEIS should not misrepresent them, nor dismiss monitoring and education efforts (and all other potential mitigation measures) out of hand.

In Comment 9.60, the County explained that the Draft EIS correctly projected a significant increase in crime, but did not address public service impacts related to alcohol abuse, narcotic abuse, DUI checkpoints, underage drinking, and repeat offenders with addiction disorders. The FEIS responds to this comment by stating “See Response to Comment G-9.59.” Unfortunately for the FEIS, that response does not mention any of the issues discussed in Comment 9.60. The FEIS simply ignores Comment 9.60 altogether.

G-22.32

In Comment 9.61, the County recommended specific measures to address underage access to alcoholic beverages, over-consumption, DUI checkpoints, and related impacts. The FEIS responds by stating that the Tribe would comply with whatever conditions might be imposed as part of a future license issued by the California Department of Alcohol Beverage Control (ABC). This response does not constitute analysis under NEPA. The response instead represents a deferral of analysis, and a failure to take the required “hard look” at potential impacts before project approval. The ABC license process serves a different function; it is not now (and was never intended to be) a substitute for NEPA review and mitigation.

G-22.33

Response 9.62 points to existing analysis of indoor air quality in the Draft EIS, as well as Mitigation Measure 5.4-9, but neither addresses the impact of second-hand smoke

G-22.34

on women who are pregnant or people who have breathing disorders. See Comment 9.62. In addition, neither proposes a smoke-free indoor environment or addresses the following provisions that the FEIS groups as Comment 9.62:

- A prohibition on the sale/use of tobacco products.
- Recognition of the cost-effectiveness of preventing exposure to second-hand smoke and smoke-free environments.

In 2011, the County of Sonoma adopted a No Smoking Ordinance that takes bold strides to reduce smoking in Sonoma County as part of its strategy to become the healthiest county in California by 2020. The County's goal is to reduce the percentage of Sonoma County residents who smoke to 10% through collaboration with various organizations in the County. The County welcomes a similar partnership with the Tribe.

Among its provisions, Sonoma County's No Smoking Ordinance prohibits smoking at any event on public or private property open to the general public. Smoking is also prohibited in enclosed areas in places of employment, including indoor work areas, bars, restaurants and at least 75% of guest rooms in hotels. We encourage the Tribe to adopt a similar tribal policy and to advertise and promote the Project as a "smoke-free" environment and to promote its policy with all patrons, vendors and staff, to provide a gaming environment that is both healthier and preferred by most customers. According to the JD Power and Associates 2008 Southern California Indian Gaming Casino Satisfaction Study, a large majority – 85 % - of gaming customers at casinos in Southern California report that they would prefer a smoke-free environment.

In response to County comments regarding food safety, the FEIS falsely claims that "[f]ood safety would be addressed by the anticipated Tribal-State Compact." The County is not aware of any mandate that Tribal-State compacts must "address" food safety, much less perform the NEPA-required function of identifying measures to impacts to less than significant. The possibility that a compact could "address" the issue does not relieve the NEPA duty that the EIS fully disclose and analyze impacts now, before project approval.

The FEIS should require the Tribe to enter into a pre-project approval agreement with Sonoma County Department of Health Services (DHS), or other entity, to provide food plan checking, inspections, and food-borne illness investigation services, and should detail what those services will be. The DHS is currently planning to implement a new

↑ G-22.34

↑ G-22.35

color-coded food safety placarding system to help improve communication with the public regarding food safety. As part of a regional approach to food safety, participating in this effort is recommended as both as mitigation and as a way for the Tribe to promote consumer confidence that food safety standards are met. Additionally to further mitigate impacts to public health and safety, the Tribe should be required to collaborate with federal, state, and local officials on reports of food-borne illness, Health Alerts, and Product Warning Bulletins and recalls.

↑ G-22.35  
cont.

Response 9.64a and new Mitigation Measure 5.10-6 do not identify specific issues related to disaster response, including pandemic, or the measures to be taken during an event. *See San Luis Obispo Mothers for Peace v. Nuclear Regulatory Com'n Nuclear Reg.*, 449 F.3d 1016 (2006). Instead, the FEIS again defers the NEPA analysis to a future document (in this case an emergency response plan) that is not governed or bound by any performance standards.

↑ G-22.36

#### **D. Animal Control**

Mitigation Measure 5.10-3 does not mention any inclusion of animal control services. The document should be revised to address how the project will provide for the care and control of animals that reside on the property or are brought to the premises by patrons. For example, a particular need for animal control arises when patrons endanger the lives of animals, such as when animals are left unattended in locked and sealed vehicles. The FEIS is silent as to whether the tribal government will provide animal control services directly, or whether this will be provided by a third party under contract. The FEIS should require the Tribe to provide animal care and control services, or contract with a provider of animal care and control services in advance of project approval, and to provide details of what animal care and control services will be provided.

↑ G-22.37

### **V. Water Resources**

#### **A. Water Supply**

In Comment 9.66, the County explained that the Draft EIS did not explain a clear connection between the adequacy of the City's water rights and water availability for the proposed project. Response 9.66 again defers the required analysis. Response 9.66 admits that the adequacy of the City's water rights and the water availability for the proposed project "is a consideration" and is the subject of "discussions." This response is

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inadequate under NEPA; it is the responsibility of the Tribe and its EIS to determine and document the adequacy of its proposed water supply before project approval. The need for a thorough and realistic assessment of water supply for the proposed project is more critical than ever given current drought conditions, declared “Water Emergency” (See City of Cloverdale Ordinance 691-2014 and Resolution 010-2014, attached), and mandatory water restrictions imposed by the City of Cloverdale on its water customers. Moreover following the Governor of California’s declaration of a drought state of emergency on January 17, 2014, the State of California’s Department of Public Health (CDPH) identified 17 rural drinking water systems, including the City of Cloverdale’s system, with the most vulnerable water systems in California due to drought conditions, which are at the greatest risk of running out of water. In short, the water supply is already severely impacted, and the FEIS should address mitigation for existing and future drought conditions.

↑ G-22.38  
cont.

In Comment 9.69, the County questioned the Draft EIS’s assertion that the Russian River is a gaining stream in the project area. The County noted that “in many parts of the riparian corridor it is likely that the Russian River seasonally changes from gaining stream to losing stream.” The County asked that the Tribe provide supporting well data, and re-evaluate the Draft EIS’s assertions for summer month conditions.

↑ G-22.39

In Response 9.69, the FEIS asserts without citation that water in the Russian River is at an approximate level of 271 feet in the project area. The FEIS also asserts that hydrographs for three nearby monitoring wells confirm that the highest groundwater levels in the project area are at approximately 343 feet and the lowest are at 276.6 feet, which “suggests that the Russian River is always a gaining stream in this reach.” The FEIS does not appear to include the hydrographs themselves, nor any analysis of them beyond one paragraph on page S-24.

The County has independently obtained the hydrographs and reviewed the relevant USGS contour maps, which appear to support the opposite conclusion—that the Russian River seasonally changes from a gaining to a losing stream in the project area. First, the USGS contour maps appear to show that the Russian River is at an elevation of 280 feet in the project area. In addition, historical ARM Plan data show that the thalweg in the project area ranges from approximately 275 to 280 feet NAVD 88, meaning the water surface elevation is at least 280 feet, if not several feet higher. The FEIS should provide documentation for its claim that the river elevation is actually 271 feet.

Second, the groundwater level data for well 11N10W17P002M shows many water surface elevations below the river’s 280-foot elevation, especially during summer and fall ↓



months. The well, which is located at a ground surface elevation of 292 feet, had groundwater level readings below 280 feet in 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, and 1998.

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cont.

These results accord with the findings of the 2006 USGS Report Geohydrology and Water Chemistry of Alexander Valley, Sonoma County, California, Scientific Investigations Report 2006-5115, which contains the most recent and comprehensive information concerning groundwater hydrology for the Cloverdale Area Subbasin of the Alexander Valley Groundwater Basin. The Report's preparers examined upstream and downstream gages near Cloverdale and Healdsburg to determine whether the River experiences discharges (gains) or decreased discharges (losses). Page 23 of the Report explains that:

After June 17, discharge decreased between Cloverdale and Healdsburg on most days; this pattern persisted until October 25, when discharge began to increase consistently between the two gages. The decrease in discharge is a measure of evapotranspiration along the riparian corridor, direct diversions from the river, **indirect diversions from ground-water pumping near the river**, and see page from the river into the alluvial aquifer.

Report at 23 (emphasis added).

The Report thus supports the conclusion that in the project area the Russian River changes to a losing stream in the summer and early fall, when precipitation and surface water runoff is absent or very low. The County previously commented that the administrative draft EIS did not incorporate or even reference the USGS Report. Unfortunately, the Draft EIS similarly did not incorporate or reference the USGS Report. Indeed, the EIS preparers did not even access the Report until May 2, 2011 (FEIS at 3.3-15), and have not yet confronted its evidence that the river seasonally changes from a gaining to a losing stream.

In addition, the FEIS appears to rely on groundwater level measurements at well 11N10W19F0002M for its statement that the highest groundwater levels in the project area are at approximately 343 feet. Unfortunately, the FEIS does not disclose that this well is located at a ground surface elevation of 346 feet, more than 60 feet above the project site. Groundwater elevations at that height appear anomalous and of little relevance to the project site, especially since the identified well appears located on a parcel adjacent to the project site but on a hill or other elevated area. This well is likely

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screened in a different aquifer than the proposed project well, and thus should not be used for an evaluation of water level elevations. G-22.39  
cont.

The BIA should direct the Tribe's EIS preparers to undertake a water balance that quantitatively compares precipitation to all existing and proposed diversions in the relevant watershed. The water balance should include and account for future development in the watershed that is permitted in the City and County General Plans and would require only ministerial approvals. Without this data, the EIS can not rule out the possibility that groundwater is already being replenished by Russian River water losses, and that additional groundwater pumping would directly increase Russian River losses to groundwater. The impacts upon the Russian River presented in Section 4.3.1-5 could be seriously understated in the summer and early fall months.

In addition, the limited groundwater elevation data presented to date is not adequate to evaluate the interaction of surface water and groundwater at the project site. Consequently, the FEIS does not adequately support its claim that the project does not require a surface water right because it would pump groundwater.

In Comment 9.72, the County made the innocuous suggestion that the project evaluate the potential to implement rainwater harvesting to help reduce the project's water demand. It is disappointing that the FEIS aggressively rejects even this modest suggestion. G-22.40

Page 3.3-5 (Water Resources) of the FEIR says that: "the proposed water supply well would be located on the southeastern parcel (APN 116-310-005), approximately 200 feet southwest of the western bank of the Russian River". This location is directly downstream, roughly 1300 feet from the closest City of Cloverdale wastewater pond. A sample from an existing, nearby water well is reported to contain 7.8 mg/L of nitrate-nitrogen in Table 3.3-1, which is 78% of the Federal drinking water MCL (Maximum Contaminate Level). Normal Sonoma County groundwater that has not been polluted by human activity is about 0.2 mg/L of nitrate-nitrogen, or about 2% of the Federal MCL. While it is possible that nitrate contamination is the result of normal vineyard operations which commonly results in nitrate-nitrogen values in shallow groundwater of 1 or 2 mg/L, we are unaware of any example where a vineyard has produced groundwater contamination of 7.8 mg/L of nitrate-nitrogen in Sonoma County. The most likely source of the majority of the nitrate-nitrogen contamination is the City of Cloverdale wastewater ponds on the adjoining upstream parcels. The data in Table 3.3-1 suggests that the proposed water supply well will be located within the City of Cloverdale wastewater disposal contaminate plume. G-22.41

While the proposed water well may have met the Federal limits of 10.0 mg/L of nitrate-nitrogen and less than 1.1 MPN per 100 ml of *E. coli* at the time of sampling, placing the water supply well within a sewage treatment plant contaminate plume is still an exceptionally poor choice and a high public health risk. The standard test is done for *E. coli* because this organism occurs in human fecal material in very high numbers (as much as 50% by weight of fecal material) and the test is both rapid and inexpensive. But many human pathogens such *Cryptosporidium parvum*, *Giardia* and most viruses have much higher survival rates than *E. coli* and can travel much further in the environment once they have left a human host. It is entirely possible for these pathogens to be present long after the *E. coli* has died and can no longer be detected in the legally required laboratory tests, so placing a water supply well within a potential source of these human pathogens creates an unnecessary risk to public health. ( Corso PS, Kramer MH, Blair KA, Addiss DG, Davis JP, Haddix AC. *Cost of Illness in the 1993 Waterborne Cryptosporidium Outbreak, Milwaukee, Wisconsin*. *Emerg Infect Dis* [serial online] 2003 April. Available from: URL: <http://wwwnc.cdc.gov/eid/article/9/4/02-0417.htm>. DOI: 10.3201/eid0904.020417.)

↑ G-22.41  
cont.

While the extent of the City of Cloverdale sewage treatment plant contaminate plume is not delineated, it is possible that the plume may not extend as far as the western portions of assessors parcels 116-310-035 and 116-310-040. If a water well site can be found outside of the sewage treatment plant contaminate plume it could result in a much safer water supply to serve this project. If the water source for this project were much lower in nitrate-nitrogen, there might be the added benefit of lowered wastewater treatment costs with respect to nitrogen removal. The BIA should investigate and the FEIS should be modified to identify a safer location for the water supply well for this project. Given the aforementioned drought conditions, careful consideration and analysis of the location of wells and resulting water quality is of paramount importance.

## **B. Wastewater and Water Quality**

Page 3.36 states that the water supply has been tested and none of the results exceed the applicable Maximum Contaminate Limits (MCLs). However, Table 3.3-1 shows *E. coli* (which is fecal coliforms) at 110 MPN/100 ml, which exceeds all State and Federal limits for potable water. The EIS should clarify this issue, and include any lab results for *E. coli* or total coliforms in Appendix K.

↑ G-22.42

In addition, while the FEIS now measures for nitrate, which is one of the most common contaminants in Sonoma County, the reported levels still pose a risk to public

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health. Nitrate prevents blood from carrying oxygen, and is especially dangerous for pregnant women and children. Table 3.3-1 continues to not list phosphates or phosphorous-containing compounds. Without this information, the FEIS does not properly disclose or analyze project impacts, including potential project contributions to future contamination. This flaw is not remedied by Mitigation Measure 5.3-3, which states only that in the event the water supply well becomes contaminated with nutrients or pathogens associated with the project some further action will be taken.

↑ G-22.43  
cont.

Moreover, page 3.35 of the FEIS states that the South Cloverdale Water District water well is operating on the project site and that the 6-acre Water Company has a water supply well adjoining the site. If groundwater under this site is already as high as 7.8 mg/L of nitrate-nitrogen as reported in Table 3.3-1, then only a small amount of additional nitrate pollution (2.3 mg/L) from project wastewater disposal will push groundwater supplies over the Federal MCL for nitrate-nitrogen of 10.0 mg/L, thus jeopardizing the current groundwater uses in this area. Under these circumstances a detailed nitrogen analysis is warranted. The nitrogen analysis should accomplish all of the following:

- Provide an engineered estimate of the nitrogen levels expected in the wastewater produced by this project.
- Evaluate the extent of current nitrate pollution and calculate the maximum concentration of nitrogen that can be disposed of on this site without causing groundwater to exceed the Federal standard of 10.0 mg/L of nitrate-nitrogen.
- Provide a specific example of wastewater treatment technology that will provide the required treatment levels.
- Specify that a wastewater treatment system equal to or better (with respect to nitrogen removal) than the example specified in number 3 above, will be employed by this project.
- Provide a reasonable plan to do mitigation monitoring to ensure that wastewater disposal by this project does not cause groundwater to exceed the Federal standard for nitrate-nitrogen and does not jeopardize current groundwater uses.

Page 4.3-9 states that only a 50-setback will be maintained between water wells and spray fields for treated wastewater. The County standard is 100 feet, because in the County's experience 100 feet is necessary to avoid contamination. The State standard for leachfields is also 100 feet.

G-22.44

In Comment 9.73, the County requested additional details regarding the "constant flow membrane bioreactor" that was mentioned in the Draft EIS but not described in any way. Response 9.73 aggressively refuses to provide any additional details.

G-22.45

With regard to Comment 9.74, it appears that after reclamation and recycling, roughly 30 MG and 20 MG (without and with recycling) would be discharged through percolation into the ground. The FEIS depicts 291 inches (~24 feet) and 202 inches (~16.5 feet) of applied discharge over 4 acres over the summer months (Appendix J, Attachment 2), without and with recycling, respectively.

G-22.46

The ground water depth ranges between 6 feet to 23 feet below ground surface. FEIS, Section 3.3 Water Resources. As a result, it appears the treated effluent discharged to the four acres of vineyards would co-mingle with ground water and likely interact with the Russian River. The Russian River is considered a sensitive water body and is 303(d) listed for nutrients and pathogens, both of which are components of domestic waste. As a result, greater detail is needed to evaluate the wastewater treatment and the potential impact to the groundwater table and the Russian River. As noted above, the FEIS does not discuss the wastewater treatment system beyond stating that a "constant flow membrane bioreactor" would be used. In addition, the FEIS does not address the project's potential impact to groundwater and/or the Russian River from the treated effluent discharge.

The County appreciates that the FEIS includes a new Appendix Q, and that the BIA granted the County additional time to review it. Unfortunately, the new appendix and Response 9.75 do not include any of the details necessary to review and evaluate project impacts. Instead, like other impacts, the FEIS defers all discussion of the proposed subterranean detention system, piping network, and upland drainage release system until after project approval. This approach appears intended to avoid public review and comment, and precludes informed decisionmaking.

G-22.47

In Comment 9.77, the County noted that in the Draft EIS the Tribe had expanded the acreage available for irrigation, but explained that the project should seek further ways to avoid discharging effluent to the ground and the groundwater table. Response

G-22.48

9.77 reiterates what the County already knew, and does not address the impacts of discharging effluent to the ground. The project continues to rely heavily on percolation, creating potentially significant adverse impacts.

↑ G-22.48  
cont.

In Comment 9.78, the County asked about the quality of effluent treated by the City. Response 9.78 refers the County to other responses in the FEIS, none of which appear to address this issue.

↑ G-22.49

#### **D. Storm Water Runoff and Flood Control**

The County has reviewed the significant concerns raised by the Environmental Protection Agency in Letter G-4, as well as the responses and cross-references. The FEIS never passes on an opportunity to point out that this project is not required to comply with zero net fill and other County requirements, but it misses the real point. Zero net fill is not a technical or esoteric standard, but a Countywide requirement that is necessary to avoid adverse impacts. The project's failure to comply with the requirement indicates that the project will in fact result in significant impacts.

↑ G-22.50

Indeed, the FEIS discloses that the project would result in an 0.67-foot elevation change in the 100 year flood event. Unfortunately, the FEIS does not provide calculations to support or verify this finding. This estimate appears to be based on spreadsheet calculations, not a HEC-RAS model. The HEC-RAS computer software is the recognized standard for evaluating potential elevation increases due to encroachments into flood plains. Further, the spreadsheet calculations have not been provided for review. All calculations and modeling should be provided to verify the conclusion.

#### **V. Land Use and Agriculture**

Responses 7.13 and 9.82 predictably note that local land use policies would not apply if the project site is ever taken into trust. These responses miss the point. The legal applicability of local land use regulations after project approval is not relevant to the NEPA-required determination of whether the project, as proposed, is consistent with General Plans and zoning. It is not appropriate to suggest that this NEPA document need not mitigate land use impacts because the project, if approved, would not be subject to local land use plans. Instead, the BIA's NEPA Handbook requires the disclosure of inconsistencies with "Land Use Plans," as well as violations of "local law or requirements imposed for the protection of the environment." BIA NEPA Handbook, Sections 4.4(E)(7)(g), 5.2(B)(10), and 5.2. The BIA NEPA Handbook correctly makes

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no distinction for trust projects that, if approved, would be exempt from land use plans or local laws. G-22.51

The responses also miss the fact that local General Plans and land use regulations are real, substantive requirements. The Sonoma County General Plan is the constitution for future development and the embodiment of the community's long range vision of city-centered growth and natural resource protection. The FEIS should not disrespect that community vision by declining to acknowledge and mitigate significant General Plan and zoning inconsistencies. The EIS should be revised to include appropriate mitigation measures, including but not limited to the preservation of other open space and agricultural lands to buffer the project land.

Responses 7.14 and 9.84 inappropriately minimize the importance of the Tribe's Williamson Act contract with the County. The Tribe's intended "Notice of Non-Renewable" would cause the contract to expire over a ten year period of time. During this ten year phase-out, the contract restrictions remain in full force and effect. A contract may only be canceled if the Board of Supervisors finds the cancellation is consistent with the purposes of the Williamson Act and that the cancellation is in the public interest. Furthermore, Government Code § 51282 states that "The existence of any opportunity for another use of the land involved shall not be sufficient reason for the cancellation of the contract. A potential alternative use of the land may be considered only if there is no proximate, non-contracted land suitable for the use to which it is proposed the contracted land be put."

## **VI. Visual Resources**

The FEIS continues to address the project's significant adverse visual impacts in a cursory and inadequate manner. The County previously transmitted a copy of the Sonoma County PRMD Visual Assessment Guidelines. The FEIS has ignored these Guidelines to its own detriment, because the Guidelines provide a framework for a real analysis and "hard look" at visual impacts. The Guidelines facilitate the identification of impacts through establishing the level of visual sensitivity of the site and characterizing the visual dominance of the project in terms of its form, line, color, texture, and lighting. The FEIS does not employ any of this analysis, or any other evaluation that meets NEPA's requirement of a "hard look" at project impacts. The FEIS simply asserts that no project alternative would result in a significant visual change. Any evaluation of the project's form, line, color, texture, and lighting compels a contrary conclusion. G-22.53

Response 9.92 is not adequate. The County appreciates that project signage would not employ neon, but that is only one of the many attributes of a sign that can result in significant adverse impacts. In Comment 9.92, the County recommended that the EIS impose "substantive limitations on the height, width, location, and light output of all project signage." The FEIS does not address this comment, and imposes no other performance standards on project signage. The FEIS should be revised to avoid the significant visual and safety impacts that will accompany projects signs that are unbounded by any height, width, location, or non-neon light limits.

G-22.54

### VIII. Noise

In Comment 9.95, the County explained that the Draft EIS lacked many details necessary for the public and decision makers to take the requisite hard look at noise impacts. The County attached a thorough review of the Draft EIS Noise section by Illingworth & Rodkin, Inc., and specifically commented that the EIS should be revised to disclose baseline noise levels at sensitive receptors to provide adequate comparison of existing to project noise levels. See Exhibit A-1 for Illingworth and Rodkin's updated comments on the FEIS, which are incorporated herein.

G-22.55

In Response 9.95, the Tribe claims that Table 3.11-1 and Figures 3.11-2 through 3.11-11 provide a very detailed look at the existing noise environment in the project area, including noise measurements near sensitive receptors. In fact, most measurements were made on-site or in areas significantly removed from identified sensitive receptors. Measurements LT-1/ST-1 and LT-3/ST-2 were made off-site, but not in close proximity to nearby noise sensitive receptors. To adequately represent the existing noise environment at noise sensitive receptors, noise levels should be measured and modeled at representative noise sensitive receptors.

G-22.56

Response 9.95 also states that anticipated construction noise levels at the nearest receptors are evaluated in the Impacts, 4.11.1-1, 4.11.2-1, 4.11.3-1, 4.11.4-1, and 4.11.5-1 of the Draft EIS. In fact, while the FEIS does provide estimates of construction noise levels at the sensitive receptors in the project vicinity, these levels are not compared to existing ambient levels and other appropriate criteria for speech, activity, or sleep disturbance to adequately evaluate the significance of construction noise that will last for two years.

G-22.57

Response 9.95 also concedes that FHWA RD-77-108 is not appropriate for current FHWA highway construction projects, but claims it is appropriate and commonly used by acoustic professionals in California for projecting simple noise levels from increased

G-22.58



traffic on highways. In fact, an outdated traffic noise model is not appropriate for evaluating the traffic noise level increases caused by the proposed project. Highway noise impacts should be evaluated using the FHWA Traffic Noise Model (TNM) as it contains more accurate and up to date algorithms to calculate noise emissions from complicated roadways such as multi-lane highways and off-ramps.

↑ G-22.58  
cont.

Response 9.95 also states that the EIS considered land use and noise compatibility standards. In fact, the FEIS only evaluated City of Cloverdale standards. As noted repeatedly in these comments, the project site is not in the City. The project site is in the County, and the County's 2020 General Plan noise standards should be applied to the project.

↑ G-22.59

Response 9.95 also declines to assess noise impacts from project traffic during the late nighttime hours because the entrance route to the project site (Asti Road) currently exists and no new access roads are proposed. These facts do not appear relevant. What is relevant is that, due to the 24-hour operation of the proposed facility, project traffic will not have a normal traffic distribution. The FEIS applies a "general rule" in which the  $L_{dn}$  is roughly equivalent to the peak hourly noise level when traffic noise dominates. But the Draft EIS and FEIS fail to acknowledge that traffic in the middle of the night (particularly buses) would cause an impact on the rural residents located along the access roads to the project site that would be greater than the  $L_{dn}$  noise level evaluated in the "general rule." Appropriate noise metrics would include hourly average noise levels and  $L_{max}$  levels during the various nighttime hours to determine when the greatest effects may occur based on the expected distribution of project-generated traffic.

↑ G-22.60

Response 9.95 also states that cumulative impacts are quantified in Table 4.11-5 and further discussed on page 4.16-23 of the FEIS. Table 4.11-5 identifies a noise level increase of 5 dBA (45 dBA to 50 dBA) along Asti Road north of Santana Drive under buildout conditions, and identifies this as a cumulatively significant increase in noise levels. Table 4.11-5 also shows that with the addition of the project the noise level would increase another 4 dBA (50 dBA to 54 dBA). The contribution of an additional 4 dBA over the already cumulatively significant increase is cumulative considerable, and a significant impact.

↑ G-22.61

When the predicted General Plan build-out cumulative baseline noise level plus noise contribution from each Project Alternative is compared to the existing noise level at the roadway segments at the 50-foot reference distance (as given in Table 4-11-5), it can be seen that noise levels would increase by 9 dBA on Asti Road north of Santana Drive and by 6 to 7 dBA on the US 101 south ramps north and south of Citrus Fair Drive.

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Thus, the FEIS continues to fail to identify these areas as having cumulatively significant increases in noise between the existing noise environment and the General Plan build out conditions.

G-22.61  
cont.

In Comment 9.96, the County requested that the Draft EIS be revised to include a map specifically identifying all sensitive receptors, and the distances from each receptor to roads and all proposed on-site sources of noise during both the construction phase and operational phases of the project. Response 9.96 notes that the general location of sensitive noise receptors in the immediate site vicinity is shown on Figure 3.11-2; however the distances from receptors to roads and all proposed on-site sources of noise during both the construction phase and operational phases of the project is not described. The FEIS inadequately describes the locations of sensitive receptors.

G-22.62

In Comment 9.97, the County explained that the project would impose significant construction noise on surrounding receptors for two years, that the mitigation measures proposed in the Draft EIS were inadequate, and that additional measures are needed.

G-22.63

Response 9.97 merely restates the Draft EIS and does not respond to the County's comment at all. Mitigation Measure 5.11.1a remains inadequate. The measure allows construction to begin at 7:00 am Monday through Friday, which would result in sleep disturbance, particularly if personnel arrive and start equipment prior to the official start time. In addition, the mitigation measures do not make any attempt to minimize the high levels of construction noise that would occur for upwards of two years.

The County recommends the following additional construction noise mitigation measures:

1. Limiting the allowable hours for the delivery of materials or equipment to the site and truck traffic coming to and from the site for any purpose, the start up and/or operation of noise producing equipment, and the cleaning or servicing of machinery to weekday (Monday through Friday) non-holiday hours between 7:00 a.m. and 6:00 p.m.
2. Placement of temporary noise barriers, such as mass loaded construction blankets on temporary fencing or a solid plywood construction barrier, around the perimeter of the construction staging/work areas during the entirety of its use and at the perimeter of each of the project phases before loud construction activities begin. The placement of these barriers should

not allow clear, line of sight openings for site access between the site activities and adjacent residential land uses.

↑ G-22.63  
cont.

3. A prohibition on the unnecessary idling of internal combustion engines.
4. Designation of a noise disturbance coordinator responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and require implementation of reasonable measures warranted to correct the problem. The telephone number for the disturbance coordinator should be conspicuously posted at the construction site and included it in the notice sent to neighbors regarding the construction schedule.

## **IX. Cumulative Effects**

↑ G-22.64

Response 9.104 incorrectly states that the Dry Creek Rancheria Economic Development Master Plan (River Rock Casino) proposed by the Dry Creek Rancheria Band of Pomo Indians would merely replace a tent structure with a permanent structure. In fact, that project proposes a significant expansion of gaming-related facilities as well as a substantial hotel and other non-gaming facilities at the site of the existing River Rock Casino, located just fourteen miles from the project site. This expansion was not analyzed in the Draft EIS, and is not analyzed in the FEIS.

The Tribe's alleged consideration of the existing River Rock Casino is not helpful to the County or the public, because the FEIS does not provide a copy of the "market study." If the Tribe wishes to rely on external documents to support the FEIS, it should allow the public to review them.

## **X. Conclusion**

The County remains open to working with the Tribe toward an EIS that discloses the project's significant environmental impacts, analyzes them now, and imposes mitigation sufficient to reduce or avoid them.

↑ G-22.65

Attached and incorporated fully into these comments are Exhibits A-1 through F.

## **EXHIBIT A-1**

**ILLINGWORTH & RODKIN, INC.**  
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May 16, 2014

Jennifer C. Klein,  
Deputy County Counsel  
Sonoma County Counsel's Office  
575 Administration Drive, Suite 105A  
Santa Rosa CA 95403

Sent Via Email: [Jennifer.Klein@sonoma-county.org](mailto:Jennifer.Klein@sonoma-county.org)  
Cc: Sandi Potter, Sonoma County PRMD

**Subject: Cloverdale Casino FEIS**  
**Technical Review of Air Quality, Greenhouse Gas and Noise Sections**

Dear Jennifer:

This letter describes the results of our review of the Cloverdale Rancheria of Pomo Indians Fee-to-Trust and Resort Casino Project Final Environmental Impact Statement (FEIS). Our review was specific to the FEIS's described impacts to air quality, greenhouse gas, and acoustic effects of the proposed action. We previously commented on the DEIS in a letter dated October 19, 2010.

**Air Quality and Greenhouse Gases**

**Response to Comment G-9.108,109 and 110 – Regarding Significance Thresholds**

The FEIS does not respond to this comment. No description of the source for these thresholds other than a footnote to Table 4.4.2 is provided. The FEIS does not address the comment that the emission-based thresholds for MCAQMD were not properly identified. Attachment 1 to this document describes the significance thresholds used by MCAQMD for indirect sources beginning 2003. The Districts Indirect Source Rule [Regulation 1, Rule 1-130(i)(1)] should have been used to evaluate the significance of emissions in Mendocino County. Downloaded from [http://www.co.mendocino.ca.us/aqmd/pdf\\_files/ISR\\_Policy.pdf](http://www.co.mendocino.ca.us/aqmd/pdf_files/ISR_Policy.pdf).

**Response to Comment G-9.111 – Construction Emission Methodology**

The FEIS provides no clear explanation that describes construction modeling inputs. The FEIS refers the reader to Appendix C that includes raw model output.

G-22.66

G-22.67

Jennifer Klein  
Sonoma County PRMD  
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Response to Comment G-9.114 – TAC Emissions and Health Risk

G-22.68

The FEIS continues to treat construction and operation health risks separately. Sensitive receptors could be exposed to both construction and operational toxic air contaminants (TACs), so the FEIS should address the COMBINED impact. Cancer risk is based on chronic exposure, so it is logical to address the risk of combined construction and operational cancer risk. Residences located near the project (e.g., those on Santana Drive) would be exposed to substantial emissions of TACs during construction, and then to lower emissions of TACs during operation that would in theory occur during the rest of their lives. This effect needs to be evaluated properly by performing an air pathway health risk assessment. The FEIS provides no basis for the findings.

Response to Comment G-9.116 – CO Modeling and Conformity Determination

G-22.69

FEIS is unresponsive to this comment. The analysis does not use any formal CO modeling methodology. Based on the description in the FEIS and the response to Comment G-9.10 (referred to in response to Comment G-9.116), the FEIS does not appear to have followed any appropriate guidance for modeling CO concentrations. The *Transportation Project-Level Carbon Monoxide Protocol (CO Protocol)* (University of California Davis, December 1997) is the appropriate guidance to use for modeling CO from roadways. The FEIS provides no basis for the meteorological inputs to CALINE4 (i.e., wind speed of 1.0 meters per second, sigma theta of 30 degrees, ambient temperature of 28.0 Celsius). CO concentrations are greatest in winter, when winds are light, "F" stability, low sigma theta, and quite cool temperatures. Wintertime conditions are conducive to higher CO levels and it appears the FEIS modeled summertime conditions. This is a serious flaw in the CO modeling. CO predictions should have been made for ambient air (i.e., receptor grid), rather than just confined to sensitive receptors that are several hundred feet from the highway. It appears the FEIS was arbitrary in predicting CO concentrations that would be attributable to the project, when there is standardized guidance for conducting these types of assessments (i.e., CO Protocol). The FEIS should be revised to include CO modeling consistent with the *Transportation Project-Level Carbon Monoxide Protocol (CO Protocol)*.

Response to Comment G-9.120 – GHG Emission Threshold

G-22.70

The FEIS use of the 25,000 metric-ton per year threshold is confusing and arbitrary. In response to Comment G-9.120, the FEIS refers the reader to comment G-9.15, where it states that 25,000 tons is the size of major facilities required to report emissions nationally and then refers to Response to Comment G-9.6. The 25,000 metric ton per year value is a threshold option arising from a 2010 federal *DRAFT NEPA GUIDANCE ON CONSIDERATION OF THE EFFECTS OF CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS*. On the other hand, the FEIS rejects the BAAQMD 2009 evaluations of lower GHG thresholds<sup>1</sup>, stating the Notice for Intent of the project was July 7, 2008. The FEIS is trying to paint a picture that this was the only threshold option available during preparation of the DEIS. BAAQMD published options for GHG emissions thresholds in 2009, which included an annual threshold of 1,175 metric tons per year for land use

<sup>1</sup> BAAQMD. 2009. *Workshop Draft Options Report California Environmental Quality Act Thresholds of Significance* April.

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projects. So the FEIS selected the 25,000-ton threshold that was developed after the 2008 Notice of Intent without consideration of any other thresholds being developed. BAAQMD thresholds are used by Sonoma County and most other agencies in the Bay Area. Furthermore, we are not aware of any environmental documents that use the 25,000-metric ton threshold.

↑ G-22.70  
cont.

Response to Comment G-9.128 – TAC Impacts

FEIS does not respond to the comment and states that the impacts regarding TACs were not significant. The FEIS states that diesel bus and truck travel to and from the gaming, facility, especially loading areas, would result in an increased concentration of diesel emissions in those areas, resulting in a potentially significant impact of TACS in the area. This contradicts the response to the comment. Adequate mitigation needs to be identified along with an analysis that demonstrates those measures will reduce the impact to less than significant.

↑ G-22.71

Response to Comment G-9.132 through G-9.135 – Mitigation Measures

The FEIS is nonresponsive to these comments. The mitigation measures are essentially deferred until they can make a determination if they are feasible. It appears that it would be feasible that all facility owned or leased light-duty vehicles could meet the State requirements for zero- or low-emission vehicles. What is unfeasible about charging for parking? Can the project subsidize or provide transit passes?

↑ G-22.72

Response to Comment G-9.138 – Odors and Odor Mitigation

The FEIS states that the "Sensitive receptors at these distances may be affected by odor if the facility needs maintenance and/or during stagnant meteorological conditions." The area will include stagnant meteorological conditions, so odors will occur (according to the FEIS). How will the odor control plan prevent these odors? The project design should include specific measures to prevent odors, rather than trying to solve a nuisance issue when it occurs and solutions may not be feasible at that time. Mitigation Measure 5.4.7 must include specific measures that reduce odors to avoid a significant impact, rather than waiting for the significant impact to occur. This mitigation measure is deferring the actual necessary mitigation that would be required to prevent nearby residences and business from potentially experiencing objectionable odors.

↑ G-22.73

Response to Comment G-9.139 – Energy Efficiency

Again, the FEIS is nonresponsive to the comment and deferring mitigation. How could it not be feasible to include California State Building Code standards for energy efficiency?

↑ G-22.74

Noise

Response to Comment G-9.142 - Baseline Noise

The FEIS was revised to provide noise measurement locations and noise data. After review of the FEIS noise data, we are concerned that the background levels for LT-1, which represents a nearby

↑ G-22.75  
↓

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 Sonoma County PRMD  
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sensitive receptor, are unusually high. The data quality appears suspect. According to these data, the quietest hour over 1,000 feet from the highway at a site adjacent to the project would be 50 dBA. There appears to be no other sources than the distant highway in the area of the measurement and sensitive receptor. We believe the level is actually lower and should be used to establish noise performance standards for non-traffic noise produced by the project. Based on our experience, we believe the background noise levels would be at least 5 dBA lower. Highly localized sources of sound may have affected the measurements, but would not affect the sensitive receptors (e.g., noise radiated from the power pole where the measurement was made).

↑ G-22.75  
 cont.

#### Response to Comment G-9.144 - Noise Modeling

The EIS relied on old traffic noise prediction methodology. TNM has been available since 1998. While the FEIS may be technically correct, the use of traffic noise modeling methodology that is over 30 years old in lieu of the current methodology (i.e., TNM) indicates the level of quality provided in this analysis to predict noise impacts.

↑ G-22.76

#### Response to Comment G-9.144 - Noise Impacts

The FEIS does not properly evaluate the impact of noise level increases caused by the project. Tables 4.11-4 and 5 show noise level increases along different roadway segments. The impact of the noise level change is based on the difference between built out project and the built out environment noise. The analysis should compare Project plus existing to existing conditions and then identify the project impact in terms of noise level increase. Otherwise, the analysis is not isolating the project impact.

↑ G-22.77

#### Response to Comment G-9.146 - Non-Traffic Noise

FEIS did not respond to comment regarding use of the County's General Plan stationary noise standards. Without proper noise control, residences along Santana Drive may experience elevated noise levels from mechanical equipment, especially at night. The FEIS should use stationary noise standards set forth in Table 2 of the County of Sonoma General Plan to evaluate and mitigate non-traffic noise impacts.

↑ G-22.78

Mitigation Measure 5.11.2 is not adequate. As we stated in our response to comment G-9.142, the noise measurements do not appear to be accurate to reflect the existing environment. Without adequate background measurements, an appropriate acoustical performance standard cannot be effectively implemented. The 50 dBA performance standard that is included in the FEIS Mitigation Measure 5.11.2 is either arbitrary or based on the suspect noise data collected at location LT-1. The implementation of stationary noise standards set forth in Table 2 of the County of Sonoma General Plan would ensure that a significant noise impact from non-traffic noise would not occur. Mitigation Measure 5.11.2 should be revised. Otherwise, the FEIS needs to justify the 50 dBA performance standard identified in Mitigation Measure 5.11.2. We believe that mitigating to a level of 50 dBA would not mitigate the impact appropriately and the nearby residences would be subject to annoying mechanical or other noise from the project, especially at nighttime.

↑ G-22.79

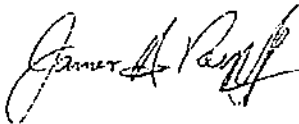


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\* \* \*

This concludes our review of the FEIS for the proposed Cloverdale Casino. Please let us know if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Reyff". The signature is fluid and cursive, with the first name "James" and last name "Reyff" being the most prominent parts.

James A. Reyff  
Senior Consultant, Principal  
*Illingworth & Rodkin, Inc.*

Job No.: 10-127

Attachment 1: MCAQMD Indirect Source Rule

## Attachment 1

G-22.80

**Functioning of the MCAQMD Indirect Source Rule**

In May of 2003 the Mendocino County Air Quality Management adopted amendments to District Regulation 1, which (among many other things) established an indirect source rule for Mendocino County.

**Purpose**

The purpose of this rule is to ensure that large development projects enact reasonable mitigation measures to reduce emissions. Unlike other indirect source rules in California it is not fee based, put permit based.

**Regulatory authority**

While this process may initially appear completed, please keep in mind it only applies to the largest projects with the most significant indirect air quality impacts, the vast majority of projects are not subject to this rule. Because supporting and enabling regulations reside in three separate places within Regulation 1 the actual structure of this rule is somewhat complex.

The first section is in Regulation 1, Chapter 1 Rule 1-130 section I(2), which contains the definition of an indirect source:

*A facility, building, structure or installation, or combination thereof, that indirectly results in, or is projected to result in unmitigated emissions in excess of the following: ROG – 180 lbs/day, NOx – 42 lbs/day, CO – 690 lbs/day, PM10 – 80 lbs/day. Projected unmitigated emissions are to be generated using the latest ARB approved version of URBEMIS with the Mountain and Rural Counties default settings, or other ARB approved indirect source model. In any model the latest available fleet, meteorology, and trip generation information will be used and the model run for each season.*

The next section is in Regulation 1, Chapter 2 Rule 1-200 (Permits) which lists the requirements for a permit (Authority to Construct)

*A written authorization shall be obtained from the District prior to starting construction, modification, operation or use of any stationary, portable, or indirect source (emphasis added) which may cause, potentially cause, reduce, control or eliminate the emission of air contaminants. A single authorization may be issued for all components of an integrated system or process. An Authority to Construct shall remain in effect for one (1) year or until a Permit to Operate is issued or denied, or the application is canceled at the request of the applicant, whichever occurs first. If the Authority to Construct expires prior to issuance of a Permit to Operate, the authorization may be extended by the applicant submitting an annual renewal fee per Rule 1-300(f). Construction not in accordance with this Authority to Construct shall be sufficient reason to deny a Permit to Operate.*

Permit fees will be calculated based on the major emissions fee table in Regulation 1, Chapter 3, Rule 1-350.

↑ G-22.80  
cont.

### **Implementation Procedure**

As a matter of policy the indirect source rule operates as follows –

**Step 1** - The applicant or the District determines if a given project is subject to the rule by running the latest approved URBEMIS model. The District recommends that any development over 75 dwelling units and all large commercial projects (20,000 sq feet) run the model.

The URBEMIS model should be run initially without any mitigation measures, even those the applicant has already designed into the project or is willing to implement, and with 80% usage of woodstoves (for residential projects only).

**Step 2** - If the project is below the emission standard set in 1-130 (above) then no further action is required by the applicant by the indirect source rule. A letter stating that modeled emissions were below the 1-130 thresholds and copies of the modeling inputs and outputs will be provided to the District for verification. The District will keep a file documenting the compliance with the indirect source rule.

If the project exceeds the emissions standards set 1-130 (above) then the applicant has the option to run the URBEMIS model with any mitigation measures (from the program) which they choose to implement to attempt to lower emissions below the threshold established in 1-130.

If emissions from the second URBEMIS run (with mitigation measures), are below those set in 1-130 then the applicant may proceed with the project without any further action under the indirect source rule, provided the mitigation measures (above) are documented and implemented. A letter stating that modeled emissions were below the 1-130 thresholds and copies of the modeling inputs and outputs, including selected mitigation measures, will be provided to the District for verification. The District will keep a file documenting the compliance with the indirect source rule.

**Step 3** - If mitigated emissions still exceed those set in 1-130, or the applicant is unwilling to implement mitigation measures, then an Authority to Construct will be required by the District. As part of the Authority to Construct process the District may require additional mitigations, or verify the proper implementation of the proposed mitigations. **The mitigation measures do not need to reduce emissions to below the threshold set in 1-130, however they must reasonably be expected to significantly reduce emissions over the lifetime of the project** (e.g. a CC&R condition banning the installation of woodstoves). The Authority to Construct may be renewed, but provided the mitigation measures are implemented no annual permit will be required.

↓

If the applicant is unwilling to implement mitigation measures then the Authority to Construct will convert to an Annual Permit to Operate and will be subject to annual renewal fees from the original project owner.

*All modeling runs must reflect the actual project that is under consideration and any changes made after the initial modeling which may result in higher emissions will require a new modeling run. Mitigation measures may include off-site mitigation.*

↑ G-22.80  
cont.

## **EXHIBIT A-2**

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October 19, 2010

Chris Seppeler  
Senior Environmental Specialist  
Sonoma County Permit and Resource Management Department (PRMD)  
2550 Ventura Avenue  
Santa Rosa, CA 95403-2829

Re: Cloverdale Casino DEIS  
Subject: Technical Review of Air Quality, Greenhouse Gas and Noise Sections

Dear Chris:

This letter describes the results of our review of the Cloverdale Rancheria of Pomo Indians Fee-to-Trust and Resort Casino Project Draft Environmental Impact Statement (DEIS). Our review was specific to the DEIS's described impacts to air quality, greenhouse gas and acoustic effects of the proposed action. Our comments are described for each discipline.

**Air Quality and Greenhouse Gases**

Setting

This section is outdated. For example, Table 3.4-1 does not reflect the current ambient air quality standards, specifically the recent changes made to the NO<sub>2</sub> and SO<sub>2</sub> standards.

The attainment status designations are outdated. For example, the San Francisco Bay Area was designated nonattainment for the 24-hour PM<sub>2.5</sub> NAAQS (final designation made in 2009) and NCAB has changed with respect to ozone.

Table 3.4-4 only contains data through 2007, when data through 2009 is available. The PM<sub>2.5</sub> 24-hour NAAQS published in the table is not correct and the table does not include the State 8-hour ozone standard.

There is no discussion regarding SB 375, which would establish regional GHG reduction targets for 18 metropolitan planning organizations in the State. This would include the San Francisco Bay Area, which would be affected by this project. The DEIS should include a description of SB

G-22.81

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375 and describe how the project may conform or hinder the integration of long-range land use, housing and transportation planning for the region.

#### Environmental Consequences

*Section 4.4 overall comment:* The DEIS does not describe the basis for significance criteria. It is difficult for the reader to understand how any of the environmental consequences pertaining to air quality would be significant.

#### *Alternative A*

*Page 4.4-1, Table 4.4-2 on page 4.4-2.*

The EIS does not describe what "Local Air District Thresholds" are based on and do not describe how they apply to the proposed project.

The emission-based thresholds for MCAQMD do not appear correct and the authors should consult with the District to determine the appropriate thresholds that apply to land use projects.

Both BAAQMD and MCAQMD recently updated their thresholds.

Table 4.4-2 should include a proper source citation. ✓

The DEIS should make clear how these apply to the proposed project (e.g., construction, operation direct emissions, operation indirect, etc...).

#### *Page 4.4-2, Impact 4.4.1-1 Construction Emissions*

The EIS should describe the emissions modeling methodology, other than to state that the emissions are based on "emission factors embedded in the URBEMIS 2007 model." The lack of this information makes the DEIS conclusion unverifiable. Please provide more construction information such as the specific inputs to the model, construction schedule, and amount of import/export of material.

The DEIS should explain the conclusion that "Based on this evaluation, construction emissions would not violate federal standards or NSCAPCD thresholds." What is the basis? How are emissions calculations related to violation of federal standards, which we assume to be the concentration based national ambient air quality standards?

#### *Page 4.4-3, Toxic Air Contaminants*

What are the criteria the DEIS used to evaluate the significance of TAC emissions?

The EIS should address whether TAC emissions from project construction combined with operation (delivery truck, bus, patron traffic, and combustion equipment) would cause significant TAC exposures.

↑ G-22.81  
cont.

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*Page 4.4-3, Impact 4.4.1-2 Operational Emissions*

The EIS should describe the emissions modeling methodology, other than to state that the emissions were estimated using the URBEMIS 2007 model. The lack of this information makes the DEIS conclusion unverifiable. The EIS should provide more information regarding trip lengths and trip assumptions used and how those were developed. What year was analyzed?

Were area sources included in the prediction of emissions for NSCAPCD? The DEIS indicates that only "Onroad Vehicle" emissions were computed. ROG emissions from area sources could be quite high and would likely change the findings for this impact with respect to ROG emissions in the NSCAPCD.

The description of how operational trips were estimated for each of the air basins is not clear. The EIS should provide information regarding the number of trips in each basin and the average distance of travel in each basin along with the basis for those estimates.

*Page 4.4-5, and Table 4.4-5*

The DEIS does not adequately describe the methodology for modeling CO concentrations. What methodology was used? The Transportation Project-Level Carbon Monoxide Protocol was approved by U.S. EPA, the Federal Highway Administration and California for determining project-level carbon monoxide impacts of transportation projects. This is the protocol used for determining whether or not projects conform with applicable State Implementation Plans that pertain to carbon monoxide. The modeling shown in Appendix C indicates that this protocol was not used. In addition, there is no information regarding how emissions or traffic inputs used in the model were developed.

Why is the DEIS addressing federal Clean Air Act General Conformity requirements in an air basin that is not considered a nonattainment or maintenance area for the carbon monoxide NAAQS? Shouldn't this analysis be applied to the San Francisco Bay Area Air Basin where traffic levels are higher?

*Page 4.4-5, Toxic Air Contaminants*

The DEIS states that the project (i.e., Alternative A) "would not itself contribute or generate toxic air contaminants." Then the DEIS goes on to conclude that diesel buses and delivery truck traffic "would result in an increased concentration of diesel emissions...resulting in a potentially significant impact." This is illogical and the conclusion in the DEIS is not supported by facts. The EIS should provide an evaluation of project TAC emissions and evaluate the significance. This analysis should include emissions of diesel particulate matter from bus and truck traffic, as well as other TAC emissions from patron traffic or equipment use.

*Page 4.4-5, Odors*

The finding in the DEIS that odors from the wastewater treatment plant could affect a substantial number of people is not based on any evaluation or facts.

↑ G-22.81  
cont.



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*Page 4.4-6 Impact 4.4.1-4 Greenhouse Gas Emissions*

The significance thresholds applied to the proposed project appear arbitrary. There should be a discussion supporting the use of these thresholds (or what the DEIS refers to as "Considerations").

The DEIS states that the proposed project "would not pose any apparent conflict with the AB 32 Scoping Plan 39 recommended actions." There was no evaluation provided to support such a statement. Some examples of possible conflict (with measures listed in Table 3.4-3) that we believe the EIS should examine are provided below:

- Measure T-3 Regional Transportation –Related Greenhouse Gas Targets. The EIS should evaluate how the relatively large volumes of traffic the proposed project would attract may conflict with these targets, given that trips lengths will be relatively long.
- Measure E-1, CR-1 and CR-2 – Energy Efficiency. The EIS should evaluate the consistency of the proposed project with respect to these measures.
- Measure GB-1 – Green Building. Again, the EIS should evaluate the consistency of the proposed project with respect to this measure.

The DEIS points out that the proposed project would contribute 0.03% of the overall statewide goal of reducing emissions by 174 million metric tons of CO2 per year, although erroneously reports this as 0.0003% in Table 4.4-6.

There is no analysis or facts to support the conclusion statement on page 4.4-7 (1<sup>st</sup> paragraph below Table 4.4-6) that the proposed project "would not be consistent with the goals of AB32 and would generate substantial amounts of greenhouse gas emissions." This statement is in conflict with the previous statement on page 4.4-6 that states the proposed project "would not pose any apparent conflict with the AB 32 Scoping Plan 39 recommended actions."

How does the EIS define "substantial amounts of greenhouse gas emissions?"

The same comments apply to the air quality assessments for Alternatives B - E. The discussion and conclusions in the DEIS for these alternatives are almost identical to Alternative A.

Cumulative Impacts

For air quality, we would have to agree with the statement that significant project impacts would be considered to have a significant cumulative impact.

Mitigation

Overall comment regarding mitigation measures: No facts or evidence are presented in the DEIS to demonstrate how mitigation measures reduce impacts to a less-than-significant level or that they would not reduce impacts enough to be less-than-significant. A fairly generic list of

↑ G-22.81  
cont.

↓

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mitigation measures appear to be somewhat arbitrarily put in the DEIS and there appears to be no analysis as to whether or not they would be effective.

↑ G-22.81  
cont.

*Page 5-3, Dust Abatement Program, Mitigation Measures 5.4-1 through 5.4-4*

The EIS should explain how Mitigation Measures 5.4-2 through 5.4-4 reduce TAC impacts to a less than significant level as described on pages 4.4-3, 4.4-9, 4.4-15, 4.4-20, and 4.4-26.

Mitigation Measures 5.4-2 and 5.4-3 are quite general and not specific. State law prohibits excessive equipment and truck idling, so perhaps the EIS mitigation should be consistent with the law and go further by requiring notification/signage and enforcement. How will the lead agency enforce Mitigation Measure 5.4-2?

Suggest the EIS include a mitigation measure that would require construction equipment meet performance standards in terms of NO<sub>x</sub> and particulate matter emissions. This is used throughout the State and NSCAPCD would probably be willing to assist the applicant in developing such a mitigation measure.

*Page 5-3 and 5-4, Transportation Motor Vehicle Measures, Mitigation Measure 5.4-5*

2<sup>nd</sup> bullet: The EIS should identify how vehicle idling times will be limited and how the measure would be enforced.

3<sup>rd</sup> bullet: Use low or zero emission vehicles for what? More explanation is necessary.

6<sup>th</sup> bullet: Does the mitigation measure propose fee parking? If so, provide detail.

8<sup>th</sup> bullet: Would the mitigation measure require the operator to provide free or low-cost monthly transit passes?

What about mitigation measures to offset project emissions? Especially those emissions in the San Francisco Bay Area Air Basin, which is a nonattainment area for NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>?

*Page 5-4, Mitigation Measure 5.5-6 Toxic Air Contaminants*

This mitigation measure should be labeled as Mitigation Measure 5.4-6 rather than 5.5-6. In addition, it is almost the same as Mitigation Measure 5.4-5, and is therefore, redundant.

*Page 5-4, Mitigation Measure 5.4-7*

As mentioned above, State Law restricts diesel vehicle idling time. Perhaps the Mitigation Measure should be revised to restrict idling times in a manner consistent with State Law and include signage and enforcement provisions.

*Page 5-5, Mitigation Measure 5.5-8 Odor Management Plan*

↓

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The mitigation measure and analysis provided in Section 4.4 provide no evidence that significant or adverse odors would occur or not occur with the proposed project. The mitigation measure is vague and defers the impact finding. There are no specific measures that would prevent or reduce the potential for odors. The design of the treatment plant with respect to odor generation is not even described. How would odors from the head works, aeration ponds, or sludge be prevented? Our interpretation of this mitigation measures is that the operator would be informed of received "strong" odor complaints. There are no performance standards. In essence, odor controls would be developed after a significant impact, where odor complaints have occurred.

*Page 5-5, Mitigation Measure 5.5-9 Energy Efficient Measures*

These mitigation measures are much too broad and not specific to the project. Is there any commitment by the project to meet verifiable energy efficiency standards (e.g., LEED standards)? By what standards would this mitigation measure be based?

What are not performance standards or emission reduction goals identified for the proposed project? Is it possible to reduce greenhouse gas impacts through a combination of design features and mitigation measures, such that the emissions would be less than significant?

**Noise and Vibration**

Setting

Noise sensitive receptors are generally identified in the text. The EIS should specifically identify the representative locations of most affected residential receptors near the project site that are referenced in the text. A graphic illustrating these locations would be helpful.

The EIS should apply the results of the baseline noise survey and baseline traffic noise modeling to establish existing ambient noise levels at the representative sensitive receptors identified as requested in Comment 1. This would support the rationale for the ambient noise measurement locations and noise modeling.

Affected Environment

*Alternative A*

The EIS should estimate construction noise levels at the most affected receptors and compare the levels to existing ambient levels and other appropriate criteria for speech, activity, or sleep disturbance.

Note that the DEIS used the outdated FHWA traffic noise model (FHWA RD-77-108), developed in 1978 to predict traffic noise levels. FHWA replaced this model many years ago with the Traffic Noise Model (FHWA TNM). As outlined in 23 CFR 772 published on July 13 2010, only use of the FHWA TNM or any other model determined by the FHWA to be consistent with the methodology of the FHWA TNM may be used for highway traffic noise assessments.

↑ G-22.81  
cont.

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The proposed project is unique in that it would be a 24-hour operation. The traffic noise impact analysis only evaluates changes in the 24-hour day/night average noise level (Ldn). The DEIS applies a "general rule" that where traffic noise dominates, the Ldn is roughly equivalent to the peak hourly noise level. However, the proposed project is not likely to have a normal traffic distribution and would probably generate traffic at night that would have a greater effect on the Ldn noise level. The EIS should discuss the potential for traffic during the middle of the night (particularly buses) to cause an impact on the rural residents located along the access roads to the project site. Appropriate noise metrics would include hourly average noise levels and Lmax levels during the various nighttime hours to determine when the greatest effects may occur based on the expected distribution of project-generated traffic during the nighttime.

The DEIS simplifies the prediction of non-transportation-related noise effects by only discussing the noise from rooftop HVAC systems. The proposed project, consisting of a large casino, hotel, and restaurant, with associated facilities is likely to include numerous sources of mechanical equipment noise. There would be several HVAC systems, possible chillers/refrigeration systems, exhaust fans, trash compactors, and possible emergency generators. Combined, these are likely to produce noise levels greater than 55 dBA at a reference distance of 100 feet. The EIS should utilize the stationary noise source standards set forth in Table NE-2 of the County of Sonoma General Plan to assess the effects of non-transportation noise sources. The EIS should present a range of expected noise levels for mechanical equipment (it is recognized that noise levels cannot be determined specifically until equipment has been selected during design). Estimated noise levels could then be made at the nearest potentially affected receptors to support the supposition that "a less-than-significant effect is expected". County General Plan standards should be used as performance standards.

The same comments apply to the noise assessments for Alternatives B - F.

#### Cumulative Impacts

The DEIS does not properly predict cumulative traffic noise impacts. The DEIS identifies noise level increases of 5 to 6 dBA along Asti Road north of Santana Drive. This would be a cumulatively significant increase in noise levels. The proposed project contributes 3 to 4 dBA to this significant cumulative impact, and therefore, should be considered to have a cumulatively considerable contribution. Much of the significant noise increase along this roadway would be the result of the project, even though it has a less-than-significant project impact.

The cumulative noise analysis should compare the predicted General Plan build-out cumulative baseline noise level, plus noise contribution from each Alternative, to the existing noise level at representative sensitive receptors (or along roadway segments at the 50-foot reference distance) to determine whether or not an adverse effect would result cumulatively from the proposed project in combination with other projects by the General Plan build out year. Otherwise, it is not possible to determine the overall increase in noise that sensitive receptors in the area would experience between now, the existing condition, and the General Plan build out.

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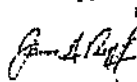
Mitigation

The EIS should state that noise from stationary sources, including HVAC equipment, shall comply with the stationary noise source limits set forth in Table NE-2 (current County interpretation) in the Sonoma County General Plan. The EIS should clarify how unnecessary vehicle idling is to be prevented from trucks in loading docks or buses in areas adjacent to sensitive receptors.

\* \* \*

This concludes our review of the DEIS for the proposed Cloverdale Casino. Please let us know if you have any questions or comments.

Sincerely,

  
Digitally signed by James Reyff  
DN: cn=James Reyff, o=Illingworth & Rodkin, Inc., email=jay@illingworthrodkin.com, c=US  
Date: 2010.10.19 09:22:10 -0700

James A. Reyff  
Senior Consultant  
Illingworth & Rodkin, Inc.

Cc Jeffrey Brax, Sonoma County PRMD

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**EXHIBIT B**

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**National Indian Gaming Commission  
Record of Decision**

**Approval of Management Contract for Gaming Facility at the  
Wilfred Site in Sonoma County, California, for the Federated  
Indians of the Graton Rancheria**

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in Section 4.0, Variant H-sub1 would have similar environmental impacts as Alternative H after mitigation, with a reduced impact to wetland features, as well as better meeting the purpose and need. Variant H-sub1 was therefore chosen as the Preferred Alternative.

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## 6.0 MITIGATION MEASURES

All practicable means to avoid or minimize environmental harm from the Preferred Alternative (Variant H-sub1 with wastewater disposal Option 3) have been identified and adopted. The following mitigation measures and related enforcement and monitoring programs have been adopted as a part of this decision. 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. By implementing these mitigation measures, it is reasonably expected that the Preferred Alternative would not result in any significant adverse impacts to the surrounding community or the environment. Specific best management practices and mitigation measures adopted pursuant to this decision are set forth below:

### 6.1 GEOLOGY AND SOILS

- A. The following mitigation measures shall be implemented to result in a less than significant impact to the development from expansive soils:
  - a. For structures with a light to moderate bearing load (one to three stories), a shallow, spread footing foundation system would be sufficient to provide support under expansive soil conditions (see FEIS Appendix K for more details and optional systems). However, a shallow foundation system shall be designed to reduce the potential for seasonal moisture variation under the buildings by providing continuous perimeter strip footings that extend below the depth of seasonal moisture variation (typically 18 inches or deeper).
  - b. For structures with a high bearing load, either a post-tensioned concrete slab, or heavily reinforced structural mat slab (shallow foundation systems), or a deep foundation system such as a drilled piers would be necessary to provide support under expansive soil conditions (see FEIS Appendix K for more detail). Shallow system designs applied to high bearing load structures will also be designed to reduce the potential for seasonal moisture variation.
  - c. To mitigate impacts to pavement caused by expansive soil, one or a combination of the following measures shall be required:
    - i. Removal and replacement with non-expansive soils.
    - ii. Lime treatment of soils.
    - iii. Design of pavement sections to withstand potential swelling pressures.
- B. All structures shall be designed in compliance with the California Building Code (CBC) Building Code (Article VI Chapter 6.04) current at the start of construction such that risks to the health or safety of workers or members of the public from earthquake hazards are reduced to a less-than-significant level.



## 6.2 WATER RESOURCES

*Surface Water***Construction Impacts**

- A. During construction, surface water quality shall be protected by using BMPs as listed in the Erosion Control recommendations found in FEIS Appendix C. These BMPs would be included in the Stormwater Pollution Prevention Plan (SWPPP) to be filed with the USEPA).
- B. A stormwater sampling and monitoring program shall be developed and implemented to assess the quality of surface water entering and leaving development sites. At a minimum, sampling sites shall include: a location upstream at an elevation above all proposed development; and a location downstream of all development, yet at an interception point prior to surface waters entering the Laguna de Santa Rosa. Analyses shall include total suspended solids (TSS), oils and grease.

**Operational Impacts**

- C. Application of fertilizer shall be limited to the minimum amount necessary and shall be adjusted for the nutrient levels in the water used for irrigation. Fertilizer shall not be applied immediately prior to anticipated rain.
- D. The garbage bin area shall be covered. Any runoff or drainage from the garbage bin area shall be directed to the sewer system and treated by the WWTP.
- E. Landscape irrigation shall be adjusted based on weather conditions and shall be reduced or eliminated during the wet portion of the year in order to prevent excessive runoff.

*Wastewater*

- F. In order to maintain the water balance described in Section 4.3.1 of the FEIS, a minimum of 50 gallon per minute (gpm) of treated wastewater shall be designated for use by the casino and hotel.
- G. The WWTP shall be staffed with operators who are qualified to operate the plant safely, effectively, and in compliance with all permit requirements and regulations. The operators shall have qualifications similar to those required by the State Water Resources Control Board Operator Certification Program for municipal wastewater treatment plants. This program specifies that for tertiary level wastewater treatment plants with design capacities of 1.0 million gallons per day (MGD) or less, the chief plant operator must be a Grade III operator. Supervisors and Shift Supervisors must be Grade II operators. An Operations and Maintenance Program must be followed by the plant operators. Emergency preparedness shall include all appropriate measures, including a high level of redundancy in the major systems.

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*Regional Groundwater*

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- H. Existing on-site wells shall be abandoned and sealed. On the Wilfred Site, two wells shall be abandoned and capped.
- I. In order to offset the groundwater used by implementation of the project, the Tribe shall implement one or more of the following measures:
  - a. The Tribe shall work with the City of Rohnert Park and Sonoma County Water Agency (SCWA) to allocate and deliver more surface water, aiding in the City's compliance with the City's settlement with the South County Resource Preservation Committee.
  - b. The Tribe may work with and compensate the City and/or SCWA to implement a water conservation program and/or a conjunctive water use program. The program shall (1) assess existing and potential sources of reclaimed wastewater within SCWA's service area, and determine potential points of use for the reclaimed wastewater, and/or (2) supplement the City's and/or SCWA's existing water conservation programs to identify and implement additional conservation measures within City and/or SCWA service areas. The program(s) shall incorporate reclaimed water use and/or conservation to an extent that would completely offset groundwater pumping associated with the selected project Alternative.
  - c. The Tribe shall participate in the creation of or create an off-site artificial recharge project, such as purchasing a groundwater well in the sub-basin and retiring the well from service in order to offset a portion of the groundwater used by implementation of the project (in lieu recharge).
- J. The Tribe shall cooperate with the conduct of the ongoing Joint USGS/SCWA Study of the Santa Rosa Plain Groundwater Sub-basin by providing its Groundwater Study and any aquifer testing and monitoring data compiled during the EIS mitigation phase. In addition, the Tribe shall join other stakeholders in participating in the *Cooperative Agreement to Provide Funding and Support Information for Santa Rosa Plain Groundwater Study* for Years 4 and 5 of the study and future supplemental studies, subject to the agreement of the other stakeholders in the Tribe's participation. If added to the agreement, the Tribe shall provide funding of an equitable share that is proportionate with other participating non-tribal stakeholders, and that considers its fraction of the municipal groundwater demand in the Santa Rosa Plain Groundwater Basin (currently about 1.8%). In addition, the Tribe shall participate in the identification and implementation of reasonable measures or action plans developed through the study, in the same manner as participating non-tribal stakeholders, and in proportion to its contribution to any basin decline identified by the study.

- K. As part of the Tribe's MOU with the City of Rohnert Park, the Tribe will contribute to help establish or support ongoing water conservation measures city-wide in Rohnert Park.
- L. Water conservation measures including use of reclaimed water for landscape watering, cooling tower makeup water, and toilets shall be implemented. In addition, the following water conservation measures shall be adopted (resulting in a water savings of approximately 12,800 gallons per day for the full size casino/hotel alternatives):
- a. Check steam traps and ensuring return of steam condensate to boiler for reuse.
  - b. Limit boiler blowdown and adjusting for optimal water usage.
  - c. Use low flow faucets and/or aerators in casino and hotel.
  - d. Use low flow showerheads in hotel.
  - e. Encourage voluntary towel re-use by hotel guests.
  - f. Use pressure washers and water brooms instead of hoses for cleaning.
  - g. Use garbage disposal on-demand in restaurant.
  - h. Incorporate a re-circulating cooling loop for water cooled refrigeration and ice machines in restaurants.
  - i. Serve water to customers only upon request at restaurants.
  - j. Use air-cooled units in central plant.
  - k. Use low volume spray rinse valve for pre-cleaning dishes.
  - l. Use low volume dishwasher.
  - m. Operate dishwashers with full loads only.
  - n. Use high pressure/low flow spray rinsers with automatic shut off for pot washing.
  - o. Reuse dishwasher wastewater for low-grade purposes such as pre-washing and garbage disposals.
  - p. Use self-contained (connectionless) vegetable steamers.
  - q. Reduce flow to minimum necessary in scrapper troughs, wash down, and frozen food thawing.

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- r. Use air-cooled ice machines.

*Localized Groundwater*

- M. The Tribe shall implement a groundwater monitoring program preceded by a pump test (see FEIS Appendix G for a detailed description of the recommended pump test and monitoring program) as soon as feasible after project approval and preferably at least one year before opening of the project facilities to the public (to allow for baseline monitoring). The pump test shall include at least one shallow monitoring well located in close proximity to the Laguna de Santa Rosa in order to verify that pumping associated with the Preferred Alternative will not affect the Laguna de Santa Rosa.
- N. The Tribe shall implement a program to compensate neighboring well owners for impacts to well operation based on interference drawdown caused by project pumping. The actual amount of interference drawdown associated with the project shall be estimated from the proposed pumping test and groundwater level monitoring program (see above and FEIS Appendix G). At least one year of baseline data and one year of data after project pumping begins should be collected prior to implementation of the following well impact compensation program:
- a. Well Usability (Impacts 1 and 2) – The tribe shall reimburse the owners of wells that become unusable within three years of the onset of project pumping for a portion of the prevailing, customary cost for well replacement, rehabilitation or deepening. The mitigation method for which reimbursement is made shall be the lowest-cost customary and reasonable method to restore the lost well capacity. The percentage of the cost reimbursed by the tribe shall depend upon the degree to which the impact is caused by project pumping vs. pumping by other wells. Reimbursement shall be for replacement in-kind; that is, for a well of similar construction, but deepened so as to restore the lost well capacity. A depreciation allowance shall be subtracted from the reimbursement amount for wells or pumps that have condition issues. In order to be eligible, the well owner must provide the Tribe with documentation of the well location and construction (diameter, depth, screened interval, pump type, etc.), and that the well was constructed and usable before project pumping was initiated.
  - b. Diminished groundwater level near or below pump intake (Impact 3) – The Tribe shall reimburse the owners of wells with pumps that require lowering within three years of the onset of project pumping for a portion of the prevailing, customary cost for this service. The percentage of the cost reimbursed by the Tribe shall take into consideration the degree to which the impact is caused by project pumping vs. pumping by other wells, and the degree to which a well's capacity may have been reduced in the absence of project pumping due to shallow placement of the pump intake. Replacement discharge piping shall not be reimbursed, and replacement of

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pumps shall not be reimbursed unless the pump was damaged due to project-related interference drawdown. In order to be eligible, the well owner must provide the Tribe with documentation of the well location and construction, including pump intake depth, and that the well was constructed and usable before project pumping was initiated. The Tribe must be made aware of the cost reimbursement claim prior to lowering of the pump intake, so that the need for possible well deepening, replacement or rehabilitation can be assessed. At the Tribe's discretion, compensation may be paid toward well deepening, replacement, or rehabilitation in lieu of toward lowering the pump intake.

- c. Increased Electrical and Maintenance Cost (Impact 4) – The Tribe shall reimburse well owners pumping more than 100 acre-feet/year for their additional annual electrical costs at the prevailing electrical rate based on the following formula:

$$\text{KWhr/year} = \frac{(\text{gallons Pumped/year}) \times (\text{feet of interference draw down})}{1,621,629}$$

In order to qualify for reimbursement, the well owner must provide proof of the actual annual volume of water pumped and/or the electrical usage associated with the pumping. As an alternative to annual payments, a one-time lump sum payment of a mutually agreeable amount could be made.

- d. No reimbursement would be made available for wells installed after operation of the project wells commences.
  - e. For any of the above impacts, the Tribe may choose at its discretion to provide the well owner with a connection to a local public or private water supply system in lieu of the above mitigation measures, at reduced cost in proportion to the extent the impact was caused by project pumping.
  - f. The known owners of identified wells within two miles of the project pumping well(s) shall be notified of the well impact compensation program outlined above before project pumping begins.
  - g. We recommend that the Tribe contract with a third party, such as Sonoma County, to oversee this well impact compensation program.
- O. The proposed storm water detention basin shall retain a portion of the storm water runoff, where it will percolate into the ground, if possible without compromising primary stormwater flow control objectives.

### 6.3 AIR QUALITY

#### Construction Impacts

- A. The generation of construction-related PM<sub>10</sub> and PM<sub>2.5</sub> emissions would cause a less-than-significant impact. However, Basic Control Measures and Enhanced

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Control Measures from Table 2 of the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines - Assessing the Air Quality Impacts of Projects and Plans are recommended as mitigation during construction.

- a. The Tribe shall designate an on-site Air Quality Construction Mitigation Manager (AQCMM) who shall be responsible for directing compliance with mitigation measures for the construction project.
- b. Basic Control Measures shall include the following:
  - i. Water all active construction areas at least twice daily.
  - ii. Cover all truckloads hauling soil, sand, and other loose materials or require all truckloads to maintain at least two feet of freeboard.
  - iii. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers to all unpaved access roads, parking areas and staging areas at construction sites.
  - iv. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - v. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- c. Enhanced Control Measures shall include the following:
  - i. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - ii. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
  - iii. Limit traffic speeds on unpaved roads to 15 mph.
  - iv. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - v. Replant vegetation in disturbed areas as quickly as possible.
  - vi. Use of construction entrances to reduce soil/dust transport off-site.
  - vii. Time-staged construction shall be used to avoid dust/open soils.

- B. The generation of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and diesel particulate matter emissions from construction equipment would cause a less-than-significant impact. However, implementation of the following basic measures are recommended during construction in order to further reduce the effects from construction activities:
  - a. To the extent that equipment and technology is available and cost effective, the contractor shall use catalyst and filtration technologies
  - b. All diesel-fueled engines used in construction shall use ultra-low sulfur diesel fuel containing no more than 15-ppm sulfur, or a suitable alternative fuel.
  - c. All construction diesel engines, which have a rating of 50 hp or more, shall meet the Tier II California Emission Standards for off-road compression-

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ignition engines, unless certified by the AQCM that such an engine is not available for a particular use. In the event that a Tier II engine is not available, Tier I compliant or 1996 (or newer) engines will be used preferentially. Older engines will only be used if the AQCM certifies that compliance is not feasible.

- d. All diesel fueled engines used in construction shall have clearly visible tags or other suitable means of identification showing that engine meets the above requirements
- e. Idle time shall be minimized to five minutes when the equipment is not in use, unless safety requirements or manufacturers specifications indicate that more time is required.
- f. Heavy duty diesel equipment shall be maintained in optimum running condition.

#### Operational Impacts

- C. In coordination with the regional transportation agency, such as the Sonoma County Transit, the Golden Gate Transit, and the potential Sonoma Marin Area Rail Transit (SMART) rail, the Tribe shall provide the following to support regularly-scheduled community transit or shuttle service to and from the nearest mutually-acceptable major transit node:
  - a. Transit shelter benches,
  - b. Street lighting,
  - c. Route signs and display, and
  - d. Bus turnouts.
- D. The Tribe shall implement feasible travel demand management (TDM) measures for a project of this type. These measures shall include, but are not limited to:
  - a. Designation of an on-site TDM coordinator.
  - b. Provisions to encourage bicycle commuting. Bicycle lanes and parking areas will be provided wherever appropriate and feasible.
  - c. Provision of transit use incentives, provision of information, printed schedules and commuter promotions.
  - d. Carpool incentives, such as monetary or other rewards will be made available to employees.
  - e. Installation of secure bicycle parking facilities at commercial areas.
- E. Buses and other commercial diesel-fueled vehicles shall comply with the California Air Resource Board's (CARB) Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2485), which requires that the driver of any diesel bus shall not idle for more than five minutes at any location, except in the case of passenger boarding where a ten minute limit

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is imposed, or when passengers are onboard. Furthermore, the Tribe shall provide a "Drivers Lounge" for bus and truck drivers to discourage idling.

- F. Where feasible, the Tribe shall use alternative fuels for casino vehicles.
- G. The Tribe shall encourage and facilitate the use of 'carpools' for construction workers and facility employees; tour buses for casino patrons to reduce vehicular use and air pollution.
- H. The Tribe shall maintain all vehicles to manufacturer's specifications.
- I. The Tribe shall ensure that buildings are oriented to take advantage of solar heating and natural cooling, and use passive solar designs.
- J. The Tribe shall ensure use of solar, low-emission, central, or tankless water heaters and install wall insulation that shall exceed Title 24 requirements.
- K. If mechanical ventilation is included in the parking structure design, the exhaust shall be vented in a direction away from inhabited areas. Directing the exhaust away from inhabited areas would reduce the impacts of parking structure-generated CO to a less-than-significant level.
- L. The Tribe shall ensure that all shift changes occur during non-peak hours.
- M. A minimum of 20 percent of landscape maintenance equipment used by the Tribe shall be electric and outlets shall be provided on the exterior of all buildings for this use.
- N. A final Conformity Determination has been issued (see FEIS Appendix W) based upon evidence of conformance with the State Implementation Plan (SIP) for NO<sub>x</sub> and CO through the purchase of 149 tons of NO<sub>x</sub> Emission Reduction Credits (ERCs). The ERCs will be purchased in the BAAQMD pursuant to an enforceable contract to purchase the ERCs before the start of construction (see FEIS Appendix W, Addendum 1).
- O. Regional air quality impacts would be reduced, but not to a level that is less than significant for ROG, NO<sub>x</sub>, or PM<sub>10</sub> with the addition of Mitigation Measures 6.3A-M. However, with the implementation of Mitigation Measures 6.3N, NO<sub>x</sub> impacts are less than significant. With the implementation of Mitigation Measures 6.3P, ROG and PM<sub>10</sub> impacts would be less than significant, assuming Mitigation Measure P is cost and technologically feasible and appropriate mitigation programs are available within the air basin (see Table 1). If Mitigation Measure P is not implemented; then a significant and unavoidable impact to air quality would remain.
- P. One or more of the following measures will be implemented to reduce ROG and PM<sub>10</sub> emissions to less than 15 tons per year and PM<sub>2.5</sub> to less than 100 tons per year.
  - a. Pave or resurface unpaved roadway(s) or roadway(s) in a deteriorated state within the San Francisco Bay Area Air Basin, which have a minimum daily vehicle count of 100 vehicles.

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- b. Contribute to a program to retrofit residential fireplaces that do not meet USEPA certification standards within the San Francisco Bay Area Air Basin.
- c. Purchase low emission buses to replace older municipal or school buses used within the San Francisco Bay Area Air Basin.
- d. Purchase hybrid vehicles to replace existing governmental fleet vehicles within the San Francisco Bay Area Air Basin.
- e. Purchase and install on-site or within the San Francisco Bay Area Air Basin; a photovoltaic array, wind powered energy, and/or other form(s) of renewable energy.
- f. Contribute a fair share percentage to the synchronization of traffic signals within the San Francisco Bay Area Air Basin.
- g. Purchase Emission Reduction Credits if available from sources within the San Francisco Bay Area Air Basin.

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cont.

TABLE 1  
MITIGATED OPERATION EMISSIONS - VARIANT H-SUB 1

Sources	ROG	NOx	PM <sub>10</sub>	PM <sub>2.5</sub> <sup>1</sup>
	tpy	tpy	tpy	tpy
Mitigated Emissions (all mitigation except 5.2.3 P)	72.38	123.07	139.61	138.49
Reduction from Mitigation Measure 5.2.3 P	57.38	123.07	124.61	38.49
Final Mitigated Emissions	15	0	15	100
Significant Effect?	No	No	No	No

Note: tpy = tons per year, N/A = Not Applicable

<sup>1</sup> CARB speciation profile shows that 99.2% of PM<sub>10</sub> is PM<sub>2.5</sub> for gasoline powered engine emissions and 92.0% for diesel powered engine emissions. 99.2% is assumed here for a conservative analysis. See Attachment 7 to this ROD for a technical memorandum demonstrating the conservative nature of this assumption.

Source: URBEMIS, 2007.

#### Odor Impacts

- Q. The WWTP shall be constructed with comprehensive odor control facilities, including the injection of odor control oxidants at the sewage lift station and construction of a covered headworks with odor scrubber at the WWTP.
- R. Spray drift from the WWTP or spray disposal field shall be monitored daily during operation by qualified personnel. Spray drift from these two sources shall not be allowed to migrate out of the plant's property boundaries. In the event that spray drift emanating from sprayfield does migrate outside of the property boundaries, operational measures shall be taken to eliminate offsite drift of spray.
- S. Spray field irrigation will cease when winds exceed 30 mph.

#### Toxic Air Contaminants

- T. Proposed commercial land uses (e.g., loading docks) that have the potential to emit toxic air emissions shall be located as far away as feasibly possible from existing and proposed sensitive receptors in accordance with CARB's Air Quality and Land Use Handbook. In addition, loading docks will provide refrigeration trucks with electrical outlets. Truck using the loading docks shall not idle for more than five minutes.
- U. Air intakes associated with the heating and cooling system for buildings shall not be located next to potential TAC-emitting locations (e.g., loading docks) in accordance with CARB's Air Quality and Land Use Handbook.

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#### Indoor Air Quality

- V. The Tribe shall ensure that ventilation of outdoor air is consistent with American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE) Standard 62-1999<sup>2</sup> under all operating conditions.
- W. To limit public exposure to environmental tobacco smoke, the Tribe shall provide non-smoking areas, or "smoke-free zones" in the casino gaming area.
- X. The Tribe shall provide non-smoking rooms in the hotel.
- Y. The Tribe shall ensure that comfort levels are acceptable to most occupants, and be consistent with ASHRAE Standard 55-1992<sup>3</sup>, under all operating conditions.
- Z. Signage shall be prominently displayed alerting patrons and employees of areas that permit smoking, noting that environmental tobacco smoke has been found to be deleterious to health, and noting the availability of a brochure(s) describing the health effects of exposure environmental tobacco smoke.
- AA. A brochure(s) describing the health effects of exposure to environmental tobacco smoke shall be made available to casino patrons in common areas that permit smoking.
- BB. Prospective employees shall be informed, prior to their hire, that indoor smoking is permitted in portions of the buildings where they may be employed.
- CC. Prospective employees shall be given a brochure(s) describing the health effects of exposure to environmental tobacco smoke.

<sup>2</sup> ASHRAE Standard 62-1999, *Ventilation for Acceptable Indoor Air Quality*, is the generally accepted standard for commercial buildings in the United States.

<sup>3</sup> ASHRAE Standard 55-1992, *Thermal Environmental Conditions for Human Occupancy*, identifies many factors that influence thermal comfort and the perception of thermal conditions. Among them are temperature, radiation, humidity, air movement, vertical, and horizontal temperature differences, temperature drift, personal activity, and clothing.



- DD. The Tribe shall ensure that significant expected sources of pollutant emissions are isolated from occupants using physical barriers, exhausts, and pressure controls.
- EE. The Tribe shall ensure that outdoor air entering the building is protected from contamination from local outdoor sources and from building exhausts and sanitation vents.
- FF. The Tribe shall ensure that provisions are made for easy access to heating, ventilation, and air conditioning (HVAC) equipment requiring periodic maintenance.
- GG. The Tribe shall ensure that occupant exposure to construction contaminants is minimized using protocols for material selection, preventive installation procedures, and special ventilation and pressure control isolation techniques.
- HH. The Tribe shall ensure the use of low-emitting building products pursuant to Integrated Waste Management Board's Section 01350 where feasible.

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#### Climate Change

As noted in Table 2, a less than significant cumulative impact to global climate change would result after the implementation of Air Quality Mitigation Measures E. In addition, the implementation of the following mitigation measures is recommended, subject to the discretion of the Tribe, to further reduce project climate change impacts.

TABLE 2  
Preferred Alternative Compliance with State emissions reduction strategies

Exec Order S-3-05 / AB 32 Strategy	Project Design / Mitigation Measure Compliance
Diesel Anti-Idling: In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	Project would be in compliance after implementation of Air Quality Mitigation Measure E.
Achieve 50 percent statewide Recycling Goal: Achieving the State's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1089, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.	Project would be in compliance as discussed in FEIS Section 4.12.
Water Use Efficiency: Approximately 19 percent of all electricity, 39 percent of all natural gas, and 58 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.	Project would be in compliance as discussed in FEIS Section 4.12.

SOURCE: State of California, Environmental Protection Agency, and Climate Action Team, 2006

- II. The Tribe shall ensure the use of low-emitting building products pursuant to Integrated Waste Management Board's Section 01350 where feasible.
- IIJ. The Tribe shall plant trees and vegetation on-site or fund such plantings off-site. The addition of photosynthesizing plants would reduce atmospheric CO<sub>2</sub>, because

plants use CO<sub>2</sub> for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the building; thus reducing heat absorption, reducing air conditioning needs and saving energy.

- KK. The Tribe shall ensure use of solar, low-emission, central, or tankless water heaters and install wall insulation that shall exceed Title 24 requirements.
- LL. The Tribe Shall use energy efficient appliances in the hotel and casino.
- MM. Environmentally preferable materials shall be used to the extent practical for construction of facilities.
- NN. The Tribe shall install a photovoltaic cell array(s) on the roof of the proposed parking garage and/or the roof(s) of other on-site structures, if feasible. The installation of photovoltaic (PV) on-site would reduce dependence on Pacific Gas and Electric (PG&E) electricity. PV cells convert energy from the sun into electrical energy with no emission of green house gases (GHGs); thus, the indirect GHG emissions would be reduced.
- OO. The Tribe shall enroll in the ClimateSmart program that is offered to PG&E customs to reduce their indirect GHG emissions from electrical generation to zero. PG&E provides electricity uses with the opportunity to become "carbon neutral" under the ClimateSmart program.
- PP. The Tribe shall purchase CO<sub>2</sub>e offsets to reduce or eliminate GHG impacts, where feasible.
- QQ. The Tribe shall increase the recycling goal noted in Mitigation Measure 5.2.8d from 25 to 50 percent.

#### 6.4 BIOLOGICAL RESOURCES

- A. For impacts to wetlands or other waters of the U.S., authorization from the USACE is required. Replacement of directly affected wetlands will be at a ratio approved by the USACE. Clean Water Act Section 401 water quality certification will also be required from the USEPA.
- B. Wetland mitigation shall be accomplished through creation/restoration of seasonal wetlands onsite and/or within an open space preserve. This creation/restoration will provide an increase in the inventory of seasonal wetlands for the area. The proposed 1.5:1 ratio of seasonal wetland restoration/creation to impacted acreage is expected to be sufficient to satisfy the ratio of replacement to impacted acreage required by regulatory agencies based on wetland functions and values present on the Wilfred Site. A detailed mitigation plan shall be designed that includes monitoring and reporting requirements, responsibilities, performance success criteria, reporting procedures and contingency requirements.

↑ G-22.82  
cont.

- C. A plan shall be developed and implemented to conserve ecological resources in the southern portion of the Wilfred Site. The plan shall address management activities to ensure maintenance of breeding, refugial, and dispersal habitats for California tiger salamander (CTS); and should provide a grazing regimen that will conserve populations of Sonoma sunshine and Burke's goldfields. The current mitigation ratios for listed plants species on the Santa Rosa Plain as required in the Programmatic Biological Opinion are based on the presence of suitable versus occupied habitat, and the potential for presence of Burke's goldfields and Sonoma sunshine; or Sebastopol meadowfoam. The site is considered to be occupied if surveys conducted using the USFWS protocol determined presence of the plants, or if the site had listed plants in the past. Protocol botanical inventories for federal listed plants on the Santa Rosa Plain consist of a minimum of three site visits per year and a minimum of two years of negative survey data within three years of project proposal submission to substantiate a negative finding. Under the Programmatic Biological Opinion, seasonal wetlands such as those present on the Wilfred Site and that are within the range of the three listed plants species are considered suitable habitat for the listed plants even if intensive surveys fail to locate their presence. This provision is necessary because seed banks are often persistent; some plant species may not produce seedlings for many years until conditions are appropriate.

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cont.

The mitigation requirements for the Preferred Alternative are shown in Table 3

TABLE 3  
Preferred Alternative Mitigation Requirement for Impacts to Listed Plant Species of the Santa Rosa Plain

	Acres
Seasonal Wetland Impacts	0.55
Mitigation – Occupied/Established Habitat	0.55
Mitigation – Established Habitat	0.275
Total Mitigation Requirement	0.775

Source: AES, 2009

- D. Development impacts on CTS aestivation habitat on the Wilfred Site have been evaluated in a USFWS Biological Opinion, issued on February 3, 2009. This approved BO requires mitigation for CTS aestivation habitat at a ratio of 1:1 within 1.3 miles of a known breeding site and 3:1 for projects that are within 500 feet of an adult occurrence.

With impacts to 81.13 acres of CTS habitat, Variant H-sub1 would require the purchase of 88.84 acres in a mitigation bank or of farmland purchase and placement under a conservation easement. Impacts to CTS aestivation habitat shall be mitigated off-site and shall consist of purchase of CTS credits from an approved mitigation bank or purchase of farmland providing suitable habitat for CTS (where CTS are known to occur) and placement of the land under conservation easement.

At least a 50-foot buffer shall be maintained between wetlands and sprayfields. Mitigation plans shall also include relocation of CTS from development areas (including locations of created wetlands), the use of biological monitors on a daily basis during construction and or excavation activities, and fencing to exclude the CTS from entering the construction zone. Prior to construction work beginning each morning, the biological monitor will check equipment for animals and CTS under construction equipment and stored pipes. The biological monitor shall also check all steep-walled holes and trenches greater than one foot in depth for any CTS. The biological monitor shall remove CTS as needed from equipment and construction-related features (i.e., trenches, holes, etc.). Purchase of credits at an off-site mitigation bank may be implemented if determined to be appropriate by the USFWS during the Section 7 consultation process.

- E. A pre-construction survey for burrowing owls shall be conducted to ensure impacts to burrowing owls, if present in the construction area, do not occur during the nesting season. The pre-construction survey shall be conducted within 30 days prior to initiation of construction activity. If active burrows are found prior to the nesting season, passive relocation measures shall be provided for each burrow in the area of the Wilfred Site, as appropriate, that is rendered biologically unsuitable. Passive relocation measures shall include the creation of two natural or artificial burrows for each burrow rendered biologically unsuitable. Daily monitoring shall be implemented until the owls have been relocated to the new burrows. This measure will reduce potential impacts to burrowing owls. Other mitigation measures may be implemented, in lieu of the proposed mitigation, including avoidance or passive relocation with one-way doors, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG, 1995).
- F. Pre-construction surveys for nesting birds shall be conducted within 30 days prior to initiation of construction activity. If feasible, construction and tree removal (grubbing, vegetation removal) should be timed to take place during late summer months and through winter, ideally from September through February, to avoid impacting nesting birds and other sensitive wildlife species. The approximate nesting season extends from February to September, with a peak nesting period between March through June. If construction or grubbing activities are to take place between late February and late June, a pre-construction survey shall be performed by a qualified biologist to identify any active nests or other special-status species, at least two weeks prior to the start of construction. If bird nests are found, appropriate buffer zones shall be established around all active nests to protect nesting adults and their young from construction disturbance. Through direct consultation with wildlife agency staff, the size of buffer zones shall be determined based on site conditions and species involved. If impacts to nests are unavoidable, consultation shall continue with specific agency guidelines followed for relocation. If construction is delayed for more than two weeks, a second survey shall be performed.
- G. All grading and clearing shall be conducted after April 15 and before October 15 of any year, depending on rainfall and/or site conditions to minimize erosion.

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cont.

Access roads and routes will be limited, as well as the construction staging area, to the minimum size required to achieve the goals of the project. A speed limit of 15 mph on dirt roads shall be maintained. These practices will limit erosion and dust borne particles.

- H. During construction, vegetation shall only be cleared from the permitted construction footprint and necessary lay-down and assembly areas. Areas cleared of vegetation, pavement, or other substrates shall be stabilized as quickly as possible and BMPs applied (erosion fencing, straw and other material applied to soils) to prevent erosion and runoff that could affect steelhead fish in the Laguna de Santa Rosa.
- I. Hazardous materials including fuels, oils, solvents, etc., shall be stored in sealed containers in a designated location at a minimum of 200 feet from aquatic environments. All fueling and maintenance of equipment shall be conducted at a minimum of 200 feet from aquatic environments.
- J. All food items and food-related trash shall be sealed in containers prior to leaving the construction site at the end of the workday; these items shall be removed from the site once every three days. This measure will limit attraction of wildlife and eliminate trash pollution in the Laguna de Santa Rosa.
- K. Where appropriate, vegetation removed as a result of project activities shall be replaced with native species that are of value to local wildlife. Native plants have a significant cultural value, are generally more valuable as wildlife food sources, and require less irrigation, fertilizers, and pesticides than exotic species.
- L. Turn off as many exterior and interior lights as possible during the peak bird migration hours of midnight to dawn to reduce potential building collisions with migration birds.
- M. Install downcast lights with top and side shields to reduce upward and sideways illumination. This will reduce potential disorientation affects from non-directed shine to birds and wildlife species.
- N. The Tribe shall make feasible changes to the parking lot design, in consultation with the USACE, to reduce wetland fill.

#### 6.5 CULTURAL RESOURCES

- A. The Tribe will implement all mitigation measures concurred upon by the State Historic Preservation Officer (SHPO) during the Section 106 consultation process, including, but not limited to, the following:
  - a. Site RPC- 5 shall be avoided by all ground disturbing activity.

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cont.

- B. To avoid potential impacts to previously unknown cultural resources, including subsurface resources, the Tribe shall include the following requirements in construction contract specifications for the project:
- a. In the event of any inadvertent discovery of archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act (NHPA) as amended (36 CFR 800). Once the land has been taken into trust for the Tribe, the inadvertent discovery of archaeological resources is also subject to the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq.) and the Archaeological Resources Protection Act (ARPA) of 1979 (16 U.S.C. 470 et seq.). Specifically, procedures for post review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. The following shall apply to the inadvertent discovery of both archaeological or paleontological resources: All work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist as appropriate, can assess the significance of the find. If any find is determined to be significant by the archaeologist, or the paleontologist, then representatives of the Tribe and BIA shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action.
  - b. If human remains are discovered during ground-disturbing activities on Tribal lands, pursuant to Native American Grave Protection and Repatriation Act (NAGPRA), Section 10.4 Inadvertent Discoveries, the County coroner, the Tribal Official, and representatives from the BIA and NIGC shall be contacted immediately. No further disturbance shall occur until the County coroner, the Tribal Official, and the BIA and NIGC representatives have made the necessary findings as to the origin and disposition.

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#### 6.6 SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE

- A. The Tribe shall provide annual payments of at least \$157,500 to Sonoma County to mitigate for fiscal impacts to Sonoma County. The County and the Tribe are free to negotiate payments greater than this amount; however, a MOU must at least provide for annual payments of \$157,500 in order to mitigate fiscal impacts to a less-than-significant level.
- B. Given that Variant H-sub1 has a gaming component that is smaller than FEIS Alternatives A-C, but still larger than most in California, the same crime mitigation payments cited in FEIS Table 5-5 (Table 4 below) and the City of Rohnert Park MOU would apply. Thus, the Tribe shall provide annual payments of at least \$500,000 to the City of Rohnert Park and \$700,000 to Sonoma County and the additional neighboring cities (distributed per Table 4).



TABLE 4  
Crime Impact Mitigation

Jurisdiction	Minimum Mitigation (dollars)
Cotati	\$12,808
Petaluma	\$102,591
Santa Rosa	\$286,923
Sebastopol	\$14,596
Unincorporated Sonoma County	\$283,082

SOURCE: Bay Area Economics, 2008. Final Socio-economic Impact Study for the Proposed Graton Rancheria Hotel/Casino Project, February 8, 2008.

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cont.

- C. The Tribe shall provide at least \$250,000 per year to a problem gambling treatment and prevention program(s). In order to maximize the effectiveness of MOU payments to treatment and prevention programs, the organization that receives the payments for problem gambling treatment must serve the Sonoma County region, and be accessible to County residents.
- D. The Tribe shall prominently display (including on any automatic teller machines (ATMs) located on-site) materials describing the risk and signs of problem and pathological gambling behaviors. Materials shall also be prominently displayed (including on any ATMs located on-site) that provide available programs for those seeking treatment for problem and pathological gambling disorders, including, but not limited to a toll-free hotline telephone number.
- E. The Tribe shall train employees to recognize domestic violence and sexual assault situations, display domestic violence hotline numbers, and work with local agencies in domestic violence and sexual assault prevention.
- F. The Tribe shall conduct annual customer surveys in an attempt to determine the number of problem and pathological gamblers and make this information available to City of Rohnert Park, Sonoma County, state, or federal gaming regulators upon request.
- G. The Tribe shall undertake responsible gaming practices that at a minimum require that employees be educated to recognize signs of problem gamblers, that employees be trained to provide information to those seeking help, and that a system for voluntary exclusion be made available.
- H. ATMs shall be not be visible from gaming machines and gaming tables.

#### 6.7 RESOURCE USE PATTERNS

##### Transportation/Circulation

Recommended intersection improvements identified in the FEIS traffic impact study (FEIS Appendix O) and the revised traffic impact study in ROD Attachment 4 are identified in Table 5. Additional detail on the recommended intersection improvements is contained in Appendix O of the FEIS and Attachment 4. Refer to FEIS Appendix O for traffic improvement recommendations that do not differ between Alternatives A and H (and hence would be the same for Variant H-sub1). Where traffic improvement recommendations differ between Alternatives A and H in FEIS Appendix O, refer to Attachment 4 for the Variant H-sub1 improvement recommendations.

In order to reduce or eliminate Variant H-sub1's traffic impact, the Tribe must pay either a proportionate share or the full cost of the implementation of the recommended traffic improvements. A proportionate share is required when the level of service (LOS) at the study intersection is recorded as an unacceptable LOS without the addition of project trips. In such cases, the Tribe shall be responsible for the incremental impact that the added project trips generate, calculated as a percentage of the costs involved for construction of the mitigation measure. The proportionate share is derived from the percentage that the added project trips contribute to the new total trips at the study intersection. The proportionate share calculation methodology recommended by the agency with jurisdiction shall be used for each individual improvement. In most cases, a full share is required when the LOS at the study intersection is recorded as an acceptable LOS without the addition of project trips. An exception to this general requirement is situations where the project's contribution to operation of an intersection may be relatively small, but sufficient to cause an intersection that is on the verge of operating unacceptably to operate at an unacceptable LOS. Note that the Tribe has independently agreed to "fund any and all mitigation improvements for Wilfred Avenue set forth in the FEIS which are within the County's jurisdiction when the improvements are made, including, but not limited to, any required acquisitions for right of way, environmental studies, and road improvements."

The Tribe shall make funding for implementation of the recommended near term road improvements available prior to initiation of project construction. Funding for long term improvements shall be made available prior to 2020. Funds shall be placed in an escrow account for use by the governmental entity with jurisdiction over the road to be improved so that the entity may design (funding shall be for design standards consistent with those required for similar facilities in the region, unless a deviation is approved by the entity with jurisdiction), obtain approvals/permits for, and construct the recommended road improvement (note that the entity may request that the Tribe directly perform some of these tasks). In some cases, the governmental entity may feel that an improvement slightly differing from that recommended may better facilitate traffic flow while still mitigating the alternative's impact. In this case, the terms of the escrow account shall allow use of the funds provided by the Tribe to implement the improvement even though the improvement differs slightly from that recommended by the traffic impact study.

- A. Since Caltrans' funding is limited, the Tribe shall pay for a proportionate share of the remaining costs (if any) to implement the Caltrans high-occupancy vehicle (HOV) projects along US-101 between Wilfred Avenue and Old Redwood

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Highway, thereby assisting in a more expedited and timely construction schedule (near term).

- B. The Tribe shall contribute a proportionate share of the costs to widen Wilfred Avenue from Redwood Drive to Langner Avenue to three lanes in the near term and five lanes in the long term (2020).
- C. The Tribe shall support efforts to complete the US-101 HOV lane project so that it can become operational prior to the scheduled completion as estimated by Caltrans (near term).
- D. The Tribe shall contribute a proportionate share of the remaining costs (if any) of the construction of the Wilfred Avenue interchange project, including HOV lanes, ramp metering, and auxiliary lanes and support efforts related to the completion of the project in a timely fashion (near term).
- E. The ramp metering shall be adjusted to account for the additional project traffic at the Wilfred Avenue interchange in the long term (2020).
- F. The Tribe shall contribute a proportionate share to the construction of an additional traffic lane in the southbound direction from Santa Rosa Avenue to Rohnert Park Expressway and from SR-116 to West Sierra Avenue (2020). The Tribe shall contribute a proportionate share to the construction of auxiliary lanes between Rohnert Park Expressway and SR-116 (2020).
- G. Should the above additional traffic lane mitigation on US-101 be infeasible or unavailable as mitigation in the near-term or long-term, the Tribe shall investigate other options to reduce traffic congestion on US-101, such as partial funding of the planned SMART commuter transit system and other regional transit programs.
- H. A Traffic Management Plan (TMP) shall be prepared in accordance with standards set forth in the United State Department of Transportation (USDOT) *Manual on Uniform Traffic Control Devices for Streets and Highways*. The traffic management plan shall be submitted to each affected local jurisdiction and/or agency. Also, prior to construction, the Tribe shall work with emergency service providers to avoid obstructing emergency response service. Police, fire, ambulance, and other emergency response providers shall be notified in advance of the details of the construction schedule, location of construction activities, duration of the construction period, and any access restrictions that could impact emergency response services. The TMP shall include details regarding emergency service coordination. Copies of the TMP shall be provided to all affected emergency service providers.

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TABLE 5  
PREFERRED ALTERNATIVE INTERSECTION MITIGATION

FEIS Intersection #	Intersection Improvements	Near Term*	2020
		Share	Share
1	<del>Wilfred/Stony Road</del> Signalize	P	P
5	<del>Tabath/Wilfred</del> Signalize	P	P
	Add WB left and change WB all shared to through-right	P	
	Add NB right and change NB all shared to left-through	P	P
6	<del>Bowdell/Wilfred</del> Signalize	P	P
	Add WB left and change WB all shared to through right	P	
	Add EB left and change EB all shared to through-right	P	
7	<del>Wilfred/Rainwood</del> Change WB left-through to through	F	P
	Change phasing east-west to protected from split	F	P
	Optimize signal timing	F	P
	Add EB left and EB right and change EB all-shared to through-right	F	
10	<del>Goff/Gourse/Commerce</del> Add EB right turn overlap phase	-	P
12	<del>Commerce/Blythe/US-101/NB Ramps</del> Construct State Farm - Business Park Overcrossing and a southbound slip ramp from the US-101 NB Ramps to the overcrossing	F	F
14	<del>Business Park/Tabath</del> Preferred Alternative access intersection	F	F
17	<del>Tabath/Rohrer Park Expwy</del> Extend SB left turn bay to 350 feet (from 100 feet)	F	F
20	<del>US-101/NB Ramps/Rohrer Park Expwy</del> Extend NB left turn lane bay to 400 feet (from 225 feet)	F	F
	Add second NB left turn lane	F	F
21	<del>Commerce/Blythe/Rohrer Park Expwy</del> Optimize signal timing	F	-
	Add an EB right turn overlap phase	F	-
22	<del>Stony/Rohrer/US-101</del> Optimize signal timing	-	F
	Add an EB right turn bay for 100 feet	-	F
26	<del>Wilfred/Stony/Robt Rd</del> Signalize	P	P

NOTE: F = full cost of mitigation measure, P = proportionate cost of mitigation measure, NB = northbound, SB = southbound, EB = eastbound, WB = westbound

- \* Near term improvements correspond with improvements labeled "2008" in the FEIS. Funding of these improvements shall occur according to the instructions found at the beginning of Section 6.8 in order to ensure that these improvements are in place as near as possible to the project opening date.

SOURCE: Kinley-Horn and Associates, Inc., 2008. Orinda Rancheria Casino and Hotel - Alternative A, B, C, D, E, & F Final Traffic Impact Study. July 2008.

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cont.

- I. Flagging done in consultation with the California Highway Patrol (CHP), Caltrans, and the County's Sheriff's Department, shall be provided when necessary to assist with traffic control.
- J. Importation of construction material shall be scheduled outside of the area wide commute peak hours.
- K. Preferential carpool or vanpool spaces shall be provided at the site to encourage ridesharing by employees and patrons.
- L. The Tribe shall sponsor charter buses from destinations such as Marin County and the North Bay.
- M. The Tribe shall provide a shuttle between the casino and Rohnert Park transit hubs that would operate on a half hour rotational basis during busy hours and on a on call basis in the times when the frequency of employees and patrons arriving or leaving busy is low.
- N. Where feasible, lane closures or obstructions associated with construction shall be limited to off-peak hours to reduce traffic congestion and delays.
- O. Prior to construction, the Tribe shall work to notify all potentially affected parties in the immediate vicinity of the Wilfred Site, as appropriate. Notification shall include a construction schedule, location of construction activities, the duration of construction period, and alternative access provisions.
- P. Emergency service providers shall be notified of the areas that have the greatest potential for unusual traffic delays as a result of construction activities. Specific detours shall be recommended to circumvent any area that might suffer traffic delays.
- Q. The Tribe shall coordinate with the Green Music Center during events that will generate high traffic levels. During that period, traffic control services at the Rohnert Park Expressway interchange may be necessary. Thus, the Tribe shall provide funding for special event traffic monitoring at the Rohnert Park Expressway interchange to identify conflicts during outdoor events generating high traffic levels. Should conflicts occur, the Tribe shall provide traffic management coordination between the project and the Green Music Center, in consultation with the CHP and Caltrans.
- R. Debris along construction vehicle routes shall be monitored daily during construction and the roadways cleaned as necessary.
- S. The Tribe shall contribute their fair share to bicycle and pedestrian facilities that will increase casino patronage. The Tribe shall consider bicycle and pedestrian circulation in the design of intersections and turning movements, and that adequate

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sidewalk facilities, striped crosswalks, and pedestrian countdown signals for elderly and disabled citizens be provided.

- T. The Tribe shall minimize the amount of construction fill transported on the surrounding street network by eliminating the off-site travel route except where necessary to obtain materials that cannot be obtained on-site. Potential options for eliminating off-site transport include moving fill material via conveyors across barriers such as creeks and ditches or installing temporary bridges for haul vehicles across the barriers.
- U. Construction material importation shall be scheduled outside of the area wide commute peak hours. Debris along the truck route caused by trucks should be monitored daily and the roadways shall be cleaned as necessary.
- V. Roadways subject to fill truck traffic shall be assessed by an independent third party consultant prior to the start of construction and following the completion of construction. If the third party determines that roadway deterioration has occurred as a result of casino construction, the Tribe shall pay to have surrounding roadways resurfaced to restore the pavement to at least pre-construction condition, unless the resurfacing is already expected to occur within a year or sooner in conjunction with other planned or proposed roadway improvements. In any event, the Tribe shall fully fund the restructuring of Lebach Avenue and Langner Avenue between Wilfred Avenue and Business Park Drive following construction to facilitate site access.
- W. Even if Wilfred Avenue is not widened to increase capacity, due to the increased use of the roadway in combination with future cumulative traffic, the Tribe shall make a proportionate share contribution to roadway improvements along Wilfred Avenue from Redwood Drive to Stony Point Road, including widened shoulders and Class II bike lanes consistent with applicable standards.

#### Land Use

- X. The Tribe shall maintain the existing Williamson Act requirements in place in accordance with the provisions of that Act.

#### 6.8 PUBLIC SERVICES

##### Solid Waste

##### Construction

- A. Construction waste shall be recycled to the fullest extent practical by diverting green waste and recyclable building materials away from the solid waste stream.

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- B. Environmentally preferable materials shall be used to the extent practical for construction of facilities.

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#### *Operation*

- C. A solid waste management plan shall be adopted by the Tribe that addresses recycling and solid waste reduction on-site. The plan shall have a goal of at least 25% diversion of materials from disposal, which includes reduction, recycling, and reuse measures.
- D. The Tribe shall install a trash compactor for cardboard and paper products.
- E. The Tribe shall install recycling bins throughout the facilities for glass, cans, and paper products.
- F. Decorative trash and recycling receptacles shall be placed strategically throughout the area of the Wilfred Site, Stony Point site, or the Lakeville site, as appropriate, to encourage people not to litter at the facilities.
- G. Security guards shall be trained to discourage on-site littering.
- H. The Tribe shall pay all standard fees for trash collection and disposal.

#### *Electricity, Natural Gas, and Telecommunication*

- I. Air conditioning and refrigeration systems shall utilize environmentally friendly refrigerants. Energy efficient chillers shall also be utilized.
- J. The air handling systems shall utilize outside air economizer cycles to take advantage of ambient cooling when the outside air temperature is below 55 degrees F.
- K. For applicable alternatives, hotel and casino buildings shall be equipped with a direct digital energy management and control system to perform energy conservation measures, such as optimum start/stop, duty cycling, and demand limiting.
- L. The Tribe shall use energy efficient appliances where feasible.

#### *Public Health and Safety*

- M. The Tribe shall make an agreement with the applicable City or County department to address inspection, maintenance, and operation of any swimming pools, spas, or hot tubs available to patrons. The terms of the agreement shall include design review of the swimming facilities, inspection of the swimming facilities prior to operation, and at least one annual inspection for seasonal swimming facilities or bi-annual inspections for year-round swimming facilities thereafter. The agreement shall include a commitment to comply with standards for design, maintenance, and operation similar to those followed by non-tribally owned businesses in the City or County, as applicable.

## Law Enforcement

- N. The Tribe shall provide on-site security to reduce and prevent criminal and civil incidents.
- O. The Tribe shall adopt employee training programs and policies relating to responsible beverage services with annual training, which would include, but not be limited to, checking patron identification and refusing service to those who have imbibed beyond their ability to function safely. The Tribe shall collaborate with law enforcement by warning intoxicated patrons not to drive and by reporting drunk drivers to the authorities.
- P. The Tribe shall support local law enforcement efforts in conducting driving under the influence (DUI) checkpoints and other programs known to reduce the impacts of alcohol on the community (support shall include fully funding at least one DUI checkpoint in the vicinity of the Wilfred Site monthly or less frequently at the discretion of local law enforcement providers).
- Q. All parking areas shall be well lit and monitored by parking staff and/or security guards. This will aid in the prevention of auto theft and other related criminal activity.
- R. The Tribe shall provide traffic control with appropriate signage and the presence of peak-hour traffic control staff. This will aid in the prevention of off-site parking, which could create possible security and safety issues.
- S. The Tribe shall pass an ordinance creating a standard policy that encourages responsible drinking and designated driver programs. As part of this policy, the employees serving alcohol shall undergo annual Responsible Beverage Service Training (RBST); also known as "server training." RBST educates managers, servers and sellers at alcohol establishments about strategies to avoid illegally selling alcohol to underage youth or intoxicated patrons. The goal of RBST is to decrease the number of illegal alcohol sales to underage youth and intoxicated patrons through education programs. Information provided in server training must at a minimum include:

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cont.



- The importance of checking age identification of customers who appear to be under the age of 30.
  - How to identify fake IDs and what to do once a fake ID is confiscated.
  - How to recognize situations in which adults are buying alcohol for underage youth.
  - How to refuse sales to individuals who may supply alcohol to underage youth.
  - How to identify intoxicated customers.
  - How to refuse service to underage youth and intoxicated customers.
- T. To mitigate potential impacts to law enforcement resources, the Tribe shall adopt rules prohibiting anyone under 21 years of age from gambling, adopt employee training programs and policies relating to responsible beverage services with annual training, conduct background checks of all gaming employees, provide a full complement of security personnel at the Wilfred Site during all times, and adopt programs and policies which discourage gang members from visiting the gaming facilities.
- U. Hotel management shall work collaboratively with school and law enforcement personnel to prevent the use of hotel rooms for parties involving minors and the hotel shall have an internal monitoring program to reduce the incidence of such parties.
- V. Areas surrounding the gaming facilities shall have "No Loitering" signs in place, shall be well lit and shall be patrolled regularly. This will aid in the prevention of illegal loitering and loitering behavior that could potentially lead to other criminal acts.

**Fire Protection/Emergency Medical Service**  
**Construction**

- W. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. During construction, staging areas, building areas, and/or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak.

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cont.

*Operation*

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cont.

- X. The Tribe shall make reasonable provisions for adequate emergency, fire, medical, and related relief and disaster services for patrons and employees including the development of a disaster management plan.
- Y. The Tribe shall use fire resistant construction materials and equip all enclosed buildings with automatic sprinkler systems. The automatic sprinkler systems shall be designed to meet or exceed the National Fire Protection Association (NFPA) standards governing the different occupancies associated with the project structures.
- Z. The Tribe shall employ the most modern construction and fire-engineering techniques in their automatic fire containment system designs so that any fire encountered is contained to the room of origin.
- AA. Through the use of modern fire engineering technology, the Tribe shall create and maintain a facility equipped with early detection systems that assure an initial response time to any fire alarm (automatic, local, or report) within three minutes. These systems shall include automatic sprinkler systems in the occupied areas and smoke detection, along with automatic sprinkler systems, in the areas of the facility that are normally unoccupied, such as storerooms and mechanical areas.
- BB. If only one fire pump is provided, it will be either diesel, or provided with emergency power, thereby, meeting the requirements of the California Fire Code (CFC), and the CBC.
- CC. Prior to operation, the Tribe shall enter into an agreement with a fire service provider to provide primary fire protection services.
- DD. Prior to operation, the Tribe shall enter into a contract with AMR or another entity for ambulance service.

## 6.9 NOISE

- A. On-site HVAC equipment shall be shielded to reduce noise.
- B. To the extent feasible, HVAC equipment shall be located a significant distance from neighboring houses along Whistler Avenue, Wilfred Avenue, and Labath Avenue. Whenever an HVAC unit is to be placed within 125 feet of an existing residence, an acoustical analysis shall be required to demonstrate that the HVAC noise level does not exceed 45 dBA at the nearest residence.
- C. The Tribe shall fully fund the cost of installation of acoustically-rated, dual pane windows (with a minimum Sound Transmission Class (STC) rating of 30) and acoustically rated doors on the facades facing the noise source(s) to minimize noise effects for residences adjacent to Wilfred Avenue between Redwood Drive and Stony Point Road.

- D. The Tribe shall fully fund the cost for the construction of raised, landscaped berms or solid walls at least 8 feet in height in order to separate sources of unwanted noise (including on-site traffic circulation noise) from potential noise receptors along Wilfred Avenue. Should a wall be installed, it shall be attractively designed. Adjacent landowners and adjacent governmental jurisdictions shall be consulted with prior to finalizing the design of the berm or wall.
- E. Unnecessary vehicle idling shall be prevented during loading dock operations occurring between the hours of 10:00 PM and 7:00 AM.
- F. Buses shall not be allowed to idle unnecessarily in areas adjacent to sensitive receptors. Bus parking areas shall also be located as far as feasible from sensitive receptors.
- G. To the extent feasible, project construction shall not occur prior to 7:00 AM or after 10:00 PM.
- H. Pile driving, should it take place, shall not occur prior to 9:00 AM or after 5:00 PM.
- I. On-site wastewater treatment plant equipment shall be shielded or enclosed.
- J. Stationary noise-producing equipment such as compressors and generators shall be placed as far as practical from homes, and shielding shall be provided between any such equipment and homes when it is necessary to operate the equipment closer than 200 feet from a home.

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#### 6.10 HAZARDOUS MATERIALS

- A. In the event that contaminated soil and/or groundwater are encountered during construction related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or a qualified environmental professional can assess the extent of contamination. If contamination is determined to be significant, representatives of the Tribe shall consult with USEPA to determine the appropriate course of action, which may include the development of a Sampling Plan and Remediation Plan if necessary.
- B. To reduce the potential for accidental releases, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment and shall not otherwise be stored on-site. Paint, paint thinner, solvents, cleaners, sealants, and lubricants used during construction shall be stored in a locked utility building, handled per the manufacturers' directions, and replenished as needed.
- C. Personnel shall follow written standard operating procedures (SOPs) for filling and servicing construction equipment and vehicles. The SOPs, which are designed to

reduce the potential for incidents involving the hazardous materials, shall include the following:

- a. Refueling shall be conducted only with approved pumps, hoses, and nozzles.
  - b. Catch-pans shall be placed under equipment to catch potential spills during servicing.
  - c. All disconnected hoses shall be placed in containers to collect residual fuel from the hose.
  - d. Vehicle engines shall be shut down during refueling.
  - e. No smoking, open flames, or welding shall be allowed in refueling or service areas.
  - f. Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.
  - g. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.
  - h. Should a spill contaminate any soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.
  - i. All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance and refueling areas shall be inspected monthly. Results of inspections shall be recorded in a logbook that shall be maintained on-site.
  - j. Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.
  - k. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order.
- D. The amount of hazardous materials used in project construction and operation shall be kept at the lowest required volumes.
- E. The least toxic material capable of achieving the intended result shall be used to the extent practicable. Non-toxic alternatives shall include garden care products and organic non-toxic cleaners when feasible.

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- F. A hazardous materials and hazardous waste minimization program shall be developed, implemented, and reviewed annually by the Tribe to determine if additional opportunities for hazardous materials and hazardous waste minimization are feasible, for both project construction and operation.
- G. Use of pesticides and toxic chemicals shall be minimized to the greatest extent feasible in landscaping; or less toxic alternatives shall be used.
- H. In addition to mitigation described under FEIS Section 5.2.2, the following mitigation shall be implemented: During the groundwater monitoring and pump tests, the potential for the vertical and lateral migration of contaminants from nearby leaking underground storage tank (LUST) sites shall be evaluated (see FEIS Appendix Z for detailed recommendations). The pumping test conducted shall include taking water level measurements in wells that are screened in the Lower Intermediate Zone, Upper Intermediate Zone, and uppermost portion of the saturated zone to verify the conclusions based on historical well hydrographs, refine the drawdown model for the Site, and evaluate the potential for contaminant migration using a typical wellhead protection approach. Implementation of the above measures will reduce any potential impacts to less than significant.
- L. Material Safety Data Sheets (MSDS) will be available to casino and emergency personnel and to janitors that identify emergency procedures, safe handling and storage practices. A Hazardous Materials Business Plan for the WWTP will be prepared to addresses emergency response and employee training in first aide in the event a spill of citric acid and sodium hypochloride occurs that compromises the chemical storage containment vessels.
- J. A Wastewater Contingency Plan shall be prepared for the WWTP prior to construction that shall identify potential system failures and containment measures. These containment measures shall be made part of the WWTP design to ensure no untreated wastewater will be released from the WWTP in the event of a system failure.
- K. Prior to demolition of any residential structures on the Wilfred Site, an asbestos consultant will be hired by the Tribe to determine if Asbestos Containing Materials (ACMs) and lead based paints are present within the residential structures. If ACMs are present within the residential structures, the Tribe shall comply with any federal NESHAP laws requiring BMPs to be employed during demolition as well as recommendations from the asbestos consultant for the removal and disposal of demolition debris that contain lead based paints and ACMs. Recommendations shall at a minimum include BMPs such as applying water to the structures before, during, and after demolition.

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**6.11 AESTHETICS**

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- A. Design elements shall be incorporated into the project to minimize the impact of buildings and parking lots on the viewshed. These elements include:
  - a. Incorporation of landscape amenities to complement buildings and parking areas, including setbacks, raised landscaped berms and plantings of trees and shrubs (see Noise Mitigation Measures)
  - b. Use of earth tones in paints and coatings, and native building materials such as stone.
- B. To minimize the impacts of light and glare:
  - a. Placement of floodlights on buildings shall be set so as not to cast trespassing light off-site.
  - b. Uplighting of structures has a high potential for off-site light spillage and shall be minimized by limiting uplighting to the main casino and hotel facades and prohibiting uplighting of the parking structure and ancillary structures. Any uplighting of the main casino and hotel facades shall be directly focused on the structures.
  - c. Shielding, such as with a horizontal shroud, shall be used for all outdoor parking lot lighting so as to ensure it is downcast.
  - d. Timers shall be utilized so as to minimize lighting after a certain hour.
  - e. Signs and facades shall be tastefully designed, without the use of obtrusive light emitting devices such as neon lights or flashing lights.
  - f. All exterior glass shall be non-reflective low-glare glass.

**6.12 LEED CERTIFICATION**

- A. The Tribe shall pursue LEED Certification for the hotel component of the project.

**6.13 MITIGATION MEASURES THAT ARE NOT ADOPTED**

CEQ NEPA regulations 40 C.F.R. § 1505.2(c) call for identification in the ROD of any mitigation measures specifically mentioned in the FEIS that are not adopted. There are no mitigation measures listed in the FEIS for the Preferred Alternative that are not included in this ROD.

**EXHIBIT C**



February 18, 2010

## MEMORANDUM FOR HEADS OF FEDERAL DEPARTMENTS AND AGENCIES

FROM: NANCY H. SUTLEY, Chair, Council on Environmental Quality

SUBJECT: DRAFT NEPA GUIDANCE ON CONSIDERATION OF THE EFFECTS OF CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS

## I. INTRODUCTION

The Council on Environmental Quality (CEQ) provides this draft guidance memorandum for public consideration and comment on the ways in which Federal agencies can improve their consideration of the effects of greenhouse gas (GHG) emissions<sup>1</sup> and climate change in their evaluation of proposals for Federal actions under the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. This draft guidance is intended to help explain how agencies of the Federal government should analyze the environmental effects of GHG emissions and climate change when they describe the environmental effects of a proposed agency action in accordance with Section 102 of NEPA and the CEQ Regulations for Implementing the Procedural Provisions of NEPA, 40 C.F.R. parts 1500-1508. This draft guidance affirms the requirements of the statute and regulations and their applicability to GHGs and climate change impacts. CEQ proposes to advise Federal agencies that they should consider opportunities to reduce GHG emissions caused by proposed Federal actions and adapt their actions to climate change impacts throughout the NEPA process and to address these issues in their agency NEPA procedures.

The environmental analysis and documents produced in the NEPA process should provide the decision maker with relevant and timely information about the environmental effects of his or her decision and reasonable alternatives to mitigate those impacts. In this context, climate change issues arise in relation to the consideration of:

- (1) The GHG emissions effects of a proposed action and alternative actions; and
- (2) The relationship of climate change effects to a proposed action or alternatives, including the relationship to proposal design, environmental impacts, mitigation and adaptation measures.

NEPA demands informed, realistic governmental decision making. CEQ proposes to advise Federal agencies to consider, in scoping their NEPA analyses, whether analysis of the direct and indirect GHG emissions from their proposed actions may provide meaningful information to decision makers and the public. Specifically, if a proposed action would be reasonably anticipated to cause direct emissions of 25,000 metric tons or more of CO<sub>2</sub>-equivalent GHG emissions on an annual basis, agencies should consider this an indicator that a quantitative and qualitative assessment may be meaningful to decision makers and the public. For long-term actions that have annual direct emissions of less than 25,000

<sup>1</sup> For purposes of this guidance, CEQ defines "GHGs" in accordance with Section 19(f) of Executive Order 13514 (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride).



metric tons of CO<sub>2</sub>-equivalent, CEQ encourages Federal agencies to consider whether the action's long-term emissions should receive similar analysis. CEQ does not propose this as an indicator of a threshold of significant effects, but rather as an indicator of a minimum level of GHG emissions that may warrant some description in the appropriate NEPA analysis for agency actions involving direct emissions of GHGs.

CEQ does not propose to make this guidance applicable to Federal land and resource management actions, but seeks public comment on the appropriate means of assessing the GHG emissions and sequestration that are affected by Federal land and resource management decisions.

Because climate change is a global problem that results from global GHG emissions, there are more sources and actions emitting GHGs (in terms of both absolute numbers and types) than are typically encountered when evaluating the emissions of other pollutants. From a quantitative perspective, there are no dominating sources and fewer sources that would even be close to dominating total GHG emissions. The global climate change problem is much more the result of numerous and varied sources, each of which might seem to make a relatively small addition to global atmospheric GHG concentrations. CEQ proposes to recommend that environmental documents reflect this global context and be realistic in focusing on ensuring that useful information is provided to decision makers for those actions that the agency finds are a significant source of GHGs.

With regards to the effects of climate change on the design of a proposed action and alternatives, Federal agencies must ensure the scientific and professional integrity of their assessment of the ways in which climate change is affecting or could affect environmental effects of the proposed action. 40 CFR 1502.24. Under this proposed guidance, agencies should use the scoping process to set reasonable spatial and temporal boundaries for this assessment and focus on aspects of climate change that may lead to changes in the impacts, sustainability, vulnerability and design of the proposed action and alternative courses of action. At the same time, agencies should recognize the scientific limits of their ability to accurately predict climate change effects, especially of a short-term nature, and not devote effort to analyzing wholly speculative effects. Agencies can use the NEPA process to reduce vulnerability to climate-change impacts, adapt to changes in our environment, and mitigate the impacts of Federal agency actions that are exacerbated by climate change.

Finally, CEQ seeks public comment on several issues not directly addressed by this draft guidance, including the assessment of climate change effects of land management activities, and means by which agencies can tailor the amount of the documentation prepared for NEPA analysis so that it is proportional to the importance of climate change to the decision-making process.

## II. CONSIDERATION OF THE EFFECTS OF A PROPOSED AGENCY ACTION ON GHG EMISSIONS: WHEN TO EVALUATE GHG EMISSIONS

By statutes, Executive Orders, and agency policies, the Federal government is committed to the goals of energy conservation, reducing energy use, eliminating or reducing GHG emissions, and promoting the deployment of renewable energy technologies that are cleaner and more efficient. Where a proposal for Federal agency action implicates these goals, information on GHG emissions (qualitative or quantitative) that is useful and relevant to the decision should be used when deciding among alternatives.

Many projects and programs proposed by the Federal government have the potential to emit GHGs. Accordingly, where a proposed Federal action that is analyzed in an EA or EIS would be anticipated to emit GHGs to the atmosphere in quantities that the agency finds may be meaningful, it is appropriate for the agency to quantify and disclose its estimate of the expected annual direct and indirect GHG emissions in the environmental documentation for the proposed action. Where the proposed

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activity is subject to GHG emissions accounting requirements, such as Clean Air Act reporting requirements that apply to stationary sources that directly emit 25,000 metric tons or more of CO<sub>2</sub>-equivalent GHG on an annual basis,<sup>2</sup> the agency should include this information in the NEPA documentation for consideration by decision makers and the public. CEQ does not propose this reference point for use as a measure of indirect effects, the analysis of which must be bounded by limits of feasibility in evaluating upstream and downstream effects of Federal agency actions. In the agency's analysis of direct effects, it would be appropriate to: (1) quantify cumulative emissions over the life of the project; (2) discuss measures to reduce GHG emissions, including consideration of reasonable alternatives; and (3) qualitatively discuss the link between such GHG emissions and climate change. However, it is not currently useful for the NEPA analysis to attempt to link specific climatological changes, or the environmental impacts thereof, to the particular project or emissions, as such direct linkage is difficult to isolate and to understand. The estimated level of GHG emissions can serve as a reasonable proxy for assessing potential climate change impacts, and provide decision makers and the public with useful information for a reasoned choice among alternatives.

The reference point of 25,000 metric tons of direct CO<sub>2</sub>-equivalent GHG emissions may provide agencies with a useful indicator – rather than an absolute standard of insignificant effects – for agencies' action-specific evaluation of GHG emissions and disclosure of that analysis in their NEPA documents. CEQ does not propose this reference point as an indicator of a level of GHG emissions that may significantly affect the quality of the human environment, as that term is used by NEPA, but notes that it serves as a minimum standard for reporting emissions under the Clean Air Act. Evaluation of significance under NEPA is done by the action agency based on the categorization of actions in agency NEPA procedures and action-specific analysis of the context and intensity of the environmental impacts. 40 CFR 1501.4, 1508.27. Examples of proposals for Federal agency action that may warrant a discussion of the GHG impacts of various alternatives, as well as possible measures to mitigate climate change impacts, include: approval of a large solid waste landfill; approval of energy facilities such as a coal-fired power plant; or authorization of a methane venting coal mine. Other Federal policies, programs, or plans that cover multiple actions subject to NEPA – such as actions tiered from programmatic NEPA documents – may more appropriately address GHG emissions at the level of individual projects. In many cases, the GHG emissions of the proposed action may be so small as to be a negligible consideration. Agency NEPA procedures may identify actions for which GHG emissions and other environmental effects are neither individually or cumulatively significant. 40 CFR 1507.3.

Many agency NEPA analyses to date have found that GHG emissions from an individual agency action have small potential effects. Emissions from many proposed Federal actions would not typically be expected to produce an environmental effect that would trigger or otherwise require a detailed discussion in an EIS. Significant national policy decisions for which the action's GHG impacts are expected to be substantial have, on the other hand, required analysis of their GHG effects.

#### HOW TO EVALUATE GHG EMISSIONS

To describe the impact of an agency action on GHG emissions, once an agency has determined that this is appropriate, CEQ proposes that agencies should consider quantifying those emissions using the

<sup>2</sup> 25,000 metric tons may provide a useful, presumptive, threshold for discussion and disclosure of GHG emissions because it has been used and proposed in rule-makings under the Clean Air Act (e.g., EPA's Mandatory Reporting of Greenhouse Gases Final Rule, 74 FR 56260, October 30, 2009). This threshold is used in Clean Air Act rule-makings because it provides comprehensive coverage of emissions with a reasonable number of reporters, thereby creating an important data set useful in quantitative analyses of GHG policies, programs and regulations. See 74 FR 56272. This rationale is pertinent to the presentation of NEPA analysis as well.

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following technical documents, to the extent that this information is useful and appropriate for the proposed action under NEPA:

- For quantification of emissions from large direct emitters: 40 CFR Parts 86, 87, 89, et al. Mandatory Reporting of Greenhouse Gases; Final Rule, U.S. Environmental Protection Agency (74 Fed. Reg. 56259-56308). Note that "applicability tools" are available (<http://www.epa.gov/climatechange/emissions/GHG-calculator/>) for determining whether projects or actions exceed the 25,000 metric ton of CO<sub>2</sub>-equivalent greenhouse gas emissions.
- For quantification of Scope 1 emissions at Federal facilities: Greenhouse gas emissions accounting and reporting guidance that will be issued under Executive Order 13514 Sections 5(a) and 9(b) (<http://www.ofee.gov>)
- For quantification of emissions and removals from terrestrial carbon sequestration and various other project types: Technical Guidelines, Voluntary Reporting of Greenhouse Gases, (1605(b) Program, U.S. Department of Energy (<http://www.eia.doe.gov/oiaf/1605/>))

Land management techniques, including changes in land use or land management strategies, lack any established Federal protocol for assessing their effect on atmospheric carbon release and sequestration at a landscape scale. Therefore, at this time, CEQ seeks public comment on this issue but has not identified any protocol that is useful and appropriate for NEPA analysis of a proposed land and resource management actions.

CEQ notes that agencies may also find useful information in the following sources:

- Renewable Energy Requirements Guidance for EPACT 2005 and EO 13423 ([http://www.ofee.gov/ea/epact05\\_fedrenewenergyguid\\_final\\_on\\_web.pdf](http://www.ofee.gov/ea/epact05_fedrenewenergyguid_final_on_web.pdf))
- EPA Climate Leaders GHG Inventory Protocols (<http://www.epa.gov/climateleaders/resources/inventory-guidance.html>)

For proposed actions that are not adequately addressed in the GHG emission reporting protocols listed above, agencies should use NEPA's provisions for inter-agency consultation with available expertise to identify and follow the best available procedures for evaluating comparable activities. Agencies should consider the emissions source categories, measurement methodologies and reporting criteria outlined in these documents, as applicable to the proposed action, and follow the relevant procedures for determining and reporting emissions. The NEPA process does not require submitting a formal report or participation in the reporting programs. Rather, under this proposed guidance, only the methodologies relevant to the emissions of the proposed project need to be considered and disclosed to decision makers and the public.

#### WHAT DEPARTMENTS AND AGENCIES SHOULD CONSIDER AS PART OF THEIR GHG EVALUATION

Federal agencies should structure their NEPA processes "to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment." 40 CFR 1502.1. Inherent in NEPA and the CEQ implementing regulations is a "rule of reason," which ensures that agencies determine whether and to what extent to prepare an EIS based on the usefulness of any new potential information to the decisionmaking process." *DOT v. Public Citizen*, 541 U.S. 752, 767 (2004). Where a proposed action is evaluated in either an EA or an EIS, the agency may look to reporting thresholds in the technical documents cited above as a point of reference for

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determining the extent of direct GHG emissions analysis that is appropriate to the proposed agency decision. As proposed in draft guidance above, for Federal actions that require an EA or EIS the direct and indirect GHG emissions from the action should be considered in scoping and, to the extent that scoping indicates that GHG emissions warrant consideration by the decision maker, quantified and disclosed in the environmental document. 40 CFR 1508.25. In assessing direct emissions, an agency should look at the consequences of actions over which it has control or authority. *Public Citizen*, 541 U.S. at 768. When a proposed federal action meets an applicable threshold for quantification and reporting, as discussed above, CEQ proposes that the agency should also consider mitigation measures and reasonable alternatives to reduce action-related GHG emissions. Analysis of emissions sources should take account of all phases and elements of the proposed action over its expected life, subject to reasonable limits based on feasibility and practicality.

For proposed actions evaluated in an EIS, Federal agencies typically describe their consideration of the energy requirements of a proposed action and the conservation potential of its alternatives. 40 CFR 1502.16(e). Within this description of energy requirements and conservation opportunities, agencies should evaluate GHG emissions associated with energy use and mitigation opportunities and use this as a point of comparison between reasonable alternatives. For proposals normally evaluated in an EA, agencies may consider the GHG emissions as a factor in discussing alternative uses of available resources. 40 CFR 1508.9(b). CEQ proposes that this analysis should also consider applicable Federal, State or local goals for energy conservation and alternatives for reducing energy demand or GHG emissions associated with energy production.

Where an agency concludes that a discussion of cumulative effects of GHG emissions related to a proposed action is warranted to inform decision-making, CEQ recommends that the agency do so in a manner that meaningfully informs decision makers and the public regarding the potentially significant effects in the context of the proposal for agency action. This would most appropriately focus on an assessment of annual and cumulative emissions of the proposed action and the difference in emissions associated with alternative actions. Agencies may incorporate USGCRP studies and reports by reference in any discussion of GHG emissions and their effects. 40 CFR 1502.21.

Agencies apply the rule of reason to ensure that their discussion pertains to the issues that deserve study and deemphasizes issues that are less useful to the decision regarding the proposal, its alternatives, and mitigation options. 40 CFR 1500.4(f), (g), 1501.7, 1508.25. In addressing GHG emissions, consistent with this proposed guidance, CEQ expects agencies to ensure that such description is commensurate with the importance of the GHG emissions of the proposed action, avoiding useless bulk and boilerplate documentation, so that the NEPA document may concentrate attention on important issues. 40 CFR 1502.5, 1502.24.

An agency may decide that it would be useful to describe GHG emissions in aggregate, as part of a programmatic analysis of agency activities that can be incorporated by reference into subsequent NEPA analyses for individual agency actions. In addition, Federal programs that affect emissions or sinks and proposals regarding long range energy, transportation, and resource management programs lend themselves to a programmatic approach. For example, if GHG emissions or climate change and related effects in general are included in a broad (i.e., programmatic) EIS for a program, subsequent NEPA analyses for actions implementing that program at the project level should, if useful in the NEPA analysis for that decision, tier from the programmatic statement and summarize the relevant issues discussed in the programmatic statement. 40 CFR 1502.20, 1508.28. Such aggregated discussion may be useful under the consideration of agency compliance with requirements for Federal agencies to implement sustainable practices for energy efficiency, GHG emissions avoidance or reduction, petroleum products use reduction, and renewable energy, including bioenergy as well as other required sustainable practices. See, Executive Order 13514—Federal Leadership in Environmental, Energy, and Economic Performance (74

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Fed. Reg. 52117-52127); Executive Order 13423 - Strengthening Federal Environmental, Energy, and Transportation Management ([http://nepa.gov/nepa/regs/E.O.\\_13423.pdf](http://nepa.gov/nepa/regs/E.O._13423.pdf)). In particular, NEPA analyses for individual actions may incorporate by reference agency Strategic Sustainability Plans and account for GHG effects in accordance with Federal GHG reporting and accounting procedures to the extent that they are applicable to actions that carry out agency obligations under subsections 2(a), (b), (c) and (f) of Executive Order 13514. Such reference to the programmatic accounting of Federal agency GHG emissions under EO 13514 should note where appropriate that the scope of this accounting (for Scope 1, 2 and 3 emissions) may be much broader than the emissions that would be reasonable for assessment within the scope of an individual agency action under NEPA.

To the extent that a federal agency evaluates proposed mitigation of GHG emissions, the quality of that mitigation – including its permanence, verifiability, enforceability, and additionality<sup>3</sup> – should also be carefully evaluated. Among the alternatives that may be considered for their ability to reduce or mitigate GHG emissions are enhanced energy efficiency, lower GHG-emitting technology, renewable energy, planning for carbon capture and sequestration, and capturing or beneficially using fugitive methane emissions. In some cases, such activities are part of the purpose and need for the proposed action and the analysis will provide an assessment, in a comparative manner, of the alternatives and their relative ability to advance those objectives.

### III. CONSIDERATION OF CURRENT OR PROJECTED EFFECTS OF CLIMATE CHANGE ON PROPOSALS FOR AGENCY ACTION

CEQ proposes that agencies should determine which climate change impacts warrant consideration in their EAs and EISs because of their impact on the analysis of the environmental effects of a proposed agency action. Through scoping of an environmental document, agencies determine whether climate change considerations warrant emphasis or de-emphasis. 40 CFR 1500.4(g), 1501.7; See Scoping Guidance (CEQ 1981) (<http://www.nepa.gov/nepa/regs/scope/scoping.htm>) When scoping the impact of climate change on the proposal for agency action, the sensitivity, location, and timeframe of a proposed action will determine the degree to which consideration of these predictions or projections is warranted. As with analysis of any other present or future environment or resource condition, the observed and projected effects of climate change that warrant consideration are most appropriately described as part of the current and future state of the proposed action's "affected environment." 40 CFR 1502.15. Based on that description of climate change effects that warrant consideration, the agency may assess the extent that the effects of the proposal for agency action or its alternatives will add to, modify, or mitigate those effects. Such effects may include, but are not limited to, effects on the environment, on public health and safety, and on vulnerable populations who are more likely to be adversely affected by climate change. The final analysis documents an agency assessment of the effects of the actions considered, including alternatives, on the affected environment.

Climate change can affect the environment of a proposed action in a variety of ways. For instance, climate change can affect the integrity of a development or structure by exposing it to a greater risk of floods, storm surges, or higher temperatures. Climate change can increase the vulnerability of a resource, ecosystem, or human community, causing a proposed action to result in consequences that are more damaging than prior experience with environmental impacts analysis might indicate. For example, an industrial process may draw cumulatively significant amounts of water from a stream that is dwindling because of decreased snow pack in the mountains or add significant heat to a water body that is exposed

<sup>3</sup> Regulatory additionality requirements are designed to ensure that GHG reduction credit is limited to an entity with emission reductions that are above regulatory requirements. See [http://www.eia.doe.gov/oiaf/1605/FAQ\\_GenInfoA.htm#Additionality](http://www.eia.doe.gov/oiaf/1605/FAQ_GenInfoA.htm#Additionality);

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to increasing atmospheric temperatures. Finally, climate change can magnify the damaging strength of certain effects of a proposed action.

Using NEPA's "rule of reason" governing the level of detail in any environmental effects analysis, agencies should ensure that they keep in proportion the extent to which they document their assessment of the effects of climate change. The focus of this analysis should be on the aspects of the environment that are affected by the proposed action and the significance of climate change for those aspects of the affected environment. Agencies should consider the specific effects of the proposed action (including the proposed action's effect on the vulnerability of affected ecosystems), the nexus of those effects with projected climate change effects on the same aspects of our environment, and the implications for the environment to adapt to the projected effects of climate change. The level of detail in the analysis and NEPA documentation of these effects will vary among affected resource values. For example, if a proposed project requires the use of significant quantities of water, changes in water availability associated with climate change may need to be discussed in greater detail than other consequences of climate change. In some cases, discussion of climate change effects in an EA or EIS may warrant a separate section, while in others such discussion may be integrated into the broader discussion of the affected environment.

When assessing the effects of climate change on a proposed action, an agency typically start with an identification of the reasonably foreseeable future condition of the affected environment for the "no action" alternative based on available climate change measurements, statistics, observations, and other evidence. See *Considering Cumulative Effects* (CEQ 1997) at [www.nepa.gov](http://www.nepa.gov). The reasonably foreseeable affected environment should serve as the basis for evaluating and comparing the incremental effects of alternatives. 40 CFR 1502.15. Agencies should be clear about the basis for projecting the changes from the existing environment to the reasonably foreseeable affected environment, including what would happen under this scenario and the probability or likelihood of this future condition. The obligation of an agency to discuss particular effects turns on "a reasonably close causal relationship between the environmental effect and the alleged cause." *Public Citizen*, 541 U.S. at 767. Where climate change effects are likely to be important but there is significant uncertainty about such effects, it may also be useful to consider the effects of any proposed action or its alternatives against a baseline of reasonably foreseeable future conditions that is drawn as distinctly as the science of climate change effects will support.

Climate change effects should be considered in the analysis of projects that are designed for long-term utility and located in areas that are considered vulnerable to specific effects of climate change (such as increasing sea level or ecological change) within the project's timeframe. For example, a proposal for long-term development of transportation infrastructure on a coastal barrier island will likely need to consider whether environmental effects or design parameters may be changed by the projected increase in the rate of sea level rise. See *Impacts of Climate Change and Variability on Transportation Systems and Infrastructure: Gulf Coast Study*, (<http://www.globalchange.gov/publications/reports/scientific-assessments/saps/sap4-7>), and *Abrupt Climate Change* (<http://www.globalchange.gov/publications/reports/scientific-assessments/saps/sap3-4>) (discussing the likelihood of an abrupt change in sea level). Given the length of time involved in present sea level projections, such considerations typically would not be relevant to an action with only short-term considerations.

The process of adaptive planning requires constant learning to reduce uncertainties and improve adaptation outcomes. The CEQ NEPA regulations recognize the value of monitoring to assure that decisions are carried out as provided in a Record of Decision. 40 CFR 1505.3. In cases where adaptation to the effects of climate change is important, the significant aspects of these changes should be identified in the agency's final decision and adoption of a monitoring program should be considered. Monitoring

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strategies should be modified as more information becomes available and best practices and other experiences are shared.

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For sources of the best scientific information available on the reasonably foreseeable climate change impacts, Federal agencies may summarize and incorporate by reference the Synthesis and Assessment Products of the U.S. Global Change Research Program (USGCRP, <http://www.globalchange.gov/publications/reports/scientific-assessments/saps>), and other major peer-reviewed assessments from USGCRP. Particularly relevant is the report on climate change impacts on water resources, ecosystems, agriculture and forestry, health, coastlines and arctic regions in the United States, *Global Climate Change Impacts in the United States* (<http://www.globalchange.gov/publications/reports/scientific-assessments/us-impacts>). Research on climate change impacts is an emerging and rapidly evolving area of science. In accordance with NEPA's rule of reason and standards for obtaining information regarding reasonably foreseeable significant adverse effects on the human environment, action agencies need not undertake exorbitant research or analysis of projected climate change impacts in the project area or on the project itself, but may instead summarize and incorporate by reference the relevant scientific literature. See, e.g., 40 CFR 1502.21, 1502.22. Where agencies consider climate change modeling to be applicable to their NEPA analysis, agencies should consider the uncertainties associated with long-term projections from global and regional climate change models. There are limitations and variability in the capacity of climate models to reliably project potential changes at the regional, local, or project level, so agencies should disclose these limitations in explaining the extent to which they rely on particular studies or projections. 40 CFR 1502.21, 1502.22. The outputs of coarse-resolution global climate models, commonly used to project climate change scenarios at a continental or regional scale, require downscaling and bias removal (i.e., the adjustment of future projections for known systematic model errors) before they can be used in regional or local impact studies. See *Climate Models: An Assessment of Strengths and Limitations*, (<http://www.globalchange.gov/publications/reports/scientific-assessments/saps/sap3-1>).

Agencies should also consider the particular impacts of climate change on vulnerable communities where this may affect the design of the action or the selection among alternatives. Tribal and Alaska Native communities that maintain their close relationship with the cycles of nature have observed the changes that are already underway, including the melting of permafrost in Alaska, disappearance of important species of trees, shifting migration patterns of elk and fish, and the drying of lakes and rivers. These effects affect the survival for both their livelihood and their culture. Further, sovereign tribal governments with legal rights to reservations and trust resources are affected by ecological changes on the landscape in ways that many Americans are not.

#### IV. BACKGROUND

##### 1. NEPA and Cumulative Effects in General

NEPA was enacted to, *inter alia*, "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." NEPA Section 2, 42 U.S.C. § 4321. NEPA is best known for its action-forcing requirement that "all agencies of the federal government shall . . . include in every recommendation or report on . . . major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on —

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented."

NEPA Section 102(2) (C), 42 U.S.C. § 4332(2) (C). This information must be provided for review by agencies with jurisdiction or special expertise regarding the environmental effects described. The agency's "detailed statement," known as an EIS, must be provided to the public, in accordance with NEPA Section 102(2)(C) and the Freedom of Information Act, and be incorporated into the agency decision-making process.

The EIS requirement thus has two purposes. First, it is meant to promote transparency and to ensure public accountability of agency decisions with significant environmental effects. In this sense, it promotes political checks and balances broader public interests against the motivations for agency action. Second, it is meant to ensure that agencies take account of those effects before decisions are made and as part of the agency's own decision-making process. In this sense, it attempts to ensure that agencies consider environmental consequences as they decide how to proceed and take steps, when appropriate, to eliminate or mitigate adverse effects. The agency's "responsibility is not simply to sit back, like an umpire, and resolve adversary contentions . . . Rather, it must itself take the initiative of considering environmental values at every distinctive and comprehensive stage of the process beyond the staff's evaluation and recommendation." *Calvert Cliffs Coordinating Comm., Inc. v. US Atomic Energy Comm'n*, 449 F.2d 1109, 1119 (D.C. Cir. 1971).

Alternatives analysis is an essential element of the NEPA process, both under section 102(2) (C) and in the EA of "conflicts concerning alternative uses of available resources" under Section 102(2) (E). The requirement of consideration of alternatives is meant to ensure that the agency consider approaches whose adverse environmental effects will be insignificant or at least less significant than those of the proposal. "This requirement, like the 'detailed statement' requirement, seeks to ensure that each agency decision maker has before him and takes into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance. Only in that fashion is it likely that the most intelligent, optimally beneficial decision will ultimately be made." *Calvert Cliffs*, 449 F.2d at 1114.

NEPA analysis and documentation should be designed to both inform Federal agency decisions and provide for collaborative, coordinated decisions by making "advice and information useful in restoring, maintaining, and enhancing the quality of the environment" available to States, Tribes, counties, cities, institutions and individuals. Section 102(2) (G), 42 U.S.C. § 4332(2) (G). NEPA also requires Federal agencies to support international cooperation by recognizing "the global character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment." Section 102(2) (F), 42 U.S.C. § 4332(2) (F).

Federal actions may cause effects on the human environment that are not significant environment effects, in isolation, but that are significant in the aggregate or that will lead to significant effects. Since 1970, CEQ has construed the term "major Federal actions significantly affecting the quality of the human environment" as requiring the consideration of the "overall, cumulative impact of the action proposed (and of further actions contemplated)." 35 Fed. Reg. 7390, 7391 (1970). "Cumulative impact" is defined in CEQ's NEPA regulations as the "impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions . . ." 40 C.F.R. § 1508.7. Cf. *Kleppe v. Sierra Club*, 427 U.S. 390, 413-414 (1976). CEQ interprets this regulation as referring only to the cumulative impact of the direct and indirect effects of the proposed action or its alternatives when added to the aggregate effects of past, present, and reasonably foreseeable future

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actions. See, CEQ Guidance on the Consideration of Past Actions in Cumulative Effects Analysis (June 24, 2005) at 2, 3 ([www.nepa.gov/nepa/regs/Guidance\\_on\\_CE.pdf](http://www.nepa.gov/nepa/regs/Guidance_on_CE.pdf)).

As explained in prior CEQ guidance, and described in its handbook *Considering Cumulative Effects*, the analysis of cumulative effects begins with consideration of the direct and indirect effects on the environment that are expected or likely to result from a proposal for agency action or its reasonable alternatives. See *Considering Cumulative Effects* (CEQ 1997) at [www.nepa.gov](http://www.nepa.gov). Agencies then should consider the affected environment by looking for effects of past, present, and reasonably foreseeable future actions that are, in the judgment of the agency, relevant because their effects would increase or change in combination with the direct and indirect effects of the proposal for agency action or its alternatives. The relevant cumulative effects typically result from human activities with effects that accumulate within the temporal and geographic boundaries of the effects of the proposed action.

The purpose of cumulative effects analysis is to document agency consideration of the context and intensity of the effects of a proposal for agency action, particularly whether the action is related to other actions with individually insignificant but cumulatively significant impacts. 40 CFR 1508.27(b)(7). After such documentation, the dual purposes of NEPA will be satisfied. The public can scrutinize the relevant effects, and the agency, having been made alert to them, can decide how to proceed. The Supreme Court has emphasized that agencies may properly limit the scope of their cumulative effects analysis based on practical considerations. *Kleppe*, 427 U.S. at 414 ("Even if environmental interrelationships could be shown conclusively to extend across basins and drainage areas, practical considerations of feasibility might well necessitate restricting the scope of comprehensive statements"). See also 40 CFR 1502.22 (regarding acquisition and disclosure of information that is "relevant to reasonably foreseeable significant adverse impacts" and "essential to a reasoned choice among alternatives").

## 2. Climate Change in General

The science of climate change is rapidly developing, and is only briefly summarized in this guidance to illustrate the sources of scientific information that are presently available for consideration. CEQ's first Annual Report in 1970 discussed climate change, concluding that "man may be changing his weather." *Environmental Quality: The First Annual Report* at 93. At that time, human activities had increased the mean level of atmospheric carbon dioxide to 325 parts per million (ppm). Since 1970, the concentration of atmospheric carbon dioxide has increased at a rate of about 1.6 ppm per year (1979-2008) to the present level of approximately 385 ppm (2008 globally averaged value). See U.S. Department of Commerce, National Oceanic and Atmospheric Administration Earth Systems Research Laboratory (<http://www.esrl.noaa.gov/gmd/ccgg/trends/>). The atmospheric concentrations of other, more potent GHGs have also increased to levels that far exceed their levels in 1750, at the beginning of the industrial era. As of 2004, human activities annually produced more than 49 billion tons of GHG measured in carbon dioxide equivalency according to the Intergovernmental Panel on Climate Change (IPCC). IPCC Fourth Assessment Report: Synthesis Report at 38 ([http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4\\_syr.pdf](http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf)). Nearly every aspect of energy choices and use affect the development of fossil fuel and other energy resources, either adding to or reducing the cumulative total of GHG emissions.

It is now well established that rising global GHG emissions are significantly affecting the Earth's climate. These conclusions are built upon a scientific record that has been created with substantial contributions from the United States' Global Change Research Program (formerly the Climate Change Science Program), which facilitates the creation and application of knowledge of the Earth's global environment through research, observations, decision support, and communication. (<http://www.globalchange.gov/>)

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Based primarily on the scientific assessments of the USGCRP and NRC, EPA has issued a finding that the changes in our climate caused by GHG emissions endanger public health and welfare. (Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, December 15, 2009, 74 Fed. Reg. 66496). Ambient concentrations of GHGs do not cause direct adverse health effects (such as respiratory or toxic effects), but public health risks and impacts as a result of elevated atmospheric concentrations of GHGs occur via climate change. 74 Fed. Reg. at 66497-98. For example, EPA has estimated that climate change can exacerbate tropospheric ozone levels in some parts of the U.S. Broadly, EPA states that the effects of climate change observed to date and projected to occur in the future include, but are not limited to, more frequent and intense heat waves, more severe wildfires, degraded air quality, more heavy downpours and flooding, increased drought, greater sea-level rise, more intense storms, harm to water resources, harm to agriculture, and harm to wildlife and ecosystems. The Administrator has determined that these impacts are effects on public health and welfare within the meaning of the Clean Air Act. However, the Administrator does not currently believe that it is possible to quantify with great specificity (i.e. geographic), the various health effects from climate change but, because the risks from unusually hot days and nights and from heat waves are very serious, has proposed to find that on balance that these risks support a finding that public health is endangered even if it is also possible that modest temperature increases will have some beneficial health effects. The EPA findings cite IPCC reports that climate change impacts on human health in U.S. cities will be compounded by population growth and an aging population and GCRP reports that climate change has the potential to accentuate the disparities already evident in the American health care systems as many of the expected health effects are likely to fall disproportionately on the poor, the elderly, the disabled, and the uninsured.

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#### V. CONCLUSION

With the purpose of informing decision-making, CEQ proposes that the NEPA process should incorporate consideration of both the impact of an agency action on the environment through the mechanism of GHG emissions and the impact of changing climate on that agency action. This is not intended as a "new" component of NEPA analysis, but rather as a potentially important factor to be considered within the existing NEPA framework. Where an agency determines that an assessment of climate issues is appropriate, the agency should identify alternative actions that are both adapted to anticipated climate change impacts and mitigate the GHG emissions that cause climate change. As noted above, NEPA analysis of climate change issues necessarily will evolve to reflect the scientific information available and the legal and policy context of decisions that the NEPA process is intended to inform. Therefore, once this guidance is issued in final form, CEQ intends to revise it as warranted to reflect developments in the law, policy, and science regarding climate change.

#### VI. SPECIFIC QUESTIONS FOR PUBLIC REVIEW

In addition to comments on this draft guidance document, CEQ also requests comment on land and resource management issues, including:

1. How should NEPA documents regarding long-range energy and resource management programs assess GHG emissions and climate change impacts?
2. What should be included in specific NEPA guidance for projects applicable to the federal land management agencies?
3. What should be included in specific NEPA guidance for land management planning applicable to the federal land management agencies?
4. Should CEQ recommend any particular protocols for assessing land management practices and their effect on carbon release and sequestration?

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5. How should uncertainties associated with climate change projections and species and ecosystem responses be addressed in protocols for assessing land management practices?
6. How should NEPA analyses be tailored to address the beneficial effects on GHG emissions of Federal land and resource management actions?
7. Should CEQ provide guidance to agencies on determining whether GHG emissions are "significant" for NEPA purposes. At what level should GHG emissions be considered to have significant cumulative effects. In this context, commenters may wish to consider the Supreme Court decision in Massachusetts v. EPA, 549 U.S. 497, 524 (2007).

After consideration of public comment, CEQ intends to expeditiously issue this guidance in final form. In the meantime, CEQ does not intend this guidance to become effective until its issuance in final form.

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**EXHIBIT D**

*Permit and Resource Management Department*  
**VISUAL ASSESSMENT GUIDELINES**

G-22.84

**PURPOSE**

The purpose of this administrative procedure is to provide guidelines for the assessment of visual impacts in the preparation of Initial Studies and Environmental Impact Reports.

**GENERAL**

These guidelines provide procedures to guide staff and consultant's in preparing and analyzing visual impacts. While the analysis of visual impacts involves qualitative judgments, this procedure is intended to define a methodology that utilizes to the extent practicable, objective standards that can be described and utilized in a consistent manner.

**PROCEDURE**

To analyze the visual effects of a specific project the following procedures should be followed.

**1. Determine Viewpoints and Characterize Environmental Setting**

Project impacts will be analyzed by considering public viewing points. Public viewing points include public roads, public trails, and public parks. Other public gathering places may be considered on a case-by-case basis. Start with topographic maps and aerial photos. Follow up with a "windshield" survey of roads in the vicinity of the project to determine where the project would be most visible to the general public. Consider a variety of viewpoints, and not only the point at which the project is most visible. The "baseline" environmental setting of viewpoints should be discussed in terms of existing physical features, as well as applicable regulations pertaining to development and scenic resources.

**2. Prepare Photos to Illustrate Visual Impacts**

Photographic analysis is required to evaluate potential visual impacts. Architectural renderings can be used for design considerations, but are discouraged in visual impact analysis because they tend to soften the effects. The visual impact analysis focuses on the mass, scale and contrast of the structure in relation to its surrounding.

- A. For smaller projects, staff shall coordinate with the applicant to construct story poles, or tethered balloon clusters that accurately represent the height and location of the project. The story poles or balloon tethers should be marked at 5-foot intervals to provide a reference scale on the photos. In some instances a notice to the area residents describing the purpose for the story poles should be provided and/or site visit should be arranged for the decision-making body.

Take photos of the site from the various viewpoints identified in Step 1, or require the applicant's representative or consultant to provide photos taken from the selected viewpoints along with a site plan illustrating the location and height of each story pole and the viewpoints for the photos. If telephoto photos are to be taken, be sure that a similar photo is taken that represents the view seen by the human eye. A 360 degree panoramic view, taken from where the project will be located, is helpful to convey the surrounding landscape.

The photos should be marked by outlining the proposed structure using the story

poles or balloons as a guide for the roof line and corners of the structure. In some instances, offsite views may be at such a distance, that the balloons or story poles are not readily apparent in the photos without the use of a telephoto lens — include both telephoto and normal eye view in these instances may be needed to illustrate the structure.

- B. For more complex projects, a digitized photo simulation may be required. The following tasks are appropriate for visual assessments prepared by consultants:
1. Photograph site from viewpoints determined in Step 1 above. Verify site photography locations on field maps for use with computer model of the proposed project. Delineate additional field references to help verify the computer modeling and viewpoint locations.
  2. Prepare baseline photographs from selected viewpoints for the simulations.
  3. Develop plan and section figures describing the visual conditions within the project viewshed.
  4. Produce a 3D realistic computer model of the proposed project using topographic, architectural and landscape drawings of project. Use AutoCAD or other appropriate software to develop the 3D terrain and architectural aspects of the model.
  5. Additional simulations may be done to illustrate the effect of mitigation from landscape screening growth at 5- or 10-year intervals following construction.
  6. Apply the proposed building materials and paint colors to the model and render, duplicating the view angle, distance, lighting conditions and time of year in the existing conditions photograph. Use existing elements in the baseline photograph as control points to register the model to the photograph. Repeat for each viewpoint.
  7. Verify viewpoint accuracy using computer plot overlays on base photographs.
  8. Digitize base photographs for each selected viewpoint.
  9. Produce visual simulations that accurately show the proposed project ("before and after") for each selected viewpoint. The simulations should represent the mass, scale, density and proposed grading of the project. The computer simulation must include: all grading including roadways, driveways, landscape and parking areas and tree removal for required fire breaks; all structures and ancillary facilities; and landscaping at the time that construction is completed.
  10. Analyze project impacts as described below.

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## 3. Characterize the Site's Sensitivity

The visual sensitivity of the project site should be given a rating of low, moderate, high or maximum using the following criteria in Table 1.

Table 1  
Site Sensitivity

Sensitivity	Characteristics
Low	The site is within an urban land use designation and has no land use or zoning designations protecting scenic resources. The project vicinity is characterized by urban development or the site is surrounded by urban zoning designations and has no historic character and is not a gateway to a community. The project site terrain has visible slopes less than 20 percent and is not on a prominent ridgeline and has no significant natural vegetation of aesthetic value to the surrounding community.
Moderate	The site or portion thereof is within a rural land use designation or an urban designation that does not meet the criteria above for low sensitivity, but the site has no land use or zoning designations protecting scenic resources. The project vicinity is characterized by rural or urban development but may include historic resources or be considered a gateway to a community. This category includes building or construction sites with visible slopes less than 30 percent or where there is significant natural features of aesthetic value that is visible from public roads or public use areas (i.e. parks, trails etc.).
High	The site or any portion thereof is within a land use or zoning designation protecting scenic or natural resources, such as General Plan designated scenic landscape units, coastal zone, community separators, or scenic corridors. The site vicinity is generally characterized by the natural setting and forms a scenic backdrop for the community or scenic corridor. This category includes building and construction areas within the SR designation located on prominent hilltops, visible slopes less than 40 percent or where there are significant natural features of aesthetic value that are visible from public roads or public use areas (i.e. parks, trails etc.). This category also includes building or construction sites on prominent ridgelines that may not be designated as scenic resources but are visible from a designated scenic corridor.
Maximum	The site or any portion thereof is within a land use or zoning designation protecting scenic resources, such as General Plan designated scenic landscape units, coastal zone, community separators, or scenic corridors. The site vicinity is generally characterized by the natural setting and forms a scenic backdrop for a designated scenic corridor. This category includes building or construction sites within the scenic resource designation on or near prominent ridgelines, visible slopes greater than 40 percent or where there are significant natural features of aesthetic value that are visible from a designated scenic corridor.

Note: A ridgeline is a landform which, when viewed from a public street, is silhouetted against  
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the sky and where no earth backdrop is provided by the subject or contiguous property for a proposed structure.

#### 4. Determine Visual Dominance

The visual dominance of the project is determined comparing the contrast of the following elements or characteristics of the project with its surroundings and giving a rating of inevident, subordinate, co-dominant, or dominant:

- Form: shape, geometry, complexity
- Line: the edge of the shape, boldness, complexity of silhouette, orientation
- Color: reflectivity, hue (actual color), value (dark or light)
- Texture: surface characteristics, randomness, grain (fine or coarse)
- Night Lighting

Based on the criterion listed above, define the visual dominance of the project as described in Table 2.

Table 2  
Visual Dominance

Dominance	Characteristics
Dominant	Project elements are strong -- they stand out against the setting and attract attention away from the surrounding landscape. Form, line, color, texture, and night lighting contrast with existing elements in the surrounding landscape.
Co-Dominant	Project elements are moderate -- they can be prominent within the setting, but attract attention equally with other landscape features. Form, line, color, texture, and night lighting are compatible with their surroundings.
Subordinate	Project is minimally visible from public view. Element contrasts are weak -- they can be seen but do not attract attention. Project generally repeats the form, line, color, texture, and night lighting of its surroundings.
Inevident	Project is generally not visible from public view because of intervening natural land forms or vegetation.

#### 5. Determine Significance of Visual Impacts

The determination of visual impact significance is made by:

- a. Establishing the level of visual sensitivity of the site using the criteria discussed Table 1.

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Visual Assessment Procedure  
Page 5

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- b. Characterizing the visual dominance of the project in terms of its form, line, color, texture, and lighting as described in Table 2.
- c. Determining significance of the visual impact by comparing site sensitivity with visual dominance of the project in accordance in Table 3.

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Table 3  
Thresholds of Significance  
for  
Visual Impact Analysis

Sensitivity	Visual Dominance			
	<i>Dominant</i>	<i>Co-Dominant</i>	<i>Subordinate</i>	<i>Inevident</i>
<i>Maximum</i>	Significant	Significant	Significant	Less than significant
<i>High</i>	Significant	Significant	Less than significant	Less than significant
<i>Moderate</i>	Significant	Less than significant	Less than significant	Less than significant
<i>Low</i>	Less than significant	Less than significant	Less than significant	Less than significant

6. **Mitigation Measures.** Possible mitigation measures for visual impacts include the following:
- Limit the extent of grading, tree removal, amount of cuts and fills, length of roadways, height of retaining walls and areas for building envelopes. Conservation easements may be appropriate to protect viewsheds and sensitive visual resources.
  - Building envelopes may need to be adjusted to avoid the most visible locations and/or reduced in size. Structures could be limited in their size or height to reduce bulk and contrast.
  - Color and texture of building materials should be consistent with the surrounding environment. Non-reflective surfaces and darker colors should be utilized to avoid glare and contrast.
  - Require screening vegetation and landscape plans subject to Design Review.
  - Require exterior lighting plans subject to Design Review. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the sky. Flood lights are not permitted. Parking lot fixtures should be limited in height (20-feet). All parking lot and/or street light fixtures shall use full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.
  - Lighting plans should be designed to meet the appropriate Lighting Zone standards from Title 24 effective October 2005 (LZ1 for dark areas, LZ2 for rural, LZ3 for urban).

# **EXHIBIT E**

**RESOLUTION NO. 010-2014**

G-22.85

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE  
DECLARING A STAGE 2 WATER SHORTAGE CONDITION AND DIRECTING  
IMPLEMENTATION OF MANDATORY WATER DEMAND REDUCTION  
MEASURES**

WHEREAS, on January 22, 2014, the Cloverdale City Council adopted Urgency Ordinance 691-2014, establishing provisions for reducing water use upon declaring the existence of a water shortage emergency condition within the City; and

WHEREAS, Urgency Ordinance 691-2014 was adopted as an Urgency Ordinance due to the current drought conditions and to the City's current water supply; and

WHEREAS, as a retail water purveyor, it is important that the City of Cloverdale manages its water production, as well as help manage water consumption within its area; and

WHEREAS, calendar year 2013 was the driest on record for the Russian River watershed; and

WHEREAS, the City's water supply is from a well field along the Russian River. The production capacity of the City's well field is influenced by the amount of annual rainfall in the Russian River watershed and subsequently the flow characteristics of the river; and

WHEREAS, from the period beginning December 7, 2013 and ending January 14, 2014, the flow in the Russian River, as measured by the United States Geological Survey river station near Cloverdale, dropped from 127 cubic feet per second to 43 cubic feet per second; and

WHEREAS, at river flows below 100 cubic feet per second, the City's water supply wells do not have sufficient capacity to supply current average day summertime demands; and

WHEREAS, if the Russian River flows stay at or near 40 cubic feet per second from the present and throughout the summer months, and there is no reduction in water demands, the City is projected to have a storage deficit (supplies not sufficient to refill water storage tanks on a daily basis) as early as April 1, 2014, with complete depletion of the storage tanks within a week or two (2) of becoming deficient; and

WHEREAS, in response to the projection of inadequate supply capacity in the coming months and in accordance with the Conservation of Water Supply Ordinance, codified into the Municipal Code as Title 13 – Chapter 13.05 (which was adopted by the City Council as Urgency Ordinance 691-2014, on January 22, 2014), the City Council may, by resolution declare a Stage 2 Water Shortage Emergency condition and establish the overall water reduction amount.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cloverdale does hereby find, determine and declare, in accordance with Section 1 (H) of the City's Conservation of Water Supply Ordinance, a Mandatory Stage 2 Water Shortage Emergency condition and

directs the implementation of all water demand reduction measures specified in the City's Water Shortage Emergency Ordinance for a Stage 2 Water Shortage Emergency condition with an overall water use reduction amount to be 25 % below 2013 water use.

It is hereby certified that the foregoing Resolution No. 010-2014 was duly introduced and duly adopted by the City Council of the City of Cloverdale at its regular meeting on this 22<sup>nd</sup> day of January, 2014 by the following Roll Call vote: (5 ayes - 0 noes)

AYES in favor of: Mayor Russell, Vice Mayor Cox, Councilmember Brigham, Councilmember Maacks, Councilmember Palla

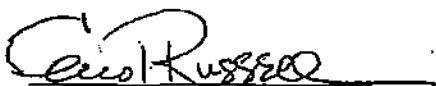
NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:



Carol Russell, Mayor



Roberto J. Bartoli, Deputy City Clerk

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## **EXHIBIT F**

**URGENCY ORDINANCE NO. 691-2014**

G-22.86

**AN URGENCY ORDINANCE OF CITY OF CLOVERDALE AMENDING THE  
CLOVERDALE MUNICIPAL CODE TO ADD CHAPTER 13.05,  
"CONSERVATION OF WATER SUPPLY" ESTABLISHING PROVISIONS FOR  
REDUCING WATER USE UPON DECLARING THE EXISTENCE OF A  
WATER SHORTAGE EMERGENCY CONDITION WITHIN THE CITY OF  
CLOVERDALE, PROHIBITING THE WASTE AND NON-ESSENTIAL USE OF  
WATER, AND PROVIDING FOR THE CONSERVATION OF THE WATER  
SUPPLY OF THE CITY OF CLOVERDALE**

**THE CITY COUNCIL OF THE CITY OF CLOVERDALE DOES ORDAIN AS  
FOLLOWS:**

**Section 1. Findings for Adoption of Ordinance as an Urgency.**

The City Council does hereby find and declare as follows:

(A) A public hearing was held on January 22, 2014, on the matter of whether the City should adopt this Ordinance establishing provisions for reducing water use upon declaring the existence of a water shortage emergency condition within the water service area of the City, including all water service areas served by the City outside the City limits.

(B) Notice of said hearing was published in the Cloverdale Reveille, a newspaper of general circulation printed and published within said water service area of the City.

(C) Since the publishing of the hearing, City Staff made the decision to bring this Ordinance forward as an Urgency Ordinance due to the immediate need for water conservation.

(D) At said hearing all persons present were given an opportunity to be heard and all persons desiring to be heard were heard.

(E) The City Council heard and has considered each protest against the declaration and all evidence presented at said hearing.

(F) This Ordinance is to be adopted as an Urgency Ordinance in accordance with California Government Code section 36937 based on the following findings of fact:

(1) This Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety due to the current water shortage emergency condition existing within the water service area of the City, including all water service areas served by the City outside the City limits.

(2) The ordinary demands and requirements of the water consumers in the City water service area cannot be met and satisfied by the water supplies now available to

the City without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

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(3) The water shortage emergency and drought conditions have resulted in the City Council having to consider a Resolution at its January 22, 2014 Council meeting to declare that a Stage 1 Water Shortage Emergency condition exists within the water service area of the City including all water service areas served by the City outside its limits. This Urgency Ordinance is needed to be in place prior to that Resolution in order to provide the regulations and guidance of what residents need to do to help the City continue to supply the water needed for human consumption, sanitation and fire protection. This Urgency Ordinance incorporates by reference all findings within Resolution 010-2014, considered by the Council on January 22, 2014.

(G) At any time subsequent to the effective date of this Urgency Ordinance, the Cloverdale City Council may, by resolution, (1) declare that the water shortage emergency has ended, (2) change the Stage of the water shortage emergency, and/or (3) change the rationing requirements associated with Stage 1, Stage 2 and Stage 3 Water Shortage Emergencies.

## **Section 2. Amendment.**

The Cloverdale Municipal Code, Title 13, "Public Services," is hereby amended to add Chapter 13.05, "Conservation of Water Supply," to read as follows:

### **TITLE 13 – CHAPTER 13.05 CONSERVATION OF WATER SUPPLY**

- 13.05.010 Purpose and Authority
- 13.05.020 Definitions
- 13.05.030 Suspension of New Connections to the City's Water System
- 13.05.040 Waste of Water Prohibited
- 13.05.050 Prohibition of Non-Essential Use of Water
- 13.05.060 Signs on Lands Supplied from Private Sources or Supplied With Recycled Water
- 13.05.070 Use of Sprinklers Conditional
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- 13.05.090 Enforcement and Fees
- 13.05.010 Purpose and Authority

The purpose of this Chapter is to conserve the water supply of the City for the greatest public benefit with particular regard to public health, fire protection and domestic use, to conserve water by reducing waste, and to the extent necessary upon declaration of a water shortage emergency condition, to reduce water use fairly and equitably. This Chapter is adopted pursuant to State Law including Water Code Sections 350 to and including 358, and Sections 31026 to and including 31029.

- 13.05.020 Definitions



The terms used in this Chapter shall have the following meanings:

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(A) Approvals needed for development - These include all the approvals needed for development including through approval of the building permit.

(B) Blatant noncompliance - If, during a water shortage emergency, it is evident to the City Manager through billed water use or observation of the water waste at the property that the customer is obviously or blatantly not complying with the water use restrictions in effect.

(C) Corresponding billing period - A similar billing period occurring in a prior designated year to which current water use is compared for the purpose of determining the percent reduction in use.

(D) Drip system - An irrigation system downstream of a reduced pressure device fitted with drip emitters, bubblers or low pressure micro-jet sprayers.

(E) ETo - Evapotranspiration demand reported as reference evapotranspiration for each California Irrigation Management Information System (CIMIS) weather station located in Sonoma and Marin Counties. (Local ETo data is available on the CIMIS website: <http://www.cimis.water.ca.gov/cimis/welcome.jsp>)

(F) ETo Adjustment Factor - A factor to multiply times ETo to determine the appropriate amount of sprinkler water to apply to turf grass, garden, landscaped area, trees or shrubs while rationing is in effect. The amount of water to apply is found by multiplying the area of landscape to be irrigated (square feet) times the appropriate ETo Adjustment Factor (see percentage in Section 9(c)) times ETo (inches for a given period of time - typically three (3) to seven (7) days) times 7.48/12 to convert to gallons.

(G) Healthcare and public safety use - Use of water by customers whose principal purpose is to provide health services to the public (such as hospitals, clinics, invalid and senior care facilities and homes, and doctor, dentist, optometrist and chiropractor offices, etc.) or which provide vital public safety services (such as police stations, jails, fire stations, utility services, etc.). Not included in this class are office buildings that provide solely administration services (such as health insurance organizations, etc.) or landscaping uses at any healthcare or public safety site.

(H) Irrigation only use - Water use downstream of a City owned billing meter whose principal purpose and design is to serve irrigation use.

(I) Overall rationing requirement - The percent reduction in overall withdrawals from the water system determined by the City Council to be necessary in order to achieve and to safely survive a declared water shortage emergency.

(J) Run-time - The duration in minutes, either programmed or set, for each valve controlled by an irrigation system clock (controller) or manually operated.

(K) Shop unit - A type of residential unit which is separately metered and which involves a dwelling unit that is incorporated into the premises of a business - sometimes also referred to as a shop house or live/work unit.

(L) Sprinklers - As used in this Chapter, the term sprinklers means an irrigation sprinkler connected to a hose, irrigation sprinklers connected to an in-ground pipe system and soaker hoses or porous pipelines operating off of normal service pressure.

(M) Violation Reconnection Fee - 200% of the reconnection fee.

(N) Water Conservation Coordinator is the City Engineer or designee.

### 13.05.030 Suspension of New Connections to the City's Water System

(A) From the effective date the City Council, by resolution, declares the existence of a water shortage emergency, which period is hereinafter referred to as the suspension period, no new or enlarged connection shall be made to the City's water system except the following:

- (1) Connection of fire hydrants.
- (2) Connection of property previously supplied with water from a private water source (such as a well or spring) upon submittal and approval of the City Engineer evidence that the private source has failed or dried up or has otherwise been impaired by a drought or water shortage event to such a degree that the source no longer can meet minimal potable water needs of the applicant.
- (3) During Stage 1, new connection of property for which the applicant has obtained all approvals required for development, except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.
- (4) During Stage 2 and 3, if the overall mandatory rationing requirement is less than 25%, connection of property for which the applicant has obtained all approvals required for development, except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.
- (5) During Stage 2 and 3, if the overall mandatory rationing requirement is equal to or greater than 25%, connection of property for which the applicant has obtained all approvals required for development except potable water supply; agrees to defer installation of turf landscaping until after the suspension period; and, either retrofits good quality water conservation fixtures and devices (1.28 gallon per flush toilets, 2.5 gallon per minute shower

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heads and 1.5 gallon per minute faucet aerators for kitchen sinks and lavatories) in five (5) existing single family detached dwelling units served by the City, or pays the City \$1,500 per equivalent single family detached dwelling unit for which water service is being applied. These payments shall be used by the City to help fund its expanded water conservation program efforts during the suspension period. If an applicant chooses the retrofit option and a selected home already has some water conserving fixtures, applicant shall install conservation fixtures in additional dwellings as determined necessary by the City's Water Conservation Coordinator.

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(B) During the suspension period, applications for water service will be processed only if the applicant acknowledges in writing that such processing shall be at the risk and expense of the applicant and that if the application is approved in accordance with the City's regulations, such approval shall confer no right upon the applicant or anyone else until the suspension period has expired, and that the applicant releases the City from all claims of damage arising out of or in any manner connected with the suspension of connections.

(C) Upon the termination of the suspension period, the City will make connections to its water system in accordance with its regulations and the terms of connection agreements for all said applications approved during the suspension period. The water supply then available to the City will be apportioned equitably among all the customers then being served by the City without discrimination against services approved during the suspension period.

(D) Nothing herein shall prohibit or restrict any modification, relocation or replacement of a connection to the City's system if the City Engineer determines that the demand upon the City's water supply will not be increased thereby.

#### **13.05.040 Waste of Water Prohibited**

(A) No water furnished by the City shall be wasted. Waste of water includes, but is not limited to, the following:

- (1) Washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing.
- (2) Escape of water through breaks or leaks within the customer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy two (72) hours after the customer discovers such a break or leak or receives notice from the City, is a reasonable time within which to correct such break or leak or, as a minimum, to stop the flow of water from such break or leak.

- (3) Irrigation in a manner or to an extent which allows excessive run-off of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his or her water system under control at all times, to know the manner and extent of his or her water use and any run-off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner.
- (4) Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle.
- (5) Water for non-recycling decorative water fountains.
- (6) Water for single pass evaporative cooling systems for air conditioning in all connections installed after January 22, 2014, unless required for health or safety reasons.
- (7) Water for new non-recirculating conveyor car wash systems.
- (8) Water for new non-recirculating industrial clothes wash systems.

(B) Waste of water shall also include failure to put to reasonable beneficial use any water withdrawn from the City's water system as determined by the City Engineer.

#### **13.05.050 Prohibition of Non-Essential Use of Water**

(A) No water furnished by the City shall be used for any purpose declared to be non-essential by this Chapter. The restrictions in this section shall not apply to use of recycled wastewater furnished by a government agency.

#### **Stage 1 Water Shortage Emergency Measures - Introductory Stage (voluntary reduction)**

(B) At any and all times that a Stage 1 Water Shortage Emergency condition is declared to exist by the City Council, all customers are asked to voluntarily reduce consumption of water furnished by the City by the overall reduction amount established by resolution for Stage 1, and all customers of the City are requested to:

- (1) Apply irrigation water only during the evening and early morning hours to reduce evaporation losses.
- (2) Inspect all irrigation systems, repair leaks and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray.
- (3) For irrigation valves controlling water applied to turf grass, vary the minutes of run-time consistent with fluctuations in weather.
- (4) Reduce minutes of run-time for each irrigation cycle if water begins to run-off to gutters and ditches before the irrigation cycle is completed.



- (5) Become informed about and strictly adhere to the City's Water Waste Prohibitions (refer to Section 6 hereof).
- (6) Utilize water conservation incentive, rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models.
- (7) Take advantage of the free information available from the City on how to use water efficiently, read a water meter, repair ordinary leaks and how to apply water efficiently to the landscape.

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(C) At any and all times that a water shortage emergency condition of Stage 1 or greater is declared to exist by the City Council, the following uses are declared to be non-essential:

- (1) Refilling a swimming pool drained after the date on which the initial water shortage emergency condition was originally declared to exist.
- (2) Water escaping from a broken pipe or leak once discovered and after passage of a reasonable amount of time to determine how to shut off the water.
- (3) Non-commercial washing of motor vehicles, trailers and boats except from a bucket with use of a hose equipped with a shutoff nozzle for a quick rinse.

Stage 2 Water Shortage Emergency Measures - Mandatory Rationing - Community Cooperation Method

(D) At the time of declaration of a Stage 2 or greater water shortage emergency, an overall mandatory rationing requirement for customers to collectively meet shall be established. In determining compliance, the City shall rely on water production records comparing current production trends to trends that would normally be expected to occur. Individual customers who can conserve more than the mandatory conservation requirements established by this Chapter are requested and strongly encouraged to do so voluntarily in order to help those customers who would incur economic hardship in order to meet the rationing level.

(E) At any and all times that a water shortage emergency condition of Stage 2 or greater is declared to exist by the City Council, the following additional uses are declared to be non-essential:

- (1) Any residential use (excluding irrigation only use) in excess of that resulting from application of the mandatory residential rationing requirement established by the Cloverdale City Council.

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- (2) Any irrigation only use in excess of that resulting from application of the mandatory irrigation rationing requirement established by the Cloverdale City Council.
- (3) Any non-residential use (excluding irrigation only use and healthcare and public safety use) in excess of that resulting from application of the overall mandatory rationing requirement established by the Cloverdale City Council.
- (4) Any water used for healthcare and public safety (excluding irrigation only use) in excess of the minimum amount required to adequately provide for healthcare and public safety.
- (5) Any use of water from a fire hydrant except for fighting fires, human consumption, stock water, essential flushing and clean-up purposes and water used for construction needs. If the overall mandatory rationing requirement is equal to or greater than 25%, a permit issued by the City Engineer shall be required for all hydrant use except for water used for fighting fires or for other emergency use deemed essential by the Fire Chief.
- (6) Watering of any existing turf grass, ornamental plant, garden, landscaped area, trees, shrubs or other plants except from a hand-held hose or container or drip irrigation system except as provided in Section 13.05.070 hereof.
- (7) Watering of new turf grass or replacement turf grass. If the overall mandatory rationing requirement is equal to or greater than 25%, this restriction is extended and applies to watering of any new landscape or replacement landscape except in cases where the replacement landscapes will use less water than the original landscape.
- (8) Initial filling of any swimming pool for which approval of a construction permit issued by the City was made after the date on which the initial water shortage emergency condition was originally declared to exist.
- (9) Use for service of drinking water at any restaurant, cafe, cafeteria or other public place where food is sold, served or offered for sale, unless expressly requested by a patron.

(F) Except in cases of blatant non-compliance, as determined by the City Manager, individual billing records will generally not be used during Stage 2 to determine compliance with the provisions of Subsections (e) (1); (2), (3) and (4), it being assumed that customers will cooperate to do the best that they can to individually meet or exceed the overall mandatory rationing requirement. Violations of non-essential

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uses that come to the attention of the Finance Manager however, will be enforced pursuant to the provisions of Section 11 hereof.

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Stage 3 Water Shortage Emergency Measures - Mandatory Rationing - Allotment Method

(G) From and after the date that the Cloverdale City Council declares that a Stage 3 Water Shortage Emergency exists, water use in excess of the following allotments established for each meter are in addition declared to be non-essential:

- (1) Residential meters serving single family detached homes including mother-in-law or second units that are served by the same meter: 65 gallons per capita per day times the number of permanent occupants. Permanent occupants shall be a whole number. Babies, children, adults and senior citizens whose principal place of residence is in the dwelling in question shall each count as one (1) occupant. In determining the number of permanent occupants, the City shall rely upon data it has acquired from the customer or other sources. Provided sufficient time is available, the City will attempt to canvas customers to obtain current data on permanent household occupants.
- (2) Residential meters serving multiple units: any use in excess of that resulting from application of the mandatory residential rationing requirement established by the Cloverdale City Council.
- (3) Irrigation only meters: any use in excess of that resulting from application of the mandatory irrigation rationing requirement established by the Cloverdale City Council.
- (4) Meters serving any non-residential use (excluding irrigation only metered use and healthcare and public safety use): any use in excess of that resulting from application of the overall mandatory rationing requirement established by the Cloverdale City Council.
- (5) Meters serving water used for healthcare and public safety (excluding irrigation only use): any use in excess of the minimum amount required to adequately provide for healthcare and public safety.
- (6) Meters serving mixed uses: An allotment to be determined by the City Engineer based upon the criteria contained in items (1) through (5) immediately above.

(H) Any customer exceeding their allotment, based on metered billing records, shall be billed and required to pay a penalty established by the Cloverdale City Council by resolution at the time the Stage 3 Water Shortage Emergency is declared. This penalty charge shall be waived for the first bill received after Stage 3 is implemented and shall terminate the day the suspension period ends.

(I) If a connection to the City's system was not in existence or used in the year established for determination of the mandatory rationing requirement, the City will estimate use in such year based on other historic records and/or water use by customers having similar end uses.

(J) The City Manager, in consultation with the City Engineer, may increase or decrease the allotment for any customer if he or she determines that special circumstances exist and that to do so would better achieve equity in allocation of available water or better meet health and safety concerns.

#### **13.05.060 Signs on Lands Supplied from Private Sources or Supplied With Recycled Water**

The owner or occupant of any land within the water service area of the City that is supplied with recycled wastewater or water from a source not owned or operated by the City (such as a well, spring or legal surface diversion) which is used to irrigate landscape which is visible to the general public, will be requested to post and maintain in a conspicuous place thereon a sign furnished by the City giving public notice of the private supply.

#### **13.05.070 Use of Sprinklers Conditional**

(A) Any customer of the City may use sprinklers to apply water furnished by the City to irrigate any turf grass, garden, landscaped area, trees or shrubs provided said application is properly controlled and performed in a non-wasteful and efficient manner confined to the nighttime hours of 7:00 p.m. and 9:00 a.m. of the next day. In the event low pressure micro-jet sprayers are present in a drip system, irrigation by the valve(s) controlling same shall also be confined to the nighttime hours noted above.

(B) The amount of water normally applied for landscape irrigation shall not exceed 80% (or such percent as specified by resolution). This condition shall not apply to residential customers if Stage 3 allotments are implemented.

(C) In determining the amount of water to apply to turf grass, customers are encouraged to use the following formula:

$$\begin{array}{l} \text{Applied water for turf grass (gallons)} = \\ \text{Area of turf grass (square feet)} \\ \times \text{ETo (inches for a given period of} \\ \text{time - typically 3 to 7 days)} \\ \times \text{ETo Adjustment Factor of 0.64} \\ \times \text{conversion factor of 0.62} \end{array}$$

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is 65% and that the crop coefficient for turf grass is 0.8. Use of this formula to determine applied water will yield the appropriate amount of water to apply while rationing is in effect.

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(D) In determining the amount of water to apply to landscaped areas containing a mixture of trees and shrubs, customers are encouraged to use the following formula:

Applied water for mixed trees and shrubs (gallons) =

Area of Landscape (square feet)  
 x ETo (inches or a given period of  
 time – typically 3 to 7 days)  
 x ETo Adjustment Factor of 0.48  
 x conversion factor of 0.62

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is 65% and that the crop coefficient for mixed trees and shrubs is 0.6. Use of this formula to determine applied water will yield the appropriate amount of water to apply while rationing is in effect.

(E) Water applied by sprinklers shall be applied in short enough cycles to avoid run-off to gutters and drains.

(F) During the suspension period, use of water by sprinklers is a privilege and permission to use water in this way may be withdrawn if it comes to the attention of the City Engineer that such use by a given customer is wasteful or in excess of the amount determined in Section 13.05.070 (B). A common result of wasteful application of water by sprinklers is evidence of runoff to a gutter.

#### 13.05.080 Variances

(A) Any customer of the City may make written application for a variance. Applications shall be addressed to:

Utility Billing  
 City of Cloverdale  
 124 N. Cloverdale Boulevard  
 Cloverdale, CA 95425

Said application shall describe in detail why applicant believes a variance is justified. The City Manager, in consultation with the City Engineer, may grant a variance to permit a use of water otherwise prohibited by this Chapter, if he or she determines that failure to do so would cause:

- (1) an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or
- (2) an unnecessary and undue hardship on the applicant or the public, including but not limited to, adverse economic impacts, such as loss of production or jobs.

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(B) The decision of the City Manager to deny an application for variance under this section may be appealed to the City Council by submitting a written appeal to the City within fifteen (15) calendar days of the date of the decision. Variances granted by the City Council shall be prepared in writing and contain any conditions imposed by the City Council in granting said variance. The City Council may require the variance be recorded at applicant's expense.

#### 13.05.090 Enforcement and Fees

(A) During Stage 2 or 3, should the Finance Manager become aware of any violation of any provision of this Chapter, the following enforcement procedure shall be undertaken:

- (1) For the first such violation, the customer shall be given a warning, generally by phone or directly in person by a City employee, or by leaving a door tag notice informing the customer of the problem and asking that it be corrected.
- (2) If the violation continues or is repeated, a certified letter shall be mailed to the customer who receives the water bill. Said letter shall describe the violation and request that it be corrected, cured and abated immediately or within such specified time as the Finance Manager determines is reasonable under the circumstances. Said letter shall state the consequences of non-compliance with the request.
- (3) If the violation continues, the Finance Manager may impose any penalty established by the City Council under a Resolution declaring a water emergency, pursue enforcement action pursuant to Chapters 1.10 through 1.15 of the Cloverdale Municipal Code, or order disconnection of the service where the violation occurs.

(B) Before reconnection of a service, the customer must stop the violation, pay all past due charges on the account, and pay a Violation Reconnection Fee.

(C) If, during the suspension period, a water service is disconnected two or more times because of violation of this Chapter, a flow restriction device may be installed by the City before service is reconnected. Furthermore, the customer must stop the violation, pay all past due charges on the account and pay a Second Violation Reconnection Fee. If a flow restriction device is installed, the City shall remove the same after expiration of the suspension period.

(D) It shall be unlawful for any customer to willfully tamper with or in any way modify or attempt to modify a City meter or anything within the City's meter box. Violation shall result in customer being charged a Meter Tampering Fee plus the cost of labor and materials to remedy any damage caused to the City's equipment as a result of such tampering.

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(E) Anyone who willfully takes water from the City water system without the City's permission or who willfully tampers with or causes damage to any City meter or water system appurtenance is liable to the City in the sum of time and materials, plus citation for code violation, as a civil penalty, for each subsequent act during the suspension period. This sum shall be recoverable by civil suit in a court of competent jurisdiction. This section does not limit the City's right to recover the cost of any City water taken without the City's permission.

(F) All customer fees required by this section shall be set by a resolution of the City.

### **Section 3. Severability.**

If any provision of this Urgency Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this Urgency Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Urgency Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

### **Section 4. Effective Immediately.**

The City Council of the City of Cloverdale adopts this Ordinance as an Urgency Ordinance in accordance with California Government Code section 36937 based on the following findings of fact:

(A) This Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety due to the current water shortage emergency condition existing within the territory of the City and all water service areas served by the City outside its territory.

(B) The ordinary demands and requirements of the water consumers in the City water service area cannot be met and satisfied by the water supplies now available to this City without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

(C) Calendar year 2013 was the driest on record for the Russian River watershed.

(D) The City's water supply is from a well field along the Russian River. The production capacity of the City's well field is influenced by the amount of annual rainfall in the Russian River watershed and subsequently the flow characteristics of the river; and

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(E) From the period beginning December 7, 2013 and ending January 14, 2014, the flow in the Russian River, as measured by the United States Geological Survey river station near Cloverdale, dropped from 127 cubic feet per second to 43 cubic feet per second.

(F) At river flows below 100 cubic feet per second, the City's water supply wells do not have sufficient capacity to supply current average day summertime demands.

(G) If the Russian river flows stay at or near 40 cubic feet per second from the present and throughout the summer months, and there is no reduction in water demands, the City is projected to have a storage deficit (supplies not sufficient to refill water storage tanks on a daily basis) as early as April 1, 2014, with complete depletion of the storage tanks within a week or two (2) of becoming deficient; and

(H) The water shortage emergency and drought conditions have resulted in the City Council having to consider a Resolution at its January 22, 2014 Council meeting to declare a Stage 1 Water Shortage Emergency condition exists within the territory of the City and all water service areas served by the City outside its territory. This Urgency Ordinance is needed to be in place prior to that Resolution in order to provide the regulations and guidance of what residents need to do to help the City continue to supply the water needed for human consumption, sanitation and fire protection.

This Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety and, pursuant to Government Code Section 36937(b), shall take effect immediately upon a four-fifths (4/5) vote of the City Council. The City Clerk of the City of Cloverdale shall cause this Urgency Ordinance to be published in a newspaper of general circulation in accordance with Government Code Section 36933 of the State of California.

I hereby certify that the foregoing is a true and complete copy of an ordinance duly and regularly adopted by the City at a regular meeting thereof held on January 22, 2014, by the following vote:

**PASSED, APPROVED AND ADOPTED** this 22nd day of January 2014 by the following roll call vote: (5 ayes - 0 noes)


**AYES:** Mayor Russell, Vice Mayor Cox, Councilmember Brigham, Councilmember Maacks, Councilmember Palla

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

  
Roberto Bartoli, Jr., Deputy City Clerk  
2225284.1

  
Carol Russell, Mayor



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Judy Arnold, Chair  
Marin County Board of Supervisors

Barbara Pahre, Vice Chair  
Golden Gate Bridge,  
Highway/Transportation District

Jim Eddie  
Golden Gate Bridge,  
Highway/Transportation District

Debora Fudge  
Sonoma County Mayors and  
Councilmembers Association

Madeline Kellner  
Transportation Authority of Marin

Jake Mackenzie  
Sonoma Mayors and Councilmembers  
Association

Stephanie Moulton-Peters  
Marin Council of Mayors and  
Councilmembers

Gary Phillips  
Transportation Authority of Marin

David Rabbitt  
Sonoma County Board of Supervisors

Carol Russell  
Sonoma Mayors and Councilmembers  
Association

Kathrin Sears  
Marin County Board of Supervisors

Shirlee Zane  
Sonoma County Board of Supervisors

Farhad Mansourian  
General Manager

5401 Old Redwood Highway  
Suite 200  
Petaluma, CA 94954  
Phone: 707-794-3330  
Fax: 707-794-3037  
www.sonomamarintrain.org

May 14, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

RE: FEIS Comments, Cloverdale Rancheria of Pomo Indians' Proposed  
65-Acre Fee-to-Trust Acquisition and Resort Casino Project, Sonoma  
County, California

Dear Ms. Dutschke,

Thank you for the opportunity to comment on the Final EIS for the 65-Acre Fee-to-Trust Acquisition and Resort Casino Project (Project) proposed by the Cloverdale Rancheria of Pomo Indians (Tribe). The following comprises the comments of the Sonoma-Marín Area Rail Transit District (SMART) on the Project. These SMART District comments center primarily on impacts on the rail right-of-way, SMART operations, and transportation. SMART submitted comments regarding the Draft EIS on October 19, 2010; please see comment letter G-11 in the FEIS (p.251).

*Response to Comments*

G-11.3. Any crossing of the existing SMART right-of-way would need a hazard analysis and application to the CPUC. Crossing of the SMART right-of-way can only occur under the permissions of both SMART and the CPUC.

G-11.7/G-9.26. While the access improvements identified are recommendations and not mitigation measures, the level of existing transit may not be sufficient to serve the project site. It is recommended that the Tribe work with SMART and the other local transit operators to identify the best way to address the increases in transit demand from both capital and operations perspectives.

SMART looks forward to coordinating with the Tribe to resolve any further issues as the Project moves forward.

Sincerely,

Linda Meckel  
Associate Planner

3ed ✓

DEC 2015

NO

YES

Other

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G-23.1

1081 Palomino Road,  
Cloverdale, CA 95425  
May 8, 2014

Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

Letter I-1  
Reg Dir \_\_\_\_\_  
Dep Reg Dir \_\_\_\_\_  
Reg Adm Ofc \_\_\_\_\_  
Route \_\_\_\_\_  
Response \_\_\_\_\_  
Due Date \_\_\_\_\_  
Memo \_\_\_\_\_  
Tele \_\_\_\_\_

Re: The Final Environmental Impact Statement for Cloverdale Rancheria of Pomo Indians  
Proposed 65-Acre Fee-to-Trust Acquisition and Resort Casino Project, Sonoma County, CA

Esteemed Members of the Bureau of Indian Affairs, Interior:

I am a resident of the unincorporated area of Cloverdale, east of the Russian River. I am opposed to the development of the Casino Complex for the following reasons.

- 1) There is a poor economic outlook for the proposed Cloverdale Casino Complex.

Since the proposal to build this complex was initiated, the Graton Casino Resort in Ronher Park commenced operations, causing a dramatic drop in the business and profits of River Rock Casino which is less than 30 miles north on Highway 101. River Rock Casino's profits are down at least 30% (The Press Democrat, March 18, 2014), and it was unable to make its May 1<sup>st</sup> interest payment on bonds which were issued to finance its building (The Press Democrat, May 1, 2014).

The large population centers which provide the customers for these casinos including the Greater San Francisco Bay Area and Santa Rosa are much closer to the Graton Casino and Resort and a significant number of these customers have left River Rock Casino in favor of Graton Casino. There is no reason to believe yet another casino even farther away from large population centers would draw enough business to stay alive.

If construction is begun, it has a high probability of not being completed. If completed, this complex has a high probability of failure. We would be left with empty, decaying buildings, built on irreplaceable agricultural land in the Sonoma County Scenic Corridor.

- 2) Water shortages have been and will continue to affect all residents, businesses, and agricultural concerns in Northern Sonoma County.

There is ample clear evidence that supplies of water in our area are insufficient due to drought, population pressure, and the needs of agriculture, the basis for the economy in Sonoma County. Citizens of Cloverdale and surrounding areas are under water use restrictions. Farmers and winery owners are meeting with officials to find ways of reducing their water use, not just this year, but in the future.

This water shortage will be made worse in the future by increased population and the effects of Climate Change. The fact of Climate Change is now rarely disputed, never in discussions with a scientific basis, and last week the Intergovernmental Panel on Climate Change reported that scientists expect warm areas to get warmer, dry areas drier, and wet areas wetter. The land on which the Pomo Rancheria wants to build a casino complex is in a very hot, dry area.

Following is approximate water use by facility type, based on studies by John's Hopkins University, North Carolina State Agencies, The Community Water Systems Handbook (1971 edition), and Water Best Management Practices Guidelines.

A 24-hour restaurant uses 50 gallons per seat per day. The Casino Complex proposes a 1,000-seat restaurant therefore using up to 18, 250,000 gallons of water per year.

One occupied hotel room requires 209 gallons of water per day. The Casino Complex proposes a 244-room hotel therefore using up to 18, 613, 540 gallons per year.

Auditorium seating requires 5 gallons of water per seat per day. The Casino Complex proposes a 1,300-seat auditorium therefore requiring 6, 500 gallons per event with no limit on the number of events per year. Assuming 180 shows per year, 1,170,000 gallons of year would be needed for the auditorium though this number could be higher.

This total of 38,033,540 gallons of water does not include water use for offices, gaming areas and grounds.

According to the California Department of Public Health the wells providing water to Cloverdale and surrounding area are utilizing ground water that is under the direct influence of surface water in the Russian River. Simply stated, all businesses, recreation, homes, and agricultural concerns get their water from the same Russian River aquifer. And in times of drought, which are inevitable, there is not enough water to go around.

The people of Cloverdale are currently under water restrictions as they were most recently in 2009. Residents of the 100-home community of Palomino Lakes face the same restrictions, and several wells belonging to people living on the east side of the Russian River have run dry in the last few years. In 2008 the National Marine Fisheries instituted requirements that grape growers severely restrict their use of irrigation to prevent freezing in the spring after a draw down on the river was so great that endangered salmon were killed.

Water is an essential commodity in short supply. Future water shortages are a certainty. We simply do not have the water resources to support the proposed Cloverdale Casino Complex.

Thank you very much for your attention and for all the work you are doing in a complex environment of diverse interests, old laws, and new scientific research.

*Dobie Edmunds*

(Ms.) Dobie Edmunds  
1081 Palomino Road  
Cloverdale, CA 95425

↑ I-1.2  
cont.



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**Re: questions from a news reporter**

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**Rydzik, John** <john.rydzik@bia.gov>

Thu, May 15, 2014 at 12:16 PM

To: "Mason, Clark" <clark.mason@pressdemocrat.com>

Cc: "chad.broussard@bia.gov" <chad.broussard@bia.gov>

Hi Clark,

I acknowledge your question regarding competition from the Graton facility. I view your question as more of a comment on the FEIS analysis that deserves a response. A response to your comment and other comments we expect to receive during the public review period will be included within the Record of Decision.

John Rydzik

Chief, Division of Environmental, Cultural Resources Management & Safety

Bureau of Indian Affairs

2800 Cottage Way

Sacramento, CA 95825

(916) 978-6051

On Wed, May 14, 2014 at 4:53 PM, Mason, Clark <clark.mason@pressdemocrat.com> wrote:

I-2.1

Hi John and Chad,

Looking at the draft environmental impact statement for the Cloverdale Rancheria project, under "Socioeconomic Conditions," there are projected revenue amounts from gambling and various other components such as hotel/ food, etc. It also talks about the percentage that would come from Sonoma County and how much of the casino spending by local residents would be cannibalized from the River Rock casino.

Did any of this analysis released in 2010 consider the competition from the large Graton Resort and Casino in Rohnert Park – about 35 miles to the south and closer to the Bay Area population/patron base – which was expected to open in the future and eventually did in late 2013?

It seems that without taking Graton into account that this analysis, or dollar amounts, are pretty irrelevant now. I do see a footnote that says "major changes in customer demand, local competition or other market conditions could alter the future projections."

If you could get back to me by tomorrow that would be helpful.

Thanks,

Clark Mason

Staff Writer

Santa Rosa Press Democrat

707-521-5214



May 26, 2014

OCRENT

Memo \_\_\_\_\_ Ltr \_\_\_\_\_

Fax \_\_\_\_\_

Amy Dubschke  
Regional Director  
B.I. A.

FEIS comments  
Cloverdale Rancheria  
of Pomo Indians  
Fee-to-Trust.

Dear Ms Dubschke,

You have all of the reasons Cloverdale must have this casino as it will destroy our small town. It will not add any benefits, it will only be detrimental. Now in the midst of our water shortage we can't add any more requirements for many more uses. The proposed wells will draw for our water supply at an impractical rate.

Please, no casino.

Robert C. Haugsten  
204 Albert St.  
Cloverdale, CA 95425

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I-3.1

May 26, 2014

Amy Dutschyke, Regional Director, Bureau of Indian Affairs.  
2800 Cottage Way  
Sacramento, Ca 95825

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Re: FEIS comments, Cloverdale Rancheria of Pomo Indians' (Fee to Trust)

Dear Ms. Dutschyke.

Once again, the unholy trinity of a few Indians, a handful of well lobbied politicians, and powerful politically connected gambling interests are attempting to bully a small country town.

If a tribal trust is granted, 65 acres of land adjacent to Cloverdale, will become an independent entity, exempted from local regulations, and will pay no sales or property tax. What Cloverdale will receive from this jumbo project is an increased carbon footprint due to increased traffic, increased crime problems, increase in poverty level employment, loss of control of land use regulations, and loss of control of water use regulations.

Please consider our concerns as you deal with this issue.

Janet & Stan Halverson

Stan Halverson

Janet Halverson

315 Rolling Hill Ct.  
Cloverdale, Ca 95425

Copy: Cloverdale City Council  
Cloverdale Reveille

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I-4.1

## LYNN COCHRAN CARUSO

204 Albany Street, Cloverdale, CA 95425, (707) 894-2012

FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust  
 Ms. Amy Dutschke, Regional Director  
 Bureau of Indian Affairs  
 2800 Cottage Way  
 Sacramento, CA 95825

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May 28, 2014

Dear Director Dutschke,

I recently had the opportunity to read over the final environmental impact statement for the Cloverdale Rancheria of Pomo Indians proposed projects. Thank you for the opportunity to share my concerns.

Reading through the environmental consequences of alternative A, the 600,000 square foot casino, 244 room hotel, convention and entertainment center, I find many potentially significant environmental consequences. For water alone, changes to existing drainage patterns, location in a delineated flood plain and treated effluent spray levels are all areas of concern.

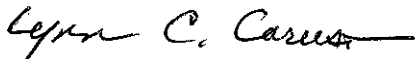
I strongly disagree with Impact 4.3 1-5 that says that the effects in groundwater levels and on the Russian River from groundwater pumping would be less than significant. Analyses were done in August of 2009, during a significantly different water period than the one we are now experiencing. A stage 2 water shortage emergency was declared in Cloverdale on January 22, 2014. Residents are being asked to cut back usage by 25%. Lake Mendocino to our north is only at 45% of capacity, and we still have to get through summer. As we continue to see increasing climate extremes, and severe weather throughout the US and the world, a reliable source of water for this city will remain a continual concern. Anecdotally, Bruce Reuser, whose business is not far from the proposed site shared at the city council meeting of 1/22/14, that a well his company has used since he was a child and used to give a million gallons per year has gone dry. Alternative A's need for 74.6 are feet of groundwater per year is hard to fathom when I daily heat water in a microwave to wash my face, so I won't waste water heating it.

Other potentially significant environmental consequences for land, (soil hazards like erosion and subsidence and the seismic hazards) listed concern me as well. To say nothing of the effects on the areas biological resources (uplands habitats, wetlands and other waters of the US, and federally listed species). Air quality effects are also potentially significant, both during construction and operation (indoor air pollution). The project's effect on green house gases and climate change remain a concern.

Today's Press Democrat cover story states, "The business arm of the Dry Creek Rancheria Band of Pomo Indians notified investors Wednesday that it will default on millions of dollars in bonds used to build River Rock Casino near Geyserville." I know this is outside the FEIS, but this is significant for the Cloverdale Rancheria of Pomo Indians' future plans. River Rock has additionally laid off hundreds. The Graton Casino has changed the equation in our area.

Thank you for the opportunity to comment. Alternatives A-D present problematic environmental concerns, and should not be allowed to go forward.

Sincerely,



Lynn C. Caruso

lynn.caruso@sbeglobal.net

I-5.1

I-5.2

I-5.3

I-5.4

I-5.5

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Mary L. Brugo  
316 Rolling Hill Court  
Cloverdale, CA 95425  
May 29, 2014

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

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**SUBJECT: "FEIS comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust"**

The proposed Cloverdale Rancheria Fee-to-Trust project should not be approved for several reasons, including:

- The economic justification for the proposed project is premised on a market study which has not been released to the public. Yet Cloverdale residents, City and County governments are asked to embrace the proposed project based on a "trust us" basis.
- Since the first public scoping meeting during summer 2008 national and local economic conditions have changed markedly. Thus likely making the market study very outdated.
- The Graton casino has totally changed the gaming dynamics for the North Bay area.
- Drought conditions have impacted Cloverdale; mandatory water reduction is in force.
- Water resources, public and private, are a major concern regarding the casino.
- Climate change is evident, resulting in new carbon emission standards and other aspects of sound resource management.

None of the above conditions favor the future development of a Cloverdale casino. Several portions of the proposed Cloverdale Rancheria FEIS dated 2014 that relate to resource use and socio-economic conditions are outdated. While a tribal trust is exempt from local regulations; that very reason alone is cause for concern that City and County environmental regulations and development standards will be violated.

Climate Change

In 2014 there is no denying worldwide climate change is here. California, including the North Bay counties, is among the states developing plans encompassing climate change impacts regarding future development. Sonoma County has developed "Climate Action 2020" to address the immediate issues of climate change. Foremost among resource issues for the action plan are water and our carbon footprint.

The concept of a Cloverdale casino, and the research related to its development was conducted mainly over the period 2000-2008 when the reality of climate change was not being acknowledged. In 2014 climate change can no longer be considered "speculative science".

- Carbon Footprint

One of the principal criteria of "Climate Action 2020" is to reduce the local carbon footprint. Vehicular traffic is the single biggest contributor of carbon emissions. Option A of the proposed Cloverdale casino projects about 9,000 daily visitors to Cloverdale. Even with the use of buses

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and car pools, that still results in several thousand vehicle trips each day. The further visitors travel to and from a Cloverdale casino, the more carbon is emitted into the atmosphere. When viewed within the context of carbon reduction all of the casino options of the proposed project violate "Climate Action 2020".

↑ I-6.5  
cont.

- Water Resources

I-6.6

The current 3-4 year California drought is a critical concern statewide. Mandatory water use reductions of 25 percent were imposed upon Cloverdale during winter 2014. Even without a casino water availability is already a major concern for Cloverdale.

Droughts are cyclical, with durations lasting a few years to decades. A Sonoma County Water Coalition is currently reviewing potential groundwater over-drafts, subsidence and depletion in the county. The coalition notes tree ring studies have indicated the Russian River area experienced periods of long droughts between 1500-1800 ("*Panel targets groundwater depletion, Santa Rosa Press Democrat, May 12, 2014*" and also State Briefs from Sacramento "*Groundwater management favored, May 28, 2014*")

In recent decades droughts have lasted only a few years. The current drought is more severe than the serious drought of the late 1970s. The severity of the current drought already puts Cloverdale residents and existing businesses in jeopardy, and a Cloverdale casino would clearly worsen conditions. In an extended drought how would water allocations be determined?

The FEIS discusses the use of both city water, and alternatively, private well development. While tribal trust land is not subject to local regulations, private well development and draw downs is not a viable solution for neighboring wells during low water periods. Further it would certainly not be considered "best management practices".

The FEIS states the tribe will hold discussions with the City about water usage. To date why has the Cloverdale Rancheria not held preliminary discussions with the City regarding water? Responsible planning for a project of this magnitude dictates, at a minimum, the time to hold preliminary or exploratory discussions is before a casino, of any size, is proposed. Anything less, is decidedly speculative on the part of the tribe and BIA.

#### Economic Conditions / Graton Casino

I-6.7

Climate change and water shortage when coupled with the recent opening of the Graton casino in Rohnert Park in November, 2013 make the feasibility of a Cloverdale casino, of any size, very questionable. The *Santa Rosa Press Democrat* is replete with news articles about Graton's success. There is no question Graton's proximity to the San Francisco-Oakland-San Jose area populations is a major competitive factor. Driving the additional 40 miles beyond Rohnert Park to Cloverdale would be a major deterrent. Within in about 5 months, after opening of the Graton casino, River Rock casino information states "revenues declined by more than 30 percent". ("*River Rock Falls Short*" *Santa Rosa Press Democrat* May 2, 2014). And today's, front page *Press Democrat* article states: "*River Rock to default on bonds*" (May 29, 2014).

The recognized practice of casino 'cannibalization' appears to be working well, and bodes poorly for the prospect of a Cloverdale casino. Cloverdale was planning to cannibalize about

↓

30+ percent of the now faltering River Rock casino. Within about 10 to 50 miles of Cloverdale, River Rock in Geyserville, and smaller casinos located in Hopland, Redwood Valley and Lake County have likely saturated the gaming market for local populations. Without a Cloverdale casino there is an oversupply of small casinos that are suffering revenue losses since Graton opened.

I-6.7  
cont.

Graton has changed the entire dynamic of the North Bay gaming market, likely rendering the Cloverdale market study findings extremely unrealistic in 2014. Further, since the FEIS market study has never been released to the public, only adds to dubious credibility of the original study. The general public distrust of Indian casino studies results from the practice of reservation shopping and financial backing from largely non-local gaming interests.

- On-line Gaming

I-6.8

The FEIS does not address competition from on-line gaming. In 2014 it is an issue that cannot be ignored. From the standpoint of environmental issues, on-line gaming will cause no negative impacts to the environment. There will be no vehicular traffic contributing to carbon emissions, or impacts to water consumption, related waste management, noise and visual impacts, etc.

Legalized on-line gambling has become a divisive issue among large casinos nationwide. News reports indicate on-line gambling now exists as a black market activity. Currently three states, New Jersey, Delaware and Nevada, have regulated on-line gambling. Other states are considering legalization and regulation which in turn could create new revenue sources for states.

### Tribal Membership

I-6.9

In my DEIS comment letter (October 14, 2010) I noted a large disparity between U.S. Census data and membership numbers. The BIA says "the source of this information is the BIA's 2005 American Indian Population and Labor Force Report <http://www.doi.gov/bia/labor.html>. These reports are updated more frequently than the U.S. Census". However, after repeated attempts access has been difficult.

The 2010 census was taken in the spring, but the data by tribes, was not released until 2013. The census numbers are for one tribe alone, or in any combination. The 2010 total count for "Pomo" Tribes was 7,874. Twenty-two (22) tribes are listed under the Pomo category.

The census data for the Cloverdale Rancheria in 2010 was 197 members nationwide, compared to 74 members in 2000.\* Conversely for the Cloverdale Rancheria the DEIS released summer 2010 stated 498 members; and a *Press Democrat* news article dated May 18, 2014 states 540 members. This very large disparity between census data and BIA membership numbers remains very disturbing. It makes one wonder about the veracity of the Cloverdale Rancheria membership numbers.

\*(Source: American Indian and Alaska Native Alone or in Combination Population by Tribe for the United States: Census 2010 CPH-T-6 and Census 2000 PHC-T-18).

Conclusion

I-6.10

The Fee-to-Trust proposal does not merit approval, and should be rejected. The 2014 FEIS is outdated! As discussed above, market conditions for North Bay gaming has changed drastically with the opening of the Graton casino. Drought conditions have adversely impacted Cloverdale's water supplies. Climate change is becoming a recognized fact, with new goals to reduce carbon emissions. None of these changes support the development of a Cloverdale casino.

A casino is not the "highest and best use" of the proposed 65-acre Fee-to-Trust project. The site is within the Cloverdale sphere of influence. It is part of the long range City and County plans for future industrial development which would bring living-wage jobs to the area. It would improve the area's economic base and create few environmental impacts on natural resources due to its lower density use.

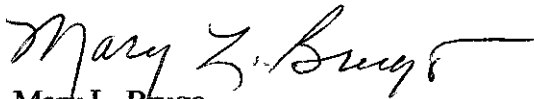
I-6.11

Conversely the high density use of a casino would create greater negative environmental impacts. In particular carbon emissions would increase from thousands of daily vehicle trips, higher water demand and increased waste management needs. Additionally, the largest share of revenues generated by a casino will leave the area to external financial backers.

It is recognized that land taken into trust is not bound by local regulations discussed above. However, as stated earlier that fact is reason for the City and County to be concerned that land taken into a tribal trust has the potential to negatively impact and/or violate local environmental regulations and building standards. The Cloverdale area deserves better use of the proposed site.

I-6.12

In 2014 the proposed project is ill advised due to significant environmental impacts and major economic changes. The Cloverdale Rancheria of Pomo Indians "Fee-to-Trust" proposal should be denied.

  
Mary L. Brugo

May 31, 2014

Linda Lawrence and Shelby Kennedy  
 659 S. Cloverdale Blvd.  
 Cloverdale, CA 95425

Ms. Amy Dutschke, Regional Director  
 Bureau of Indian Affairs, Pacific Region  
 2800 Cottage Way  
 Sacramento, CA 95825

RE: FEIS comments, Cloverdale Rancheria of Pomo Indians Fee-to-Trust

Dear Ms. Dutschke,

We live in the city of Cloverdale and object to the proposed Fee-to-Trust due to our continuing drought conditions. The state of California has declared a statewide drought and passed a law requiring that we reduce water consumption 20% by 2020. Sonoma County has required that all citizens reduce water consumption. Cloverdale is asking for a 25% mandatory reduction.

Cloverdale's water comes from wells that use the aquifer of the Russian River watershed. Aquifers are not finite. The Russian River aquifer is under the direct influence of surface water and this water source has dropped to a winter flow of 25 cfs. Lynn Ingram, a soil paleontologist at U. C. Berkeley has stated that our current drought is not a short term one but will last 20 to 100 years due to climate change. California is one of the few states that does not regulate wells. Cloverdale would not know how much water the proposed casino complex used since Indian land acts as a sovereign nation and does not have to follow local rules and regulations.

The proposed development of 596,000 square feet of casino, hotel, entertainment center and convention center would use approximate 33.6 million gallons of water per year. In an area that is in a current drought condition and that faces several years more, we must lean to conserve water and not waste it. A complex that uses water in large amounts is not in the best interest of local recreational, home and agricultural use. I would not hesitate to say nor to the endangered fish populations.

Cordially,

*Linda Lawrence*  
 (Ms.) Linda Lawrence

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To: John Rydzik, Chief Environmental Scientist BIA  
 2800 Cottage Way W-2820  
 Sacramento, Ca 95825  
 (916) 978-6051  
[John.Rydzik@BIA.gov](mailto:John.Rydzik@BIA.gov)

**RE: PUBLIC COMMENT FOR CLOVERDALE RANCHERIA ENVIRONMENTAL REVIEW**

Dear Sir,

I am Jefferey Alan Wilson Sr. active tribal member of Cloverdale Rancheria and former Executive Chief of the tribe.

I object to the placing the land into trust for the purpose of a Casino for the following reasons:

- 1). The greatest need of the tribe is housing. Many tribal members are homeless, living with relatives in crowded conditions and could not pass a HUD review for proper number of occupants per household. There was never a needs assessment for this EIR. There was never a formal survey in which all tribal members were contacted by the BIA. I-8.1
- 2). The project has no sustainable review plan. There is no plan for; the harvesting of renewable energy, the harvesting and recirculation of water, the production of locally grown food, no plan for reducing miles driven as per green sustainable walkable communities LEED Standards. I-8.2
- 3). The Mission style architecture is racist and offensive to California Indians. It reflects a period in history in which Native California's were enslaved, and murdered. This period was so heinous that the Catholic Church apologized for it actions in the 1970's. I-8.3
- 4). There is no mention of smart technologies for energy efficiency. I-8.4
- 5). There is no mention of porous paving systems to reduce rain runoff into the ecosystem and overburdened sewer system. I-8.5
- 6). Appeals are still pending for the leadership of the tribe for the December 2013 elections are questions are pending as to the proper and legal conduct of the election committee. Patricia Hermosillo coerced tribal members into voting for her by stating they would not get their distribution check. She stuffed the ballot box that her son had the key to during the elections allowing her to win. I-8.6
- 7). Members have been kicked out of the tribe and tribal benefits have been threaten to be taken away if members didn't vote for Pat Hermosillo. The fear amongst several tribal members exist that if the casino becomes a reality before any meaningful resolution between the several tribal factions occurs they will be disbanded from the tribe by the Pat Hermosillo council.

HISTORY

I am the 1<sup>st</sup> elected Tribal Chief of Cloverdale and the first person to politically organize the tribe in 1991. We had lost our land base in the 1950's. My family moved to San Jose for work. On a visit to the old Cloverdale cemetery with my Grandmother Lena Cordova-Arnold Abasolo we witnesses red survey stakes around the cemetery. My Grandmother was worried and asked me to look into the matter because her relative are buried here and she wished to be buried here as well. After much investigation (I am a former San Jose Police officer) we had come to find out that the Cloverdale bypass was to be built over the old Rancheria and would go through her old land assignment.

In order to legally have the authority to negotiate with the State the tribe had to be politically organized. We went from San Jose to Round Valley and talked to hundreds of Indians that were related to Cloverdale. We could only find 17 willing to vote in our tribal election. In November of 1991 tribal elections were held and certified by the BIA. The first item on the agenda was the mitigation of the Cloverdale bypass. What the reviewing body needs to fully understand is our tribal lands run though the entire area of Cloverdale and is not restrict to the old Rancheria boundaries and certainly covers the area in question for this review.

The negotiations between the tribe and the State took months, were a series of public meetings and the press was present. News coverage was a major event and stories ran weekly. We used the Makahmo Report written by Professor David Perri, a document commissioned by the Army Corps of Engineers for the Warm Springs Dam Project, numerous anthropology writings such a Barrett, Stewart and others, as well as oral testimony from the elders of the tribe. I personally carry a researcher's card from the National Achieves and have study thousands of tribal records from San Bruno to Washington DC. Below were some of the environmental and cultural issues that came to light:

- (a). The Makahmo (Salmon Hole People) Cloverdale Indians have been here for 10,000 years.
- (b). Numerous plants are scared to the land and are used for basket weaving and medicine.
- (c). There are Indian bodies buried though out the area (near subject site as well).
- (d). Artifacts are still present in the area.
- (f). The Tribal people continue to practice their basket weaving, medicine song and dance.
- (g). The State historically has conspired the hide artifacts, bodies, and not replace sacred plants. This was in fact the case at the Tribal/State mitigation meetings.
- (h). After the mitigation meetings the tribe voted to seeking housing next.

The Wilson council looked for several sites to build a community. Ultimately the Ford Ranch, 250 acres in Petaluma was chosen because we were rejected at ever location including the old Rancheria. President Clinton issued an Executive order for all government agencies not to interfere with Federally Recognized Tribes. This afforded us the opportunity to clean up the Ford Ranch (there was a sizable junk pile on the land) and prepare the land to be taken into trust. 100 people including tribal members were on the payroll. We built a school for the workers children, sports fields, administration buildings, roads, bridges, and began land planning for housing, water recycling program, a casino and other economic develop such as government contracting manufacturing. We were issued a NEPA under budget and on time to take the land into trust. Presidential politics stopped the project.

### PRESENT DAY

September 2013 I was approach by several tribal members and ask to come back to tribal politics and run against Pat Hermosillo as Chairperson. A large segment of the tribe has grown disillusioned with her 20 year reign. It is plagued with favoritism, corruption and threatening tactics. Tribal members have had their distribution funds taken away or threatened. Details are in controlling documents attached. During my campaign several meetings throughout Northern California took place and tribal people told me of all the wrong doings by her and her council. In listening to the tribal members several main issues always repeated itself no matter where I went:

↑ I-8.6  
cont.

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- (1). Members fear Pat Hermosillo will disenroll them once she gets the casino and benefit denials will also occur.
- (2). Members have not had a voice in the land development process.
- (3). Members are split as to if they want a casino.
- (4). Most of all members want a sense of centralized community, a place where they can live, gather, have cultural activities and call home.
- (5). I hear time and time again; 'Jeff we know you have a community plan, where Pat's community plan?' (see business plans attached).

I-8.6  
cont.

### IN CLOSING

Our very existence as a Native People is on the line as to what the BIA decides on the tribal use for this land. The greatest difference between aboriginal people and settlers is Natives have a God given birth right to be Stewards of the land. Indian people have been practicing sustainable methodologies since the beginning of time.

Indian people have suffered cultural damage since the arrival of the Europeans, from genocide, to the trail of tears (the march from Cloverdale to Round Valley prison camps where the Chiefs and heads men were executed, through assimilation when the government tore children from their homes and put them in military type school (this was the case on my aunts and uncles).

Now we are in the Casino era, in-fighting, disenrollment of over 2,000 tribal members and growing. Cloverdale has been quoted by one of the attorneys 'as the most long going litigated case in U.S. history'. Retired BIA officials (Doug Rollins and Smith) are suing Cloverdale members for failed casino development of the Santana Family. There is no end in sight and the in-fighting will only get worse if the casino land in-trust is approved.

However, this can be a golden opportunity to bring all parties together in a final resolution under tribal law. The federal courts are not moot on the matter of disenrollment. A recent court decision does state 'the courts in fact do have subject matter jurisdiction when due process is absent'. That certainly is the case with Cloverdale. No due process, secret meetings, no published agendas tribal members not being allowed to be part of the review or development process.

Tribal law states under the Constitution; all members have civil rights and dispute resolution.

It is my recommendation that the approval of land in trust be granted for the Cloverdale Tribal members pending a dispute resolution involving all splinter groups to be presided by a third party resolution firm familiar with California Indian Affairs and that a new development plan be worked out to include a sustainable community of housing, shops, and smaller gaming venture.

The BIA has the power to finally bring peace to our dysfunctional tribe.

With much respect,  
Jefferey Alan Wilson Sr.  
Cloverdale tribal member and elder  
3206 Loma Verde Dr C7  
San Jose Ca. 95117  
(408) 775-2264

Letter I-9

**Julie H. Dilley and Thomas S. Foster**  
**26011 River Road**  
**Cloverdale, CA 95425**

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June 2, 2014

Amy Dutschke  
 Regional Director, Bureau of Indian Affairs  
 2800 Cottage Way  
 Sacramento, CA 95825

via fax 916-978-6099

RE: FEIS comments, Cloverdale Rancheria of Pomo Indians

Dear Amy Dutschke:

We are opposed to this casino project for the following reasons.

- Water- the lack of it and the impact on the surrounding lands; Cloverdale is once again asking all of its residents to conserve water. The wells of the unincorporated Sonoma County residents on the east side of the Russian River are going dry. The static water level in our well has dropped 10' in the last 10 years. The well is only 30' deep. A new well for the casino will be the negatively impact these existing wells.
- Noise pollution for the local community
- Air pollution because smoking is allowed on and in the premises.
- No Public transportation to and from the proposed casino.
- An increased carbon footprint due to a huge increase in traffic
- The proposed land use is in direct opposition to the current use.
- The night sky will be illuminated impacting residents who used to be able to see the Milky Way and other stars.

I-9.1

I-9.2

We understand the purpose and need of the Rancheria to increase their financial resources, and believe they could meet their needs through non-gaming business ventures that would have less environmental and cumulative impact on Cloverdale such as a solar array that could sell power back to Sonoma Clean Power.

I-9.3

Respectfully yours,

*Julie H. Dilley Thomas S. Foster*  
 Julie H Dilley and Thomas S. Foster

## Responses to Comments on the Final EIS for the Cloverdale Rancheria Fee-to-Trust and Resort Casino Project

Comment Letter	Comment Number	Comment Issue Area	Changes Recommended to ROD	Response
G-1 EPA	G-1.1	Water Resources		EIS Mitigation Measure 5.3-2a requires the Tribe to quantify the impact of flooding through hydraulic modeling, which will determine whether the Tribe is required to complete the Conditional Letter of Map Revision (CLOMR) process. EIS Mitigation Measure 5.3-2c requires that the Tribe seek participation in the National Flood Insurance Program (NFIP). Under 44 CFR Section 60.3 communities participating in the NFIP which propose development that will raise the water surface elevation of the 100-year flood by more than one foot are required to obtain a CLOMR. The EIS has preliminarily evaluated the environmental effects of removal of land from floodplain storage and anticipates that compensatory storage may not be needed (less than one foot of increase in base flood elevation). As discussed in mitigation the Tribe will coordinate with FEMA, adhere to FEMA floodplain hydraulic modeling requirements and adopt a flood damage prevention ordinance and Tribal Mitigation Plan for flood hazards as required through Tribal government consultation with FEMA. Floodplain storage is one option that would be considered during consultation if finalized hydraulic modeling predicts greater than a foot of increase.
G-1 EPA	G-1.2	Water Resources		The proposed project facilities would be closed during hazard or hazardous events. The facilities are not created or proposed to serve as a lifeline utility. The proposed water and wastewater treatment plant would serve only Tribal development and is not critical to the functioning of off-site residences, businesses or public facilities.
G-1 EPA	G-1.3	Water Resources	YES	The EPA suggestion that development be conditioned on submittal of an application to FEMA for NFIP participation is reasonable and will be incorporated into EIS Mitigation Measure 5.3.2c in the Record of Decision.
G-1 EPA	G-1.4	Water Resources		Analyzing the effectiveness of onsite reclaimed water dispersal and the potential effects to hydrology and groundwater involved developing a water balance that incorporated 1) a maximum dispersal area (14.6 acres), 2) a crop types with the highest evapotranspiration rates (alfalfa), 3) evapotranspiration (UC Davis) and precipitation (CDWR and CDEC) rates, and 4) soil moisture, field capacity rates, and available water estimates (NRCS). Given the proposed monthly discharge quantities the water balance estimated what fractions of water would (a) be subject to evapotranspiration, (b) be held in the soils, and (c) be infiltrated to groundwater. The calculations showed that use of a 14+ acre spray area of alfalfa (or comparable crop) would accommodate the dispersal of recycled waste water while not creating impacts on the local hydrology or the water table. With the area and crop cover, the soil would hold a large fraction of the applied

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				recycled water while a smaller fraction would percolate to the water table and mix with groundwater. It must be noted that the water applied by spray irrigation would be tertiary treated to California Code of Regulations, Title 22 standards for land application. Furthermore, given the soil conditions, the recommended crop type, and dry season application schedule, spray irrigation would not distribute reclaimed water at rates that would result in localized ponding or the generation of runoff to the waters of the US. Nevertheless, Mitigation Measure 5.3-3 prescribes control measures that address ponding and runoff.
G-1 EPA	G-1.5	Water Resources	YES	<p>Constructing a lined pond that would extend below the depth of the shallow groundwater is feasible using standard engineering practices and available construction technologies. The construction approach would be similar to constructing any subterranean parking structure or deep basement in an area with shallow groundwater and would rely on scheduling (dry season construction), use of coffer dams and sheet piling (where necessary), temporary soil stabilization and grouting, and adequate dewatering systems.</p> <p>Although the EPA may be concerned that the proposed reclaimed water storage ponds could discharge effluent into the Russian River or accept infiltrating groundwater, the claim that leakage could occur is speculative especially considering that modern engineering design and construction has proven that reclaimed water can be contained within impermeable liners without leakage. A new mitigation measure has been added to the ROD to provide additional assurance and requires an annual visual inspection as well as monthly logging of pond levels.</p> <p>The claim that the reclaimed water ponds would be inundated by a large precipitation event is also speculative because the storage facilities would be sized to accommodate project wastewater generation, average annual rainfall, evaporation, and the discharge of reclaimed water to the east parcel and landscape on the west parcel. Freeboard would be established above maximum project pond surface for flood events (see Appendix J of the Final EIS). The pond embankment would also provide five feet of freeboard at anticipated peak reclaimed water storage. Furthermore, EIS Mitigation Measure 5.3-2b states that, "[i]n accordance with FEMA floodplain hydraulic modeling requirements, the Tribe shall develop a hydraulic model to quantify the impact of</p>

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				wastewater facilities and other related systems proposed for construction within the 100-year floodplain and 500-year floodplain if required by FEMA, of the Russian River.”
G-1 EPA	G-1.6	Water Resources		The Stormwater Quality Management Plan (SQMP) analysis concludes that adequate storage and treatment are included to handle stormwater flows (for the 2 year, 24 hour peak flow). See Table 6-7 of the SQMP. The stormwater facilities including subterranean detention system and release areas are shown in the Utilities Plan in Appendix H. The SQMP adequately characterizes the potential stormwater flows and develops sizing parameters and locations of the appropriate BMPs. The capability of the BMPs to handle predicted flows is assumed based on the conservative sizing parameters and recognizing that the proposed BMPs are standard industry practices, proven elsewhere to manage sufficiently manage flows. Under the SQMP, treatment BMPs would be designed to treat the 85th percentile storm, as described in the Santa Rosa Standard Urban Stormwater Mitigation Plan (SUSMP) and Sonoma County NPDES permit. In addition, treatment BMPs would be designed to detain runoff from the 2-year, 24-hour storm event and discharge at a rate at or below the existing 2-year, 24-hour rate. In addition, it was stated in previous responses (Responses to Comments on the Draft EIS G.4-8 and G 9.81) that a comprehensive design-level drainage plan would be completed after the final development alternative has been chosen and prior to construction. Completing a comprehensive design level drainage plan before the development alternative has been selected is not practical or appropriate because an alternative has not been selected. It would not be efficient or cost effective to prepare a design-level drainage plan for each of the five alternatives considered in the EIS, nor are design-level drawings necessary for an assessment under NEPA. The Preliminary Drainage Plan (Appendix B of the Draft EIS) adequately considered the project site limitations and informed initial site planning. The preliminary SQMP enhances the understanding of how the proposed project would accommodate stormwater flows and provide assurance that the project site plans can meet the requirements of the NPDES permit and the Santa Rosa SUSMP.
G-1 EPA	G-1.7	General		The Final EIS provided responses to EPA's comments on wetland impacts and avoidance. It is noted that the EPA can coordinate with the US Army Corps of Engineers during the Clean Water Section 404 permit process.
G-2 Caltrans	G-2.1	General	YES	It is noted that the Caltrans' Conceptual Approval Report (CAR) process has been

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				replaced by the Intersection Control Evaluation (ICE). EIS Mitigation Measure 5.8-4 will be updated in the ROD.
G-2 Caltrans	G-2.2	Traffic		As stated on page 3.8-8 of the Final EIS, the level of service (LOS) standard (the basis for impact determination) for the analysis is the overall intersection LOS, and as shown in Table 4.8-3 of the Final EIS, the overall intersection level of service at the U.S. 101 Southbound Ramps / South Interchange intersection would be LOS A for the Proposed Action (Alternative A). The other project alternatives would generate fewer trips than Alternative A, and would have a less-than-significant impact at the referenced intersection. No mitigation measure would be required.
G-2 Caltrans	G-2.3	Traffic		Traffic volume data for U.S. 101 (mainline and ramps), available from Caltrans ( <a href="http://traffic-counts.dot.ca.gov/">http://traffic-counts.dot.ca.gov/</a> ) when the Final EIS was prepared were the same or similar enough to those used for the Draft EIS so that there would be no change to the Draft EIS's impact determinations. A check of the most-recent traffic volume data available from the Caltrans web site after publication of the Final EIS (2013 volumes made available summer 2014) indicates that while volumes are higher now, they are not high enough to change the impact determination presented in the Draft and Final EIS. That is, the following text on Final EIS page 4.8-6 (and elsewhere for the other project alternatives) remains an accurate description of traffic conditions under project conditions: "With the addition of traffic volumes generated by Alternative A to the baseline Year 2015 Short-term traffic (described in Section 3.8), all of the study freeway segments of U.S. 101 from the Sonoma-Mendocino County Line to the Dry Creek Road Interchange in Healdsburg would continue to operate at an acceptable LOS B or better in both the northbound and southbound directions during the weekday p.m. peak hour."
G-2 Caltrans	G-2.4	Traffic		No data or other facts or information is provided that indicates that the collision history for the period since 2007 has materially changed, or that the intersection safety impact determination in the Final EIS would be altered on the basis of updated collision information.
G-2 Caltrans	G-2.5	Traffic		As described on page 3.8-12 of the Final EIS, the Year 2015 was used as the baseline occupancy year for determining impacts of the proposed action. As such, the traffic analysis used for the Final EIS remain valid.
G-2 Caltrans	G-2.6	Traffic	YES	Construction impacts associated with the proposed action are described on pages 4.8-8 and 4.8-9 of the Final EIS, with discussions of construction impacts under the other



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				<p>project alternatives, parallel to that for the proposed action, on other pages in Section 4.8. As stated, construction-generated traffic would be temporary, and therefore, would not result in any long-term degradation in operating conditions on roadways in the project area. The impact of construction-related traffic would be a temporary and intermittent, with most construction traffic dispersed throughout the day (i.e., few peak-hour trips). The temporary increase in traffic on U.S. 101/State Route 128 (which overlap in the project area) would not significantly disrupt daily traffic flow, and a less than significant impact would result.</p> <p>While construction traffic impacts are anticipated to be temporary and less than significant, a new mitigation measure has been added to the Record of Decision for a Traffic Control Plan which would be submitted to Caltrans and the local jurisdictions prior to construction.</p>
G-2 Caltrans	G-2.7	Traffic		See Final EIS Response to Comment G-6.5 in Appendix S of the Final EIS regarding exclusion of an a.m. peak-hour traffic analysis.
G-2 Caltrans	G-2.8	Traffic		See Final EIS Response to Comment G-6.6 in Appendix S of the Final EIS regarding the internal trip reduction applied to non-gaming uses.
G-2 Caltrans	G-2.9	General		Comment noted. No environmental issues were raised in this comment.
G-3 Clearinghouse/ Caltrans	G-3.1	General		Comment noted. No environmental issues were raised in this comment.
G-3 Clearinghouse/ Caltrans	G-3.2	Traffic		This letter is a duplicate of Comment Letter G-2. See responses above.
G-4 through G-19		General		Comments noted. Letters G-4 through G-19 are in support of the project and do not include environmental concerns.
G-20 City of Cloverdale	G-20.1	General		Comment noted. The City comment letter dated October 19, 2010 (comments on the Draft EIS) was responded to in Final EIS Appendix S. The City comment letter dated August 26, 2011 (comments on the administrative Final EIS) was responded to in internal responses in the administrative record.

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G-20 City of Cloverdale	G-20.2	Project Description		The Tribal offices would be removed from the project. The Tribe currently has offices in Cloverdale that they would continue to use and thus there is no anticipated impact. The project would meet building code and fire code requirements for fire and life safety access, which is not dependent on the Santana Drive access point. The parking for the Tribal Administrative Building proposed to serve only the administrative building, and thus the removal of this parking would not affect the parking for the other project uses.
G-20 City of Cloverdale	G-20.3	Public Services		<p>While the rainfall amounts during the 2013 – 2014 water-year were considerably below normal for the Cloverdale area, the future duration of this current drought cycle is unknown. Groundwater levels in some locations may have declined in response to the current drought and if the drought continues through next year, they may decline further in local wells.</p> <p>Public Option: If the project implements the municipal water supply option, and the drought conditions exist at the opening of the proposed facilities, the project would be subjected to Cloverdale water use restrictions. Should the City be limited in terms of water rights or water supply availability the Tribe would pursue the private option which is currently the default water supply option. As the Tribe does not currently have an agreement to obtain water service from the City, the EIS determined that the public option would result in a significant impact. The City's Water Master Plan may need to be updated if the public option was to move forward and the Tribe would likely be required to pay impact fees towards needed improvements within the existing City water treatment plants. This does not change the significance level of the environmental impacts as the public option was determined to be significant.</p> <p>Private Option: Although it would be speculative to predict what the drought conditions would be when the proposed facilities open to the public, in the event that the current drought conditions extend into the future, the future private option well may decline thereby reducing the currently estimated well production rates. Under those conditions, the casino would likely have to adjust their pumping schedules and implement water conservation measures to reduce demand. Should the Tribe pursue the private option it would not substantially affect City water supplies under drought conditions as the project well would not be within the capture zone of the City of Cloverdale production wells.</p>

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G-20 City of Cloverdale	G-20.4	Public Services		See Response to Comment G-20.3, above regarding the public wastewater option.
G-20 City of Cloverdale	G-20.5	Socioeconomics		Impact on affordable housing was addressed in Final EIS Response to Comments G-10.33 and G-10.34.
G-20 City of Cloverdale	G-20.6	Socioeconomics		The comment does not explain how slowed growth (something common throughout California) would make the previous analysis of impacts to housing, population and schools invalid. The significance findings in Section 4.7 would remain the same and thus no revision to the EIS is needed.
G-20 City of Cloverdale	G-20.7	Socioeconomics		The Tribe has considered lower intensity alternatives such as Alternatives B, C and D and will take into account current market conditions prior to construction. The argument that the project would not be viable and would result in vacant space is speculative.
G-20 City of Cloverdale	G-20.8	Socioeconomics		The impact on local business, sales tax revenue and transient occupancy tax revenue is discussed in Section 4.7. See also Final EIS Response to Comment G-10.35.
G-21 Cloverdale Health Care District	G-21.1	Public Services	YES	Based on the comment's suggestions, the following language has been added to EIS Mitigation Measure 5.10-5 "Prior to operation, the Tribe shall enter into a service agreement with the Cloverdale Healthcare District for provision of ambulance services to the project site. This agreement would include compensation for responses that do not result in transportation and terms for renegotiation. The agreement may include proportional assessment of costs for staffing and vehicle replacement."
G-22 County of Sonoma and Sonoma County Water Agency	G-22.1	General		Comments noted. See responses to specific comments below.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.2	Alternatives		The comment misinterprets the requirement for agencies to evaluate a reasonable range of alternatives in 40 CFR § 1502.14 to mean that the agency must analyze an alternative which reduces all significant impacts to a less-than-significant level. The EIS has evaluated reduced intensity alternatives which reduce impacts in comparison to the Proposed Action in addition to an alternative use (Business Park). The EIS has also evaluated a No Action Alternative as required by 40 CFR § 1502.14(d).
G-22 County of	G-22.3	Air		The original Illingworth and Rodkin letter was responded to in the Final EIS (Appendix

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Sonoma and Sonoma County Water Agency		Quality/Noise		S). The additional comments from Illingworth and Rodkin are addressed below.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.4	Air Quality/Greenhouse Gas Emissions		Unlike the Lytton Residential Project, the proposed project is not located in the BAAQMD. Additionally, the proposed project is not required to comply with CEQA thresholds. As indicated on pages 4.4-6 and 4.4-7 of the Final EIS, three criteria are used to determine the significance of GHG emissions from the project, one of which is the numeric threshold of 25,000 metric tons of CO <sub>2</sub> e, which is a comparison to the size of major facilities that are required to report GHG emissions. EIS Mitigation Measure 5.4-10 includes purchase of offset credits for emissions which exceed 25,000 metric tons of CO <sub>2</sub> e annually. See also Final EIS Response to Comment G-9.16 regarding transportation and energy efficiency measures to reduce GHGs, as well as Final EIS Response to Comment G-9.11 for additional commitments that the Tribe has made to further reduce project GHGs. See Final EIS Response to Comment G-10.81 regarding mitigation enforcement.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.5	Air Quality/Greenhouse Gas Emissions		Contrary to the commenter's assertion that Responses G-9.7 and G-9.9 only state that the "URBEMIS program does not supply input files", the responses answer all questions asked by stating that detailed output files (included in Appendix C) contain information as to what assumptions were incorporated into the program, that operational emissions were calculated using both area and on-road sources, and by revising tables to specify calculations, which go into more detail regarding trip distribution assumptions.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.6	Air Quality/Greenhouse Gas Emissions		The CALINE4 outputs (a CO model approved by the EPA, FHWA, and Caltrans) are included in Appendix C (Air Quality Data). The traffic data used is included in Appendix G (Transportation Backup Documentation).
G-22 County of Sonoma and Sonoma County Water Agency	G-22.7	Air Quality/Greenhouse Gas Emissions		Comment G-9.8 is referring to time in a relative manner. Therefore, two years of construction when compared to the lifetime of the project is considered 'short term'.
G-22 County of	G-22.8	Air Quality/		The project is not located in an area which is non-attainment for CO. While the San

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Sonoma and Sonoma County Water Agency		Greenhouse Gas Emissions		Francisco Bay Area is designated as a maintenance area, the project is not located in the BAAQMD. Although CO conformity is not needed for the project, the EIS did look at the impact of CO on a localized basis. As stated in Impact 4.4.1-3, the segment of US 101 between Asti Road and the junction of Route 128 East was used as it was most affected by project-related traffic. Once traffic leaves the project area, drivers start dispersing in different directions. CO concentrations at a single roadway segment with nearby sensitive receptors would not be impacted by the project as much as the segment that was analyzed for the project.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.9	Air Quality/Greenhouse Gas Emissions		The CALINE4 dispersion model was used, which is approved by the EPA, FHWA, and Caltrans to determine CO emissions. As stated in Impact 4.4.1-3 the model uses a segment of US 101 between Asti Road and the junction of Route 128 East. Table 4.4-5 states that the concentrations relate to receptor locations at approximately 200 feet from the middle of the roadway, and include a background concentration of 1.7 ppm. Traffic numbers for the segment can be found in Appendix G (Transportation Backup Documentation). Appendix C (Air Quality Data) includes CALINE4 output files that state site variables.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.10	Air Quality/Greenhouse Gas Emissions		The only significant air quality impact from construction was determined to be fugitive dust. EIS Mitigation Measure 5.4-1 included standard fugitive dust construction measures for emissions. For consistency with local projects, mitigation adopts the measures from the NSCAPCD Rule 430 for fugitive dust emissions. The NSCAPCD Rule 430 remains the same as published in the Final EIS; however, should it be updated at a later date and before project construction, the most recent version would apply as stated in EIS Mitigation Measure 5.4-1 contractors shall be required to implement “a dust abatement program at least as stringent as the recommendations of the most recent version of the [NSCAPCD] Rule 430, Fugitive Dust Emissions.”
G-22 County of Sonoma and Sonoma County Water Agency	G-22.11	Air Quality/Greenhouse Gas Emissions		Feasible mitigation measures have been recommended to lessen these impacts. As indicated in the Final EIS Response to Comment G-9.12, “many of the mitigation measures specified in the Graton analysis are also already incorporated into the EIS as well.”
G-22 County of Sonoma and Sonoma	G-22.12	Air Quality/Greenhouse Gas		See Response to Comment G-22.11, above.

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County Water Agency		Emissions		
G-22 County of Sonoma and Sonoma County Water Agency	G-22.13	Air Quality/ Greenhouse Gas Emissions		The Final EIS analysis adequately addresses impacts from toxic air contaminants and determined a full Health Risk Assessment was not warranted. The Air Resources Board Air Quality and Land Use Handbook (2005) provides guidance on siting new sensitive land uses (residences, schools, etc) from pollutant sources. The project does not fit within a category that is recommended to be sited at a certain distance from sensitive receptors. A health risk assessment was not deemed necessary for this project as the project would not create a new stationary source of toxic air contaminants, the project is not considered a type of project which requires siting considerations, project construction would be short (two years) in duration, and feasible mitigation measures have been incorporated to reduce the potential for significant impacts (e.g. impacts from excessive idling). Additionally, as the project is not located within the BAAQMD or subject to CEQA, application of the BAAQMD CEQA Guidelines to the project is not warranted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.14	Air Quality/ Greenhouse Gas Emissions		Adequate mitigation has been adopted. It is not possible to accurately analyze potential reductions from these types of measures that are included (e.g. reduction of excessive idling) as it would require speculation of the actions of third parties (bus and truck drivers) outside of the Tribe's control if these measures were not in place.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.15	Air Quality/ Odor		As the Final EIS states, the nearest sensitive receptor to the wastewater treatment plant would be located approximately 900 feet across State Highway 101. It would be unlikely that odor impacts would affect sensitive receptors at this distance. However, if confirmed complaints are received, EIS Mitigation Measure 5.4-7 would be implemented to ensure odors would be controlled appropriately through an Odor Management Plan.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.16	Traffic		Response to Comment G.9-19 in the Final EIS addresses a roundabout as an alternative to signalization at the primary project driveway on Asti Road, citing expected LOS C conditions with a roundabout (i.e., the same LOS as with signalization), and acknowledges that traffic signals potentially would incur more maintenance costs than a roundabout. The Tribe would need to coordinate with the County on the chosen traffic control at this project access (regardless of whether there is a roundabout or signalized intersection). EIS Mitigation Measure 5.8-1 includes that the Tribe shall enter a maintenance agreement with the County, which while referring to a traffic signal, also

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				would apply to a roundabout.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.17	Traffic		The County's comment is noted. Due to the location of the project which is adjacent to the City limits on the north and south and within the City's Sphere of Influence, Urban Growth and Urban Service Area the City standards were considered appropriate and used for all intersections.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.18	Traffic		As analyzed the project would not result in significant impacts to bicycle traffic therefore bicycle recommendations were included but are not required as mitigation.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.19	Traffic		While construction traffic impacts are still anticipated to be temporary and less than significant, the Tribe would be required to obtain a County encroachment permit (for work in the County right-of-way) as a project approval which is a permit/approval listed in Table 2-6 of the Final EIS. As stated by the County, "[t]he encroachment permit would require assessment of the damage during construction, repairs to maintain roads in a serviceable condition throughout the duration of construction activities, and post construction repairs or an overlay to restore impacted roads to at least their pre-existing condition."
G-22 County of Sonoma and Sonoma County Water Agency	G-22.20	Traffic	YES	While construction traffic impacts are still anticipated to be temporary and less than significant, the County's example of a traffic control measure is reasonable and would allow for coordination with the local jurisdictions and Caltrans. The following mitigation will be added to the Record of Decision "Measure 5.8-11: At least 30 days prior to grading and construction, the Tribe shall prepare and submit a Construction Traffic Control Plan to Sonoma County, the City of Cloverdale, and Caltrans District 4. The Plan shall specify the primary routes for construction traffic, the schedule/timing of deliveries of heavy equipment and building materials, and the schedule/timing of any off-site fill import/export. The Tribe shall consider all comments received prior to construction and incorporate suggested revisions to the maximum extent feasible and as required by laws governing State highway and local roadway facilities."
G-22 County of Sonoma and Sonoma	G-22.21	Traffic	YES	The timing of roadway improvements would be subject to future agreements with the City, County and/or Caltrans. The Tribe cannot compel these governmental agencies to complete roadway improvements in their jurisdiction; however, the Tribe can provide

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County Water Agency				<p>funding for the projects prior to contributing to operational impacts so that the funds may be used by the agencies.</p> <p>A new mitigation measure has been added to the ROD which states that the Tribe shall make fair share funding available in an escrow account for near-term road improvements (including the design, permitting and construction of improvements) prior to initiation of construction. These improvements include:</p> <ul style="list-style-type: none"> <li>• Mitigation Measure 5.8-1 for Alternatives A and B</li> <li>• Mitigation Measure 5.8-2 for All Alternatives</li> <li>• Mitigation Measure 5.8-3 for Alternatives A, B and C</li> <li>• Mitigation Measure 5.8-4 for All Alternatives</li> <li>• Mitigation Measure 5.8-5 for All Alternatives</li> <li>• Mitigation Measure 5.8-6 for Alternative D.</li> </ul>
G-22 County of Sonoma and Sonoma County Water Agency	G-22.22	Socioeconomics		The Gambling in the Golden State report was previously reviewed, however it is not the only authority on the issue. The larger body of evidence is divided on the impacts on crime and varies by a number of factors for each community. The EIS acknowledges that similar to other commercial destinations with similar numbers of patrons, there would be an increased demand for law enforcement services.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.23	Public Services		There is no evidence to suggest that the project would require an officer solely dedicated to the project 24 hours a day or that the project would result in a level of demand on these services such that it would require additional physical facilities or facility expansion. The need for new or expanded physical facilities would constitute an environmental impact. A potential increase in service demand is not in and of itself a significant environmental impact. The Final EIS includes Mitigation Measure 5.10-3 which requires that the Tribe enter into a service contract with either to the City Police Department or County Sheriff's Office. The mitigation states that while it is anticipated to result in the need for 2.0 to 2.5 sworn officer positions, the "actual number of sworn officer positions and other costs would be negotiated with the City or County."
G-22 County of Sonoma and Sonoma County Water	G-22.24	Public Services		As discussed in Section 4.7 and 4.10, research has been done on whether or not casinos increase crime in the general community over time. The results of these studies have been inconclusive. Mitigation recommends service agreements with law enforcement providers. These agreements could include provisions for the other



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Agency				discussed services such as SWAT, bomb squad services etc. A potential increase in service demand is not in and of itself a significant environmental impact. There is no evidence to suggest that the project would result in a level of demand on these services such that it would require additional physical facilities or facility expansion. The need for new or expanded physical facilities would constitute an environmental impact.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.25	Public Services		The calculation of impacts to fire and emergency services is not a simple quantitative method and demand for services alone does not constitute an environmental impact. Structure fires for example are rare and most calls would be for emergency medical services. The demands would require agreements with the applicable fire and emergency medical providers. In response to comments provided by the Cloverdale Health Care District, emergency medical services mitigation has been revised.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.26	Public Services		It is noted that the County Fire Chief would likely provide plan check services. This would be confirmed by the anticipated Tribal-State Compact.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.27	Public Services		The amount of supply was determined in the Water Supply Report prepared for the project (Appendix I). As stated in Section 2 of the Final EIS, the Tribe would adopt the development standards of the California Fire Code which would include fire-resistant construction and sprinkler systems. Full engineering drawings have not been developed and thus the water storage may be refined however the preliminary calculation is adequate for environmental impact assessment purposes.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.28	Project Description		Section 2 provides the height, square footage, project footprint and additional details for the project which were sufficient for environmental analysis. The comment does not specify how the data provided was insufficient for determining environmental impacts.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.29	Public Services	YES	Emergency medical mitigation (EIS Mitigation Measures 5.10-5 and 5.10-6) has been revised based on these comments and comments from the Cloverdale Health Care District. Mitigation provides additional details regarding a service agreement and adds the requirement for on-site emergency medical services and automatic external defibrillators.
G-22 County of	G-	Socioecon		The EIS addresses the social costs of gambling but it should be noted the analysis goes

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Sonoma and Sonoma County Water Agency	22.30	omics		above and beyond what is required by NEPA to address the physical impacts on the human environment. Mitigation provides for a payment to the County which may be used for existing or new prevention services or other problem gambling services at the County's discretion.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.31	Socioeconomics/ Public Services		The Tribe remains open to working with the County on coordination and monitoring for law enforcement issues outside of the EIS process. The EIS has analyzed impacts to law enforcement services and social costs of gambling beyond what is required by NEPA to address the physical impacts on the human environment.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.32	Public Services		The commenter misstates the Final EIS Response to Comment 9.60 which also references Final EIS Response to Comment 9.61. Response to Comment 9.61 addresses measures to prevent underage drinking. See Final EIS Response to Comment G-22.24 regarding impacts to additional law enforcement services.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.33	Public Services		The impacts to law enforcement are inclusive of these issues. Additionally, the project description includes: that casino patrons would be required to be 21 years of age or older in areas where alcohol is served and a "Responsible Alcoholic Beverage Policy" would be adopted to include provisions related to I.D. verification and refusal of service to individuals who are visibly intoxicated.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.34	Air Quality	YES	EIS Mitigation Measure 5.4.9 includes ventilation systems and smoke-free zones to reduce impacts. Mitigation includes signage identifying smoking areas prior to entrance to these areas and associated deleterious health effects in prominent locations of the facility. Additional measures have been added to inform employees of the potential for exposure to indoor smoking.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.35	Project Description	YES	It is anticipated that food and beverage safety standards would be addressed within a Tribal-State Compact. In order to provide assurance of the Tribal adoption of State or Federal standards a new mitigation measure has been added which requires that the Tribe adopt food and beverage handling standards and allow inspection of food and beverage services by state, county, or city health inspectors, as applicable, during normal hours of operation, to assess compliance with these standards, unless inspections are routinely made by an agency of the United States government to ensure compliance with equivalent standards of the United States Public Health Service. This mitigation would be superceded if food and beverage handling standards are addressed

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G-22 County of Sonoma and Sonoma County Water Agency	G-22.36	Public Services		in a Tribal-State Compact. The mitigation is adequate and addresses staff training and response for a variety of emergencies. The cited court case pertains to a nuclear facility which has special emergency considerations and is not applicable.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.37	Public Services		The project would include security which would patrol parking areas. Similar to other commercial development, the project is not anticipated to create a significant demand on animal control services or require the need for new or expanded animal control service facilities.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.38	Public Services/Water Resources		See Response to Comment G-20.3 regarding drought conditions and the City water supply. Should the City be limited in terms of water rights or water supply availability the Tribe would pursue the private option which is currently the default water supply option. The private option would not substantially affect City water supplies under drought conditions as the project well would not be within the capture zone of the City of Cloverdale production wells.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.39	Water Resources		The summer months' condition for this area is accurately described. While there are no doubt areas of the riparian zone of the Russian River that are "losing stream" conditions, the limited groundwater pumping assessment indicates that a gaining condition exists in the vicinity of the project site. The site lies on a relatively flat stream terrace adjacent to the Russian River. The site elevation is between approximately 282 and 284 feet (NAVD88). A levee lies between the project site and the Russian River. Water in the Russian River is at an approximate elevation of 271 feet in this area. Hydrographs for three nearby monitoring wells were obtained from the Water Data Library (California Department of Water Resources). The wells used for the analysis were: T11N/R10W-08P01M (northeast of project site, east floodplain of river), T11N/R10W-17P02M (east of project site, east floodplain of river) and T11N/R10W-19F02M (immediately west of project site adjacent to US 101). The groundwater levels fluctuate seasonally: lowest groundwater levels in the area are at an elevation of approximately 276.5 feet; the highest groundwater levels are at approximately 343 feet. This suggests that the Russian River is always a gaining stream in this reach.

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				<p>In April 2011, ESA requested that Hydrometrics Water Resources Incorporated (Hydrometrics, WRI) update its previous (August 2009) characterization and modeling of the predicted capture zone for the new groundwater supply well located in the southeast corner of the proposed property. The update was appropriate because the assumed location of the well evaluated in the August 2009 study was further from the Russian River than the actual location of the well after it was installed. In the subsequent 2011 update, Hydrometrics WRI stated in its report that, "The higher groundwater elevations observed in the Mutual Water Company's well number 98-0595 and nearby wells monitored by DWR suggest that the Russian River is a gaining stream in this area. The groundwater elevation of 268 feet estimated at Sirrah Well #1 is close to the estimated Russian River bottom in the Pumping Impact Analysis [completed by Hydrometrics WRI in 2009]. The lower groundwater elevation observed in this well may imply that the Russian River is a losing stream in this area". Based on this information, it may be the case that in certain sections of the Russian River and at certain times of the year, the Russian River fluctuates between a losing and gaining stream. However, whether or not the Russian River is a gaining or losing stream in certain locations along the Russian River is of minor consequence to the analysis and does not change the impact conclusion as presented in the Final EIS.</p> <p>Impact 4.3.1-5 of the Final EIS addresses impacts to the Russian River from extracting groundwater from the onsite well. Analyses from 2009 and 2011 indicate that the potential for flow reduction is such that it would not significantly affect the hydrology of the river or aquatic habitat.</p>
G-22 County of Sonoma and Sonoma County Water Agency	G-22.40	General		The County suggestion for rainwater harvesting is noted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.41	Water Resources		The groundwater analysis conducted by Hydrometrics WRI in 2009 to support the Draft EIS and its 2011 supplemental groundwater analysis suggest that the groundwater flow direction is perpendicular to the Russian River and thus the groundwater supply well would not be within the contaminate plume of the City of Cloverdale waste water pond. Regarding nitrate and E. coli levels in the groundwater, the Tribe would test the supply

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				well for Groundwater Under the Direct Influence of Surface Water, as required. Prior to operation of the project, as with any water supply monitoring program, baseline water quality data would be obtained from the water supply well and used to assess water quality data obtained during regular water quality testing of the well. It must be noted that in order for the project to use the onsite groundwater for supply, the Tribe must demonstrate that the quality of the groundwater is in compliance with federal water quality thresholds for drinking water and if it is not, the EPA would require treatment of that groundwater supply to achieve those thresholds.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.42	Water Resources		Review of groundwater quality testing completed by Weiss Associates as part of the original Sirrah Property Phase II investigation in 2008 indicates that Total Coliform was detected in 7 of 12 water samples collected from onsite groundwater wells. One sample was also collected from the Russian River and one from an offsite artesian spring. The results of the bacteria sampling is discussed on Page 11 of the Phase II Environmental investigation Report, Sirrah Property, (Appendix K), however, tabulated data for Total Coliform and E. Coli was not provided in that report. As stated on Page 11 of the Phase II report, "E. Coli was not detected in any of the monitoring wells sampled and total coliform was detected at a concentration of 1 Most Probable Number per 100 milliliters (MPN/100 ml) in Ag Well 1, 23 MPN/100ml in the 6 Acre Well, 110 MPN/100 ml in the Former Lile Agricultural Well A, and 2,000 MPN/100 ml in the water sample collected from the Russian River. According to the original data set, Total Coliform was also detected at 38 MPN/100 ml in monitoring well MW-04, 93 MPN/100 ml in monitoring well MW-05, 10 MPN/100 ml in monitoring well MW-06, 160 MPN/100 ml in monitoring well MW-07, and 190 MPN/100 ml in the offsite spring. E. Coli was not detected in the 12 groundwater samples and only in the Russian River sample at 32 MPN/100 ml. The Phase II investigation for the Sirrah Property determined that the presence of Total Coliform was not considered an impediment to development of the Sirrah Property because if a potable water system is developed, the EPA would require that the production well and water treatment system be designed to treat and eliminate concentrations of Total Coliform in the potable water supply, and meet federal standards for potable water.
G-22 County of Sonoma and Sonoma	G-22.43	Water Resources		The Tribe would test the supply well for Groundwater Under the Direct Influence of Surface Water, as required. Prior to operation of the project, as with any water supply monitoring program, baseline water quality data would be obtained from the water

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County Water Agency				supply well and used to assess water quality data obtained during regular water quality testing of the well. The groundwater data listed in Table 3.3-1 was intended to provide water quality information for the setting of this NEPA document and does not represent the baseline groundwater data that would be relied upon during the water quality monitoring program during project operation. Water quality sampling performed on the project site in 2008 included the analysis of nitrate in groundwater. On the property located east of the railroad tracks, nitrate was analyzed in 17 samples collected from monitoring wells, water supply wells, and surface water and was detected in 13 of those samples. Concentrations of nitrate ranged from below detection limits (<0.05 mg/L) to 6.6 mg/L. On the property west of the railroad tracks (aka Amonos Property) nitrate was analyzed in 30 groundwater samples and detected in 21 of those samples with the highest detection of 7.8 mg/L. The U.S. Environmental Protection Agency and the California State Department of Health Services Maximum Contaminant Level (MCL) for nitrate is 10 mg/L. Nitrate concentrations detected in the groundwater on the project site were not considered a significant impediment to development of the project. Tabulated data for nitrate was not included in the Phase II reports provided as Appendix K; however, Appendix K does contain copies of the original laboratory data for nitrate for the Amonos Property. Laboratory reports for testing on the Sirrah property were not available. Table 3.3-1 in the Final EIS indicates nitrate concentrations in onsite groundwater.
				<p>It must be noted that in order for the project to use the onsite groundwater for supply, the Tribe must demonstrate that the quality of the groundwater is in compliance with the federal water quality thresholds for drinking water and if it is not, the EPA would require treatment of that groundwater supply to achieve those thresholds.</p> <p>Furthermore, the comment does not accurately interpret Mitigation Measure 5.3-3. The comment states that Mitigation Measure 5.3-3 only requires further action to be taken in the event the water supply well becomes contaminated with nutrients or pathogens associated with the project. That is not correct. Mitigation Measure 5.3-3 requires that groundwater quality be monitored for nutrients and pathogens if the private water supply option is selected and onsite groundwater is used as the primary drinking water supply.</p>
G-22 County of Sonoma and	G-22.44	Water Resources		The 50 foot setback is the Title 22 CCR requirement for tertiary recycled water (§60310). The leachfield standard would not be appropriate for a sprayfield with tertiary

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Sonoma County Water Agency				recycled water. It should be noted that the water applied through the proposed spray field would be tertiary treated effluent and would not contribute to elevating contaminate levels in the groundwater above Federal standards.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.45	General		The project description provides sufficient detail of the wastewater treatment plant to complete the environmental impact analysis. A constant flow membrane bioreactor (MBR) is a general term for a treatment system that combines a membrane process like micro- or ultra-filtration with a suspended growth bioreactor. In combination, the two combined treatment processes can treat groundwater to below State and Federal water quality standards. There are many options and configurations of these systems and identifying the correct system requires an appropriate level of engineering design. Because of that, it is difficult to describe in detail the system that may be employed by the proposed project. The final design of the appropriate MBR system would be determined at the final design stage after the development alternative is identified and waste water flows are confirmed.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.46	Water Resources		The Final EIS evaluates the impacts of spray field application, percolation of tertiary treated effluent, and potential water quality impacts to the Russian River in Section 4.3, Water Resources. For clarification, it should be noted that during the preparation of the Draft EIS, the applicant proposed use of a 4-acre spray field was evaluated and found to be undersized to accommodate the amount of effluent. As a result, the spray field was expanded to 14.6 acres and the crop type was changed from a vineyard to alfalfa in order to increase evapotranspiration rates. The water to be applied to the spray field would be tertiary-treated water and would need to meet federal EPA standards prior to application; therefore, nutrients and pathogens would not be a significant water quality concern. Please refer to comment response G-22.45 regarding description of the constant flow membrane bioreactor.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.47	Water Resources		The SQMP provides sufficient analysis to determine the stormwater flow volumes for the various alternatives and verifies that proposed storage is adequate. The design parameters can be considered preliminary while providing adequate detail to determine whether or not stormwater would result in adverse impacts. Additional details of the subterranean detention system, the piping network, and the upland drainage release system would be developed at the final design phase of the project after an alternative is selected. The final design details are not necessary for the evaluation of potential stormwater impacts as required under NEPA and therefore, deferring them to a final

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				design process does not hinder public review and comment or preclude informed decision-making. The subterranean detention system, piping and upland drainage release systems are preliminarily sized and shown in the Utilities Plan Appendix Q.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.48	Water Resources		With the area and crop cover, the soil would hold a large fraction of the applied recycled water while a smaller fraction would percolate to the water table and mix with groundwater. It must be noted that the water applied by spray irrigation would be tertiary treated to California Code of Regulations, Title 22 standards for land application. Furthermore, given the soil conditions, the recommended crop type, and dry season application schedule, spray irrigation would not distribute reclaimed water at rates that would result in localized ponding or the generation of runoff to the waters of the US. Nevertheless, EIS Mitigation Measure 5.3-3 prescribes control measures that address ponding and runoff.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.49	Water Resources		The quality of the City's effluent meets RWQCB effluent standards set in the Waste Discharge Requirements (ORDER NO. R1-2012-0048/ NPDES NO. CA0022977/ WDID NO. 1B840320SON) for the City's Wastewater Treatment Facility (Available online at: <a href="http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2012/12_0048_NPDES_Cloverdale_WWTF.pdf">http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2012/12_0048_NPDES_Cloverdale_WWTF.pdf</a> ). Permit conditions include a monitoring and reporting program and there are no open violations associated with the Wastewater Treatment Facility.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.50	Water Resources		See Final EIS Response to Comment G-4.3. As discussed in Section 4.3, the increase in flood height due to the project was estimated for the purposes of determining the magnitude of change for this analysis under NEPA. Development on the floodplain would not be permitted to begin until the Tribe has demonstrated to FEMA that the proposed facilities and properties upstream and downstream would not be adversely affected by the proposed activities on the floodplain and the Conditional Letter of Map Revision is completed and approved. Mitigation has been revised to include consultation with FEMA regarding 500-year floodplain analysis if it is required.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.51	Land Use		Inconsistency with existing zoning does not in and of itself constitute a significant environmental impact. The EIS has analyzed the effects of the development on surrounding lands and the project would not affect the ability for off-site lands to be used for their current purposes. The proposed project is compatible with the existing off-site zonings/designations, in that it would not preclude existing or future designated land uses in those areas.



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G-22 County of Sonoma and Sonoma County Water Agency	G-22.52	Land Use		The County's comment and reference to Government Code 51282 regarding the Williamson Act is noted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.53	Visual Resources		The use of local assessment guidelines is not required by NEPA nor would it change the significance of the impacts. Visual impacts to existing views were determined to be potentially significant thus the commenter's statement that "the FEIS simply asserts that no project alternative would result in a significant visual change" is incorrect.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.54	Visual Resources		Signage and lighting are not finalized; however they must adhere to the restrictions outlined in EIS Mitigation Measures 5.13-1 through 4. Mitigation also addresses shielding and intensity for nighttime lighting.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.55	Noise		Comment noted. Specific response to Illingworth and Rodkin are provided below.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.56	Noise		The noise analysis considers the location of sensitive receptors and the compatibility with surrounding uses. The analysis is not required to take noise measurements at each sensitive receptor but to characterize the noise environment (including sensitive receptors) Figure 3.11-2 shows that measurements were taken near the identified sensitive receptors, where noise levels are similar.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.57	Noise		Construction noise levels at the nearest sensitive receptors are evaluated in Section 4.11 for each alternative and compared to existing noise levels as well as City of Cloverdale exterior noise standards. Furthermore, mitigation measures such as EIS Mitigation Measure 5.11.1a are included to reduce construction noise levels at sensitive receptors. Mitigation Measure 5.11.1a would prohibit construction during hours that would cause sleep disturbance. Weekend construction is also prohibited, which allows at least 2 days of break from construction noise each week.
G-22 County of	G-	Noise		The FHWA RD-77-108 is appropriate and commonly used by acoustic professionals in

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Sonoma and Sonoma County Water Agency	22.58			California for projecting simple noise levels from increased traffic on roadways. The Notice of Intent for the project was submitted to the Federal Registry on July 7th 2008, before the updated TNM model was adopted. See Final EIS response to comment G-9.95.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.59	Noise		The EIS uses the City standards which are from the California General Plan Guidelines (Appendix A Noise Element Guidelines) which are widely used throughout the State.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.60	Noise		The nearest project traffic to any residences would be on Asti Road, which is adjacent to Highway 101. The nighttime traffic noise from Highway 101 would still be the dominant nighttime noise source in the area because of the higher speeds and volumes on Highway 101 than on Asti Road.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.61	Noise		The project's contribution to the cumulative impact is not considerable. The standards are shown in Table 4.11-1. The standards depend on the noise level before addition of the project. The noise level without the project along Asti Road, north of Santana Drive is less than 60 dB – for areas less than 60 dB the project would contribute considerably to the cumulative impact if it was greater than 5.0 dB or more. The proposed project impact is less than this. The resulting level is 54 dBA on Asti Road north of Santana Drive which is typical of a residential area.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.62	Noise		Section 4.11 discusses the distance of the nearest residences from the roads where it is applicable to the analysis. For example under Impact 4.11-2 it is discussed that the nearest residence in the vicinity along Asti Road north of Santana Drive, is approximately 310 feet from Asti Road.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.63	Noise	YES	Mitigation limits construction activities from 7 a.m. to 6 p.m. Monday through Friday. Work could not occur prior to this time. This includes delivery of equipment and cleaning of machinery. Mitigation also includes use of noise control techniques and locating stationary sources away from sensitive receptors and where feasible enclosed in temporary sheds or used with other insulation barriers. Idling time would be limited

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				under EIS Mitigation 5.4-5. Mitigation has been added to the ROD which includes designation of a construction noise coordinator and a sign posted at the construction site (visible from Asti Road) which has the days and hours of permitted construction and the noise coordinator phone number. The construction noise coordinator shall track noise complaints and coordinate with construction contractors to implement technically and economically feasible measures to address complaints.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.64	Socioeconomics		The market study includes the proposal for a permanent structure for Dry Creek Rancheria. Plans for a hotel and other expansions have been put on hold.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.65	General		Comment noted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.66	Air Quality/Noise		Tables 3.4-1, 3.4-2, and 3.4-4 were revised for the Final EIS. The Notice of Intent for the project was submitted to the Federal Registry on July 7th 2008, before the updated BAAQMD thresholds were adopted. Full references had been added to Table 4.4-2 of the Final EIS for each air district's identified thresholds.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.67	Air Quality/Noise		Construction emissions were modeled using URBEMIS 2007. The output files were included in Appendix C. As noted, the URBEMIS program does not supply input files, however, detailed output files included information as to what assumptions were incorporated into the program.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.68	Air Quality/Noise		See response to Comment G-22.13 above.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.69	Air Quality/Noise		The CO Protocol referenced by the commenter was designed for use with transportation projects. The proposed project is not considered a transportation project and utilizes a

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G-22 County of Sonoma and Sonoma County Water Agency	G-22.70	Air Quality/Noise		Climate change is a cumulative global phenomenon and is not possible to attribute to a single project. The EIS analysis adequately addresses the incremental contribution to global impacts. The use of the 25,000 metric-ton per year CO <sub>2</sub> e threshold is not arbitrary as suggested by the commenter but is supported by federal agencies and the California Air Resources Board (CARB). It is cited in the Council on Environmental Quality Memorandum regarding Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions, it is the threshold used within USEPA’s Mandatory Reporting of Greenhouse Gases Rule, and was adopted by the California Air Resources Board in 2007 to identify mandatory reporting regulations for major facilities. The BAAQMD’s more stringent standards are applicable only to projects within the BAAQMD when adopted by a project’s CEQA lead agency; as the project is not located within the BAAQMD or subject to CEQA, application to the project is not warranted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.71	Air Quality/Noise		The commenter is correct that the Final EIS Response to Comments should state that operational impacts from toxic air contaminants were considered potentially significant in the Final EIS (no change is needed to the text of the Final EIS). Regarding mitigation reduction of toxic air contaminants see response to Comment G-22.14.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.72	Air Quality/Noise		Response to Comments G-9.132 to G-9.135 in the Final EIS address the previous comments and no additional information is provided in this comment.
G-22 County of Sonoma and	G-22.73	Air Quality/Noise		See response to Comment G-22.15 above.

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G-22 County of Sonoma and Sonoma County Water Agency	G-22.74	Air Quality/Noise		See response to Comment G-10.29 in the Final EIS.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.75	Air Quality/Noise		Comment is speculative and is noted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.76	Air Quality/Noise		Comment noted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.77	Air Quality/Noise		Contrary to the commenter's assertion, Tables 4.11-4 and 4.11-5 show the project-specific traffic noise level increases along modeled roadways.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.78	Air Quality/Noise		Comment noted. Mechanical equipment noise would be reduced through EIS Mitigation Measure 5.11.2 to levels existing without the project.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.79	Air Quality/Noise		Comment regarding background noise is speculative and is noted. See also response to Comment-22.78 above.

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G-22 County of Sonoma and Sonoma County Water Agency	G-22.80	Air Quality		The attachment regarding the Mendocino County Air Quality Management District Indirect Source Rule is noted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.81	Air Quality/Noise		The Illingworth and Rodkin letter dated October 19, 2010 is specifically responded to in Appendix S of the Final EIS, Response to Comments.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.82	General		The attachment of the NIGC Record of Decision for the Graton project is noted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.83	Air Quality/Noise		The attachment of the CEQ Memo regarding Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions is noted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.84	Visual Resources		The attachment of the County Visual Assessment Guidelines is noted.
G-22 County of Sonoma and Sonoma County Water Agency	G-22.85	Public Services		The attachment of City Resolution No. 010-2014 is noted.
G-22 County of Sonoma and Sonoma	G-22.86	Public Services		The attachment of City Urgency Ordinance No. 691-2014 is noted.

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G-23 SMART	G-23.1	Traffic		It is noted that crossing of SMART is subject to future review and approval by SMART and CPUC. The recommendation that the Tribe work with SMART and other transit providers to address transit demand is also noted.
I-1 Dobie Edmunds	I-1.1	Socioeconomics		Given the inherent uncertainties associated with any such development (e.g. whether actual successful completion of other similar proposed projects would occur, marketing and management effectiveness differences between businesses), it is speculative to project failure of the venture and ascribe any resulting impacts such as blight. While the regional gaming market has changed since the preparation of the proprietary marketing study, it would not affect the ultimate significance conclusions of the socioeconomics section of the EIS. It was conservatively assumed that sales from Sonoma County residents at the proposed project (Cloverdale casino) would be cannibalized from the existing River Rock casino. This was assumed so as not to overstate the beneficial impacts of the Cloverdale casino. The opening of the Graton casino would mean that sales from Sonoma County residents at the Cloverdale casino would be cannibalized from both the River Rock and Graton casinos. Operation of the Cloverdale casino would still be anticipated to have an overall beneficial indirect or induced economic impact by bringing in new sales to the County.
I-1 Dobie Edmunds	I-1.2	Public Services/Water Resources		Regarding drought see Response to Comment G-20.3. The anticipated water demand is included as Section 2 of the Final EIS. Impact 4.3.1-5 of the Final EIS addresses impacts to the Russian River from extracting groundwater from the onsite well. Analyses from 2009 and 2011 indicate that the potential for flow reduction is such that it would not significantly impact the hydrology of the river or aquatic habitat.
I-2 Clark Mason	I-2.1	Socioeconomics		Regarding the market study and the opening of the Graton Casino see Response to Comment I-1.1.
I-3 Robert Haugsten	I-3.1	Public Services/Water		Comment noted. Regarding effects to City water supply due to drought see Response to Comment G-20.3.

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		Resources		
I-4 Janet & Stan Halverson	I-4.1	General		Comment noted. Traffic, crime/law enforcement, employment, land use and water use are all issues addressed in the EIS.
I-5 Lynn Caruso	I-5.1	General		Impacts related to drainage, floodplain and treated effluent sprayfields are addressed in the EIS.
I-5 Lynn Caruso	I-5.2	Public Services/Water Resources		Regarding drought see Response to Comment G-20.3.
I-5 Lynn Caruso	I-5.3	General		Impacts related to land resources, biological resources, air quality effects and greenhouse gas/climate change are all addressed in the EIS.
I-5 Lynn Caruso	I-5.4	Socioeconomics		Regarding the market study and the opening of the Graton Casino see Response to Comment I-1.1.
I-5 Lynn Caruso	I-5.5	General		Comment noted. Environmental issues have been addressed in the EIS.
I-6 Mary Brugo	I-6.1	Socioeconomics		The Innovation Group market analysis for the project is proprietary information that cannot be publicly disclosed without compromising the Tribe's business development opportunity. Regarding the market study and the opening of the Graton Casino see Response to Comment I-1.1.
I-6 Mary Brugo	I-6.2	Public Services/Water Resources		Regarding drought see Response to Comment G-20.3.
I-6 Mary Brugo	I-6.3	General		Climate change is addressed in the EIS.
I-6 Mary Brugo	I-6.4	General		This comment provides a summary of issues. See responses to specific comments above and below. While the development would not be subject to local regulations the development is subject to federal environmental regulations and includes mitigation for potentially significant environmental effects.
I-6 Mary Brugo	I-6.5	Air Quality/Cli		Section 4.4 specifically addresses greenhouses gas emissions and global climate change. Mitigation Measure 5.4-5 (Transportation and Motor Vehicle Measures),



Comment Letter	Comment Number	Comment Issue Area	Changes Recommended to ROD	Response
		mate Change		Mitigation Measure 5.4-8 (Energy Efficiency Measures), and Mitigation Measure 5.4-10 (Greenhouse Gas Emission Credits) are identified in the Final EIS and would reduce GHGs. The commenter does not identify how the project violates Climate Action 2020.
I-6 Mary Brugo	I-6.6	Public Services/Water Resources		Regarding drought see Response to Comment G-20.3.
I-6 Mary Brugo	I-6.7	Socioeconomics		Regarding the market study and the opening of the Graton Casino see Response to Comment I-1.1.
I-6 Mary Brugo	I-6.8	General		As online gambling is not legal in California and a bill to allow online poker was not passed this year, online gambling in California remains speculative. Land based games provide a different form of entertainment than online games. Online gambling has only recently launched in New Jersey, Delaware and Nevada in 2013 and thus not enough data is available to determine economic effects.
I-6 Mary Brugo	I-6.9	General		This comment does not address environmental issues.
I-6 Mary Brugo	I-6.10	General		This comment provides a summary of issues. See responses to specific comments above.
I-6 Mary Brugo	I-6.11	Alternatives		The document has also evaluated non-gaming alternatives, air quality impacts, water demand, and wastewater and solid waste management needs.
I-6 Mary Brugo	I-6.12	Land Use		While the development would not be subject to local regulations the development is subject to federal environmental regulations and includes mitigation for potentially significant environmental effects.
I-7 Linda Lawrence	I-7.1	Public Services/Water Resources		Regarding drought see Response to Comment G-20.3.
I-8 Jefferey Wilson	I-8.1	Purpose and Need		The Tribe has determined that the greatest need is economic development. Economic development would in turn support other Tribal needs such as Tribal housing.
I-8 Jefferey Wilson	I-8.2	Mitigation		Comment noted. Sustainable measures include potential use of reclaimed water. EIS Mitigation Measure 5.4-5 also includes transportation and motor vehicle measures to

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				reduce miles driven.
I-8 Jefferey Wilson	I-8.3	General		The comment does not address environmental issues.
I-8 Jefferey Wilson	I-8.4	Mitigation		Measure 5.4-8 includes energy efficiency measures.
I-8 Jefferey Wilson	I-8.5	Mitigation		Comment noted. Impacts from runoff have been evaluated in Section 4.3 and impacts would be reduced to a less-than-significant level with mitigation.
I-8 Jefferey Wilson	I-8.6	General		The comment does not address environmental issues. Alternatives including reduced intensity casino developments were considered in the EIS.
I-8 Jefferey Wilson	I-8.7	General		The attachments to the letter address issues outside of the scope of the EIS.
I-9 Julie Dilley & Thomas Foster	I-9.1	Public Services/Water Resources		Regarding drought see Response to Comment G-20.3.
I-9 Julie Dilley & Thomas Foster	I-9.2	General		Comment noted. The following issues were addressed in the EIS: noise, air quality and climate change/greenhouse gas emissions, transportation, land use and aesthetics.
I-9 Julie Dilley & Thomas Foster	I-9.3	Alternatives		The EIS has evaluated a non-gaming alternative.