

# Appendix S

## Response to Comments on Draft EIS



# **RESPONSE TO COMMENTS ON DRAFT EIS**

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## **Comment Letter G-1 National Park Service**

G-1.1 Comment noted.

## **Comment Letter G-2 National Indian Gaming Commission**

G-2.1 The earliest date of construction would now be Spring/Summer 2012. Section 2 has been updated.

G-2.2 Section 2 has been revised as suggested.

G-2.3 Sections 2 and 4.10 have been revised to show corrected numbers.

G-2.4 The statement has been revised based on the City's latest documents regarding water improvements. A new well is currently planned but construction has not begun as of the date of this publication.

G-2.5 Figure 4.2-1 has been added which shows the referenced maps.

G-2.6 Section 4.4 has been revised as suggested.

G-2.7 Section 3.5.3 has been revised as suggested. The Bureau of Indian Affairs (BIA) initiated Section 7 consultation with the National Oceanic and Atmospheric Administration (NOAA) Fisheries regarding potential effects to California Coastal Chinook salmon, Central Valley Coastal steelhead, and Central Valley Coast Coho salmon. A site visit was conducted on February 22nd, 2011 with NOAA Fisheries and ESA's fisheries biologist to review the project location and the existing stream channel habitats. Informal consultation regarding potential effects to federally listed NOAA Fisheries species was completed on July 18th, 2011, with the appropriate NOAA Fisheries letter included within **Appendix P**.

Project designs avoid direct impacts and have incorporated appropriate setbacks to jurisdictional stream channels within the project area, thereby minimizing disturbance to anadromous salmonids potentially present in the project area. Vegetative buffers and stormwater treatment areas would minimize potential off-site stormwater effects to these species. Mitigation Measures 5.5-6 and 5.5-7 have been added to the project (Section 5.0) to further minimize potential adverse effects to federal and State-listed

anadromous salmonids.

Informal consultation regarding potential effects to federally listed United States Fish and Wildlife Service (USFWS) species was completed on November 30th, 2009; the USFWS concurred with a finding of “may affect, not likely to adversely affect” for potentially affected species (**Appendix P**).

- G-2.8 Mitigation Measure numbering has been updated in Section 4.11.
- G-2.9 Section 4.11 was revised to reference Table 3.11-1.
- G-2.10 Section 4.12 has been revised to cite Occupational and Safety Health Administration (OSHA) standards. It is likely that the anticipated Tribal-State Compact would include provisions for compliance with California public health and safety codes (Title 19 and 24 of the California Code of Regulations).
- G-2.11 Section 4.15 has been revised.

### **Comment G-3 National Marine Fisheries Service**

- G-3.1 See Response to Comment G-2.7.

### **Comment G-4 Environmental Protection Agency**

- G-4.1 See Response to Comment G-4.3 through G-4.15.
- G-4.2 See Response to Comment G-4.3 through G-4.5.
- G-4.3 The Water Resources section of the Draft EIS (3.3.2 Regulatory Setting, Page 3.3-9) has been revised to include a more detailed discussion of Executive Order (EO) 11988. Mitigation Measure 5.3-2 has been revised to include additional mitigation for flooding hazards (Mitigation Measures 5.3-2 b, c and d). The mitigation stipulates that that a hydraulic model consistent with FEMA floodplain hydraulic modeling requirements shall be developed, the Tribe shall seek participation in the National Flood Insurance Program, and the Tribe shall establish a Tribal Mitigation Plan in accordance with 44 CFR 201.7, which addresses flood hazards and mitigation of those hazards.

In accordance with EO 11988, if development within the floodplain at the project site would cause a base flood elevation increase of more than one foot in the 100-year floodplain, more than zero feet in the floodway, or revisions of the floodway boundary, then a Conditional Letter of Map Revision (CLOMR) must be obtained prior to implementation of a project. A Letter of Map (LOMR) Revision request must be submitted to Federal Emergency Management Agency (FEMA) within 6 months of completion of a project. Compliance with EO 11988 would require the Tribe to

complete a CLOMR, which involves a floodplain analysis using an accepted flood flow modeling methodology, to determine how the proposed project activities (i.e., placement of a wastewater treatment plant, detention pond, protective levees and other facilities) would change the flow characteristics and boundaries of flood waters during a 100-year flood.

The Draft EIS presented results of a spreadsheet calculation (see Draft EIS, Section 4.3, Water Resources Impact 4.3.1-2) to preliminarily estimate the magnitude of change in floodwater height due to changes to the floodplain caused by the proposed project. The spreadsheet calculation, referred to in the Draft EIS as a model, was a mass balance calculation that estimated the change in the existing 100-year flood height (obtained from the Flood Insurance Rate Map [FIRM]) that could occur if flood protective levees were placed on the floodplain around the 33-acre wastewater treatment facilities. The calculation did not predict resultant flood flows or velocities. The calculation used in the Draft EIS estimated that flood heights in affected areas would increase by a maximum of 0.67 feet as a result of implementing Alternative A and concluded that a 100-year flood height increase of this magnitude would remain within existing available freeboard for the levees along the City's wastewater treatment plant as well as other levees or berms located to the east and west of the affected parcel. Based on the accuracy of this preliminary estimation and methodology used in the spreadsheet calculation, it may be more reasonable to expect, as a conservative estimate, that the floodwater height could increase up to 1 foot as a result of proposed development in the floodplain at the project site. However, it should be reiterated that the estimated 0.67 foot increase of flood water height was only a preliminary calculation for purposes of the Draft EIS; 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 CLOMR is completed and approved. The text in Section 4.3, Water Resources, has been changed to clarify that the calculation is considered a preliminary estimation of potential flood height and that development within the floodplain would be subject to approval by FEMA.

At the time this Final EIS was prepared, the Tribe and the City of Cloverdale were in discussions regarding the municipal water supply and wastewater options. Until an option is chosen, both the municipal and private options for water and wastewater are considered feasible and would be evaluated equally. As stated in the Draft EIS (Section 4.10 Public Services), under the municipal option, the Tribe would contract with the City of Cloverdale for water and wastewater service. As the Tribe does not currently have an agreement to obtain water or wastewater service from the City, the Draft EIS found this a significant impact. Mitigation of this impact would require the Tribe to enter into a service contract with the City of Cloverdale for water and wastewater service. If municipal water and wastewater service cannot be provided the Tribe would choose the private option for these utilities.

If the private wastewater option is chosen for the project, the eastern side of the property adjacent to the Russian River remains the most practicable location for the wastewater treatment plant (WWTP), spray field, and groundwater well facilities. No other alternative sites for these uses are available within the project site. The proposed project was sited so that the casino and resort building would be placed as far as possible from the potential flood water inundation area. While the WWTP, spray field and groundwater well are located within the 100-year floodplain, levees are proposed to protect the WWTP from the 100-year flood event and mitigation is provided in the Draft EIS that would require the Tribe to raise existing groundwater wells and pump facilities above the expected flood height. The analysis also documents that the effects on the floodplain would not impact existing flood protection structures or neighboring properties.

The Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) permit for treated discharge would not be required because application of tertiary-treated wastewater to the 14.6-acre spray field would occur during the dry season only and would avoid a discharge into waters of the U.S., either directly or indirectly. Application rates would be regulated at levels and amounts that would allow for soil absorption, with no off-site, surface run-off or indirect discharge to the Russian River. Treated water would be contained/held within the storage pond during the wet season with proper bank elevations above the 100-year flood mark.

- G-4.4 The alternatives have been proposed in response to the underlying purpose and need discussed in Section 1. An alternative site is not reasonable as it would not meet the purpose and need of restoring the Tribe's trust land base. The proposed trust parcels are adjacent to the Tribe's historic Rancheria location.
- G-4.5 The western-most portion of the project site is separated from the east side by Porterfield Creek and the Northwestern Pacific Railroad berm and is not within the 100-year or 500-year floodplain (see Draft EIS, Figure 3.3-3). Grading for the proposed development would achieve the desired grades and construction pad elevations but filling the land for flood protection purposes is not necessary or proposed. A wetland area in the southern portion of the project site adjacent to Asti Road would remain undisturbed by the project thereby preserving the only water feature on the project site proposed to occupy the casino/hotel.
- G-4.6 See Response to Comment G-4.7 through G-4.9.
- G-4.7 A preliminary Stormwater Quality Management Plan (SQMP) has been prepared and is included in the Final EIS (**Appendix Q**). The SQMP supplements the Preliminary Drainage Study that was provided as **Appendix B** in the Draft EIS. In general, the objectives of the SQMP are to 1) specify the regulatory framework for establishing a stormwater management strategy, 2) identify and protect beneficial uses of the Russian River, 3) develop a tiered approach to stormwater management that results in project-

wide water quality benefits, 4) develop sizing parameters and locations for proposed Best Management Practices (BMP), and 5) provide reasonable assurance that the proposed stormwater management approach meets the goals of NPDES and the Clean Water Act.

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.

- G-4.8 The preliminary SQMP (**Appendix Q**) discussed in Response G-4.7 was completed at the Final EIS stage of the NEPA process to supplement the Preliminary Drainage Plan that accompanied the Draft EIS as **Appendix B**. Completing a comprehensive design-level drainage plan at the EIS stage 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. As determined in the Final EIS, based upon these assessments, impacts related to storm runoff would be less the significant after mitigation. A more comprehensive design-level drainage plan would be prepared that addresses details of the drainage and site constraints of the final development alternative if one is selected.
- G-4.9 The recommendations and measures to manage stormwater runoff and quality that are included in Preliminary Drainage Study (**Appendix B** of the Draft EIS) are considered part of the proposed project and would be implemented in addition to the mitigation measures prescribed in the Draft EIS. As such, there is no need to include them with the mitigation measures in Section 5.
- G-4.10 Site improvements in the vicinity of preserved wetland areas would be designed and constructed to avoid potential indirect impacts to jurisdictional waters of the U.S. through the use of retaining walls and stormwater protection measures. Development under the proposed alternatives would include grading and construction of facilities and paved areas that would provide rain water surface flow to the wetland mitigation area through slope design (see also **Appendix A** Preliminary Drainage Study). Drainage from the existing culvert providing flow to the project site from the west and crossing under Asti Road would still enter and drain into the proposed avoidance area. This designed system would continue to provide adequate wet weather flow to the seasonal wetlands. The wetland area would also include a storm drain system to drain

flow east from the project site and maintain a hydrologic connection (please also see **Appendix H** Preliminary Utilities Study). The proposed wetland avoidance area would maintain its current elevation and would be protected from project development by construction of retaining walls. Habitat quality in the wetland area and adjacent areas would be enhanced through plantings of native wetland species. The use of 100-foot buffer zones from existing and avoided stream channels and wetlands is not feasible in many areas of the proposed development due to physical size constraints, but appropriate buffers and treatment measures associated with the project design and the Preliminary SQMP (**Appendix Q**) would minimize potential adverse effects to adjacent wetland and stream channel features. In addition, Mitigation Measures 5.5-6 and 5.5-7 have been added to the project (Section 5.0) to further minimize potential adverse indirect impacts to jurisdictional wetlands and stream channels.

- G-4.11 Comment noted. The municipal option is an alternative to the private option. The Tribe is in discussions with the City regarding the municipal option. These are the two feasible options for water supply and wastewater treatment.
- G-4.12 Comment noted. Also see Response to Comment G-9.76. The source of drinking water for the proposed project would be either groundwater extracted from an onsite well under the private option or treated water supplied by the City of Cloverdale under the municipal option. These are two feasible options for drinking water supply and the Tribe is in discussions with the City of Cloverdale regarding the municipal option. Given the proximity of the onsite water supply well to the Russian River, the Tribe recognizes the necessity to comply with provisions of the Safe Drinking Water Act and develop baseline data for nutrients and pathogens and other constituents that would indicate groundwater under the influence of surface water. This would be completed prior to approving the well for use under the private option. Water analysis conducted after the well was installed indicated that water from the well did not contain pathogens or nutrients and appeared consistent with the quality of local groundwater used for drinking water in the community.
- G-4.13 A supplemental groundwater pumping analysis was conducted and is included with the Final EIS. Section 4.3, Water Resources, has been revised to reflect the supplemental analysis. The limited groundwater analysis completed for the Draft EIS (Limited Groundwater Pumping Analysis, Amonos and Sirrah Sites, Cloverdale California, dated August 18, 2009) modeled the response of "simulation well" located on the south end of the property. A supplemental groundwater pumping analysis was completed in April 2011 to evaluate the effects to groundwater flow on an existing groundwater supply well near the southeast corner of the property. The well is located approximately 500 feet east of the hypothetical location of the "simulation well".

The supplemental analysis considers a constant pump rate of 64 gallons per minute (gpm), which is the pump rate that, as the comment suggested, does not include the use of recycled water for irrigation and toilets. In general, the results of the 2011

supplemental analysis indicated that the much higher groundwater transmissivity (ability for a material to transmit water) of the existing well has the effect of reducing the drawdown and lessening the potential impacts from the well. The recent model showed that the deep capture zone does not intercept the Russian River while the shallow capture zone does and therefore, some water is extracted directly from the river and some water is intercepted before it discharges to the river. For a proposed constant production rate of 64 gpm from the newly installed onsite well, the groundwater model predicts that the river experiences a flow reduction of approximately 0.13 cubic feet per second (cfs). Considering the recent Biological Opinion (BO) issued by the National Marine Fisheries Service (NMFS), a reduction of 0.13 cfs is 0.1 percent of the flow considering the 125 cfs flow dictated by the BO. Similar to the results of the 2009 analysis, groundwater pumping from the newly installed supply well would have a less-than-significant effect on Russian River flows or ecological habitats.

The supplemental groundwater analysis also showed that the estimated drawdown from the onsite groundwater supply well is less than 0.5 feet and does not extend beyond a radius of 500 feet. If 0.1 to 0.5 feet of drawdown due to project pumping occurred in a neighboring groundwater supply well, it would be within the expected seasonal fluctuation of the well and would not adversely affect its functionality or production capability. Effects on neighboring groundwater supply wells, the City of Cloverdale wells, and wells west of the project site across U.S. 101 would not be impacted from pumping at the project site at the maximum rates proposed in the project alternatives.

G-4.14 See Response to Comment G-2.7.

G-4.15 The Tribe acknowledges the environmental benefits of a Leadership in Energy and Environmental Design (LEED) certified facility, and would continue to work to incorporate energy efficient green features into the final project design, where economically feasible. The Tribe would still consider developing a facility that would be LEED certified.

## **Comment Letter G-5 Regional Water Quality Control Board**

G-5.1 Reference responses below.

G-5.2 Please see Response to Comments G-4.7 and G-5.3 and refer to the preliminary SQMP, **Appendix Q**. The preliminary SQMP recommends BMPs to manage stormwater quality and flow control focus on three tiers of application. In order of effectiveness, these are: limiting directly-connected impervious area, controlling the sources of pollutants, and treating stormwater. This tiered approach to stormwater management has been shown to be most effective in controlling non-point source pollution, and is the approach advocated by the California Stormwater Quality Association, the Bay Area Stormwater Management Agencies Association, and the

Regional Water Quality Control Board (RWQCB). The proposed project has incorporated this approach into the design.

- G-5.3 The preliminary SQMP described in response G-4.7 and RWQCB G-5.2 is a low-impact development (LID) drainage plan that considers minimizing impervious surfaces and mimicking the natural hydrograph through BMPs. The preliminary SQMP adequately addresses concerns regarding LID and green infrastructure. The preliminary SQMP has been prepared with consideration of the North Coast RWQCB Basin Plan and is specifically designed to protect the beneficial uses of the Russian River, and has been incorporated into the proposed project under all alternatives.
- G-5.4 As discussed in the Draft EIS, (Section 4.3.1-3, Water Resources) the Tribe would prepare a Storm Water Pollution Prevention Plan (SWPPP) to address control of stormwater runoff and protection of surface water quality during the grading and construction stage of the project. Construction of the project would be subject to regulation under the Clean Water Act and would be required to comply with the NPDES General Construction Permit prior to the initiation of construction and grading. As the Environmental Protection Agency (EPA) would be the permitting authority for the project site if transferred to federal trust, the SWPPP would be prepared and administered to be consistent with current EPA standards.
- G-5.5 Also see Response to Comment G-4.3. At the time of Final EIS preparation, the Tribe was in discussions with the City of Cloverdale regarding the municipal water and wastewater option. Until a final determination is made, both the municipal and private options for water and wastewater are considered feasible and are equally evaluated. If the private wastewater treatment option is implemented, water would be tertiary treated and discharged to a 14.6-acre cultivated spray field. Consistent with federal water quality standards that include an antidegradation policy and implementation method, the Tribe would be required to establish an antidegradation program for surface water protection. Antidegradation implementation procedures identify the issues that must be addressed when regulated activities are proposed that may affect surface water quality.

Wastewater application rates and schedules (with consideration of nutrient requirements) would be determined as part of the final spray field design. Preliminary spray field application rates were based on a 14-acre crop of alfalfa, which is irrigated from May to October.

Based on groundwater flow modeling, groundwater flows beneath the project site from west to east, towards the Russian River. Mitigation Measure 5.3-3 (2) specifies that the Tribe would monitor groundwater beneath the spray field using at least three monitoring wells. The final number of wells required for adequate groundwater quality monitoring would be established after the Tribe determines final spray field operation scenarios and optimum application wastewater rates.

- G-5.6 As stated in Response to Comment G-4.3, a Clean Water Act Section 402 NPDES permit for treated discharge is not anticipated because application of tertiary-treated wastewater to the 14.6-acre spray field would occur during the dry season only and treated wastewater would be contained within the storage pond during the wet season, protected by proper bank elevations above the 100-year flood mark.
- G-5.7 The Biological Resources chapter of the Draft EIS (Section 3.5) describes Heron Creek (aka channel I-3) as entering the eastern portion of the proposed project site from the north and being strongly influenced by storm drain flows from Highway 101. Drainage patterns associated with I-3 have been altered approximately 500-feet northwest before entering the project site at the northern boundary. Heron Creek flows through the project site as a ditch within a vineyard area. The Water Resources chapter (section 3.3) describes Heron Creek as a drainage with a watershed area of over 1,000 acres. Neither is an incorrect description of Heron Creek; given the urban setting in Cloverdale and changes to the creek resulting from the construction of US 101. Within the project site, Heron Creek functions as an irrigation ditch with an unvegetated bed/bank and soil/sediment substrate. The project proposes to redirect channel I-3 on the project site east and then south to avoid the proposed Wastewater Treatment facility under the Private Wastewater Treatment option. Any realignment of Channel I-3 would be completed in compliance with Clean Water Act Section 404 permitting requirements.
- G-5.8 RWQCB recommended setbacks and buffers from existing and avoided stream channels and wetlands are not feasible in many areas of the proposed development due to physical size constraints. Project designs have avoided direct impacts and have incorporated appropriate setbacks to jurisdictional stream channels within the project area, thereby minimizing disturbance to riparian buffer zones. Vegetative buffers and stormwater treatment areas would minimize potential off-site stormwater effects to these species. The Tribe has completed a preliminary SQMP (included in the Final EIS as **Appendix Q**) to address issues with site runoff and water enhanced water quality protection. Mitigation Measures 5.5-6 and 5.5-7 have been added to the project (Section 5.0) to further minimize potential adverse effects to sensitive riparian habitats and stream channels. In addition, Mitigation Measure 5.5.-1 mitigates the loss of sensitive habitats adjacent to Coyote Creek and Porterfield Creek by the proposed development through the creation, restoration, or enhancement of coast live oak woodland and north coast riparian scrub habitat on the project site.

## **Comment Letter G-6 California Department of Transportation**

- G-6.1 Should the proposed project be approved, the Tribe would coordinate with the appropriate local agencies so that improvements proposed at the intersection of the US 101 Northbound (NB) ramps / South interchange are programmed and implemented.
- G-6.2 Signal warrant worksheets are provided in **Appendix G** (Transportation Backup

Documentation).

G-6.3 Text has been added to Final EIS.

G-6.4 The trip generation estimates did not make allowances for potential alternative travel modes (e.g., Bicycle and Walking to/from SMART Station), providing a conservative analysis of potential traffic impacts. See Response to Comment Letter G-11 SMART about multi-use trail and projected use of public transit and other modes.

Transportation and motor vehicle design, operation, and programs as part of Mitigation Measure 5.4-5 would be implemented by the Tribe. Mitigation Measure 5.8-5 would be funded by the Tribe as part of the project design and construction.

See Bicycle and Pedestrian recommendations presented under Impact 4.8.1-3.

G-6.5 The analysis focused on the weekday p.m. and weekend midday peak periods because those time periods reflect the worse case conditions for proposed project as well as for the circulation system surrounding the study area. Based on available trip rates for casinos, the project would be expected to generate approximately 40% fewer trips during the a.m. peak hour than during the p.m. peak hour. In addition, traffic studies conducted in the Cloverdale area over the last 10-plus years indicate that weekday a.m. peak hour volumes are substantially less than p.m. peak hour volumes.

G-6.6 The internal capture rates for multi-use developments and suburban activity centers in the Institute of Transportation Engineers (ITE) *Trip Generation Handbook* do not include studies at casino sites, and therefore, application of these internal capture rates would not be appropriate. The internal capture rate of 67 percent applied to non-gaming facilities was based on the following factors: (a) data and research of other gaming facilities in the 2007 Graton Rancheria Casino and Hotel Traffic Impact Study suggested a 67% reduction for non-gaming uses; (b) the non-gaming uses would be integrated into the facility to “capture patrons.”; (c) hotels associated with casinos generally structure the facility and pricing to favor a link between guests and use of the casino; (d) the non-gaming facilities would be isolated from the rest of the Cloverdale community and contained within the casino so as to not generally be a draw for a single purpose trip; (e) rates for the restaurant uses were based on a more intense high turnover type restaurant, which generates substantially more trips than may actually occur in this case; and (f) no other deductions were made for pass-by and diverted link trips. Lastly, if a lower internal capture rate had been used, the recommended roadway improvements likely would be the same as already included in the study.

G-6.7 The trip generation rates for “Casino/Video Lottery Establishments” provided by ITE’s *Trip Generation* do not apply to full-service casinos or casino/hotel facilities. The referenced land use is inconsistent with the proposed project description, and application of the higher PM peak hour rate (13.43) would drastically overestimate the expected trips associated with the proposed project. For the other alternatives, the

proposed project has different trip rates because the rate is variable based on the floor size of the facility. As the floor area decreases, the trip rate increases, which is similar in concept to retail land uses. These rates were obtained from the 2007 *Graton Rancheria Casino and Hotel Traffic Impact Study* and the research on casino trip rates from that study.

- G-6.8 As provided by ITE's *Trip Generation*, the directional distribution for the "Hotel" land use equals 49 percent entering and 51 percent exiting. The Draft EIS is correct.
- G-6.9 Estimated queuing conditions are contained in the appendix within the Intersection Level of Service (LOS) results. The 95<sup>th</sup> percentile queue length is the first line on the lower portion of the page under "Level of Service Module."
- G-6.10 The cumulative analysis year (2030) matches the City's General Plan Update year, which is a standard approach to take for planning documents.
- G-6.11 Comment noted.
- G-6.12 The Traffix reports provide Green time / Cycle time (G/C) ratios, and Average Queue Lengths for all scenarios. Traffix, instead of Synchro, was used for the LOS analyses.

## **Commenter Letter G-7 Governor's Office**

- G-7.1 Comment noted. See Response to Comment G-7.2 through G-7.17.
- G-7.2 "Specialty Retail" is the standard ITE Land Use used for general retail not in a shopping center, and no significance should be assigned to that term.
- G-7.3 The Tribe would commit to its fair share, and if necessary, can commit to fully fund the construction of the necessary roadway improvements (i.e. the installation of traffic signals at the intersection of U.S. 101 Northbound Ramps / South Interchange and the intersection of Asti Road / South Interchange, or construction of a roundabout that encompasses the intersections of U.S. 101 Northbound Ramps / South Interchange and Asti Road / South Interchange) with the condition that all future unrelated developments that would benefit from these improvements would provide its fair share of the costs to the City. It is assumed the City would transfer those costs as reimbursements to the Tribe at that time. The construction timing of the above stated roadway improvements should be complete prior to operation of the proposed project.
- G-7.4 Refer to Response to Comment G-5.4. The SWPPP would be prepared, as required, prior to the onset of construction. The SWPPP would be prepared in accordance with federal NPDES regulations to effectively address potential construction-related water quality issues. It is not practical to prepare a site specific SWPPP to address construction before an alternative has been selected. Also refer to Response to Comment G-4.7. The Tribe has completed a preliminary SQMP (included in the Final

EIS as **Appendix Q**) to address issues with site runoff and water quality protection.

G-7.5 At the time the Final EIS was prepared, the Tribe and the City of Cloverdale were in discussions regarding the municipal water supply and wastewater options. Until an option is chosen, both the municipal and private options for water and wastewater are considered feasible and would be evaluated equally. As stated in the Draft EIS (Section 4.10 Public Services), under the municipal option, the Tribe would contract with the City of Cloverdale for water and wastewater service. As the Tribe does not currently have an agreement to obtain water or wastewater service from the City, the Draft EIS found this as a potentially significant impact. Mitigation of this impact would require the Tribe to enter into a service contract with the City of Cloverdale for water and wastewater service. If municipal water and wastewater service cannot be provided the Tribe would choose the private option for these utilities.

Refer to Response to Comment G-4.13 for additional discussion on the groundwater analysis and refer to the Final EIS, Section 4.3, Water Resources, for text revisions regarding the groundwater analysis.

G-7.6 Please see Response to Comment G-4.3.

G-7.7 Discussions regarding the municipal option are ongoing. Private wastewater facilities remain a feasible option. Impacts to the groundwater table and Russian River are discussed in Response to Comment G-9.74. Enough information is available regarding the type and scale of wastewater facilities to adequately determine impacts.

G-7.8 See Response to Comment G-2.7.

G-7.9 The cultural resources report is a confidential appendix due to the sensitive nature of these resources. The report can formally be requested from Pat O'Mallan at the Bureau of Indian Affairs, Pacific Region (916) 978-6055. To reiterate the Draft EIS, the State Historic Preservation Officer has concurred with the BIA's finding of no effect to historic resources. No archaeological resources are located within the area of potential effect.

G-7.10 Mitigation Measure 5.7-1 includes similar measures to those requested: 1) The involuntary exclusion measure is the third bullet point. 2) Prominent display of problem gambling resources is included in bullet point five. 3) The Tribe is committed to a responsible gambling message and would adopt a policy statement on problem gambling as discussed in bullet point one.

G-7.11 Comment noted.

G-7.12 The Traffic Study has analyzed the impacts of traffic and the resulting LOS after mitigation as summarized in Table 5-1. The measures are considered feasible. Caltrans has submitted a letter on the Draft EIS. See responses to comment letter G-6. The

Tribe plans to coordinate with the appropriate local agencies so that improvements proposed are programmed and implemented.

- G-7.13 The project as proposed is not consistent with the existing zoning. If the lands were not transferred into trust it would require a conditional use permit or general plan amendment/rezone. Local land use regulations however are not applicable to federal tribal trust land. Inconsistency with existing zoning does not in and of itself constitute a significant 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.
- G-7.14 Section 4.9 of the EIS has been revised to clarify that any existing Williamson Act contracts would be filed for non-renewal status or cancelled prior to the trust acquisition. The State's thresholds for significant agricultural impacts are not the same as those of the Federal government. Agricultural impacts were assessed pursuant to NEPA and the Farmland Protection Policy Act. The analysis considered the Williamson Act status of the parcel as one of several factors in determination of significance.
- G-7.15 The EIS acknowledges that there would be an increased need for law enforcement and emergency services. The service agreements recommended as mitigation are subject to final negotiations between the Tribe and service providers.
- G-7.16 The EIS acknowledges there would be an increased need for law enforcement services. Indirect impacts to California Highway Patrol (CHP) are anticipated to be the similar to other entertainment venues. The CHP is funded primarily through the Motor Vehicle Account and is not the responsibility of individual projects to contribute to providing these services.
- G-7.17 See above responses to comment letter G-7. In addition, additional mitigation has now been proposed for some impacts, including those deemed significant and adverse after implementation of mitigation (air quality). Please see Section 5 of the Final EIS for a complete list of the revised and added mitigation measures.

## **Commenter Letter G-8 California Department of Fish and Game**

- G-8.1 The BIA initiated Section 7 consultation with NOAA Fisheries regarding potential effects to California Coastal Chinook salmon, Central Valley Coastal steelhead, and Central Valley Coast Coho salmon. As part of this consultation and during a project site visit with ESA's fisheries biologist, NOAA Fisheries has reviewed the proposed project layout as related to sensitive stream channel habitat. Informal consultation regarding potential effects to federally listed NOAA Fisheries species was completed on July 18th, 2011, with the appropriate NOAA Fisheries letter included within

**Appendix P.** California Department of Fish and Game's (CDFG) recommended setbacks and buffers from existing and avoided stream channels and wetlands are not feasible in many areas of the proposed development due to physical size constraints. Project designs have avoided direct impacts and have incorporated appropriate setbacks to jurisdictional stream channels within the project area, thereby minimizing disturbance to anadromous salmonids potentially present in the project area. Vegetative buffers and stormwater treatment areas would minimize potential off-site stormwater effects to these species. In addition, Mitigation Measures 5.5-6 and 5.5-7 have been added to the project (Section 5.0) to further minimize potential adverse effects to federal and state-listed anadromous salmonids. In addition, Mitigation Measure 5.5-1 from the EIS mitigates the loss of sensitive habitats adjacent to Coyote Creek and Porterfield Creek by the proposed development through the creation, restoration, or enhancement of coast live oak woodland and north coast riparian scrub habitat on the project site.

- G-8.2 See Response to Comment G-2.7.
- G-8.3 Proposed Alternatives avoid direct impacts to stream channel resources within or in the vicinity of the project site. For potential jurisdictional waters of the U.S., impacts (wetlands and an agricultural ditch), the project applicant would be required to obtain a Corps Section 404 permit and an EPA Region IX Section 401 permit. Because the parcels would be transferred into federal trust status under the action alternatives, the project applicant would not be required to obtain a Lake and Streambed Alteration Agreement from CDFG for stream channel activities located on federal tribal trust land.

## **Comment Letter G-9 Sonoma County**

- G-9.1 The visual renderings provided in Section 4.13, and descriptions of building area and heights in Section 2.0 are adequate to determine impacts. Signage and lighting are not finalized, however they must adhere to the restrictions outlined in Mitigation Measures 5.13-1 through 4. Preliminary grading and drainage plans are provided in **Appendix A and B** of the Draft EIS.
- G-9.2 "Specialty Retail" is the standard ITE Land Use used for general retail not in a shopping center, and no significance should be assigned to that term.
- G-9.3 The Draft EIS analyzes a reasonable range of alternatives including reduced intensity, non-gaming and no project alternatives. With the exception of air quality, all impacts would be reduced to less than significant.
- G-9.4 Alternatives A through E in the EIS inform decision makers that even when reducing the scope of project component development, project operations would still exceed some significance criteria. As an example, in comparing operational emissions of ozone

precursors in the Bay Area Air Quality Management District (BAAQMD) jurisdiction for Alternative A (Proposed Action) in Table 4.4-4 versus for Alternative B (Reduced Hotel and Casino) in Table 4.4-8, ROG and NO<sub>x</sub> emissions would be reduced from 94 pounds per day (lbs/day) and 132 lbs/day under Alternative A to 66 lbs/day and 93 lbs/day under Alternative B, respectively. Thus, ROG emissions would be reduced to less than significant under Alternative B, but NO<sub>x</sub> would remain significant. The alternatives evaluated in the EIS represent a full range of feasible alternatives that would meet the stated purpose and need.

- G-9.5 Alternatives D and E include smaller structures which have less horizontal massing than Alternative A.
- G-9.6 Tables 3.4-1, 3.4-2, and 3.4-4 have been revised. The Notice of Intent for the project was submitted to the Federal Registry on July 7th 2008, before the updated BAAQMD thresholds were adopted; therefore Table 4.4-2 is accurate. Full references have been added to Table 4.4-2 for each air district's identified thresholds.
- G-9.7 Construction emissions were modeled using URBEMIS 2007. The output files are included in **Appendix C**. The URBEMIS program does not supply input files, however, detailed output files include information as to what assumptions were incorporated into the program.
- G-9.8 Construction is considered short term because it would be completed in two years, compared to the long term operations of the completed project. Please see Response to Comment G-9.6 in regards to the recently adopted BAAQMD thresholds.
- G-9.9 Operational emissions were calculated using both area sources and on-road vehicle emissions. Tables 4.4-4, 4.4-8, 4.4-12, 4.4-16, and 4.4-20 have been revised to specify that area sources are also included in the operational emissions presented in the tables, not just on-road sources. The numerical values included in the tables did not change. Operational emission estimate tables for each alternative go into more detail regarding trip distribution assumptions. In addition, more detailed information can be found in **Appendix C**, which includes URBEMIS output files. The URBEMIS program does not supply input files, however, detailed output files include information as to what assumptions were incorporated into the program.
- G-9.10 The Caline-4 program is approved by the EPA, Federal Highway Administration (FHWA), and Caltrans for Carbon Monoxide (CO) modeling. Traffic data incorporated into the model was from the traffic study produced for the project. A tiered approach to analysis was used for CO. Since mass CO emissions were estimated to exceed several air district and General Conformity thresholds, a refined analysis using the Caline-4 dispersion model was conducted to determine potential localized impacts, or CO "hot spots", which ultimately are the impacts of concern for CO (rather than regional impacts associated with ozone). Thus, modeling CO concentrations at the most congested intersections and comparing the results to the State and National Ambient Air Quality

Standards resulted in a refined impact analysis for CO that correlated to consistency with air district and conformity thresholds.

- G-9.11 Mitigation Measures 5.4-1 through 5.4-4, which are recommended during construction activities, have been developed and determined by the BAAQMD to reduce construction emissions to a less than significant level. Motor vehicle and energy efficiency measures identified in Mitigation Measures 5.4-5 and 5.4-8 would reduce operational air pollutant emissions. However, these mitigations would not reduce emissions to a less-than-significant level. In regards to mitigation enforcement, please see Response to Comment G-10.81.
- G-9.12 Per the commenter's suggestion, the Graton Rancheria Casino and Hotel Project was reviewed. Many of the mitigation measures specified in the Graton analysis are also already incorporated into the EIS as well. Notably, the Emission Reduction Credits prescribed in the Graton EIS were implemented first and foremost to reduce NO<sub>x</sub> to comply with General Conformity. However, the Cloverdale Draft EIS showed that NO<sub>x</sub> would not exceed the General Conformity Threshold for any Alternative (see Tables 4.4-4, 4.4-8, 4.4-12, 4.4-16, and 4.4-20). In addition, as noted in the Graton EIS on p. 5-12, it is unclear whether or not additional pollutant credits are even an option: "The Tribe shall purchase offset credits for VOC, PM<sub>2.5</sub>, and PM<sub>10</sub> *if available* [emphasis added]". Furthermore, the U.S. EPA has indicated that Tribes have had challenges obtaining ERCs since Tribes are not subject to Air District authority and if Air Districts have an emissions bank, the ERCs are often reserved for projects in their jurisdiction (U.S. EPA, 2011. Personal communication via telephone with Jefferson Wehling, U.S. EPA Region 9. April 26, 2011).
- G-9.13 A health risk assessment was not deemed necessary for this project based on the following considerations: (1) the project would not itself contribute or generate toxic air contaminants as the only sources during operations would be diesel buses and delivery trucks; (2) the project would require construction for a short term duration of two years; and (3) the distance to sensitive receptors. Contrary to the commenter's assertion, sensitive receptors were described in the Draft EIS as follows: the nearest sensitive receptor to the project site is a residence approximately 250 feet to the south on Santana Drive. There are also residences located across Highway 101 to the west, the nearest being approximately 500 feet to the west on Otto Boni Drive.
- G-9.14 The Draft EIS section states that Toxic Air Contaminant (TAC) emissions from operations are less than significant, but operational emissions as a whole are significant and adverse. Casinos are generally not substantial emitters of TACs. Sources of potential TACs (diesel-fueled on-road vehicles) as well as mitigation measures to reduce TAC exposure are already included in the EIS.
- G-9.15 As indicated on page 4.4-6 of the Draft EIS, three criteria are used to determine the significance of Greenhouse Gas (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. Please also see Response to Comment G-9.6 in regards to the recently adopted BAAQMD thresholds.

- G-9.16 Mitigation Measure 5.4-5 (Transportation and Motor Vehicle Measures), 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. Enforceability would be ensured through the Tribe's government. Please see also Response to Comment G-10.81.
- G-9.17 Please see Response to Comment G-9.6 in regards to the recently adopted BAAQMD thresholds, and G-9.11 in response to the additional commitments the Tribe have made to further reduce project GHGs.
- G-9.18 The occurrence and severity of odor impacts depend on the nature, frequency and intensity of the source; wind speed and direction; and the sensitivity of receptors. Generally, increasing the distance between the receptor and the source would mitigate odor impacts. As the Draft 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, Mitigation Measure 5.4-7 would be implemented to ensure odors would be controlled appropriately.
- G-9.19 It is acknowledged that a roundabout-controlled intersection could be built instead of a traffic signal. The traffic study did not consider a roundabout because at the time, one was not proposed as part of the project, and a traffic signal installation would mitigate the impacts. By contrast, at the interchange, the use of traffic signals still resulted in unacceptable queuing conditions, and therefore, roundabouts were proposed as mitigation. Assuming a single-lane roundabout at the entrance, the Buildout plus Project conditions would most likely operate with a LOS C or better. It is agreed that a traffic signal installation would potentially require more electrical and operational maintenance than the roundabout, but a roundabout could require more landscaping maintenance and would have a larger "footprint". A maintenance agreement has been added to Mitigation Measure 5.8-1.
- G-9.20 The trip generation analysis conservatively assumed that all of the non-gaming uses would generate trips during the peak traffic periods, which might not be the case day-in and day-out for the entertainment and convention facility users. At casinos, these non-gaming facilities are marketed to attract customers to the casino, so there must be a degree of overlap between the two assumed. After the deductions, the amount of traffic related to the non-gaming facilities was higher than that for the casino traffic for both the weekday p.m. peak (55% of the total) and the weekend peak (66% of the total). There are additional justifications discussed in the Response to Comment G-6.6. Even considering these justifications for the use of the 67 percent deduction, if a lower internal capture rate had been used, the mitigation measures likely would be the same as those reported in the

## Draft EIS.

- G-9.21 As stated in the Draft EIS, “Because the applicant intends to market patron site access via the Citrus Fair Interchange, but access to and from the south would be more convenient via the South Interchange, it was assumed that only 30 percent of the vehicle trips oriented to and from U.S. 101 south of Cloverdale, or 27 percent of the total trips (30% of 90%=27%), would occur via the Citrus Fair Drive interchange, with the balance (70% of 90% = 63%) utilizing the South Interchange.” Because some of the casino customers may want to visit other tourist-centered opportunities in the downtown Cloverdale area, 10% of the US 101 Southbound traffic (or 9% of the total traffic) would first divert into Cloverdale before returning back to US 101 Southbound.
- G-9.22 As stated in the Draft EIS, appropriate growth factors were applied to older count data to reflect 2008 conditions. Based on the traffic analyst's experience in conducting traffic studies in and around Sonoma County, including Cloverdale, traffic volumes throughout Sonoma County have declined in the last two to three years due to the economical recession, and that traffic volumes collected in 2008 generally reflect peak traffic conditions over the last several years.
- G-9.23 As stated in the Draft EIS, consistent with the City of Cloverdale General Plan, the level of service standard was applied to the overall average intersection delay, not for any single movement or approach. The delays in question are for the westbound project access approach, not the overall average intersection delay. Because the overall intersection delay met standards, no mitigation was presented.
- G-9.24 The analysis of transportation conditions for the Draft EIS was completed in 2008, before the adoption of the *2010 Sonoma County Bicycle and Pedestrian Plan*. The *2008 Cloverdale Bicycle and Pedestrian Plan*, which was developed by the Sonoma County Transportation Authority and the City of Cloverdale in coordination with the County of Sonoma, included existing and proposed facilities in the unincorporated County adjacent to the City of Cloverdale, and was utilized to evaluate the project. In response to this comment, the project findings and bicycle recommendations have been reviewed and found to be consistent with the *2010 Sonoma County Bicycle and Pedestrian Plan*, which was adopted by the Sonoma County Board of Supervisors on August 24, 2010.
- G-9.25 It is acknowledged that both the bike lanes on Asti Road and the SMART Rail Trail are identified as priority routes in the *2010 Sonoma County Bicycle and Pedestrian Plan*. See Response to Comment G-9.24 regarding the timing of the analysis of transportation conditions for the Draft EIS and adoption of the 2010 Plan, and regarding use of the *2008 Cloverdale Bicycle and Pedestrian Plan* (developed by the SCTA, the City of Cloverdale, and Sonoma County). Asti Road is identified in both the 2008 and 2010 Plans as a “Primary Route” and is designated as a high priority project in the 2010 Plan. That designation does not affect any of the impact conclusions contained in the Draft EIS. The SMART Rail Trail is also identified as a primary route and a high priority project in both Plans, and further, as the comment states, this trail is identified as a regional route in the

*2009 Regional Bicycle Plan for the San Francisco Bay Area*, prepared by the Metropolitan Transportation Commission. Likewise, that finding does not affect any of the impact conclusions contained in the Draft EIS. It is noted that paved shoulders and Class II bike lanes currently exist on Asti Road along the proposed project's frontage connecting north to the Cloverdale Train Depot. It is acknowledged, as noted in the comment, that any discretionary project proposed in the County would be required to construct or dedicate right-of-way for planned improvements as part of its basic frontage improvements, that project frontage improvements should ensure that shoulders on Asti Road conform to Class II bike lane standards, and that project entrances and exits should be required to conform to the Manual on Uniform Traffic Control Devices.

- G-9.26 Access improvements identified as recommendations, not as mitigation measures, in the Draft EIS were done so because the analyses indicate that the project would cause no significant bicycle or public transit impacts, and with one exception, no significant pedestrian impact. As stated in the Draft EIS, bicycle routes between the project, the SMART station and downtown Cloverdale are "already served by bicycle lanes, and therefore, no impacts related to bicycle traffic were identified." Subsequent to publication of the Draft EIS, the project sponsor agreed to create an employee Commuter Program for the proposed project that would mitigate the effects of commuters from the Santa Rosa/Rohnert Park area through a shuttle service or ride share program. The pedestrian discussion identified Mitigation Measure 5.8-5 in response to a potentially significant impact tied to the area between the project and the SMART trail crossing of Asti Road.
- G-9.27 The analysis of transportation conditions for the Draft EIS was completed in 2008, before the adoption of the *2010 Sonoma County Bicycle and Pedestrian Plan*. Based upon review of the *2010 Sonoma County Bicycle and Pedestrian Plan*, the following policy and bicycle parking guidelines are relevant to the project:
- Policy: 2.27: Provide adequate bicycle parking as part of all new school, public transit stops, public facilities, and commercial, industrial, and retail development. Retrofit of existing uses and facilities is recommended whenever feasible. Use the following standards for bicycle parking at commercial and industrial uses over 10,000 gross square feet: Location - Near main entrance with good visibility, Capacity - 1 bicycle rack space per 15 employees with a minimum of 8 bicycle rack spaces per location. Bicycle lockers may be substituted for bicycle rack spaces.
- G-9.28 Project construction activities are short-term in duration, and would not have long-term (on-going) impacts. Therefore, project construction is not likely to damage pavement on public roads.
- G-9.29 The transfer of soil between parts of the project site (as stated on page 4.2-1 of the Draft EIS) would be made on-site, and the use of public roads is not anticipated. In the event a public road is needed to transfer soil, a very brief (~ 400 feet) segment of Asti Road could be utilized prior to re-entering the proposed trust parcels, and road damage is not

anticipated.

- G-9.30 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. See Response to Comment G-7.3 for further discussion.
- G-9.31 See Response to Comment G-9.30.
- G-9.32 The traffic mitigation for this area is the same regardless of the jurisdiction who owns it.
- G-9.33 Mitigation Measure 5.10-3 has been revised to approximately 2.0 to 2.5 sworn officer positions for Alternative A based on requests by the City. The actual number of sworn officer positions and other costs would be negotiated with the City or County by the Tribe.
- G-9.34 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 discussed services.
- G-9.35 Comment noted however requested change is not necessary for analysis.
- G-9.36 EIS revised as recommended.
- G-9.37 EIS revised as recommended.
- G-9.38 EIS revised as recommended.
- G-9.39 It is unclear what additional analysis the commenter is requesting. The EIS considers the impact of the project on emergency service providers and recommends appropriate mitigation for a commercial entertainment development. It should be noted that persons requiring emergency medical services are typically charged to offset the costs of providing service which helps to fund increased demands.
- G-9.40 Mitigation Measure 5.10-4 and 5.10-5 state that the Tribe would enter into service contracts with Cloverdale Fire Protection District and Cloverdale Health Care District (ambulance) for primary fire protection and emergency medical services. The level of service would be the same as those provided to other businesses in the City of Cloverdale. A letter of intent between the Fire District and the Tribe has been signed by both parties stating the intent to enter into good faith negotiations for an agreement for services (**Appendix N**).
- G-9.41 The exact terms of the service contract are unknown. A sustainability clause will be considered. Additionally, Class III gaming facilities require a Tribal-State Compact which reinforce that the Tribe must provide for health and safety measures at the project

facilities.

- G-9.42 Mitigation Measure 5.10-6 has been added which provides for an emergency response plan for the project facilities. The Tribe would discuss the appropriateness of an on-site defibrillator with the fire protection and emergency response providers.
- G-9.43 As stated in Section 2 the Tribe would adopt the development standards of the California Fire Code. As the Tribe proposes to contract with the Cloverdale Fire Protection District, the Tribe would coordinate safety design standards with this agency.
- G-9.44 See Response to Comment G-9.43.
- G-9.45 See Response to Comment G-9.43.
- G-9.46 Section 4.10 specifically discusses the need for aerial apparatus.
- G-9.47 As stated in Section 2 the Tribe would adopt the development standards of the California Fire Code. The provision of emergency fire flow would be dependent on whether the private or municipal option was chosen. The municipal option would require coordination with the City and the private option would require water storage. An estimated volume of 500,000 gallons of reclaimed water would be retained in an above ground storage pond. Fire pumps would be used to elevate pressure in the reclaimed water main during actual fire events.
- G-9.48 As stated in Section 2 the Tribe would adopt the development standards of the California Fire Code.
- G-9.49 See Response to Comment G-9.51.
- G-9.50 This information is provided in Section 2.0 of the Draft EIS.
- G-9.51 As stated in Section 2.0, the development would adhere to the California Fire Code. Amendments to the Code adopted by the City or County would be considered based on the agency which would provide service to the project and the terms of the State Compact.
- G-9.52 Based on discussions with the Fire Protection District, the wildfire risk at the project site is low (Section 3.10); however, development would be consistent with the California Fire Code. As shown in the project description the facilities would have landscaped areas and fire breaks (such as driveways and access roads).
- G-9.53 Federal OSHA regulations would regulate hazardous materials management.
- G-9.54 Federal OSHA regulations would regulate hazardous materials management.

- G-9.55 As discussed in the Response to Comment G.10.41, the EIS specifically recommends Mitigation Measure 5.7-1 to provide both on-site and off-site prevention and treatment to reduce potential problem gambling impacts. The EIS requires the Tribe to collaborate with the County of Sonoma so that they can jointly ensure the most effective results are achieved by the mitigation. The proposed mitigation would be available to special populations identified by the commentator (i.e. women, older adults, ethnic and cultural groups). The mitigation measure does not preclude implementation of the prevention and early intervention programs such as those recommended by the commentator.
- G-9.56 The Draft EIS recommended Mitigation Measure 5.7-1 is largely consistent with the American Gaming Association's Code of Conduct for Responsible Gaming.
- G-9.57 The Draft EIS assesses the impact. The County currently has a mental health division and it is unclear why funding for counselors could not be provided within this current structure. The Tribe is willing to work with the County to make the counselors available through the County system however if the County does not have a mechanism to provide these services then the Tribe shall contribute an equivalent amount to problem gambling treatment and prevention programs which serve Sonoma County as discussed in mitigation. In light of the Graton project (and associated mitigation) there would be a regional need and both Tribes are committed to funding a mechanism to provide these services.
- G-9.58 Section 4.7 has been revised to include additional explanation and references.
- G-9.59 The Tribe is pursuing service agreements for police and fire. The Tribe plans to commit to 2 to 2.5 officers for Alternative A, and for other alternatives the Tribe would determine the assistance in services that the proposed project would require in consultation with the relevant City/County agencies. The increased police services are considered to be adequate to mitigate any project-related crime impacts. 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. Consequently, it is concluded that there insufficient evidence to ascribe additional and specific mitigation measures for violence/sexual assault impacts. Nonetheless, the Tribe is committed to Mitigation Measure 5.7-1 to reduce the project-related problem gambling to a less-than-significant level.
- G-9.60 See Response to Comment G-9.59 and G-9.61.
- G-9.61 The California Department of Alcohol Beverage Control (ABC) is responsible for determining the alcohol beverage service requirements for the proposed project. The applicant would comply fully with the ABC guidelines and requirements. The project description (Section 2) includes the provision 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-9.62 Indoor air quality including second-hand smoke is analyzed in impacts 4.4.1-6, 4.4.2-6, 4.4.3-6, and 4.4.4-6 of the Draft EIS. Mitigation Measure 5.4-9 would also be implemented for all alternatives. This mitigation includes measures that would substantially reduce the short-term exposure of non-smoking patrons to interior secondhand smoke through appropriate ventilation standards and by providing "smoke-free zones" in the gaming area and non-smoking hotel rooms. In addition, the Tribe would post signage regarding the deleterious effects of second-hand smoke in prominent locations for patrons and employees, including the employee break room.
- G-9.63 Food safety would be addressed by the anticipated Tribal-State Compact as for other Class III Tribal gaming facilities.
- G-9.64 Mitigation Measure 5.10-6 has been added which provides for an emergency response plan for the project facilities. 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.

The commenter recommends several mitigation measures related to tracking gambling impact indicators and community health impacts. The comment does not specify the types of impacts which should be tracked or the methodology for determining and tracking these impacts. The referenced Healthy Sonoma website covers a wide range of issues. The EIS has addressed a range of gambling impacts based on currently available data (problem gambling, crime, etc.) and included mitigation for these impacts. The suggested measures are too vague and thus their effectiveness in reducing specific impacts cannot be determined.

- G-9.65 Please see Response to Comment G-9.70. The roles and responsibilities of the Sonoma County Water Agency and the U.S. Army Corps of Engineers in the operation of the Russian River system are not necessarily pertinent to understanding the analyses of the project impacts. The Draft EIS does discuss relevant, project-related aspects of the Russian River system such as the effects of groundwater pumping (private water supply option) on flows and flooding.
- G-9.66 See Response to Comment G-4.3. Until a water and wastewater option is chosen, both the municipal and private options for water and wastewater supply are considered feasible for the purposes of the NEPA process and both are evaluated. The adequacy of the City's water rights and water availability for providing water to the proposed project is a consideration for the viability of the municipal option. The Tribe and the City of Cloverdale have been in discussions regarding the municipal option.
- G-9.67 As discussed in the Water Resources section of the Draft EIS (Impact 4.3.1-5), groundwater model results indicate a groundwater flow gradient beneath the project site that is generally perpendicular to the Russian River but also accounts for a component of

down-valley groundwater flow. Groundwater extracted from the proposed well would be made up of water that, if not extracted, would eventually flow down-gradient and enter the Russian River. Based on the groundwater pumping analysis, the groundwater extracted for the project is not considered underflow that is under direct influence of the Russian River but rather groundwater that has not yet reached the river. The Tribe does not require a water right to extract groundwater for use on its property if an action alternative were selected. Furthermore, the private onsite groundwater well is not diverting surface water; the private well is extracting groundwater. There has been no information from the groundwater modeling or preliminary groundwater quality sampling that indicates that the water extracted from the onsite well is groundwater under the direct influence of surface water. Impact 4.3.1-5 discusses the potential impacts to the Russian River flows from extracting groundwater from the onsite well. The model was updated to include an actual groundwater supply well and an increased pump rate. The results of modeling are further discussed in response G-4.13.

- G-9.68 Although the comment is somewhat unclear, it is assumed that it is referring to the municipal option and the ability of the Sonoma County Water District to provide water to the City of Cloverdale especially in light of the PG&E Potter Valley Project and a multi-year drought. As mentioned above in response G-9.66, discussions regarding the municipal option are ongoing and, if selected, may be conditioned to limit service the proposed project if there are perceived supply constraints. As noted, should it be determined that there is inadequate or limited supply after these discussions or that providing water service to the site is infeasible, the private water supply option may be selected.
- G-9.69 A limited groundwater pumping analysis was conducted for the Draft EIS (referenced as Hydrometrics, 2009 in the Draft EIS) which incorporated available local well data to develop reasonable assumptions for aquifer properties. 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.

- G-9.70 Text has been revised in the Final EIS to reflect the recent BO which requires a reduction in the minimum instream flow requirements for the upper Russian River from 150/185 cfs to 125 cfs for normal conditions. The groundwater analysis has been updated, see Response to Comment G-4.13, which discusses the reanalysis of the groundwater pumping impact based on the location and characteristics of an existing groundwater well. The estimated Russian River flow reduction caused by groundwater pumping as predicted in the first groundwater pumping analysis was 0.03 percent of the 286 cfs summer flow. Using the 125 cfs minimum flow dictated by the BO, the reduction would be 0.07 percent. A change from 0.03 to 0.07 does not change the conclusions stated in the Draft EIS; this would remain a less-than-significant impact.
- G-9.71 Comment noted. The Draft EIS text is revised to clarify that the City of Cloverdale is a surface water source with a water right (Statement SO 1423 7) and maintains four groundwater wells for water supply, which pump the underflow of the Russian River. Please also see Response to Comment G-9.66 in regards to the feasibility of the municipal water supply option.
- G-9.72 Comment noted. The EIS evaluated economically feasible and reliable water supply options.
- G-9.73 The onsite wastewater treatment plant must demonstrate that it can meet federal EPA standards for tertiary water treatment prior to operation. Section 2, Alternatives, provides an adequate description of the proposed wastewater treatment strategy for the purpose of evaluating impacts under NEPA. There are several types of membrane bioreactor technologies to choose from which can meet EPA standards, thus further description would be difficult without limiting available options.
- G-9.74 The Draft EIS evaluates the impacts of spray field application, percolation of tertiary treated effluent, and potential water quality impacts to the Russian River 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.
- G-9.75 As stated in Response to Comment G-4.7, the Tribe has completed a preliminary SQMP (**Appendix Q**) which reviews stormwater management options and develops recommendations for effective stormwater management. If the upland drainage system recommended in **Appendix B** is determined to be adequate and necessary, it would be incorporated into the stormwater management approach. 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 a preferred alternative is selected and are not necessary for the evaluation of potential impacts as required under NEPA.

- G-9.76 Table 3.3-1 of the Final EIS has been updated to indicate nitrate concentrations in the onsite groundwater. Water quality sampling performed on the project site in 2008 for Phase II investigations included the analysis of nitrate in groundwater. On the property located east of the railroad tracks (aka Sirrah Property), 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. Testing groundwater for phosphates or phosphorous-containing compounds was not part of the scope of the 2008 Phase II investigations and thus these levels are unknown. The proposed project would be required to meet federal EPA water quality standards for phosphates and phosphorous-containing compounds if the private water supply option is chosen.

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 supply well and used to assess water quality data obtained during regular water quality testing of the well.

- G-9.77 Please refer to Section 4.3, Water Resources, and Response to Comment G-9.74. The originally proposed 4-acre spray field was expanded at the time of the Draft EIS preparation to occupy the maximum available area of 14.6 acres.
- G-9.78 Please refer to Section 2, Alternatives, Sections 3.10 and 4.10, Public Services, for information regarding the possibility of the City of Cloverdale serving as the wastewater treatment contractor. Also see Response to Comments G-4.3, G-5.5 and G-9.66.
- G-9.79 Please see Response to Comment G-4.3.
- G-9.80 Please see Response to Comment G-4.5. The proposed project would be located on federal tribal trust lands and would not be required to comply with local grading ordinances. The project does not propose zero net fill.
- G-9.81 See Response to Comments G-4.7, G-4.8, G-4.9, G-5.2, and G-5.3. The Tribe has completed a preliminary SQMP (**Appendix Q**), which provides additional detail on stormwater management. Please note that completing a comprehensive design-level

drainage plan at the EIS stage is not practical or appropriate because an alternative has not been selected. It would not be efficient, cost effective, or necessary per the requirements of NEPA to prepare a design-level drainage plan for each of the five alternatives considered in the EIS.

- G-9.82 See Response to Comment G-7.13.
- G-9.83 The EIS has been revised to reflect General Plan adoption.
- G-9.84 The document acknowledges State and local laws regarding agriculture; however, regulations alone do not determine the level of environmental impact. The impact to agriculture considers the proposed uses, Form AD 1006 and the City's land use designation for the project site should annexation occur. First, the eastern portion of the project site (which is the portion under Williamson Act contracts) would contain primarily alfalfa sprayfields (public water/wastewater option) or would remain in agricultural use (private water/wastewater option) and thus the project is not proposed full conversion. Secondly, the Form AD 1006 takes into account the presence of agriculture-related land use controls on the parcels in addition to other important factors such as historical use, access to agricultural infrastructure, and size and are appropriate criteria for the federal government. Finally, the City of Cloverdale has projected future designations for the project site of light industrial and public/quasi-public/institutional – i.e. non-agricultural uses. These factors were all considered in the conclusion that the impacts to agriculture would be less than significant.
- G-9.85 The EIS clearly states that the eastern portion of the project site is within the County. Mentioning the City's proposed designations is not hypothetical as they exist.
- G-9.86 See Response to Comment G-7.14 and G-9.84
- G-9.87 ESA contacted the airport manager, Police Chief Mark Tuma (ESA, pers. comm., 2011) regarding the proposed runway improvements in the Master Plan. Resurfacing of the existing runway is planned to create 250 feet of additional usable space on the southern end of the runway. This is scheduled to begin Spring/Summer 2011. There are no improvements or plans which would affect the physical runway on the north end.
- G-9.88 The Draft EIS notes that the project is not consistent with the proposed density of uses within the Traffic Pattern Zone. The discussion has been revised to cite page 8-2 of the County Airport Land Use Plan (CALUP) which states "[t]he primary referral area for Cloverdale Municipal Airport runs close to the airport on the west since there is no traffic pattern on that side, but extends some 6,000 feet to the east to encompass some of the high terrain in that area." If transferred to tribal trust status, the trust land would not be subject to the County's Airport Land Use Plan; however, alternatives, including those of reduced intensity and reduced height, are analyzed in the EIS. Regarding safety the project is required to meet FAR Part 77 standards (objects affecting navigable airspace). While the project as proposed would not penetrate the navigable air space of the runway, the

project is located at a distance which requires notification of construction under Federal Aviation Regulation (FAR) Part 77.

- G-9.89 The visual impact analysis in Section 4.13 utilizes the existing development in and around the project site as the baseline and does not rely on land use designations. For example, Impact 4.13.1 addresses the changes to the existing scenic quality irrespective of land use designation/zoning.
- G-9.90 The EIS mentions the Alexander Valley Resort however it is not used to imply that impact would be less than significant. In fact, this impact was found to be potentially significant (Impact 4.13.1).
- G-9.91 Potential impacts are not downplayed. The visual impact to Highway 101 is discussed and found to be part of a potentially significant impact for which mitigation is recommended. It is also discussed in Section 4.13 that the project site is immediately adjacent to Highway 101. In addition the section includes visual renderings to support the conclusions of the impact analysis.
- G-9.92 Signage detail has not been developed. In addition, the Tribe has committed to refraining from the use of neon signage.
- G-9.93 The EIS includes several alternatives with smaller buildings and different layouts (Section 2.0).
- G-9.94 Mitigation includes light shielding and light direction. The mention of dark sky lighting techniques simply means that the Tribe could adopt mitigation in addition to these specifically mentioned measures.
- G-9.95 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. 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. While the FHWA RD-77-108 is not appropriate for current FHWA highway construction projects it is appropriate and commonly used by acoustic professionals in California for projecting simple noise levels from increased traffic on highways. The EIS noise evaluation considered levels of substantial increase (Table 4.11-1) and land use and noise compatibility standards (Figure 4.11-1) that would generally be applied in the project area. With regard to nighttime noise impacts, the entrance route to the project site (Asti Road) currently exists and no new access roads are proposed. Furthermore, 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 on Highway 101 than on Asti Road. The cumulative traffic impacts would be from traffic and they are quantified in Table 4.11-5 and further discussed on page 4.16-23 of the EIS.

- G-9.96 The location of sensitive noise receptors are described on page 3.11-5 of the Draft EIS and the areas of sensitive noise receptors are identified on Figure 3.11-2 in the Draft EIS.
- G-9.97 Mitigation Measure 5.11.1a would prohibit construction during hours that would cause sleep disturbance. Weekend construction is also prohibited to allow at least 2 days of break from construction noise each week.
- G-9.98 In response to this comment, the Final EIS revises the discussions in Section 4.11 related to Non-Transportation Noise Sources.
- G-9.99 A list of special-status plant and wildlife species that have the potential to occur within the vicinity of the project site was compiled based on a background information search for previously documented special-status species within the project vicinity. The California Natural Diversity Database (CNDDB) program and the USFWS online list were queried. Analysis of the potentially occurring species is provided within Section 3.5.3 of the Draft EIS, with appropriate mitigation provided in Section 5.5. The overall value of the project site as a wildlife movement corridor is limited by Highway 101 along the entire western boundary and the industrial land use to the south. Much of the surrounding land use, with the exception of Porterfield Creek and the Russian River to the east, are developed or have been converted for use as agricultural crops or light industry. Based on these conditions, the project site provides limited opportunities for wildlife as a terrestrial movement corridor. Potential impacts to plant communities (including sensitive types) were also analyzed in the Draft EIS, with approximate habitat impact acreages provided in Section 4.5. Because the project proposes to transfer the parcels to federal tribal trust land, local laws and ordinances, such as the Oak Woodlands Conservation Act and other tree protection policies such as the County's tree protection policies would not be applicable. However, Mitigation Measure 5.5.-1 from the Draft EIS mitigates the loss of sensitive habitats by the proposed development through the creation, restoration, or enhancement of coast live oak woodland and north coast riparian scrub habitat on the project site. This measure, as well as the project design which avoids most sensitive habitats (i.e. stream channels, wetlands, riparian scrub, and oak woodland), minimizes potential adverse impacts to these resources.
- G-9.100 See Response to Comment G-2.7.
- G-9.101 Mitigation Measure 5.5-8 has been added to the Final EIS (Section 5.0) to minimize potential adverse effects to western pond turtles.
- G-9.102 The project mitigates potential adverse effects to jurisdictional wetlands through avoidance and Mitigation Measure 5.5-2. Wetland habitat quality in areas within the mitigation area and adjacent to preserved seasonal wetlands would be improved through native plantings of wetland plant species. The use of a County recommended set-back from existing and avoided stream channels and wetlands is not feasible in many areas of the proposed development due to physical size constraints, but appropriate buffers and treatment measures associated with the project design and the preliminary SQMP

(**Appendix Q**) would minimize potential adverse effects to adjacent wetland and stream channel features (and associated special status species) from pollutant run-off. In addition, Mitigation Measures 5.5-6 and 5.5-7 have been added to the Final EIS (Section 5.0) to further minimize potential adverse indirect impacts to jurisdictional wetlands and stream channels.

- G-9.103 Because the proposed project would transfer parcels to federal tribal trust status, local laws and ordinances, such as the Oak Woodlands Conservation Act and the Sonoma County Tree Protection and Replacement Ordinance would not be applicable. However, Mitigation Measure 5.5.-1 from the Draft EIS mitigates the loss of sensitive habitats by the proposed development through the creation, restoration, or enhancement of coast live oak woodland and north coast riparian scrub habitat. Mitigation Measure 5.5-9 has been added to the Final EIS (Section 5.0) to further protect native tree species that would be avoided by project construction.
- G-9.104 The cumulative scenario in the Draft EIS analysis included the buildout of the City of Cloverdale *2008 Draft General Plan* and buildout of the *Sonoma County General Plan 2020*. These information sources are assumed to provide sufficient data when considering analysis in a cumulative environment. The Dry Creek Rancheria *Economic Development Master Plan* was not included with Table 4.16-1 as that project upgrades an existing facility (River Rock Casino), effectively replacing a tent structure with a permanent structure. However, analysis of the potential effects of the River Rock Casino on the proposed project was included within the Draft EIS (within applicable environmental resource areas), as well as considered by the Tribe when analyzing the economic feasibility of the project. Please see Response to Comment G-10.38 for further discussion related to the market study. The status of the Graton Casino and Hotel has been updated in Table 4.16-1 to reflect the recent project activity and agency actions.
- G-9.105 As noted on page 4.16-4 of the Draft EIS, according to the BAAQMD, "Any project that would individually have a significant air quality impact would also be considered to have a significant cumulative impact." Thus, if an individual project results in emissions that exceed air district thresholds, then the addition of emissions from past, current, and future projects to the individual project emissions would also exceed the air district thresholds. The cumulative air pollutant emissions generated would thus be considered significant as well. The analysis included in the Draft EIS complies with this typical methodology.
- G-9.106 See response to Comment G-9.6.
- G-9.107 The Notice of Intent for the project was submitted to the Federal Registry on July 7th 2008, before the California legislature adopted SB 375. Furthermore, reduction targets for SB 375 would be met by strategies for housing development, road-building and other land uses to shorten travel distances, and reduce vehicular travel time.
- G-9.108 Section 4.4 lists the federal, state and local thresholds which are used to determine significance. Section 3.4 describes how federal, state and local thresholds have been

established through laws such as the Clean Air Act and California Clean Air Act.

- G-9.109 See response to Comment G-9.6. Full references have been added to Table 4.4-2 for each air district's identified thresholds.
- G-9.110 As discussed in G-9.108, Section 3.4 provides the regulatory background for the thresholds which apply to the project and how they apply. For example, Section 3.4 describes that federal projects, such as the Proposed Action, are subject to the General Conformity Rule
- G-9.111 See response to Comment G-9.7.
- G-9.112 The project and alternatives would not exceed Federal Conformity Rule de minimus thresholds during construction. Nonetheless, the words 'Federal Standards' have been removed from the sentence to avoid confusion.
- G-9.113 TACs are airborne substances that are capable of causing short-term and/or long-term adverse human health effects. Health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of TACs over a 70-year lifetime would contract cancer, based on the use of standard risk-assessment methodology. The significance criteria used was whether the project would result in a long-term substantial source of TAC emissions. The project would not directly result in a new source of TAC emissions. See Response to Comment G-9.13.
- G-9.114 Construction and operational activities would not be concurrent, therefore adding emissions would not be accurate. See response to Comment G-9.14.
- G-9.115 See response to Comment G-9.9
- G-9.116 See response to Comment G-9.10
- G-9.117 See response to Comment G-9.10.
- G-9.118 See response to Comment G-9.14. The analysis is consistent. The operation of the project facilities would not generate TAC emissions itself, but would result in indirect emissions from trucks and buses.
- G-9.119 The analysis conservatively assumes that the wastewater treatment plant could create odor impacts based on the type of facility and distance to the nearest sensitive receptors. See response to Comment G-9.18.
- G-9.120 See response to Comment G-9.15.
- G-9.121 The project would not hinder the AB 32 Scoping Plan 39 recommended actions as stated in the Draft EIS. Please see response to Comments G-10.29 and G-10.30 pertaining to

GHG mitigation measures that address project transportation and energy efficiency sources of GHGs. The proposed project and alternatives do not propose green building but the Tribe will build the facilities to Title 24 standards if financially feasible. These actions would not hinder the ability of the State to implement the AB 32 Scoping Plan for other new projects.

- G-9.122 Tables 4.4-6, 4.4-10, 4.4-14, 4.4-18, 4.4-22 have been revised.
- G-9.123 Although the project would not conflict with the 39 recommended actions, as stated in Impact 3.31-5, the project would exceed the reporting limit of 25,000 metric tons per year of CO<sub>2</sub>e and therefore is found to generate a substantial amount of GHG emissions and would not be consistent with the goals of AB 32. See response to Comment G-9.15.
- G-9.124 A substantial amount of GHG emissions would occur if the project were to exceed the lower reporting limit of 25,000 metric tons per year of CO<sub>2</sub>e.
- G-9.125 Comment noted, the same responses apply to the air quality assessments for Alternatives B-E.
- G-9.126 Comment noted.
- G-9.127 See response to Comments G-9.128 through G-9.140 pertaining to specific mitigation measures.
- G-9.128 TAC impacts were not significant before the addition of mitigation measures as the project would not result in a long term substantial source of TAC emissions. Mitigation measures were added to ensure and add further safety against TAC impacts.
- G-9.129 These measures are recommended to further reduce impacts, though exhaust emissions were determined to be less than significant without mitigation. See also response to Comment G-10.81 regarding mitigation enforcement.
- G-9.130 Comment noted. Performance standards not deemed necessary since exhaust emissions were determined to be less than significant without mitigation.
- G-9.131 See response to Comment G-9.129.
- G-9.132 Low or zero emission vehicles would be used when feasible and may include construction vehicles or Tribal-fleet vehicles.
- G-9.133 The mitigation measure proposes fee parking or tolls if feasible in addition to other measures to reduce emissions.
- G-9.134 Providing public transit incentives, such as free or low-cost monthly transit passes, is a mitigation measure in the EIS.

- G-9.135 See response to Comment G-9.12 regarding offsets.
- G-9.136 Mitigation Measure 5.4-6 has been removed as the measures were the same as Mitigation Measure 5.4-5.
- G-9.137 Mitigation Measure 5.4-6 states that buses and diesel loading trucks are required to comply with the California Air Resource Board's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. See response to Comment G-10.81 regarding enforcement.
- G-9.138 See response to Comment G-9.18.
- G-9.139 See response to Comments G-9.16 and G-9.17.
- G-9.140 See response to Comments G-9.16 and G-9.17.
- G-9.141 See response to Comment G-9.96, and Figure 3.11-2 Noise Measurement Locations.
- G-9.142 The results of noise modeling and traffic modeling were applied to the study. Noise measurements were used to compare construction related noise levels at sensitive receptors, and existing traffic noise modeling was compared to future noise modeling.
- G-9.143 Construction noise levels at the nearest sensitive receptors are evaluated in Section 4.11 noise for each alternative and compared to existing noise levels as well as City of Cloverdale exterior noise standards. Furthermore, mitigation measures were added to reduce construction noise levels at sensitive receptors.
- G-9.144 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 response to comment G-9.95.
- G-9.145 See response to Comment G-9.95.
- G-9.146 See response to Comment G-10.69.
- G-9.147 Comment noted, the same responses apply to the noise assessments for Alternatives B-F.
- G-9.148 See response to Comment G-9.95.
- G-9.149 See response to Comment G-9.95.
- G-9.150 See response to Comment G-10.69 regarding stationary source noise and Mitigation Measure 5.4-6 pertaining to idling time restrictions.

## **Comment Letter G-10 City of Cloverdale**

- G-10.1 Regarding housing and economic impacts see specific responses to comments

below. In addition to the proposed project, the EIS includes additional alternatives which vary in size and use.

- G-10.2 See Comment Response G-10.38.
- G-10.3 See Comment Response G-10.38.
- G-10.4 The purpose of NEPA is to evaluate the potential environmental impacts of a proposed federal action. Once the EIS process is completed, as may be expected of any prudent developer, the Tribe and its investors would evaluate the market and investment conditions to assess the feasibility of the project and guide its development strategy in accordance with the alternative selected and mitigation required. The revenue projections and market assumptions provided in the EIS are adequate to indicate and assess the reasonableness of the economic estimates and findings. It is speculative to project failure of the venture and ascribe resulting impacts such as wastewater treatment facility failure.
- G-10.5 A reasonable range of alternatives have been proposed to meet the stated purpose and need. Central to the purpose and need is the restoration of the Tribe's lost trust land base. The proposed project site contains properties which are contiguous to the original trust lands.
- G-10.6 The title issue regarding the City's treatment pond has been resolved and has been removed from the project site throughout the EIS.
- G-10.7 See Response to Comment G-7.13
- G-10.8 See Response to Comment G-10.38
- G-10.9 Figure 4.2-1 has been added which shows there is a risk of moderate groundshaking at the project site. This map is based on all major faults which could affect the project site. The Tribe would adopt the standards of the California Building Code (CBC) which address seismic issues as stated in the project description. The geotechnical report at the design-level would aid in ensuring that the project complies with standards of the CBC. In addition to mitigation designed in the project description it is anticipated that a Tribal-State Compact would require compliance with the CBC.
- G-10.10 There is no available information regarding the historic occurrence of subsidence due to groundwater extraction on the project site or in the Cloverdale area. An analysis on whether overdraft could occur was not necessary because overdraft of the groundwater is not currently occurring in the basin. The project proposes groundwater extraction from one well that would not contribute to groundwater overdraft. The Draft EIS analyzed the effects of groundwater pumping on groundwater beneath the project site and how that pumping would affect other local

wells and the Russian River. See Section 4.3 Water Resources, Impact 4.3.1-5 and Response to Comment G-4.13.

- G-10.11 Use of wastewater flow calculations is an acceptable methodology for calculating water supply demands and represents a reasonable use of available data to develop appropriate water supply requirements for purposes of project impact analysis under NEPA. The Water Supply Report (**Appendix I**) excluded irrigation from the calculations because it assumed the use of onsite recycled water; however the EIS discusses that peak irrigation demands would be 20,000 gallons per day. Evaporation was not considered in the calculations because irrigation was excluded, no surface storage of extracted groundwater was proposed, and the water demand estimate was specifically for potable and non-potable uses required by the casino, hotel, convention center, entertainment center, food and beverage service, spa, and the project employees. See comment response G-9.66.
- G-10.12 As stated in the Draft EIS (Section 4.10, Public Services), under the municipal option, the Tribe would contract with the City of Cloverdale for wastewater service and connect to the existing 18-inch sewer main which runs along the southern and northeastern project boundary. As the Tribe does not currently have an agreement to obtain wastewater service from the City, the Draft EIS found this as a potentially significant impact. Mitigation of this impact would require the Tribe to enter into a service contract with the City of Cloverdale for wastewater service. If municipal water cannot be provided the Tribe would choose the private wastewater option.
- G-10.13 As the proposed project would be located on federal tribal trust lands, the Tribe would comply with federal laws as enforced by the U.S. EPA regarding the protection of surface and groundwater water quality. The mitigation measures presented in the Draft EIS provide adequate monitoring and control strategies.
- G-10.14 See Response to Comment G-10.13. The proposed project would be located on federal tribal trust lands and therefore local ordinances would not be applicable. Inconsistencies with City of Cloverdale General Plan policies are not considered impacts of the project.
- G-10.15 See Response to Comment G-4.3.
- G-10.16 See Response to Comment G-4.3.
- G-10.17 See Response to Comment G-4.3.
- G-10.18 The proposed action would be located on federal tribal trust lands and therefore would not be subject to local ordinances. Inconsistencies with City of Cloverdale General Plan policies are not considered impacts of the project. The Draft EIS provides a Preliminary Grading Study (**Appendix A**) and a Preliminary Drainage Study (**Appendix B**). Comprehensive design-level grading and drainage plans would

be prepared once the project alternative is chosen through the NEPA process. The Tribe completed a preliminary SQMP (**Appendix Q**) concurrent with the preparation of the Final EIS (see Response to Comment G-4.7).

- G-10.19 Based on the proposed conversion of parcels to federal tribal trust land, the project applicant would not be required to comply with City Policy CDO 7-1. The recommended buffer zones from existing and avoided stream channels and wetlands is not feasible in many areas of the proposed development due to limited size constraints, but appropriate buffers and treatment measures associated with the project design and the preliminary SQMP (**Appendix Q**) would minimize potential adverse effects to adjacent and downstream wetland and stream channel features. In addition, Mitigation Measures 5.5-6 and 5.5-7 have been added to the project (Section 5.0) to further minimize potential adverse indirect impacts to jurisdictional wetlands, stream channels, and the Russian River.
- G-10.20 See Response to Comment G-4.3. While the proposed action would be located on federal tribal trust lands and therefore would not be subject to local ordinances, the Tribe would be required to comply with Executive Order 11988 and in doing so, complete a CLOMR prior to implementation of a project. A LOMR request must be submitted to FEMA within 6 months of completion of a project. Compliance with EO 11988 would require the Tribe to determine how the proposed project activities would change the flow characteristics and boundaries of flood waters during a 100-year flood.
- G-10.21 See Response to Comments G-4.3 and G-10.20.
- G-10.22 See Response to Comments G-4.3, G-4.7, and G-10.20. The Draft EIS provides a Preliminary Grading Study (**Appendix A**) and a Preliminary Drainage Study (**Appendix B**). The Tribe has also completed a SQMP (**Appendix Q**) to address stormwater management and quality through a series of BMPs. Comprehensive design-level grading and drainage plans would be prepared once the project alternative is chosen through the NEPA process.
- G-10.23 The proposed action would be located on federal tribal trust lands and therefore would not be subject to local ordinances. Nevertheless, it should be stated that as part of the proposed project, the Tribe would improve site drainage and design stormwater facilities that would manage any increases in stormwater flow and protect surface water quality. With the proposed stormwater drainage strategies proposed for the project, the need for additional offsite drainage control facilities operated by the City of Cloverdale are not expected and thus, no additional costs to the City are anticipated. The Tribe has prepared a Preliminary Drainage Study (**Appendix B** of the Draft EIS) and a Preliminary SQMP (**Appendix Q**) to address management of stormwater runoff and the quality of that runoff. The SQMP proposed stormwater BMPs to manage stormwater runoff and protect water quality at the project site. As project planning continues, the Preliminary SQMP would be

refined to include the proposed design of BMPs and details on operations and maintenance of proposed BMPs.

- G-10.24 See Response to Comment G-10.22.
- G-10.25 The use of the daily average pumping rate is the preferred methodology for determining effects to the groundwater source and the Russian River from the groundwater extraction associated with the proposed project. The use of peak daily pumping rates would be overly conservative and not an accurate representation the daily operational scenario. Use of peak pumping rates, as suggested in the comment, could overestimate the effects on the aquifer and result in an inaccurate assessment of a) the groundwater capture zone, b) the potential interference with other wells, c) the shallow zone interception of Russian River flows, and d) the estimate of the reduction from pumping to flows in the Russian River. Also refer to Response to Comment G-4.13.
- G-10.26 See Response to Comment G-4.13. The supplemental groundwater analysis (Hydrometrics, 2011) concluded that the estimated drawdown from the actual groundwater well is less than 0.5 feet and does not extend beyond a radius of 500 feet. If 0.1 to 0.5 feet of drawdown due to project pumping occurred in a neighboring well, it would be within the seasonal fluctuation of the well and would not adversely affect its functionality or production capability. Mitigation for reduced operational drawdown due to the proposed project for other wells is not necessary.
- G-10.27 See Response to Comment G-4.13. The groundwater pumping analysis completed for the proposed project (Hydrometrics, 2009 and 2011) relied on hydrographs of local wells that reported changes to groundwater level from 1975 to present. While the groundwater hydrographs did show some response to droughts years, the magnitude of the reduction in groundwater levels amounted to only a few feet. Therefore, based on the local groundwater response to drought years of supply wells in the immediate vicinity, analysis of groundwater well functionality and/or available groundwater supply during drought years is not necessary for the purposes of identifying impacts of the project under NEPA.
- G-10.28 In regards to AB 32 conflicts, the Draft EIS looks at the following: potential conflicts with California Air Resources Board's (CARB's) 39 recommended actions in the AB 32 Scoping Plan; the relative size of the project in comparison to the estimated greenhouse reduction goal of 174 MMTCO<sub>2</sub>e by 2020 and in comparison to the size of major facilities that are required to report GHG emissions (25,000 metric tons per year of CO<sub>2</sub>e); and the basic parameters of a project to determine whether its design is inherently energy efficient. The commenter suggests more of a "hard look" is needed, but does not identify any specific conflicts (with the 39 recommended actions) with analysis.

- G-10.29 Energy Efficiency Measures are included in Mitigation Measure 5.4-8 for all alternatives, and the following additional mitigation has been incorporated into Mitigation Measure 5.4-8:
- If financially feasible the Tribe could commit to construction of a facility that operates at a minimum level which is similar to the California Title 24 standards.
- G-10.30 Mitigation Measure 5.4-5 (Transportation and Motor Vehicle Measures) and 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. Contrary to the commenter's assertion that there are no mitigations to address GHGs from increased traffic, trip reductions resulting from implementation of Mitigation Measure 5.4-5 would address GHG.
- G-10.31 Please see Response to Comment G-10.29 regarding Energy Efficiency Mitigation Measures.
- G-10.32 As discussed in the Response to Comment for G-10.38, the Innovation Group market analysis for the project is proprietary information that can not be publicly disclosed without compromising the Tribe's business development opportunity. Nonetheless, as part of the Draft EIS socioeconomic impact analysis, the market study was reviewed and assessed to determine the reasonableness of its findings. It should be noted that market analysis inherently requires projections of project performance, market conditions and customer responses that limit the extent that accurate analysis assumption can be fully verifiable except in hindsight. The key findings of the analysis are provided in the Draft EIS and are adequately identified so that their reasonableness and related impact analysis to be assessed. While the EIS is required to evaluate the project's socioeconomic impact, evaluating the project's financial feasibility is beyond the scope of NEPA.
- G-10.33 The Draft EIS analysis concluded that the project's future staffing needs would be met from existing Sonoma County residents and consequently there would be no significant project related local population increase for the City of Cloverdale or its immediate surroundings as asserted by the commenter. See Impact 4.7.1-3 of the EIS which discusses the labor force, housing and commuting factors for this conclusion. Furthermore, the Tribe commits to operating an employee Commuter Program for the proposed project (Mitigation Measure 5.7-2). The planned worker shuttle service and/or ride share program would furthermore enhance the ability of employees' daily commute to work from Santa Rosa and other parts of Sonoma County and thereby reduce demand for local housing by employees.
- G-10.34 See Response to Comment G-10.33 which discusses the Draft EIS analysis findings that the project's future staffing needs would be met from existing Sonoma County residents and consequently there would be no significant project-related local population increase for the City of Cloverdale or its immediate surroundings as

asserted by the commenter. Section 4.7 of the EIS also addresses wages and affordable housing.

- G-10.35 The Draft EIS analysis specifically evaluated the proportion of the project's future revenues that would be *new* and *net* revenues for the region's economy thereby clearly recognizing that any sales obtained from other existing businesses would not represent a beneficial economic impact. The Draft EIS analysis specifically estimates the project's total and net revenue impacts by commercial sector (Tables 4.7-3 and 4.7-4) to indicate the expected magnitude of the project competitive "sales shift" impacts on county and local businesses. While the analysis conservatively projects some sales shifts from existing businesses, the overall impact of the project may be expected to draw major number of new visitors to the region which would offer opportunities for other businesses to capture spillover benefits. Depending on their specific market situation, the spillover opportunity could offset some or even all of the sales shift impacts to their businesses. The analysis for Impact 4.7.1-4 specifically states the basis and reasoning for the analysis estimates of the fiscal impacts to the both Sonoma County and the City of Cloverdale. The analysis for Impacts 4.7.1-5 and 4.7.1-6 also evaluated the potential public service and public service impacts associated with the proposed project. The analysis included mitigation for addressing the potential for problem gambling related social impacts. In addition, as discussed in the Response to Comment G.6-59, the Tribe is pursuing development of an MOU with City/County Police and Fire to provide additional public safety services.
- G-10.36 Conflicting with a local policy is not considered a significant impact unless there are environmental implications. The project discusses the potential for physical impacts to the environment (i.e. population increase). See Response to Comment G-10.33 which discusses the Draft EIS analysis findings that the project's future staffing needs would be met from existing Sonoma County residents and consequently their would be no significant project-related local population increase for the City of Cloverdale or its immediate surroundings as asserted by the commenter.
- G-10.37 The land is still within the County although the EIS assumes that annexation will occur in the future. Economic impacts to the City and businesses are analyzed in Section 4.7. The economic impacts are anticipated to be beneficial for the City. Any development on this land would require a number of infrastructure connections and improvements to operate. Also see Response to Comments G-10.33 and G-10.35.
- G-10.38 An extensive market study has been performed for the project by the Innovation Group which is cited and acknowledged in the Draft EIS. The study findings were reviewed and the study's key findings are reported in the Draft EIS analysis. The full marketing study can not be disclosed to the public due to the proprietary nature of the analysis and the potential business effects any such disclosure would have on the Tribe's future business development. The revenue projections and market

assumptions provided in the Draft EIS are adequate to indicate and assess the reasonableness of the economic estimates and findings. 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 resulting any resulting impacts such as blight. The commentator also asserts that the project would induce substantial local housing growth and local service impacts that would contribute to the severity of future business failure. However, as discussed in Comment Response G-10.33, the Draft EIS analysis projects no such major increase in local housing and public services demand such as the concerns raised by the commenter.

- G-10.39 As stated in the Draft EIS, the socioeconomic analysis provides reasonable estimates of the casino's projected futures sales by revenue source (i.e. lodging, retail, and food beverage) based on marketing analysis specifically for the proposed project by the Innovation Group. The marketing analysis determined its sales performance projections based on typical industry standards and local market conditions. The casino future sales projections have been analyzed in conjunction with countywide sales data to determine conservative and reasonable sales shift impacts and related tax impacts based on current spending behavior and professional judgment. As discussed in the Response to Comment I-12.7, given the uncertainty of the likelihood of future buildout of the City's General Plan, it is considered speculative and inappropriate in accordance with NEPA guidelines to ascribe project-related "potential" future losses for currently non-existing land uses.
- G-10.40 See Response to Comment G-10.33 which discusses the Draft EIS analysis findings that the project's future staffing needs would be met from existing Sonoma County residents and consequently there would be no significant project-related local housing / population increase and related infrastructure / service impacts.
- G-10.41 Despite the conflicting causal evidence and research on problem gambling discussed in the analysis for Impact 4.7.1-6, the Draft EIS conservatively recommended Mitigation Measure 5.7-1 to provide both on-site procedures and off-site social services to reduce the occurrence of problem gambling and provide problem gambling treatment if needed. Such intervention by professional social service counselors would address pathological gambling and related social problems (e.g. domestic violence). The Draft EIS requires the Tribe to negotiate with Sonoma County so they can jointly determine the most appropriate local organization to be the counseling service providers and thereby ensure that the most effective results are achieved by the mitigation.
- G-10.42 The commenter misinterpreted the drawings, as there would be no driveway connection from the project site to Santana Drive. The gray area shown on Draft EIS Figure 2-1 for Alternative A (and similar figures for the other alternatives) near the

proposed Tribal Headquarters building would be a parking area for Tribal government staff only.

- G-10.43 See Response to Comments G-6.6 and G-9-20.
- G-10.44 Review of the traffic analysis calculations for the Draft EIS indicates that the cited lane reduction would not change the findings of the analysis; the existing four lanes provide excess capacity in the corridor.
- G-10.45 See Response to Comment G-9.26.
- G-10.46 Mitigation Measure 5.8-5 stipulates that the project sponsor would install 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.
- G-10.47 The commenter's conclusion regarding Mitigation Measure 5.8-1 is incorrect. The measure would reduce near-term conditions to a less-than-significant level. Regarding other assertions made in this comment, the text as written in the Draft EIS is accurate. That is, if signals were installed (per Mitigation Measures 5.8-7 and 5.8-8), then conditions would be unacceptable, and the impact would remain significant. However, if roundabouts were constructed (per Mitigation Measure 5.8-9), the conditions would be acceptable, and the impact would return to acceptable.
- G-10.48 Subsequent to publication of the Draft EIS, the Tribe agreed to commit to its fair share, and if necessary, to commit to fully fund the construction of a South Cloverdale off-ramp roundabout and the primary project site driveway roundabout with the condition that all future developments that would benefit from the roundabouts as traffic mitigations, would provide its fair share of the costs to the City, and that the City would transfer those costs as reimbursements to the Tribe. It should be noted that the cited mitigation measures are not individual discrete measures. As stated in the Draft EIS, if Mitigation Measure 5.8-2 and 5.8-3 are selected, then Mitigation Measure 5.8-4 would not be required and vice versa; and if Mitigation Measure 5.8-7 and 5.8-8 are selected, then Mitigation Measure 5.8-9 would not be required and vice versa.
- G-10.49 The traffic analysis assumed that the project would not be served by transit, other than the future SMART station located 0.6 mile to the north. Therefore, there were no deductions to the trip generation to account for enhanced transit use. Bus service to/from the downtown area may slightly reduce the amount of vehicle traffic because it would mostly serve some employees of the casino who live in Cloverdale. This service would not preclude the need for road improvements that were recommended in the Draft EIS.
- G-10.50 See Response to Comment G-9.88.

- G-10.51 Mitigation includes 5.9-1 submission of Federal Aviation Administration (FAA) form SF 7460-1, "Notice of Proposed Construction or Alteration" for FAA review. The measure also included submittal of lighting plans for FAA review. Review of signage has been added to this measure. Additional measures regarding lighting and signage are included in Mitigation Measures 5.13-2 through 5.13-4.
- G-10.52 Local policies and goals are not applicable to Tribal land. Consistency with the Cloverdale Municipal Airport is analyzed in Section 4.9. Pursuant to Mitigation Measure 5.9-1, the Tribe would coordinate with the FAA regarding the development.
- G-10.53 See Response to Comment G-9.88. The height of the buildings with respect to the navigable airspace surrounding the runway is discussed in Section 4.9 of the EIS. Regarding airport improvements related to the City's Airport Master Plan see Response to Comment G-9.87. Regarding lighting and signage see Response to Comment G-10.51.
- G-10.54 Commenter does not specify how mitigation is inadequate.
- G-10.55 The local policy is not applicable to Tribal land. Water improvements would be in place prior to project opening.
- G-10.56 The local policy is not applicable to Tribal land. Housing impacts are addressed in Section 4.7. Public services and facilities are addressed in Section 4.10.
- G-10.57 The local policy is not applicable to Tribal land. The Tribe could still coordinate with the City.
- G-10.58 The local policy is not applicable to Tribal land. The Tribe proposes to fund on-site improvements and to fund a full share or fair share of off-site improvements.
- G-10.59 At the time the Final EIS was prepared, the Tribe and the City of Cloverdale were in discussions regarding the municipal water supply and wastewater options. Until an option is chosen, both the municipal and private options for water and wastewater are considered feasible. However, certain design details of the project, such as quantity of additional water storage and capacity of water mains cannot be determined until an alternative is chosen under the NEPA process and agreements are finalized between the Tribe and the City of Cloverdale.
- G-10.60 See Response to Comment G-10.59. The City of Cloverdale water production capacity for the municipal option would be evaluated during planning discussions between the Tribe and City of Cloverdale.
- G-10.61 At the time the Final EIS was prepared, the Tribe and the City of Cloverdale were in discussions regarding the municipal water supply and wastewater options. Until an

option is chosen, both the municipal and private options for water and wastewater are considered feasible. However, certain design details of the project, such as the projected size of wastewater trunk lines needed to accommodate the project cannot be determined until an alternative is chosen under the NEPA process and agreements are finalized between the Tribe and the City of Cloverdale.

- G-10.62 Tribal waste does not contribute towards diversion totals as stated in Section 3.10. Council on Environmental Quality (CEQ) memos are directed at different kinds of federal projects such as federal buildings. The EIS has been updated to note changes in Sonoma County waste disposal. The EIS incorporates pollution prevention measures such as recycling and other energy efficiency measures (Mitigation Measure 5.4-8) and preparation of a stormwater pollution prevention plan (Mitigation Measure 5.5-3), among other measures and project design elements.
- G-10.63 Mitigation Measure 5.10-3 has been revised to approximately 2.0 to 2.5 sworn officer positions for Alternative A. The actual number of sworn officer positions and other costs would be negotiated with the City.
- G-10.64 The analysis of impacts to law enforcement (Section 4.10) is based on multiple studies (Section 4.7) and discussions with the City of Cloverdale, and not simply a comparison to other types of developments.
- G-10.65 See Response to Comment G-9.34. The anticipated Tribal-State Compact would include similar requirements for police/fire, i.e. that these services are available prior to opening.
- Impacts of casinos on crime are inconclusive. The development would result in a loss of property tax and other taxes which would fund County services such as courts and jails. However, as discussed in Section 4.7, the net tax impact on Sonoma County would be less than significant.
- G-10.66 Sections 3.2 and 4.2 acknowledge that the project site is in a seismically active area subject to groundshaking. Measures have been incorporated into the project description and mitigation to reduce hazards associated with seismic events. Mitigation Measure 5.10-6 has been added which provides for an emergency response plan for the project facilities.
- G-10.67 Seismic issues are addressed in Section 4.2. It is unclear what disaster scenario would strand patrons at the facility for 10 days. Nevertheless, Mitigation Measure 5.10-6 has been added which provides for an emergency response plan for the project facilities.
- G-10.68 See Response to Comment G-10.33 which discusses the Draft EIS analysis findings that the project's future staffing needs would be met from existing Sonoma County residents and consequently there would be no significant project-related local

population increase for the City of Cloverdale or its immediate surroundings as asserted by the commenter.

- G-10.69 See Response to Comment G-9.95. Mitigation Measures 5.11.1a and 5.11.1b would mitigate impacts from construction noise and Mitigation Measure 5.11.2 specifically address potential noise impacts from rooftop air conditioners. The primary source of noise from the project is traffic-related. The project buildings, including casino, convention center and events center are fully enclosed. Mitigation Measure 5.11.2 has been modified to address other continuously operated 24-hour equipment (i.e., chillers, refrigeration systems, and exhaust fans).
- G-10.70 The EIS analyzes both the visual impact and consistency with the City General Plan. The visual impact to Highway 101 is discussed and found to be part of a potentially significant impact for which mitigation is recommended. It is also discussed in Section 4.13 that the project site is immediately adjacent to Highway 101. In addition the section includes visual renderings to support the conclusions of the impact analysis. As shown on the renderings the proposed landscape plan includes screening for the parking structure, casino, and hotel to obscure views of these structures from most vantage points.
- G-10.71 Mitigation Measure 5.13-2 and 5.13-3 specifically includes language which supports the discussed goals and policies (preservation of nighttime sky, shielding, avoidance of light trespass, and refraining from use of neon/excessively bright signage). A detailed lighting plan is not available however Mitigation Measure 5.9-1 includes that proposed lighting and signage would be submitted to the FAA for review.
- G-10.72 The parking garage would incorporate the same mitigation measures as the rest of the development including the following: light shielding directed to reduce light trespass, and the intensity of the lights would be kept to a minimum necessary for safety and commerce as determined by the Tribe.
- G-10.73 Mitigation adequately addresses lighting impacts. The Tribe would consider this measure as well.
- G-10.74 Mitigation adequately addresses lighting impacts. The Tribe is open to discussing the lighting level with the City including the development of a Tribal ordinance to set lighting levels.
- G-10.75 See Response to Comment G-10.33 which discusses the Draft EIS analysis findings that the project's future staffing needs would be met from existing Sonoma County residents and consequently there would be no significant project-related local population increase for the City of Cloverdale or its immediate surroundings as asserted by the commentator.

- G-10.76 See Comment Response G-10.38.
- G-10.77 See Comment Response G-10.38.
- G-10.78 In regards to GHGs, as acknowledged in the Draft EIS, the mitigation measures recommended would reduce the GHG emissions from transportation sources and energy usage. In short, they would reduce the project GHG emissions, and GHG emissions are considered to be the primary driver of climate change impacts. The recommended mitigations are practical for the project and the specific site. Mitigation Measure 5.4.10 has been added for the purchase of GHG offset credits through an approved broker.
- G-10.79 See Response to Comment G-10.33 which discusses the Draft EIS analysis findings that the project's future staffing needs would be met from existing Sonoma County residents and consequently there would be no significant project-related local population increase for the City of Cloverdale or its immediate surroundings. Mitigation has been revised regarding law enforcement and the development of an emergency plan.
- G-10.80 See Response to Comment G-10.81 regarding mitigation monitoring and enforcement. Planning for failure of water/wastewater treatment facilities has been added to Mitigation Measure 5.10-6.
- G-10.81 The Record of Decision (ROD) commits the agency to implementation of mitigation (40 CFR §1505.3). Where applicable, a monitoring and enforcement program for mitigation measures shall be adopted and summarized within the ROD (40 CFR §1505.2c). Many of the measures in the EIS are self-enforcing and implementation would be ensured through permit conditions or federal law, which is applicable on trust lands. It should be noted that the BIA cannot compel another governmental agency (State, County or City) to complete off-site improvements or accept payments from the Tribe for improvements.

## **Comment Letter G-11 SMART**

- G-11.1 The project analysis was performed under the assumption that people would want to walk, bicycle, and utilize transit to reach the project site. Accordingly, substantial efforts were made to provide and accommodate alternative access to the project site for both employees and project patrons. While a typo on page 3.8-5 inaccurately identified the distance between the Train Depot and the project site as 1.5 miles, the analysis was performed utilizing a distance of about 0.6 mile between the two sites. The expectation that project employees and patrons would utilize transit and/or walk and bicycle to any particular site must be tempered with site specific conditions. While even at a distance that only slightly exceeds the U.S. Department of Transportation's threshold for "willingness to walk to and from transit stops", additional considerations such as transit schedules and adjacent land uses were

included in the mode split projections. Given the pro-forma schedule for the passenger rail service to the City of Cloverdale identified in SMART's Final Environmental Impact Report, which includes four southbound weekday trips (three in the morning and one in the afternoon) and four northbound weekday trips (one in the morning and three in the afternoon), the potential to serve project visitors who are largely expected to patronize the project site in the late afternoon and evening hours is limited. Further, pedestrian access to the project site is expected to be affected by the rural nature of the location and limited land uses adjacent to the Train Depot and along the trail corridor. This is especially important when considering the typical demographic of casino patrons.

- G-11.2 The Tribe would coordinate with SMART, and provide preliminary designs of the project to determine an appropriate location for a SMART Multi-User Pathway that would comply with FRA and CPUC rules and regulations. Mitigation Measure 5.8-5 stipulates that the project sponsor would install 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. Appropriate contribution would be determined to mitigate the expense of the potential pathway relocation.
- G-11.3 Potential private crossings of the rail right-of-way would be disclosed to SMART by the Tribe in order to resolve potential SMART and CPUC concerns, as well as to discuss potential operating or safety impacts. However, creation of a de-facto public access point is not anticipated, and would be highly discouraged by the Tribe.
- G-11.4 The comment is accurate. The Draft EIS erroneously states on page 3.8-5 that "the SMART Rail Train Depot is located approximately 1.5 miles north of the project site along Asti Road. The distance between the station platform and the center of the project property, or the main entry to the facility is correctly identified as approximately 0.6 miles later in the report. This measurement is taken along the SMART Multi-Use pathway alignment, and represents the shortest distance between the facilities as well as the location of the proposed bicycle and pedestrian access route. The analysis was prepared in recognition of the U.S. Department of Transportations (DOT)'s research which shows that people have a considerable willingness to take transit if their trip origin or destination is within 0.5 miles of a rail transit stop. However, the pro-forma schedule for the passenger rail service to the City of Cloverdale contained in SMART's Final Environmental Impact Report indicates that service to Cloverdale would be limited to four southbound weekday trips (three in the morning and one in the afternoon) and four northbound weekday trips (one in the morning and three in the afternoon). Given the nature of the proposed use, which is expected to draw patrons in the late afternoon and evening hours, and the nature of the clientele which is anticipated to consist of an older demographic, transit trips via the train are anticipated to consist largely of commute trips by employees working traditional day shifts.

- G-11-5 See Response to Comment G-11.1.
- G-11.6 The trip generation estimates did not make allowances for potential alternative travel modes (e.g., biking and walking to/from the SMART Station), providing a conservative analysis of potential traffic impacts. In regards to air quality measures, as the commenter notes, the mitigation measure that states "provide public transit incentives such as free or low-cost monthly transit passes" in the Draft EIS does not have a specific trip reduction percent. That is because a trip reduction percent was not identified for this measure in the BAAQMD's 1999 *CEQA Guidelines*. However, the BAAQMD does list this measure as a "Supporting Factor to Enhance Effectiveness" (BAAQMD 1999 *CEQA Guidelines*, page 62) for another trip reduction measure included in the Draft EIS (page 5-4), specifically "Provide shuttle service to public transit". According to the BAAQMD, "Support measures, by definition, are implemented to reinforce other emission reduction strategies" (BAAQMD 1999 *CEQA Guidelines*, page 59). The listed traffic trip reduction measures in the Draft EIS would not be additive to a baseline transit mode share, since as described above, the trip generation estimates did not make allowances for potential alternative travel modes.
- G-11.7 See Response to Comment G-9.26 (regarding recommendations put forth in the Transportation section of the Draft EIS). In regards to the air quality mitigation measures, they have been incorporated as recommendations. This is described in the introductory sentence before the air quality mitigation measures: "The following mitigation measures are recommended for Alternatives A, B, C, D, and E" (Draft EIS, p. 5-3).
- G-11.8 Because no preliminary plans for the multi-use pathway crossing have been developed by SMART, it is unknown whether crossing enhancements would be required without the casino project. It is clear, however, that these crossing improvements should be in place with the Casino project and assuming the multi-use trail section is complete to the SMART station. It is agreed that a shuttle service or municipal bus service between the project and the SMART station will increase the transit mode split to/from the project. However, it is unlikely that the volume of ridership would be substantial for this evening oriented use given the current train operational plans for time of day and frequency of the train.
- G-11.9 See Response to Comment G-11.6 (regarding mode split assumed for estimate of vehicle trip generation), and Response to Comment G-11.1 (regarding conditions that affect use of public transit by employees and patrons of the project).
- G-11.10 Subsequent to publication of the Draft EIS, the project sponsor agreed to create an employee Commuter Program within the Casino that would mitigate the effects of commuters from the Santa Rosa/Rohnert Park area through a shuttle service or ride share program (Mitigation Measure 5.7-2). See Response to Comment G-9.26 (regarding recommendations put forth in the Transportation section of the Draft EIS),

and to Comment G-10.46 (regarding the Draft EIS stipulation that the project sponsor install 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. Under Mitigation Measure 5.5-6 the applicant has committed to implementing a number of transportation and motor vehicle measures to the extent feasible. These measures, as well as Measures 5.7-2 and 5.8-5, provide an appropriate level of mitigation to reduce potential adverse effects to local and regional transit resources. Please also see Comment G-11.1 (regarding conditions that affect use of public transit by employees and patrons of the project).

### **Comment Letter G-12 USGS**

G-12.1 The reference has been added to Section 3.3.

### **Comment Letter B-1 South Cloverdale Water**

B-1.1 The Draft EIS discusses the wells owned by South Cloverdale Water Corporation on pages 3.3-5, 3.10-1 and 4.3-5. The Draft EIS specifically discusses that the water main would need to be relocated on pages 4.10-2 and 4.15-2.

B-1.2 Comment noted.

B-1.3 Comment noted. The project proposes to relocate the existing water line; however, neither the Tribe nor BIA propose to take ownership of the water line.

### **Comment Letter B-2 Cloverdale Skate Park**

B-2.1 See Response to Comment B-2.1

B-2.2 The Skate Park is not an approved project and it is unclear where the Skate Park would ultimately be located. Within the City of Cloverdale General Plan, parks are allowed in Destination Commercial and Transit Oriented Development areas however none of the lands adjacent to the project site contain these designations. Traffic would be present regardless of the project. Traffic safety is addressed in Section 4.8, specifically pedestrian, bicycle and commuter traffic. 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. No minors are allowed to enter the gaming areas of the casino. This would be strictly enforced through checking identification at the project entrance or other methods subject to the terms of the Tribe's alcohol license.

### **Comment Letter B-3 Fredericks, Peebles and Morgan**

B-3.1 Comment noted. This is a legal issue and related to a pending lawsuit. As the issue

does not affect the environmental analysis within the EIS no response is provided.

### **Comment Letter I-1**

- I-1.1 Comment noted.
- I-1.2 Groundwater pumping analysis of the proposed casino indicates that the effects of groundwater pumping for the project would not significantly decrease local water levels and the groundwater bearing zones could adequately supply the project. If the municipal option is chosen, water supply would be provided, from the City of Cloverdale. While the proposed casino project would require additional water supply over what is currently used in Sonoma County, the amount of supply required would not “severely tax” water resources in the County.
- I-1.3 The Alexander Valley Resort is included within the cumulative analysis (Section 4.16).
- I-1.4 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 discussed services.
- I-1.5 Comment noted.
- I-1.6 Comment noted.

### **Comment Letter I-2**

- I-2.1 Comment noted.

### **Comment Letter I-3**

- I-3.1 Several commenters discussed that the project would affect the quality of life or community character of Cloverdale. The issues affecting quality of life including traffic, aesthetics, socioeconomics (crime, population, housing), and public services are addressed in the topical sections of the Draft EIS. NEPA requires that social issues be analyzed when associated with physical environmental effects. These physical environmental effects have been addressed in the Draft EIS.
- I-3.2 The climate, meteorology, and topography of the project area are discussed in the Draft EIS on page 3.4-1. Applicable general conformity and air district thresholds of significance are identified in Tables 4.4-1 and 4.4-2, which are based on emission levels that would result in significant adverse air quality impacts to the specific region's existing air quality conditions. Thus, the Draft EIS considered local factors

through incorporation of affected air district thresholds in the analysis.

## Comment Letter I-4

- I-4.1 The commenter asserts that the only economic impact to local businesses is a loss of income. Section 4.7 describes the one-time and ongoing benefits in addition to the potential substitution effects to local businesses. Economic data for impacts to the local economy are not typically presented over a ten-year horizon. In addition the commenter does not request at what interval the data should be provided. Regardless, the effects in the first few years would be expected to be the greatest impacts with fewer substitution effects over time. The economic models used do not rely on whether the national economy is doing well or poorly so no adjustments are warranted based on the commenter's assertion of impacts to the national economy.
- I-4.2 Section 4.7 discusses the effects to local businesses. Food and beverage sales are lumped together and alcoholic drinks are included within the food and beverage total.
- I-4.3 Section 4.7 acknowledges that there are both new sales and sales which are substituted from existing businesses. As stated in the Draft EIS "it is projected that, at a minimum, \$137.1 million of the casino's projected \$179.8 million future annual sales would represent new net sales to the Sonoma County economy annually."
- I-4.4 Recapturing lost spending from the County is considered to be economically beneficial for the County. It would provide some benefit through retail and meal sales but also by supporting local employment (and wages spent in the local economy) and local vendors supplying the casino.
- I-4.5 The 70 rooms were considered minimally dilutive in comparison to the 8,500 hotel rooms currently available in the area.
- I-4.6 Net new sales to the County generate beneficial economic impacts to the surrounding area in a number of ways including visitor spending in the community, and revenue to local vendors and employees who in turn put this money back into the local economy.
- I-4.7 The EIS discloses the potential impacts to transient occupancy taxes and determines any such tax impacts would represent a relatively minor proportion (less than 3.5 percent) of the jurisdiction's total annual transient occupancy tax receipts.
- I-4.8 The EIS discloses the fiscal beneficial and adverse impacts to both the City and County. These are based on IMPLAN input-output modeling which is a widely accepted tool for estimating the indirect economic effects of spending changes to an area's economy. The modeling provides for estimates of money that would be indirectly spent in the local economy. It would be speculative to estimate how individual businesses would be affected as the modeling determines impacts at a larger scale and individual

businesses are influenced by a number of factors other than the project.

- I-4.9 The available information regarding construction phase spending as reported by the IMPLAN model has been disclosed.
- I-4.10 The analysis finds that overall impacts would be beneficial and thus no mitigation is provided.
- I-4.11 The commenter's arguments regarding costs of food and drink and avoidance of relocation of establishments are speculative. Impacts to tax revenues are discussed in Section 4.7.
- I-4.12 The economic modeling performed for this analysis determines impacts at a more macro level than the information requested by the commenter. The assumption that additional taxes would be needed to make up for lost tax revenues is speculative.
- I-4.13 The EIS takes into consideration research on the impacts of casinos for multiple resource categories including crime (see Response to Comment G-9.34), problem gambling (see Response to Comment G-10.41) and traffic (see Response to Comment G-6.6).
- I-4.14 The socioeconomic impact analysis provides a macro-level analysis for impact to local jurisdictions based on IMPLAN modeling, which is well-established. The argument that the project would have a negative impact on relocation of businesses is speculative.
- I-4.15 Comment noted. The argument that the project would have a negative impact on relocation of businesses is speculative. The City and surrounding sphere of influence have vacant land on which industrial, commercial and professional businesses could be established to meet these goals. In other words the project does not prevent the City from maintaining wage goals for land within its jurisdiction.
- I-4.16 See Response to Comment I-4.15.
- I-4.17 See Response to Comment I-4.15.
- I-4.18 Traffic would be present regardless of the project. Traffic safety is addressed in Section 4.8, specifically pedestrian, bicycle and commuter traffic.

As stated in the Draft EIS an approximate 40 foot landscaped area, 30 foot slope, and a retaining wall would be located in between the proposed hotel/spa garden and the nearest residence on Santana Drive for Alternative A (other alternatives are similar). With these features future noise levels at sensitive receptors would likely be similar to existing conditions. As for transportation related noise, the Draft EIS states that future noise levels resulting from the increased traffic would not be substantially greater than

the existing ambient noise levels.

I-4.19 Comment noted. Specific responses to comment are provided in this appendix.

I-4.20 The Draft EIS analyzes a reasonable range of alternatives including reduced intensity, to I- non-gaming and no project alternatives.  
4.23

### **Comment Letter I-5**

I-5.1 The issue areas that the commenter mentions are addressed in the EIS: light pollution (Section 4.13), noise pollution (Section 4.11), air pollution (Section 4.4), water/sewer (Section 4.10), and socioeconomic issues (Section 4.7).

### **Comment Letter I-6**

I-6.1 See Response to Comment I-12.11.

### **Comment Letter I-7**

I-7.1 Mitigation Measure 5.10-6 has been added which provides for an emergency response plan for the project facilities.

I-7.2 Please refer to the Draft EIS Section 4.3, Water Resources for a discussion of potential groundwater impacts. Also see Response to Comment G-4.13, G-10.26, G-10.27, G-10.59, and I-1.2.

### **Comment Letter I-8**

I-8.1 This Proposed Action analyzed in this EIS requires NEPA analysis. CEQA analysis and preparation of an EIR are not required.

### **Comment Letter I-9**

I-9.1 Please refer to Draft EIS Section 4.3, Water Resources for a discussion of potential groundwater impacts. Also see Response to Comment G-4.13, G-10.26, G-10.27, G-10.59, and I-1.2.

I-9.2 Potential impacts to visual resources are addressed in Section 4.13 and socioeconomics in Section 4.7. The commenter does not elaborate on how the project would result in blight.

## Comment Letter I-10

- I-10.1 Please refer to the Draft EIS Section 4.3, Water Resources for a discussion of potential groundwater impacts. Also see Response to Comment G-4.13, G-10.26, G-10.27, G-10.59, and I-1.2.
- I-10.2 Comment noted.

## Comment Letter I-11

- I-11-1 The first sentence of Section 4.9 clearly states "Sonoma County and City of Cloverdale land use regulations would not apply to land that is taken into trust." Land use/zoning consistency issues are discussed in Section 4.9. Mitigation has been included to directly address impacts of the project. At this time no LEED certification is proposed. It should be noted that LEED certification is not the only method to adequately address impacts and thus is not a requirement for federal projects.
- I-11-2 See Response to Comment G-7.13.
- I-11-3 The EIS acknowledges the surrounding uses; however, the development does not preclude surrounding properties from being used as designated/zoned.
- I-11-4 See Response to Comment G-9.84. Additionally, Tribal land is not subject to County and City land use policies.
- I-11-5 Comment noted. The comment is a list of policies from the City of Cloverdale General Plan. Consistency with local land use plans is discussed in Section 4.9.

## Comment Letter I-12

- I-12.1 Comment noted. The commenter states the project could cause community harm. Without further definition of how the project would cause community harm or what environmental issues this relates to, no further response could be provided.
- I-12.2 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.
- I-12.3 The renderings are realistic and provided for key viewpoints.
- I-12.4 The EIS addresses environmental concerns required by law and issues raised in scoping and comment letters on the Draft EIS. Traffic impacts are addressed in Section 4.8.
- I-12.5 Please refer to the Draft EIS Section 4.3, Water Resources for a discussion of potential groundwater impacts. Also see Response to Comment G-4.13, G-10.26, G-10.27, G-

10.59, and I-1.2.

- I-12.6 Please refer to response to the Draft EIS, **Appendix I** for a detailed description of how water demand was calculated. Comparing the overall City of Cloverdale water demand to the expected water demand of the proposed casino project would be skewed because the city demand is based on myriad other uses compared to that of a casino/hotel. Please refer to Response to Comment G-4.13 for a discussion of the effects the project would have on the underlying groundwater aquifer.
- I-12.7 The site for the proposed casino is currently mostly undeveloped and only one vacant parcel comprising of less than 3 percent of the project site is located within the City of Cloverdale's jurisdiction. The potential loss of the current City property tax revenues from fee to trust transfer of that parcel is identified in Impact 4.7.1-4. The nature and likelihood any future development of the parcel is unknown and consequently it would be highly speculative to attribute any future economic development scenario conditions and thereby make projections for future economic "losses." It should be noted that this parcel has been removed from the fee-to-trust application and thus losses to the City's property tax revenues are no longer anticipated.
- I-12.8 The EIS analyses visual (Section 4.13) and noise impacts (Section 4.11) and recommends appropriate mitigation. Local standards were discussed and taken into consideration for both issue areas.
- I-12.9 The Draft EIS analyzed potential traffic impacts using standard traffic engineering methods and practices, which include, among other things, estimation of project-generated daily and peak-hour vehicle trips, distribution of the peak-hour trips on roads that would be used by people traveling to and from the project site, and evaluation of the effect of those trips on traffic flow (delays/congestion). As described in the Draft EIS, the proposed project would have significant near-term and cumulative traffic impacts on area roadways, but all near-term impacts can be mitigated to a less-than-significant level by implementing the measures identified in the Draft EIS.
- I-12.10 Federal and state law determines the tax obligations of tribal entities operating businesses and as such any related equity issues are outside the scope of the Draft EIS.
- I-12.11 The EIS analyzes the environmental impacts of the project and alternatives on the resource areas mentioned by the commenter. The commenter provides no evidence to counter the conclusions within the EIS.

### **Comment Letter I-13**

- I-13.1 The comment is vague and does not specify how the EIS does not make a "good faith effort". Prior to conducting Class III gaming a Tribal-State compact would be entered into by the Tribe and State.

## Comment Letter I-14

- I-14.1 The population of Cloverdale would remain stable as discussed in Response to Comment G-10.33. Regarding the Tribal enrollment numbers, the source of this information is the BIA's 2005 American Indian Population and Labor Force Report <<http://www.doi.gov/bia/labor.html>>.

## Comment Letter I-15

- I-15.1 Traffic is addressed in Section 4.8 and Air Quality (including emissions from traffic) is addressed in Section 4.4.
- I-15.2 Operational noise from transportation and non-transportation noise sources was evaluated in Section 4.11 in the Draft EIS.
- I-15.3 Visual impacts are analyzed in Section 4.13. Mitigation includes that the project refrain from the use of excessively bright or neon signage.
- I-15.4 Comment noted. While the parcel could not be developed by the City it would contribute to the local economy.
- I-15.5 Please refer to Response to Comments G-4.13, G-10.26, G-10.27, G-10.59, and I-1.2.
- I-15.6 Impacts to public services are addressed in Section 4.10. Impacts to socioeconomic conditions are addressed in Section 4.7. Mitigation is recommended and listed in Section 5.0.

## Comment Letter I-16

- I-16.1 See Comment Response G-10.38.

## Comment Letter I-17

- I-17.1 Section 1.4 provides an overview of the environmental process, including scoping. The presentation at the Scoping Meeting and Notice of Intent published in local papers included a description of the components of the project and possible alternatives. Scoping CDs were mailed to individuals who opted to be on the mailing list at the scoping meeting and individuals who submitted scoping comments.
- I-17.2 Sections 3.2 and 4.2 acknowledge that the project site is in a seismically active area subject to groundshaking. Measures have been incorporated into the project description and mitigation to reduce hazards associated with seismic events. Mitigation Measure 5.10-6 has been added which provides for an emergency response plan for the project facilities.

I-17.3 The potential loss of the current City property tax revenues from fee-to-trust transfer of that parcel is identified in Impact 4.7.1-4. The nature and likelihood any future development of the parcel is unknown and consequently it would be highly speculative to attribute any future economic development scenario conditions and thereby make projections for future economic "losses." It should be noted that this parcel has been removed from the fee-to-trust application and thus losses to the City's property tax revenues are no longer anticipated.

I-17.4 Soil resources are discussed in the Draft EIS, Section 4.2, *Land Resources*. As discussed in the Draft EIS, the project site east of the railroad tracks is highly susceptible to liquefaction and other soils susceptible to strength loss during strong earthquake ground shaking are found in the project vicinity.

Development on land that is susceptible to liquefaction occurs throughout the San Francisco Bay Area in areas with higher expected ground shaking than Cloverdale. Areas that have a liquefaction potential are typically evaluated by geotechnical engineers and if necessary, a liquefaction mitigation strategy is developed. Soil removal, soil drains, and use of pile supported foundations are but a few of the remedies that can reduce the risk of soil failure due to liquefaction. Mitigation Measure 5.2-1 presented in the Draft EIS requires a design-level geotechnical investigation, which would evaluate the soil type, the risk level of liquefaction, and if necessary, identify appropriate remedies to reduce liquefaction potential.

There is a very low potential that if liquefaction did occur on the project site, that the resultant secondary ground failure would cause water quality impacts to the Russian River. No analysis of this potential impact is necessary because the project site is a floodplain in this area and lateral spread failures (liquefaction effect on slopes), which would lead to material entering the river, are unlikely due to the level of expected ground shaking and topography.

Development on land that is susceptible to liquefaction is permitted and occurs throughout the San Francisco Bay Area. Under the Seismic Hazard Mapping Act of 1990, lands that are determined by the State to be prone to liquefaction must be evaluated and mitigated under the Act using Special Publication SP-117. Under Mitigation Measure 5.2-1, the project site would be evaluated by a geotechnical engineer and if liquefaction is determined as a potential impact on the proposed facilities, a proper mitigation strategy would be implemented to protect the facilities from damage.

Flood impacts are discussed in the Draft EIS, Section 4.3 *Water Resources*. The project would construct levees to protect the proposed wastewater facilities from damage during a large flood event. The casino portion of the project is not located on a 100- or 500-year floodplain and thus is not expected to be impacted. Refer to Response to Comment G-4.3 for additional information on the Tribe's requirement

to consider flooding impacts under FEMA.

- I-17.5 It is unclear from the comments as to what data is being referred to as “badly out of date.” If the comment is referring to the Department of Water Resources data from 1983 and 2003, this data is not out of date but rather reflects the accepted understanding of the groundwater resources in this region of California and is based on historic data trends. Other precipitation and groundwater data used in the Draft EIS was derived by recent DWR sources including the DWR California Data Exchange Center.

The Draft EIS, Section 4.3, *Water Resources*, and Response to Comments G-4.13 and G-10.26 discuss the effects from groundwater pumping at the project site on neighboring wells.

Groundwater recharge is not proposed as part of the project but it is expected that some of the tertiary treated wastewater applied to the cultivated 14.6 acre spray field would infiltrate to groundwater. Well drillers logs from the construction of the newly installed groundwater supply well on the project site indicates that a clay layer is not 11 feet thick but extends from 4 to 7 feet in depth (3 feet thick). The clay is underlain by about 20 feet of what is described as “river rock”. With a shallow, 3 - foot brown clay layer overlying 20 feet of river rock, surface water infiltration is expected to be effective.

Runoff of plant care products is not an anticipated impact because the project would use chemicals, including fertilizers and pesticides, as recommended by the manufacturer and would store, use and dispose of these products in accordance with federal OSHA standards for the management, use and storage of hazardous materials in the workplace (see Draft EIS Section 4.12, *Hazardous Materials*). Additionally, surface water runoff would be managed through recommended Best Management Practices outlined in the preliminary SQMP, (**Appendix Q**).

See Response to Comment G-4.3 regarding the municipal and private water supply options.

- I-17.6 AB 32 does not have specific GHG thresholds for cities or counties. The Climate Change Scoping Plan (implementing AB 32) will implement regulations to reduce specific sources of GHG emissions, and those regulations will be enforced in local jurisdictions. The local jurisdiction would not be held accountable for the ability to comply with state goals of GHG reduction. However, Mitigation Measure 5.4-5 (Transportation and Motor Vehicle Measures) and 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 term default in section 4.4.1-1 paragraph 3 of the Draft EIS refers to the URBEMIS model preset amounts of crew, truck trips, and equipment for the project

type and size. Please see **Appendix C** for additional information regarding URBEMIS data and assumptions.

The inputs are primarily project type and size and year of initial construction. Information regarding URBEMIS data can be found in **Appendix C**.

Please see Response to Comment G-9.13 regarding health risk and TAC impacts.

In their 1999 CEQA Guidelines, the BAAQMD determined that implementation of these mitigation measures during the construction phase of a project are appropriate and would reduce emissions to less than significant.

In regards to mitigation monitoring and enforcement, please see Response to Comment G-10.81.

The Odor Management Plan requires the applicant to reduce odors so they won't be an issue. The plan is avoid any arbitration by mitigating odors through the Odor Management Plan.

In their 1999 CEQA Guidelines, the BAAQMD determined that implementation of these mitigation measures during the construction phase of a project are appropriate and would reduce emissions to less than significant. For operations, the idling standard is established in California Air Resource Board's 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 2458). In regards to mitigation monitoring and enforcement, please see Response to Comment G-10.81.

Information regarding the specifics of shuttle bus travel is not available.

As the monitoring station is the nearest it would more accurately represent the area than a monitoring station that is located further away.

- I-17.7 The project site provides limited suitable nesting habitat for large birds of prey. However, Mitigation Measure 5.5-4 from the Draft EIS would mitigate potential adverse effects to these species. Project alternatives have avoided a majority of sensitive oak woodland and riparian woodland habitats, with proposed development occurring mostly within urban, non-native annual grassland, and vineyard habitat types. Conserved native oak trees would continue to provide existing screening of the project site. Mitigation Measure 5.5.-1 from the Draft EIS mitigates the loss of sensitive habitats by the proposed development through the creation, restoration, or enhancement of coast live oak woodland and north coast riparian scrub habitat. Mitigation Measure 5.5-9 has been added to the project (Section 5.0) to further protect native tree species that would be avoided by project construction.

I-17.8 Regarding the Tribal enrollment numbers, the source of this information is the BIA's 2005 American Indian Population and Labor Force Report <<http://www.doi.gov/bia/labor.html>>. A Tribal voting list may not represent all members, particularly children. Employment of Tribal members is only on aspect of the purpose and need.

I-17.9 Comment noted. This is a legal issue and related to a pending lawsuit. As the issue does not affect the environmental analysis within the EIS no response is provided.

I-17.10 The commenter lists several socio-economic issues which are addressed in Section 4.7 including impacts to the local housing market, County/City tax revenue, economic impacts to the City, problem gambling, crime and cannibalization/substitution impacts to local businesses. Beneficial community effects are also discussed.

Long-term viability/sustainability of the project was analyzed by the Innovation Group with the conclusion that the project would generate revenue.

It is unknown how the commenter believes the project would affect the City's marketing efforts (for the Citrus Fair or other projects) and no information has been provided on the extent and result of these efforts.

See Response to Comment I-17.11 regarding the project's future staffing needs which would be met by Sonoma County residents.

I-17.11 The Draft EIS analysis concluded that the project's future staffing needs would be met from existing Sonoma County residents and consequently there would be no significant project related local population increase for the City of Cloverdale or its immediate surroundings as asserted by the commenter.

The comment states an opinion about future gas prices and changes in driving habits, both of which are speculative, and subject to many variables. The Draft EIS analysis of the proposed project's effects on transportation conditions did not make the assumptions that the comment asserts, and is consistent with standard practice for traffic analysis studies.

The rail road right of way is not within the proposed trust parcel boundaries and would not be taken into federal trust as a result of the project.

The comment states an opinion about future travel modes, but does not address the adequacy of the Draft EIS. No response is required.

Details about the shuttle service to be operated by the project sponsors are not known at this time, but that does not undermine the adequacy of the Draft EIS. No further response is required.

The Draft EIS analysis of traffic impacts during peak traffic hours was based on empirically gathered data about when those peak hours occur at the study intersections. Traffic conditions on Friday evenings do not represent average conditions, and such analysis would be inconsistent with standard practice for traffic analysis studies.

See Response to Comment G-6.5 regarding project-generated traffic during morning peak traffic hour, and why analysis of impacts during that period is not warranted.

The project's peak parking demand (i.e., the highest parking demand that would occur) was determined using standard traffic analysis methodologies, and therefore the impact determination that the project's parking demand would not exceed its parking supply is valid. Buses bringing people to the project site would only park on-site.

As described in the Final EIS (new Mitigation Measure 5.7-2), the project sponsors would provide a shuttle service for employee commuters from the Santa Rosa / Rohnert Park area to reduce traffic impacts.

The Draft EIS analysis of the proposed project's effects on traffic conditions at area intersections (including the location cited by the comment) is consistent with standard practice for traffic analysis studies, including the use of future traffic projections obtained from the General Plan Update traffic analysis, and as such, provides information about future conditions at the comment's cited location.

The comment is speculative, and does not address the adequacy of the Draft EIS. No response is required.

Implementation of Draft EIS Mitigation Measure 5.8-6 would ensure that the peak parking demand would be accommodated by onsite parking spaces.

See responses to Comments G-6.6, G-9.21, G-9.25, G-9.26, G-10.33, G-10.44, G-10.46 and G-11.1.

- I-17.12 The comments here are the same as those made in Comment Letter I-11. See responses above.
- I-17.13 Comment noted. This is a legal issue and related to a pending lawsuit. As the issue does not affect the environmental analysis within the EIS no response is provided.
- I-17.14 The Draft EIS evaluates noise impacts from construction, stationary operations, and mobile sources in Section 4.11 of the Draft EIS. Cumulative noise impacts are evaluated in Section 4.16 of the Draft EIS.

The Draft EIS discusses noise levels from construction activities at the nearest sensitive receptors and compares them to both existing noise levels and city

thresholds. Mitigation Measure 4.11.1a limits the hours of construction to reduce potential impacts of sleep disturbance.

Table 3.11-1 of the Draft EIS shows existing noise measurements in the area. Noise levels cannot be physically measured for other configurations.

The Draft EIS discusses State of California General Plan Guidelines Noise, as well as City of Cloverdale noise thresholds. See Figure 4.11-1.

The Noise Element of the City of Cloverdale General Plan (2008) uses the Land Use and Noise Compatibility Standards from the State of California General Plan Guidelines as their exterior noise limits as shown in Figure 4.11-1 of the Draft EIS.

The 2008 SEIR for the Sonoma-Marín Area Rail Transit Project (SMART) stated in section C.3.4 Noise and Vibration that the increase in ambient noise caused by the SMART project was determined to be less than significant.

The Draft EIS states that the nearest residence at 250 feet to construction would be exposed to approximately 75 dBA Leq during excavation, the loudest of the activities that would occur during construction. The residences located about 500 feet on Otto Boni Drive would be exposed to approximately 69 dBA Leq during excavation. Therefore noise levels would be below 100+ dBA. Any levels reaching 100 dBA would be immediately adjacent to equipment and not at off-site receptors.

As stated in the Draft EIS an approximate 40 foot landscaped area, 30 foot slope, and a retaining wall would be located in between the proposed hotel/spa garden and the nearest residence on Santana Drive for Alternative A (other alternatives are similar). With these features future noise levels at sensitive receptors would likely be similar to existing conditions. As for transportation related noise, the Draft EIS states that future noise levels resulting from the increased traffic would not be substantially greater than the existing ambient noise levels.

As noise levels are less than significant at surrounding residences, no noise complaint procedures would be necessary.

The nearest sensitive receptors are located on Santana Drive and Otto Boni Drive. See also Response to Comment G-9.96.

- I-17.15 Chemicals used in the construction and operation phases of the proposed project are standard products used in the construction and hotel management industry and would be supplied to the project site in commercial packaging and quantities. All chemical products would be transported, stored, used, and disposed in accordance with federal agency regulations (i.e. OSHA, DOT, EPA). See Draft EIS, Section 4.12, *Hazardous Materials*. The MGM brake manufacturing site clean-up is currently under jurisdiction of the RWQCB and monitoring and remediation has

been underway. Groundwater is continually monitored on and away from the project site (see Draft EIS **Appendix K**). Changes in concentrations of the previously identified groundwater contaminants would be identified and the RWQCB would require corrective actions if contaminate levels increased or new contaminants were identified. Mitigation Measure 5.12-1 from the Draft EIS addresses potential adverse effects from discovered hazardous groundwater, soils, or other unknown materials onsite during construction. A qualified Registered Environmental Assessor (REA) certified through the State of California would perform the assessment of contaminants if discovered on-site. Please see comment G-4.12 and G-9.76 regarding required safe drinking water regulations.

- I-17.16 Trust land is not subject to local land use policies. In addition to mitigation, the project includes landscape screening for the parking structure, casino, and hotel to obscure views of these structures from most vantage points. While it would take time for the trees to grow, having a short-term view of the project is not considered blight.

Night lighting, signage and glare are addressed in Section 4.13 and mitigation is provided in Section 5.0.

Water for landscaping is included within the assumptions for water for the project and alternatives (Section 2.0 and Section 4.10).

- I-17.17 Given that data is analyzed at the census tract level and the 2010 Census information is not yet available, the 2000 Census is appropriately used. The data is compared to the City of Cloverdale for another point of reference.

### **Comment Letter I-18**

- I-18.1 The comment states an opinion regarding the project and provides some background on the wine industry and groundwater but does not address the adequacy of the Draft EIS. Please refer to the Draft EIS Section 4.3 Water Resources and Response to Comment G-4.13.

### **Comment Letter I-19**

- I-19.1 Comment noted.
- I-19.2 The EIS analyzes both private and municipal options for water and wastewater. Impacts are discussed in Sections 4.3 and 4.10.
- I-19.3 See Response to Comment I-3.1.

## Comment Letter I-20

- I-20.1 The Notice of Intent provided several key facts about the Proposed Action including, location, size of parcel, project access routes and areas of environmental concern. The commenter confuses the scoping period with a commenting period. The scoping hearing is itself optional under NEPA (40 CFR 1501.7b). The scoping report (ESA, 2008) provides evidence that the public and agencies were able to submit substantive comments on the Proposed Action.
- I-20.2 Comment noted. This is a legal issue and related to a pending lawsuit. As the issue does not affect the environmental analysis within the EIS no response is provided.
- I-20.3 See Response to Comment G-9.87.
- I-20.4 The groundwater pumping analysis reveals that the capture zone and area of groundwater draw down would be very localized to the pumping well on the project parcel. Neighboring wells are not expected to be affected. Please see Response to Comment G-4.13 for further discussion regarding impacts to existing wells in the vicinity of the project.
- I-20.5 The soils in the 14.6 acre spray field area should accommodate the effluent and after residence time in the soils, a certain quantity of the water, not remaining in the soil column or taken up by the cover crop evapotranspiration, could infiltrate to groundwater and eventually enter the Russian River via groundwater flow. However, it is important to note that the effluent is tertiary treated to California Title 22 standards and can be applied to the land without further treatment. As described in the Draft EIS, Section 5, Mitigation Measures, Mitigation Measure 5.5-3, the Tribe would be required to monitor groundwater quality. The alternative to spray field application is the municipal option, which is described in the Draft EIS, Section 2, Alternatives. This option would provide the Tribe with sewer service from the City of Cloverdale.
- I-20.6 Discussions are ongoing. The EIS analyzes both a municipal and a private option for water and wastewater and does not rely on the assumption of municipal connection.
- I-20.7 Please refer to the Draft EIS, Section 4.3 Water Resources, Response to Comments G-4.13, G-10.26, G-10.27, G-10.59, and I-1.2.