

SECTION 3.0

ISSUES IDENTIFIED DURING SCOPING

3.1 INTRODUCTION

The CEQ Regulations for implementing NEPA require a process, referred to as “scoping” for determining the range of issues to be addressed during the environmental review of a Proposed Action (§1501.7).

The scoping process entails a determination of issues by soliciting comments from agencies, organizations and individuals. The NOI comment period began February 12, 2004 and ended on April 1, 2004. The issues that were raised during the NOI comment period have been summarized within this *Graton Rancheria EIS Scoping Report*.

The following sections briefly describe each of the issue areas raised in the scoping process that will be addressed in the EIS. Specific issues and questions raised by members of the public or by agencies are also listed in each section and will be addressed in the EIS. Some additional issues that were not specifically raised, but which the NIGC intends to address in the EIS, are also included. Copies of the comment letters appear in **Appendix D**. A transcript of the public scoping meeting appears in **Appendix E**. Notes from the March 11, 2004 scoping meeting with local jurisdictions appear in **Appendix F**.

3.2 ISSUES IDENTIFIED DURING SCOPING

This section contains a summary of public comments received during the EIS scoping process. These comment summaries are categorized by issue area. A general summary of the expected scope of the EIS for each issue area category is also provided.

3.2.1 Air Quality

Comments

Construction and Operation

Some commenters requested that the EIS air quality discussion include an impact evaluation of the construction and operation of the Proposed Action on air quality emissions compliance in Rohnert Park. Specifically, commenters requested any impacts from on-site emissions generated during construction or as a result of ongoing operations be quantified. Some commenters requested the identification of any project related facilities considered to be air pollution generators. Some commenters requested that the EIS include a comparison of the existing air quality standards with plus project conditions.

Traffic

Issues raised by commenters during the scoping period included: impacts to the air quality in the Rohnert Park area; objectionable odors or health affects that may results; cumulative air quality impacts.

Commenters requested an evaluation of criteria pollutants emissions from the expected operational related traffic and construction activities and a comparison of these emissions to BAAQMD thresholds. An evaluation and discussion of the cumulative traffic emissions for year 2020 with the Sonoma County General Plan projections was requested.

Commenters inquired whether cumulative traffic would cause carbon monoxide concentrations to exceed state standards at congested intersections and on area roadways. Commenters inquired what public participation timeline and process would be developed by the applicant to ensure compliance with a policy adopted by the California State Association of counties on February 6, 2003 that requires an applicant to seek review and approval of a local jurisdiction that is consistent with state and local ordinances, including the California Environmental Quality Act (CEQA).

Scope

To the extent required by NEPA and the Federal Clean Air Act, the EIS will assess potential impacts on air quality due to construction and operation emissions. Emission inventories will be developed for construction and operation activities related to the Proposed Action and Alternatives.

3.2.2 Water Supply

Comments

Water Source

Commenters requested that the EIS include a discussion of the anticipated water supply source, such as the use of groundwater, surface water or require connection to the public water supply and if the City of Rohnert Park would have adequate water supply facilities to accommodate the project. Commenters requested that the EIS discuss the likelihood of drilling deep wells and any related impact on land subsidence. Commenters request that the EIS discuss from what depth groundwater would be pumped and conduct an assessment of the project's groundwater pumping that considers both short-term hydrogeologic conditions (e.g., an annual seasonal cycle) and longer time periods that account for hydrogeologic conditions representing various weather conditions (e.g., normal year, critical dry year, and multiple dry years) and describe the effects of the project on nearby wells.

One commenter requested that the EIS discuss the water balance, including the annual, daily, and peak month water demand that would be developed as part of the EIS process. This water balance should include both the income (e.g., groundwater recharge) and expenses (e.g., the amount to be drawn out of the aquifer by the wells the tribe uses) for the water budget with plans to monitor and enforce groundwater management. Commenters inquired whether the groundwater would be used for irrigation or private wells and how that water would be replenished. One commenter requested that the EIS discuss how much water would be required for the Proposed Action and future project expansions that would be proposed over the next twenty years.

Some commenters inquired how past and future overdraft by the City of Rohnert Park municipal wellfield combined with casino project pumping would affect land surface subsidence. Some commenters inquired what the economic costs of land surface subsidence caused by past and future groundwater pumping would be in the south Santa Rosa Plain.

Commenters requested that the Draft EIS evaluate any secondary impacts of the project, including the need for expanded water supply infrastructure triggered by a major increase in the demand for groundwater and the potential for the project to limit housing construction in the region due to the limited availability of water.

Surrounding Community Impact

Commenters requested that the EIS include an assessment of the Proposed Action's effects on the water supply to farmers, ranchers and homeowners in the surrounding communities such as the southern portion of Santa Rosa, the Laguna area, Penngrove, Sebastopol and other planned growth within the Sonoma and Marin Counties. Commenters requested that the EIS discussion consider the impact to groundwater basin overdraft and overall current and future County water supply. Some commenters requested that the EIS discuss the impacts of the use of well water for the Proposed Action on existing wells in the surrounding community.

Some commenters requested that the EIS discuss whether the Proposed Action would result in an impact to the City of Rohnert Park's ability to provide water services to properties to which they are already obligated and include the affect the Proposed Action would have on the cost of water services in the community. Some commenters requested that the Draft EIS evaluate the increase in demand for groundwater resulting from the project in the context of any regional planning efforts in progress. Some commenters inquired what the qualitative and quantitative effects on the supply of water available to current SCWA customers would be if the Proposed Action contracts with the Sonoma County Water Agency (SCWA) to provide water.

Regulation and Compliance

Some commenters inquired whether the Proposed Action would be required to comply with state environmental protection laws (particularly AB 3030, SB 221 and SB 610), California State Water Code, groundwater ordinances or other relevant water quality standards, and how the project would ensure compliance. Commenters requested that the EIS discuss whether the Proposed Action would voluntarily follow best management practices (BMPs) for water conservation. (See the California Urban Water Conservation council website: <http://www.cuwcc.org/home.html>. The BMPs for water conservation are located in the "Memorandum" section of their homepage.) Commenters inquired whether the Proposed Action includes a written assurance of the ongoing monitoring of water usage and a discussion of how water supply would be monitored and funded. Some commenters inquired whether the appropriate state and local authorities and agencies would approve the water supply system used if the system is non-

municipal. Some commenters requested that the impact of using the lower aquifer as a water source be evaluated and discussed within the EIS. Commenters inquired whether the Proposed Action would include a plan to promote efficient water use and reduce water demand.

Water Rights

Some commenters inquired whether the Tribe would have preferential water rights upon fee-to-trust approval and acquisition or the ability of obtaining water rights currently held by local landowners, cities, water agencies and the County. Commenters requested that the EIS water resources discussion include the likelihood of the county going into water adjudication and the loss of water rights. Commenters inquired whether the Proposed Action would, through an MOU or other means, enable the City of Rohnert Park to circumvent legal restrictions on groundwater pumping.

Court Rulings and Agency Decisions

Some commenters inquired how the First District Court of Appeal's May 2003 Eel River decision to overturn a Sonoma County Water Agency Water Supply and Transmission System Project EIR would affect the approval of the Proposed Action. The commenters also requested that the EIS discuss the lack of groundwater and the loss of surface water source due to the Eel River suit, which stopped diversions from the Eel River to the Russian River.

In August 2003 the General Manager for the Sonoma County Water Agency issued a letter stating that water suppliers with contracts to receive water from the Agency should not rely on the delivery estimates contained in the Agency's *2000 Urban Water Management Plan*. Commenters inquired how the statement would affect the Proposed Action.

In November 2002, the Sonoma County Permit and Resources Management Department determined that unmitigated groundwater impacts would be caused by a development project proposed by the City of Rohnert Park. Commenters inquired how past determinations of the Sonoma County's Permit and Resources Management Department, such as the above, would affect the approval of the Proposed Action.

Documents

Commenters requested that the EIS consider the following documents relating to the local and countywide water supply to be reviewed prior to the approval of the Proposed Action:

- The conclusions of the September 2003 Kleinfelder Report which stated that “[a]dditional groundwater extraction is likely to increase the rate of overdraft and result in further decline of the groundwater levels.”
- The City of Rohnert Park May 2000 EIR which stated that over the last 25 years the water table has dropped 150 feet.

- The May 2003 United States Department of the Interior (DOI) warning to residents of the American West regarding imminent drought and the likelihood of potential conflicts arising from drought would impact the Proposed Action.
- The 1972 USGS finding on water yield adequacy that describes water yields for all of Rohnert Park as inadequate for heavy industry, irrigation and municipal use. The commenter requested that the EIS consider that in 1979, 16 wells supplied water to Rohnert Park and currently (2004) Rohnert Park has 42 municipal wells, 31 of which are active.
- The 2002 Stipulated Judgment between the City of Rohnert Park and residents of Penngrove that limits new development outside July 1, 2000 Rohnert Park city limits until groundwater pumping is permanently reduced below 2.3 mgd.
- The entire administrative record for the Sonoma County Water Agency Water Supply and Transmission System Project, including but not limited to
 - The proposed New Master Water Supply Agreement.
 - Eleventh Amended Agreement for Water Supply
 - Tenth Amended Agreement for Water Supply and Construction of the Russian River-Cotati Intertie.
 - All prior amendments to the Water Supply Agreement.
 - Supplemental Water Supply Agreement.
 - 2001 MOU Regarding Water Transmission System Capacity Allocation During Temporary Impairment.
- All other files held by the Sonoma County Water Agency concerning water quality and water supply issues, including, but not limited to, files concerning:
 - All past and present Water contractor Agreements and other water supply contract, agreements, and documentation, including those relating to Warm Springs Dam.
 - Available and forecasted surface and ground water supplies.
 - Land surface deformation (i.e., subsidence and uplift).
 - Designated areas of natural recharge.
 - Groundwater level data.
 - Water quality data regarding the Laguna de Santa Rosa wells.
 - Water pollution, contamination and toxicity.
 - Historic and current water quality-monitoring data.
 - Flood data, floodplain maps and flood control projects.
- 2000 Sonoma County Urban Water Management Plan.
- “Evaluation of Groundwater Supply Alternatives Water Supply and Transmission Project” prepared for the Sonoma County Water Agency by Parsons Engineering Science, Inc. (1995).
- All files held by the Sonoma County Health Department concerning studies, reports and complaints regarding areas of contaminated water and water contamination, degradation,

pollution, or toxicity in Sonoma County water supplies, including Well Drillers Reports on water quality.

- All files held by the California Department of Health Services concerning studies, reports, and complaints regarding water quality of Sonoma County water supplies.
- All files held by the Sonoma County Permit and Resource Management Department concerning available water supplies and water quality concerns, including but not limited studies, reports, evaluations, determinations, and Well Drillers Reports.
- All files held by the California State Department of Water Resources concerning overdraft of groundwater supplies and water level data in the Santa Rosa Plain Groundwater Basin, groundwater degradation, contamination, pollution and water quality in the Santa Rosa Plain Groundwater Basin, and areas of natural recharge, land surface deformation, and seismic activity issues in the Santa Rosa Plain Groundwater Basin.
- All files held by the United States Geological Survey concerning overdraft of groundwater supplies and water level data in the Santa Rosa Plain Groundwater Basin, groundwater degradation, contamination, pollution, and water quality in the Santa Rosa Plain Groundwater Basin, and areas of natural recharge, land surface deformation, and seismic activity issues in the Santa Rosa Plain Groundwater Basin.
- United States Geological Survey “Map Showing Ranges in Probable Maximum Well Yield from Water-Bearing Rocks in the San Francisco Bay Region, California” (1972)(D.A. Webster, Miscellaneous Field Studies May, MF-431).
- United States Geological Survey “Groundwater Atlas of the United States, California and Nevada” (2003)(<http://ca.water.usgs.gov/groundwater/gwatlas/reference/index.html>).
- All contracts by the United States Geological Survey, County of Sonoma, and Sonoma County Water Agency for all studies and evaluations of surface and groundwater supplies in Sonoma County.
- The Sonoma County General Plan.
- Entire administrative record concerning the Sonoma county General Plan Update for Year 2020, including all documents and public testimony regarding the Water Resources Element.
- All files held by the City of Rohnert Park concerning the City’s General Plan, Specific Plans, and all related amendments in relation to City water supplies and water quality, the 2000 Final Environmental Impact Report prepared for the City’s 2000 General Plan (including studies, evaluations, and consulting work prepared in connection with the 2000 FEIR in relation to City water supplies, such as the study performed by PES Environmental, Inc.), City groundwater well logs, land surface deformation (i.e., subsidence and uplift), water level data, water quality data, the City’s letter request to the Sonoma County Water Agency to implement a Groundwater Management Plan (dated October 22, 2002), and the Sonoma County Water Agency’s letter denial to implement a Groundwater Management Plan (dated November 26, 2002).
- The 1984 Penngrove Specific Plan.

- Entire administrative record and resulting Settlement Agreement relating to the 2002 Sonoma County Superior Court case entitled South County Resource Preservation Committee and John E. King v. City of Rohnert Park, Case No. 224976.
- Entire administrative record concerning the city of Santa Rosa Board of Public Utilities Incremental Recycled Water Program, including but not limited to, all resolutions, environmental documentation, studies, reports, public comment, and presentations.
- Year 2001 Senate Bills 221 and 610 (codified at relevant provisions of the California Government, Public Resources, and Water codes).
- The 2003 Kleinfelder Report prepared for the Sonoma County Water Agency addressing water scarce areas of Sonoma County including Bennett Valley, Mark West Springs, and Joy Road Area.
- The published Court of Appeal decision in Friends of the Eel River, et al. v. Sonoma County Water Agency, et al. (2003) 108 Cal App. 4th 859.
- August 11, 2003 letter from the General Manager of the Sonoma County Water Agency to Water contractors in response to the Friends of the Eel River decision.
- DVD produced by the O.W.L. Foundation, memorializing the Sierra Club Groundwater Forum conducted on February 19, 2004 at the Environmental Center in Santa Rosa, California, featuring speakers Brock Dolman of the Occidental Arts and Ecology Center, John King of the O.W.L. Foundation, and environmental attorneys Edwin Wilson and Stephen Volker.
- February 24, 2004 letters from John King, the Brandt Hawley Law Group, and the law firm of Weston, Benschopf, Rochefort, Rubalcava & MacCuish to the City of Rohnert Park in opposition to the City's proposed Resolution No. 2004-34.
- March 9, 2004 letter from Dr. Steve Carle to Christine Nagle regarding DEIS Scoping Comments for the proposed Graton Rancheria Casino Project.
- "Santa Rosas Plain Ground Water Model" – California Department of Water Resources (1987).
- "Meeting Water Demands in Rohnert Park" – California Department of Water Resources, Central District (1979).
- "Geology & Groundwater in the Santa Rosa and Petaluma Valley Areas" – California Department of Water Resources and United States Department of Interior (1958) (G.T. Cardwell).
- "Statement on Groundwater Conditions in Santa Rosa, Petaluma and Sonoma Valleys, Sonoma County, CA" – United States Department of the Interior – Geological Survey – Groundwater Branch (1955) (AR Leonard and G.T. Cardwell).
- "Groundwater Basins of California, a Report to the Legislature in Response to Water Code Section 12924" (1980).
- Bulletin No.118 – 4, Volume 1: Geologic & Hydrologic Data 1975; Volume 2: Evaluation of Groundwater Resources Sonoma County, Santa Rosa Plain 1982; Volume 3: Petaluma Valley 1982" – California Department Water Resources (1999).
- "Bulletin 118 Update" – California Department of Water Resources (2003).

Scope

The EIS will review available hydrogeologic studies and other information on the water resources of the area. To the extent possible, this information will include the documents listed above. Water resources of the area will be evaluated for potential adverse impacts as a result of the Proposed Action and Alternatives.

3.2.3 Water Quality

Comments

Runoff

Commenters inquired whether runoff from the surface of Stony Point Road would impact water quality of the Laguna de Santa Rosa. Commenters requested that the EIS discuss whether fill, asphalt and construction materials would impact the groundwater or whether the project would result in substantial additional sources of polluted runoff. Commenters also requested that the EIS discuss how the Proposed Action would prevent non-point source water pollution.

Well Pumping

Commenters requested that the EIS discuss whether overall groundwater quality would decline or whether any degradation of the water quality of water pumped from the lower aquifer would result from the Proposed Action. Commenters inquired whether groundwater pumping would negatively affect water quality by inducing the spread of contamination from existing groundwater plumes and whether regional arsenic concentrations would rise.

Regulation and Compliance

Commenters inquired how the Proposed Action would coordinate and comply with the Regional Water Quality Control Board. Some commenters requested that the EIS discuss how strict future regulatory standards would impact the future viability of groundwater supplies needed for new projects in the south Santa Rosa Plain, including the casino project.

Wastewater Discharge

Commenters requested that the EIS discuss the impacts to water quality from the proposed casino and hotel wastewater disposal activities. Some commenters inquired what the effect of the wastewater discharge to the Laguna de Santa Rosa would be as a result of the Proposed Action. Other commenters inquired whether the discharge from the Proposed Action would contribute to the degradation of water quality for Sonoma County Water Agency's intakes (located downstream). Commenters questioned whether the wastewater from the treatment plant would be used to recharge the aquifer and the qualitative and quantitative water quality effects from that recharge (i.e., how will it affect municipal and private drinking water supplies).

Scope

Potential water quality impacts resulting from the Proposed Action and Alternatives will be evaluated in the EIS. The EIS will discuss all required regulatory standards applicable to the Proposed Action and Alternatives.

3.2.4 Drainage

Comments

Flooding

Commenters requested that the EIS conduct a drainage study to determine the effect on the Laguna de Santa Rosa Floodplain, including how increased runoff from the site would affect flooding on-site, in the immediate area, or downstream in the Laguna and also the effect on local roadways and surrounding neighbors (e.g. Rancho Verde Mobile Home Park and Wilfred Avenue) and discuss the economic impact of increased flood risk. Commenters requested that the EIS describe how the project would affect the capacity of existing and planned flood control and stormwater drainage systems.

Commenters requested that the EIS evaluate the consistency of the project with the County's floodplain functions and its effects on drainage. (County of Sonoma Attachment 3: Sonoma County General Plan, Public Safety Element. Chapter 7B of the Sonoma County Code, and Articles 56 and 58 of Chapter 26 of the Sonoma County Code.) Commenters also requested that the EIS evaluate the consistency of the project with the County's floodplain policies and whether the Proposed Action would voluntarily comply with the Sonoma County Water Agency's flood control design criteria. Some commenters inquired how potential land surface subsidence caused by groundwater pumping would contribute to flood risk.

Drainage Method

Some commenters requested that the EIS discuss runoff drainage methods for the Proposed Action and identify how the project would alter the volume of runoff and the existing drainage pattern of the site or area including Hinebaugh Creek and/or the Bellevue Wilfred, and evaluate the impacts on these channels/streams and any waterway, downstream, including the alteration of any drainage course. Some commenters inquired how the natural stormwater drainage system would be preserved and whether those natural features would be enhanced. Some commenters inquired about the total anticipated impervious surface coverage estimated for the Proposed Action. Also commenters requested that the EIS describe any potential erosion or siltation impacts on- or off-site and provide a preliminary drainage and grading plan. Commenters also requested that the EIS identify the amount of cut and fill, and evaluate the impact to the floodplain functions and its effects on drainage.

Detention Methods

Some commenters questioned how drainage from the project site would be collected and disposed, and whether stormwater from the project site would be collected in a manner that would least inconvenience the public, reduce potential water related damage and enhance the environment. Some commenters

requested that if the Tribe plans to capture water on site (e.g., wastewater, rainwater, etc.) in order to recharge the aquifer, then the EIS should discuss how these basins would be designed to prevent mosquito infestation.

Regulation and Compliance

Some commenters questioned whether proposed construction plans accommodate and comply with Uniform Building Code requirements for facilities constructed within Special Flood Hazard Areas. Some commenters question whether the project would be located within a floodplain designated on a current FEMA flood map or whether the proposed building footprint would be located in a Special Flood Hazard Area identified on a current Flood Insurance Rate Map (FIRM).

Scope

The EIS will address issues related to site drainage. The EIS will evaluate on-site and adjacent area drainage facilities and the potential for flooding. The EIS will map and document water resources on site as well as constraints associated with water resources and drainage, as appropriate.

3.2.5 Wastewater Disposal

Comments

Municipal Services

Commenters inquired whether there are sanitary sewers / wastewater disposal systems currently serving the site and requested that the EIS assess whether the Proposed Action would require connection to the municipal or subregional sewer system and how such a connection would affect the subregional system's existing commitments. Commenters requested that the Draft EIS also identify any potential demand for overflow capacity to be served by the Subregional System. Some commenters inquired whether the Proposed Action would be involved in joint partnerships or mutual agreements with municipal or county entities for the purpose of provision of sewer, sanitation or waste disposal. If so, commenters question whether the municipal or county partner would develop an environmental impact assessment in association with provision of infrastructure to the project and develop an economic impact assessment in association with provision of infrastructure to the project. Commenters requested that the Draft EIS address the proposed plan for pretreatment of project wastewater and the ability of the Subregional System operator to enforce its pretreatment standards and compel compliance with the standards, including the right to enforce standards through legal action.

Wastewater System Design

Some commenters requested that the EIS discuss the method of sewage treatment and wastewater disposal that would be used for the Proposed Action and prepare a water balance. Some commenters requested that an engineering evaluation of the wastewater disposal system be completed to assess the environmental impacts and the cost of wastewater service expansion. Commenters inquired whether the Proposed Action would include a plan to ensure neighbors, existing water channels local groundwater or

surface water are not contaminated during the collection and treatment of sewage. If the plant is zero discharge, commenters requested that the EIS describe and evaluate the adequacy of on-site storage and/or reuse areas. Commenters inquired how the treatment, storage, and disposal facilities would be operated during flood conditions.

Commenters inquired which agency would oversee recycled water use off-site and/or on-site. If subsurface disposal is used, commenters requested that the EIS evaluate the adequacy of the soils for in-ground treatment and the availability of sufficient irrigation lands. Commenters also requested that the EIS provide data regarding the percolation rate such as would the percolation rate be adequate and would there be adequate separation to groundwater. Commenters requested that the EIS describe what type of disinfectant would be used. If chlorine is used, commenters requested that public safety and environmental issues be addressed in the EIS including a risk management plan that addresses the potential for spills.

Regulation and Compliance

If a package treatment plant is proposed, commenters requested that the EIS evaluate how the Proposed Action meets the County of Sonoma standards in the Permit and Resource Management Department's *Package Treatment Plant and Policy and Procedure* for such treatment plants. Some commenters inquired whether and where the Proposed Action would result in discharge to surface waters and how the project would ensure that it meets the standards under the California Toxics Rule. Some commenters also inquired whether the project would be subject to an operation permit. If so, commenters inquired if the EPA or the North Coast Regional Water Quality Control Board would administer the permit. Commenters questioned what the level of treatment provided for wastewater (secondary required by EPA, tertiary required by Basin Plan) and the impact on Section 303d impaired receiving waters and the impact of the addition of the project's load on the Subregional System's discharge and NPDES permit for the Proposed Action. Some commenters questioned whether the seasonal discharge prohibition per the Basin Plan (no discharge during summer) be applied if there is a discharge. If so, commenters inquired if there would be adequate on-site area for summer irrigation.

Scope

The EIS will assess the potential impacts of the proposed wastewater treatment plant on soil, air, water quality, aquatic resources, and the community. The EIS will discuss all required regulatory standards related to the operation of a wastewater treatment plant that are applicable to the Proposed Action and Alternatives.

3.2.6 Tribal Issues

Comments

Commenters inquired whether the Federated Indians of Graton Rancheria would enter into a binding agreement that would make the project site subject to full environmental compliance under NEPA and be

required to adhere to traffic, noise, health and safety or environmental regulations. Some commenters inquired whether the Tribe would have disproportional political influence due to campaign contributions to local and state government officials. Some commenters inquired whether an off reservation Class III gaming facility would be in compliance with the Indian Gaming Regulatory Act and Proposition 1A. Commenters requested that the EIS describe what legal entitlement the restoration of tribal status, as declared by the federal government, would give the Tribe. Commenters also requested that the EIS include a statement of whether this project site will comply with and complete BIA's legislative obligations to the Tribe.

Some commenters questioned whether the Graton Rancheria Tribe has a historical claim to the site of the Proposed Action. Some commenters questioned whether the Graton Rancheria Tribe already own land that is considered reservation land and could the Tribe build the Proposed Action on Indian reservation land. Some commenters inquired whether the Tribe would build schools, offices and residences on the proposed site once it is taken into trust. Some commenters requested that the EIS clarify whether the land in the current proposal will be used for other tribal purposes, such as tribal headquarters/administrative functions, tribal housing, health care facilities, and a meeting hall for tribal council meetings, or whether these activities will be located elsewhere.

Commenters requested that the EIS discuss how the profit from the casino would be managed and divided between the Tribe and the management company. Commenters inquired whether the Memorandum of Understanding (MOU) between the Tribe and the City Council would be considered legally binding. Commenters requested that the EIS describe the process the Proposed Action must undergo for the project to acquire a final approval determination. Specifically, commenters requested that the EIS describe what impact the enactment of legislation such as the Graton Rancheria Restoration Act Amendment (S. 1342) and House Bill HR 2656 would have on the Proposed Action. Commenters inquired whether were the meetings between the Tribe and City Council members conducted in accordance to the Brown Act of California.

Scope

Tribal issues will be addressed in the EIS to the extent required under the NEPA process.

3.2.7 Visual Resources

Comments

Light Impacts

Some commenters inquired whether the Proposed Action would result in adverse nighttime visual character and result in impacts from light pollution and glare or would create an adverse visual impact due to the placement of the neon signage and the parking lot. Some commenters questioned whether the Proposed Action would include procedures for adjacent neighbors to complain of excessive light or glare.

Site Design

Some commenters inquired how the development of the Proposed Action in an area designated as a Community Separator would impact the visual separation between the cities of Santa Rosa and Rohnert Park. Commenters inquired how the project would affect the visual character of the rural area or other natural resources and inquired whether the Proposed Action would include protection for scenic resources. Some commenter questioned how the Proposed Action would be built i.e. height, bulk, mass, building type, building density. Commenters requested that the EIS should provide visual simulations of the project, including views from scenic corridors and scenic highways designated in the County General Plan, as well as along community gateways/entryways. Refer to the County's methodology and thresholds of significance for visual impacts.

Scope

The EIS will identify if the Proposed Action or Alternatives would adversely impact visual resources, including dark skies.

3.2.8 Noise

Comments

Short Term

Commenters question whether construction and subsequent expansion and/or remodeling of the Proposed Action would result in a substantial temporary increase in ambient noise levels. Some commenters inquired whether the Proposed Action would comply with 24 CFR 51, Subpart B that requires a Noise Assessment for proposed new construction.

Long Term

Some commenters questioned whether noise levels from the operation of the Proposed Action would result in a permanent increase over pre-project levels. Commenters questioned if the Proposed Action would be located near a major noise source, i.e. civil airports (within 5 miles), military airfields (15 miles), major highways or busy roads (within 1,000 feet), or railroads (within 3,000 feet). Commenters requested that the EIS develop a noise contours map that outlines Day-night average sound level (DNL). Commenters requested that the EIS describe procedures or guidelines that would be developed to allow community members or adjacent property owners to formally complain about inordinate or unanticipated noise.

Traffic Noise

Some commenters questioned whether an increase in the number of service vehicles, cars and buses traveling to the casino along Stony Point Road, Golf Course Drive, Rohnert Park Expressway would increase noise pollution to the surrounding residences and impact the Rancho Verde Mobile Home Park. Commenters also requested that the EIS consider transportation related noise in this analysis.

Regulation and Compliance

When evaluating noise impacts in the unincorporated area, commenters requested that the EIS should use the following standards established in the Sonoma County General Plan:

- For non-transportation noise, exceedance of the standards given in Table NE-2 of the Noise Element would be a significant impact.
- For transportation noise, the following would constitute a significant impact: (1) an increase of more than 3 dBA Ldn at any sensitive receptor at which the existing noise level is greater than 60 dBA Ldn but less than 65 dBA Ldn or greater.
- “Sensitive receptors” include homes, schools, churches, and hospitals.
- A “measurable increase” in the noise level is the smallest increment that can be reliably measured by a certified ANSI/CEI Type Noise meter in field conditions.
- A substantial permanent increase in ambient noise levels in the project vicinity is defined as an increase of 5 dBA Ldn or greater.

Scope

The EIS will address issues related to noise. Short-term construction and Long-term traffic generation and operational related noise impacts will be evaluated within the EIS.

3.2.9 Traffic

Comments

Traffic Circulation

Commenters questioned whether the operation of the proposed casino would adversely impact traffic congestion on highways and back roads in the vicinity. Some commenters questioned what the costs of future traffic congestion relief would be for county roads that surround the Proposed Action.

Commenters questioned how traffic from the Proposed Action would affect farming activities and farm equipment traveling in the area.

Commenters requested that the EIS evaluate existing conditions of streets and roads (including small rural roads) in the area and identify the impacts of these proposed improvements per NEPA and CEQA.

Commenters requested that the EIS analyze impacts to traffic circulation on Interstate 101 (including the Novato narrows), Highway 16, Stony Point Road, Millbrae Avenue and evaluate access to the Rancho Verde Mobile Home Park. Commenters questioned what impact traffic from the casino would have on the business district in Rohnert Park.

Commenters also requested that the EIS evaluate the potential change to the level of service on local streets and roads and the queuing that will result during peak hours on weekdays and weekends of all area roads and intersections, including the following

- Mainline U.S. 101
- Mainline SR 12
- Mainline State Route (SR) 116

- U.S. 101 ramps and ramp intersections at Wilfred Avenue, Rohnert Park Expressway, Todd Road, and at Belluvue Avenue
- SR 116/Stony Point Road Intersection
- SR 12/Stony point Road Intersection
- SR 116/U.S. 101 Interchange
- Any other State highways (such as SR121 and SR 37) that may be impacted by the Proposed Action
- Wilfred Avenue
- Wilfred Avenue Interchange
- Rohnert Park Expressway
- Rohnert Park Expressway Interchange
- Stony Point Road
- Highway 116
- Highway 116 Interchange
- Adobe Road
- Petaluma Hill Road
- Old Redwood Highway
- Highway 121
- Highway 37
- Lakeville Road/Lakeville Highway
- Golf Course Drive
- Todd Road Interchange
- Bellevue Interchange at Highway 101 (proposed) and Farmers Lane extension
- Llano Road
- Commerce Boulevard
- Santa Rosa Avenue

Commenters requested that the EIS consider the impacts to the following Petaluma roadway segments and intersections:

- U.S. Highway 101 from the southerly Sonoma County line through Santa Rosa.
- U.S. Highway 101 interchanges and, where applicable, overcrossings at Petaluma Boulevard South, at highway 116; at Washington Street; and at Old Redwood Highway.
- Petaluma Boulevard and D Street.
- Petaluma Boulevard and East Washington Street.
- Petaluma Boulevard and Corona Road/Skillman lane.
- Old Redwood highway and Stony Point Road.
- Old Redwood Highway and McDowell Boulevard.
- Lakeville highway/Lakeville Street and Caulfield.
- Lakeville Street and East Washington Street.
- Lakeville Street and Petaluma Boulevard.

Commute Time

Commenters inquired whether increased traffic resulting from the Proposed Action would cause a significant increase in travel time for residents and impact the travel time of commuters within the project vicinity. Some commenters questioned whether the employment of union laborers would provide local jobs and reduce commuter traffic.

Methodology

Commenters requested that the EIS discuss the Congestion Management Program for the project vicinity. The assumptions and methods used to estimate the number of trips generated should be fully explained in the analysis and requested that the EIS discuss where the patron base for the casino would be expected to come from. Commenters requested that the EIS provide an analysis of traffic impacts in terms of trip generation, distribution, assignment, Current Average Daily Traffic (ADT), AM & PM peak hour volumes during weekdays and weekends projected weekly, daily and hourly traffic counts, special event traffic on all significantly affected streets, highway segment's intersections, and ramps. Commenter requested that the EIS also include an analysis of cumulative impacts from special event venues such as the Spreckels Performing Arts Center, Sonoma State University and the future Green Music Center. Commenters requested that the EIS estimate the increase in travel due to the project in year 2030 (the horizon year for the region's long range transportation plan Transportation 2030) including trips by patrons and employees and trips originating both within and beyond the nine-county Bay Area. Commenters also requested that the EIS include an illustration that clearly shows the percentage of annual traffic increase from the project.

Commenters requested that the EIS consider the following information and documents:

- The 2000 update to the Highway Capacity Manual
- The Caltrans "*Guide for the Preparation of Traffic Impact Studies*"
- The County's Guidelines for Traffic Reports and CalTrans traffic manuals, including standards and thresholds of significance criteria when determining impacts in the unincorporated area or along state highways.
- The recently updated countywide traffic model used for the General Plan 2020 to project future cumulative traffic with and without the casino and hotel resort.
- The most recent Sonoma County Traffic Model to determine the cumulative impacts along with distribution and assignment of the trips generated by the Proposed Action. The model should be validated and refined so that the base year forecasts conform to criteria such as those in the Federal Highway Administration's "Model Validation and Reasonableness Checking Manual."
- Cumulative traffic volumes should consider all traffic-generating developments, both existing and future, including the Stadium Lands project and all of the City's specific plan proposals that would affect the State highway facilities being evaluated. The commenter requested that the City Planning Department be contacted for more specific information on their projects and plans.

Commenters requested that the EIS conduct a mainline analysis of U.S. 101 to ensure that the U.S. 101/Wilfred Avenue and U.S. 101/Rohnert Park Expressway on-ramps do not experience vehicle queuing. Commenters requested that the EIS conduct ramp intersection analyses to determine if existing vehicle storage would be adequate to accommodate project and cumulative traffic. On items related to the State highway system all EIS assumptions, traffic and trip factors, turning movements and other traffic impacts commenters requested that the data must be consistent with that used by Caltrans.

Commenters suggested that there should be no assumed “pass-by” trips. Commenters requested that the EIS provide a schematic illustration of the traffic conditions for: 1) existing, 2) Proposed Action only, 3) existing plus Proposed Action, and 3) cumulative from affected highway segments, intersections, and ramps.

Commenters requested that the EIS traffic discussion include an assessment of whether or not the Proposed Action, when built out, would increase traffic and tourism to Sonoma County’s coast. Potential impacts on State and County roads that provide access to the coast should be studied. Depending upon the amount of traffic generated by the Proposed Action that would travel towards the coast, the commenter suggested that the Tribe might want to consider running shuttle vans to major beaches and towns along the coast and the Russian River resort area.

Commenters requested that the EIS identify funding for improvements needed to the road, highway and transit system due to the project and identify the fair share of payment for these improvements. Commenters requested that the EIS identify project activities and ancillary activities related to the project that could potentially conflict with countywide Transportation Plan and the Regional Transportation Plan. Particular attention should be paid to the potential secondary growth inducing effects of providing new or expanded roadway access to the casino on rural lands in the vicinity of the project.

Traffic Safety

Commenters requested that the EIS discuss how the operation of the proposed casino would impact traffic circulation and safety on local roadways. Commenters inquired whether serving alcohol at the proposed casino would increase the incidence of alcohol related automobile accidents. Commenters inquired whether the Proposed Action would affect or be affected by hazardous street conditions or dangerous intersections. Commenters requested that the EIS discuss the impact to traffic safety from increased flooding potential along local roadways and within residential areas due to an increase in impervious surfaces from the Proposed Action. Commenters requested that the EIS discuss how the increase in traffic from the proposed casino would be impacted by heavy fog. Commenters requested that the EIS evaluate any potential traffic hazards that could be created by the project, such as a dangerous driveway intersection or exacerbating an existing hazardous condition. Commenters requested that the EIS evaluate traffic safety issues related to the project including access to private property in the area of the project. The last three years of California Highway Patrol traffic accident data should be reviewed to determine whether the principal access routes to the project have high accident locations or road segments with high accident rates.

Public Transportation

Commenters questioned whether the Proposed Action would impact existing public transportation facilities within the project vicinity and evaluate any potential increase in demand on existing transit providers, including Golden Gate Transit, Sonoma County Transit and the Santa Rosa City Bus.

Commenters requested that the EIS address whether there would be a specific need for Santa Rosa City Bus to serve the project area. Commenters questioned whether the project proposes to use any of the existing Park and Ride lots and evaluate impacts to the capacity of these lots. Commenters requested that the Tribe and project sponsor coordinate with the Sonoma-Marín Area Rail Transit (SMART) District to financially support the proposed rail service along the U.S.101 corridor. Commenters requested that the EIS evaluate a possible transit station (bus and rail) on the west side of Highway 101 as well as needed services other than the base schedule proposed by SMART and the existing transit schedules operated by Sonoma County Transit. Commenters requested that the EIS evaluate potential conflicts with the Countywide Transportation Plan and Regional Transportation Plan.

Commenters requested that the EIS evaluate what transit and paratransit service is currently available. Some commenters questioned how the Proposed Action would affect transit and paratransit systems, and how could such services be increased. Commenters requested that the EIS evaluate transit and paratransit needs for the project both in terms of operation cost and attendant capital costs. Commenters requested that the EIS identify transportation alternatives to reduce auto dependency and traffic impacts.

Commenters questioned whether the Proposed Action would include private transportation systems and how would they coordinate with public transportation systems currently in operation. Commenters inquired whether shuttle services would be provided and identify types of vehicles and their likely routes. Commenters requested that the EIS evaluate identify how transit access will be provided as part of the property.

Bike and Pedestrian Traffic

Commenters inquired whether the increase in traffic from the Proposed Action would impact bicycle and pedestrian traffic. Commenters question how bike and pedestrian safety would be addressed in and around the property, specifically whether the project would restrict the ability of bicyclists, runners, and walkers to use the adjacent roadways. Commenters requested that the EIS consider the needs of bikers, walkers and runners when assessing the requisite improvements that will be necessary to accommodate the increase traffic due to the Proposed Action.

Roadway Infrastructure

Commenters inquired whether Millbrae Avenue would be widened and requested the EIS to discuss the impacts from that action. Commenters inquired how the Proposed Action would affect the traffic conditions at the Wilfred Avenue overcrossing project. Commenters inquired whether the environmental review process would have to be readdressed for the Wilfred Avenue overcrossing as a result. Commenters requested that the EIS include a discussion of planned transportation projects in the area, including the widening of U.S. 101 between Rohnert Park Expressway and Wilfred Avenue to add a high-occupancy vehicle (HOV) lane in each direction. The final environmental document for the U.S. 101 project will be released in December 2004, but funding for construction of the project has been delayed

from 2006/2007 to 2008/2009. The widening of U.S. 101 between Steele Lane and SR 12 is a fully funded project and is tentatively scheduled to begin construction in March 2005. The Steele Lane interchange will be modified as part of this project. Commenters requested that the EIS analyze the costs associated with widening Highway 101 through the Novato narrows up to the last Rohnert Park exit.

Commenters questioned whether the local roadway infrastructure has the capacity to accommodate traffic resulting from the Proposed Action. Commenters requested that the EIS evaluate an alternative access road into the Mobile Home Park such as a connection to Wilfred Avenue or Stony Point Road through the project site. Commenters requested that the EIS describe the parking needs of the project and how these needs will be met on-site and off-site. Commenters requested that the Proposed Action parking description include types of vehicles accommodated and where transit vehicles would be accommodated.

Scope

The EIS will provide an estimate of the total daily trips and peak hour trips generated by the Proposed Action and Alternatives. A traffic study will be performed in order to characterize the existing local road network and traffic volumes. A traffic impact study will be performed for the Proposed Action to assess the potential impact of project construction and operation on local traffic patterns and roadways.

3.2.10 Biological Resources

Comments

Commenters inquired whether there would be an investigation by an appropriate authorized agency to determine that each of the five federally listed endangered species do actually exist on the proposed property. Commenters inquired whether the Proposed Action would result in wildlife displacement or have an adverse impact on endangered or sensitive plant and animal species. Specifically, commenters requested that the EIS include a complete census/survey and analyze potential impacts to the endangered species such as the *Trifolium ameonum* (Showy Indian Clover), *Blennosperma baken* (Sonoma Sunshine), *Limnanthes vinculans* (Sebastopol Meadowfoam), *Ambystoma californiense* (Tiger Salamander), and *Lasthenia burkel* (Burke's Goldfields) from the construction and operation of the Proposed Action. Commenters requested that the EIS include discussions of associated Recovery Plan and Habitat Conservation Plans for the listed species and how this development will impact those plans. Commenters requested that the EIS consult the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act. Commenters inquired whether the Proposed Action would encroach upon the resting and feeding area of the Pacific flyway. Commenters requested that the EIS examine whether the facilities can be designed in a way to avoid environmentally sensitive areas. Commenters inquired whether there is any indication of currently distressed vegetation.

Commenters inquired whether the Proposed Action would adversely impact baylands and associated uplands. Commenters inquired whether the Proposed Action would result in an impact to the Laguna de Santa Rosa freshwater estuary/wetland, wetland flora and fauna. Commenters inquired whether there are

ponds, marches, bogs, swamps or other wetlands on or near the site. Commenters inquired whether the project would be located within a wetland designated on a National Wetlands Inventory map of the Department of Interior (DOI). Commenters inquired whether the Proposed Action would comply with Executive Order (E.O.) 11990 and whether compliance is required with the wetlands decision-making process (§ 55.20 of 24 CFR Part 55). Commenters requested that the applicant use Part 55 published in the Federal Register on January 1, 1990 for wetland procedures.

Commenters questioned whether a separate investigation would be done by a federal or state agency to discern whether vernal pools exist in the area that would be impacted by the Proposed Action. Commenters inquired whether the Proposed Action would provide area to develop vernal pools where farming currently prevents such usage. Commenters inquired whether the Proposed Action would be located within a coastal barrier designated on a current FEMA flood map or Department of Interior coastal barrier resources map. Commenters inquired whether there are drainage-ways, streams, rivers, or coastlines on or near the project site. Commenters inquired whether impact to biological resources would result from the development of impervious surfaces.

Commenters requested that the EIS evaluate the impact to sensitive habitat, especially seasonal wetlands and riparian corridors, and of all county designated biotic resources that may be present on-site and in the surrounding area (including the Laguna de Santa Rosa). Commenters requested that the EIS discuss the beneficial impacts of replanting the creek areas east and south of the property as a natural riparian forest such as improving the available habitat for steelhead, aquatic birds and other wildlife. Also commenters requested that the EIS discuss how the inclusion of dry arroyos would absorb winter flooding and help mitigate upstream flooding runoff created by structures and parking lots at the site.

Scope

The EIS will assess potential impacts on vegetation, wildlife, and threatened/endangered species. Site visits and field review of existing natural resources will include identification of critical habitat areas and where special-status species may be present. The EIS will delineate approximate wetland areas and waters of the U.S. located on the site (if any). The EIS will include a review of aerial photographs, appropriate local, state, and federal documents regarding biological resources in the area.

3.2.11 Land Use Planning

Comments

Agriculture

Commenters inquired whether the project parcels would be located on a flood plain, agricultural preserve, state-designated groundwater recharge zone, and/or wetlands. Commenters requested that the EIS discuss the implications of the land designated under the Williamson Act. Commenters inquired whether an appropriate verification would be done and if it is found that the property is indeed in the Williamson Act designation, would the appropriate state laws regarding removal be followed. Commenters requested that

the EIS evaluate the impact of permanently removing the acreage from agricultural production and discuss whether the Proposed Action would result in the conversion of farmland to more urban uses. Commenters inquired how the project would affect the existing and potential future neighboring farmland and dairy farmers. Commenters requested that the EIS describe the quality of the agricultural soils for agricultural production and how susceptible surrounding agricultural operations would be to economic pressure to convert to non-agricultural uses. Commenters requested that the EIS address the land use and economic pressures that would result from the location of the project in an agricultural area on the urban fringe and the potential increase in demand to locate similar and related uses on surrounding land planned for agriculture or other rural uses

Site Design

Commenters inquired whether there are unusual conditions on the site. Commenters inquired what provisions would be made on-site for tourists over a period of 72 hours who do not reside in the immediate vicinity. Commenters requested that the EIS consider that the Proposed Action would be divided by a drainage/flood control easement and vehicular/pedestrian traffic would be required to use off-site roads to transverse the project site. Commenters inquired whether the Proposed Action would include design features that would establish and maintain interconnected greenbelts and open spaces for the protection of native vegetation and wildlife for the enjoyment of the community. Commenters inquired whether the Proposed Action would include a plan to require and designate wildlife or ecological areas. Commenters questioned what the previous uses of the project site and what residual impacts would be that would affect the project or are affected by the project.

Growth

Particular attention should be paid to the potential secondary growth inducing effects of providing new or expanded roadway access to the casino on the rural lands in the area along Stony Point Road, Wilfred Avenue, and Rohnert Park Expressway. The analysis should specifically consider the effect of expanded roadway and utility capacity in the area. Commenters questioned where and how possible casino expansion and identify all commercial use proposed upon project completion as well as projected uses of the project site over the next ten years.

General Plan

Commenters questioned whether local and county General Plans would be modified to accommodate growth projections and infrastructure for the project. Commenters inquired whether the project site would be located outside of the urban growth boundaries for Rohnert Park and whether the Proposed Action would be consistent with the smart growth principles of the Sonoma County General Plan and the Rohnert Park General Plan. Commenters inquired whether the Proposed Action would address the current General Plan designation for the project site and inquired whether the Proposed Action would comply with the Land Use and Growth Management, Community Design and Housing elements of the Rohnert Park General Plan, Sonoma County General Plan, and the Santa Rosa General Plan.

Commenters inquired whether these procedures would include a hearing by LAFCO for the appropriateness of changing the zoning designation from agricultural and whether the process for changing the zoning would go through the standard General Plan amendment process with the Sonoma County Planning Commission and the Sonoma County Board of Supervisors. Commenters inquired whether the Proposed Action would be impacted by or impact building deterioration, postponed maintenance, obsolete public facilities, transition of land uses, incompatible land uses, inadequate off-street parking.

Scope

The EIS will summarize existing land uses in the area and describe County General Plan and zoning designations. The EIS will discuss impacts or potential conflicts with surrounding land uses in the area.

3.2.12 Community Character

Comments

Commenters inquired whether the operation of the Proposed Action would dramatically change the character of the community from rural to urban land uses. Commenters requested that the EIS discuss the direct and indirect impacts to the residential areas from the Proposed Action. Commenters requested that the EIS discuss how the operation of the Proposed Action would impact local establishments such as the elementary school, church, park, grocery market, retail stores and movie theater.

Scope

To the extent required by NEPA, the EIS will assess if the Proposed Action or Alternatives would adversely impact the area's community character.

3.2.13 Emergency Response

Comments

On-site Emergency Response

Commenters requested that the EIS discuss fire prevention measures incorporated into the project design or programmatic measures incorporated into project operation. Commenters requested that the EIS discuss the capabilities of the staff to properly react, report and respond to a variety of emergency situations and discuss what training and certification would be required of the on-site staff responsible for responding to emergency situations.

Police Response

Commenters questioned what entity would be responsible for providing law enforcement response to the project. Specifically, commenters requested that the EIS discuss the current capacity of that provider and evaluate the service needs of the casino and hotel resort and how those service needs will impact services to other residents and businesses in the affected area. Commenters inquired whether the operation of the

Proposed Action would adversely impact police services in terms of EMS staffing and funding. Commenters inquired whether the Proposed Action would cause an increase in demand for sheriffs department services.

Fire Response

Commenters questioned what entity would be responsible for providing fire response to the project. Specifically commenters requested that the EIS discuss the current capacity of that provider and evaluate the project's need for services and how services to the casino and hotel resort impact services to other residents and businesses in the affected area.

EMS

Commenters requested that the EIS discuss the Proposed Action's affect on local hospitals. Commenters questioned what entity would be responsible for providing ambulance response to the project. Specifically, commenters requested that the EIS discuss the current capacity of that provider and evaluate the project's need for services and how the services to the casino and hotel resort impact services to other residents and businesses in the affected area.

Other Emergency Services

Commenters questioned what entity would be responsible for providing other emergency services to the project, including hazardous materials spills or disasters other than fire (flooding, earthquakes, and major vehicular accident blocking ingress/egress to the facility). Specifically, commenters requested that the EIS discuss the current capacity of that provider and evaluate the service needs of the casino and hotel resort and how those service needs would impact services to other residents and businesses in the affected area.

Commenters requested that the EIS discuss what type of mutual aid response may be required for various emergency response issues (including law enforcement, fire, ambulance, and other emergency response scenarios), and discuss which entities would be impacted. Specifically, commenters requested that the EIS discuss the current capacity of that provider and evaluate the service needs of the casino and hotel resort and how those service needs would impact services to other residents and businesses in the affected area.

Commenters requested that the Proposed Action include the development of procedures in the event of a terror attack. Commenters requested that the EIS include emergency preparations (i.e. food, water, generators) and discuss what capacity would the facility offer as a temporary shelter in the event of an emergency. Commenters inquired whether the Proposed Action would coordinate emergency policies and strategies with the public safety plans of the City of Rohnert Park and Sonoma County. Commenters inquired whether the Proposed Action would ensure continual presence, participation in and contribution to regional emergency and public safety plans necessary to the safety and well being of its customers and

adjacent municipal and county residents. Commenters inquired whether the project would complete and provide a copy of an emergency evacuation plan prior to beginning operations.

Scope

The EIS will assess the potential impacts that the Proposed Action will have on emergency response time and availability.

3.2.14 Public Services

Comments

Police Services

Commenters inquired whether the Proposed Action would adversely impact police services to the surrounding communities. Commenters requested that the EIS evaluate the need for additional public services, including police, or other emergency services, resulting from the project and the capability of existing service providers to accommodate the additional demand. Commenters inquired whether the project vicinity would have adequate police services to accommodate the Proposed Action. Specifically, commenters inquired whether the Proposed Action would result in an impact to resources of local, county and state law enforcement resources and whether the project would include law enforcement and public safety plans over a ten-year period. Commenters requested that the EIS evaluate and describe the need for additional criminal justice services, including the increased demand for public defender or indigent defense counsel, prosecutorial and probation services.

Fire Services

Commenters requested that the EIS evaluate the impact and the need for additional public services, including fire, resulting from the project and the capability of existing service providers to accommodate the additional demand within the project jurisdiction and other surrounding jurisdictions. Commenters inquired whether the proposed casino would increase the fire hazard potential in the area and what type of built-in fire protection would be installed upon development of the Proposed Action. Commenters requested that the EIS discuss what entity would provide fire plan review and inspection services for the construction and operation of the project. Commenters inquired whether the project would comply with fire code inspection and fire code enforcement. If so, commenters questioned what entity would be the “Authority Having Jurisdiction” as indicated in the model fire codes. Commenters requested that the EIS discuss what fire standards would the project comply with, specifically whether the Tribe would comply with the Sonoma County Fire Code.

School Facilities

Commenters requested that the EIS discuss the impact the proposed casino would have on local schools. Commenters requested that the EIS discuss the impacts for the following public safety concerns:

- Sixteen preschools located within a two-mile radius of the project site.
- Eight elementary schools within a two-mile radius of the project site.

- Two middle schools within a two-mile radius of the project site.
- One high school, one middle school and one elementary school within one-half mile of the project site.

Commenters inquired whether the Proposed Action would have an impact on the safety and travel time of public school buses traveling on road systems associated with the project site.

Other Public Services

Commenters requested that the EIS evaluate the need for additional public services resulting from the project and the capability of existing service providers to accommodate the additional demand.

Commenters requested that the EIS discuss the power and communication system requirements for the Proposed Action. Commenters requested that the EIS discuss how the disposal of solid waste generated at the site would affect the county landfill's capacity to serve its existing customers. Commenters inquired whether the Proposed Action would increase the need for on-site or off-site daycare facilities. Commenters inquired whether there are other usual and customary children's play areas within the vicinity of the project site and whether the project would have an impact on any usual and customary recreational areas. Commenters inquired whether the Proposed Action would adversely impact road maintenance to the surrounding communities. Commenters inquired whether increased traffic from the Proposed Action would generate the need for more frequent roadway maintenance.

Commenters inquired whether the Proposed Action would impact public hospitals caring for lower income casino employees requiring medical attention. Commenters requested that the EIS identify the impacts on health and human service agencies regarding social problems related to gambling, e.g. gambling addiction and substance abuse.

Commenters inquired how the Proposed Action would impact churches in the following locations:

- Five churches within one-half mile of the project site.
- Four additional churches within one mile of the project site.
- Nineteen additional churches within two miles of the project site.

Commenters requested that the EIS identify which building codes would the project comply with and whether the Tribe would agree to comply with Sonoma County's Building Ordinance, Chapter 7 of the Sonoma County Code. Commenters requested that the EIS identify which food facility standards would apply, and how the project would ensure compliance. One commenter requested that the EIS identify which public swimming pool standards will apply, and identify how the project would ensure compliance.

Scope

The EIS will assess the potential impacts that the Proposed Action will have on public services. The EIS will describe current public services and facilities provided in the area. These services would include 1)

Law Enforcement, 2) Fire Protection, 3) Public Schools, 4) Parks and Recreation, 5) Library Services, 6) Water and Wastewater facilities, 7) Solid Waste Service, 8) Gas/Electric/Phone.

3.2.15 Socioeconomic

Comments

Local Economy

Commenters requested that the EIS discuss whether the Proposed Action would have an adverse impact on the local economy. Commenters requested that the EIS discuss whether the proposed casino would result in a loss in residential property value or adversely impact the marketability and value of business real estate. Commenters requested that the EIS consider the impact of revenue loss associated with the project and discuss the loss of sales tax to adjacent communities, including both the loss of current revenues and future revenues associated with development. Commenters requested that the EIS discuss the economic effect on surrounding businesses, local job market, and the future city and school budgets when the Memorandum of Understanding (MOU) drafted between the City of Rohnert Park and the Tribe expires in 10 years. Commenters inquired whether the Proposed Action would impact existing hotels, motels, RV facilities and other overnight tourism lodging facilities. Commenters requested that the EIS estimate the impact from the Proposed Action on business to existing tourist facilities and projected hotel occupancy tax loss to adjacent local governments over the next ten years. Commenters inquired what method or information the EIS would rely upon to evaluate the impact of an Indian gambling facility upon the foreseeable disposable income loss to adjacent commercial, retail, restaurant, recreational, and lodging facilities over the next ten years. Commenters inquired whether the Proposed Action would include annual financial reimbursement for loss of property tax, sales tax and transient occupancy tax to the adjacent municipality and county. The commenter requested that the EIS discuss secondary impacts associated with blight resulting from failed business should be addressed. Within one-third mile of the project site are substantial, high-end residential properties adjacent to golf course open space. Commenters requested that the EIS assess the impact of the Proposed Action upon market value and quality of life within the above-mentioned area over the next ten years. Commenters requested that the EIS discuss whether the Proposed Action would increase the tax burden due to a need for additional law enforcement services. Commenters requested that the EIS evaluate the economic impact from the Proposed Action in Petaluma.

Commenters requested that the EIS discuss the purpose and need for the Proposed Action. Commenters inquired whether the Proposed Action would impact the income of local businesses. Commenters inquired whether the Proposed Action would result in unfair competition with local businesses due to the Tribes exempt status from levying California Sales Tax. Commenters inquired whether the development of the casino and hotel would have an impact on local motel and restaurant business revenue, such as business closure and subsequent layoffs. Commenters requested that the EIS include a fiscal impact report that considers impacts to local businesses, music venues and entertainment venues. Commenters

inquired whether the Proposed Action would result in an economic impact to local cultural centers such as the Spreckles Performing Arts Center and the Luther Burbank Center for the Performing Arts.

Commenters inquired whether the Tribe could arbitrarily terminate the MOU at any time. Commenters inquired whether the Tribe would be required to comply with state or local regulations, including minimum wage, environmental regulations and workers compensation. Commenters requested that the EIS discuss how the State compact would impact local decision-making control relating to casino location, mitigation, and tax compensation.

Commenters inquired whether the Proposed Action would contribute funds to Sonoma County or the City of Rohnert Park. Commenters requested that the EIS discuss project estimates of revenue associated with each gambling, commercial or retail site. Commenters inquired whether the Proposed Action would have a beneficial effect on the revenue intake of Rohnert Park. Commenters requested that the EIS discuss the beneficial impact of the contributions the Tribe has agreed to in the Memorandum of Understanding. Commenters requested that the EIS consider the beneficial economic impact to the community of the Tribe transferring the rights of 1700 acres to the Sonoma County Trust and providing \$75,000 to fund and buy additional acreage. Commenters requested that the impact discussion also consider the 321 acres the Tribe owns that they have agreed to donate.

Employment

Commenters inquired whether the proposed casino would use union labor for construction and operation. Commenters requested that the EIS discuss the beneficial impact of the casino on employment in the community by employing union labor. Commenters requested that the EIS discuss whether and how the Proposed Action would hire from the local workforce and how this should impact the local workforce. Commenters inquired whether the Proposed Action would hire a workforce from outside the immediate community and how would they be recruited. Commenters requested that the EIS evaluate the project's need for employees and the portion that would likely be form out of the local area. Commenters requested that the EIS describe the number of jobs to be filled, wage levels and benefits offered, experience levels required, training programs needed or non-Tribal workers to fill the shortfall. Commenters requested that the EIS discuss whether the employment opportunities created from the Proposed Action would provide adequate compensation in comparison to cost of living in the area. Commenters requested that the EIS evaluate the shift in employment that would accompany the Proposed Action. Commenters requested that the EIS describe and quantify the wage levels of the jobs being introduced, the anticipated number of jobs and the number of housing units necessary to meet this demand and similar analysis should be completed for assumed full development of the property. Commenters requested that the EIS discuss the impact of the project on childcare availability. Commenters inquired whether the Proposed Action would create only short-term construction and skilled trade employment. Commenters inquired whether local sheet metal shops would have the capacity to fulfill a fabrication and installation contract for the Proposed Action. Commenters requested that the EIS

discuss how many employees it would take to staff fulltime the casino, hotel, entertainment resort and any related or support businesses or enterprises. The commenter requested that the EIS discuss how the workday would be defined. Specifically, the commenter requested a description of shifts and flextime. Commenters inquired whether the casino would provide transportation for employees and requested the EIS to describe what type of employee transportation would be made available. The commenter requested that the EIS discuss what percentage of the total casino resort workforce will be housekeeping, janitorial, maintenance, parking and restaurant servers.

Housing

Commenters questioned what the estimated housing need for the casino employees, and employees of offshoot businesses would be as a result from the Proposed Action. Commenters questioned what the growth inducement impact on those communities that would accommodate additional employees would be and the indirect impact of the resultant housing on water, sewer, traffic and public services. Commenters inquired whether the Proposed Action would require additional low income housing for employees of the casino that will not be bound by California employment or safety laws. Commenters requested that the EIS discuss the current housing stock and occupancy rates of adjacent communities and analyze increased demand for housing by income type and the pressure for development in surrounding areas. Commenters inquired whether the Proposed Action would impact local community housing needs over the next ten years. Commenters inquired whether the Proposed Action would impact local housing sales and rental rates over the next ten years. Commenters inquired whether the Proposed Action would impact local housing over-crowding and code enforcement conditions that might impact adjacent communities over the next ten years. Commenters inquired whether the Proposed Action would contribute to affordable housing stock supply consistent with project housing needs. Commenters requested that the EIS determine the potential need for housing for employees at all income levels. Commenters requested that the EIS discuss the impact of the project on housing availability in the affected area, including housing for very low, low and moderate-income households. Commenters inquired whether additional housing would be over and above other already projected housing developments for Rohnert Park, for nearby cities, or for Sonoma County and how additional housing would impact the environment.

Crime

Commenters requested that the EIS discuss methods of evaluating the increase in criminal activity (such as robbery, vandalism, assault, white-collar larceny, embezzlement and fraud) associated with the casino. Commenters inquired whether the Proposed Action would impact the crime rate in the project vicinity. Based on credible data from scholarly or other professional sources, commenter requested that the EIS quantify the impact of the Proposed Acton upon churches for counseling regarding divorce, job terminations, home foreclosure, gambling addictions, and crimes of embezzlement, theft or fraud. Commenters requested that the EIS discuss the social impacts that have been linked to compulsive gambling such as suicide, illness, local bankruptcy, divorce, increased social service cost, neglect and

domestic abuse. Commenters requested that the EIS conduct a detailed study as to the effects the Proposed Action would have on police and fire resources, suicide rate, elder abuse, child abuse, crime, drug abuse, mental disorders, underage gambling in communities within 50 miles.

Commenters requested that the EIS take into account comparative studies of crime rate in towns that have casinos. The commenters suggested that the EIS review a study conducted by the Montana Gaming commission which compared towns in Montana with casinos to towns of the same size and economic base in Wyoming and Utah and found no significant increase in crime due to gaming. Commenters inquired whether social problems such as elder abuse, child abuse and other crimes would increase as a result of the Proposed Action.

Commenters inquired whether the Proposed Action would result in an increase in pathological gamblers. Commenters inquired whether the proposed casino would have an adverse impact on the student population of Sonoma State University. Commenters inquired whether the Proposed Action would increase the likelihood of prostitution in the area.

Commenters inquired whether an increase in crime and traffic due to the Proposed Action would increase the cost of auto insurance and police services in the community. Commenters inquired whether the proposed casino would result in an increase in crime that would increase the costs associated with arrest, court proceedings and incarceration.

Commenters inquired whether the Proposed Action would result in security impacts such as vandalism and burglary to the surrounding community. Commenters inquired whether the Proposed Action would increase the likelihood of public intrusion from casino patrons trespassing on adjacent properties.

Scope

The EIS will assess the potential impacts that the Proposed Action and Alternatives would have on socioeconomic issues such as local business revenue, property value and crime rates. The socioeconomic discussion will include projected housing and employment resources within the community.

3.2.16 Geology

Comments

Commenters inquired whether the project site would be near natural features (i.e., bluffs or cliffs) or near scenic areas. If so, commenters requested that the EIS discuss site and construction adjustments to protect scenic view sheds or other zoning requirements, expectations or public entitlements. Commenters requested that the EIS describe the site elevations and any accommodations required for significant slopes. Commenters inquired whether there is any evidence of slope erosion or unstable slope conditions on or near the site. Commenters inquired whether there are visual indications of filled ground on the

project site. Commenters inquired whether there is indication of cross-lot runoff, swales, drainage flows on the property. Commenters inquired whether there are any active rills and gullies on the project site.

Commenters inquired whether the Proposed Action would include geological studies which include structural brings or dynamic soil analysis. Commenters inquired whether soil reports/studies or borings have been made for the project site or the area and requested that the EIS discuss the findings of soil studies. Commenters requested that the EIS evaluate the potential for exposing people to seismic hazards, especially seismic shaking and liquefaction. Commenters requested that the EIS consider the physical properties of the soils with regard to suitability for building foundations, septic systems, and other wastewater treatment and disposal methods. Commenters inquired whether there is any visible evidence of soil problems (foundations cracking or settling basement flooding, etc.) in the vicinity of the project site. Commenters inquired whether the Proposed Action would include developments that ensure soil stability for construction footprint and impervious surfaces.

Scope

The EIS will assess potential impacts of the Proposed Action and Alternatives on the geologic resources within the project area. Site visits will be performed in order to evaluate existing landform and soil conditions on-site. The EIS will conduct a review of existing local, state, and federal documents and literature regarding geologic and soil conditions in the area. The EIS will map and document land resource opportunities and constraints, such as steep sloped areas, soil suitability for development and operation of septic systems, and high soil erosion potential areas.

3.2.17 Hazards

Comments

Commenters requested that the EIS identify and address potential impacts of hazardous materials that may be used in construction and operation of the project, as well as methods of hazardous materials transport, storage and disposal. Commenters requested that the EIS include a full inventory and assessment of all hazardous materials associated with the project. Commenters inquired whether there are waste materials or containers on site. Commenters inquired whether there are pools of liquid or soil staining, chemical spills, abandoned machinery, cars, refrigerators, etc. Commenters inquired whether the Proposed Action would result in impacts from fertilizers and pesticides used to maintain the landscaping on the site.

Commenters inquired whether existing or abandoned transformers, fill/vent pipes, pipelines, and/or drainage structures are located on the project site. Commenters inquired whether the applicant would propose to handle or sell explosives (fireworks) or propose to store fire-prone materials such as liquid propane, gasoline, or other storage tanks above or below ground. Commenters inquired whether underground storage tanks were ever located on the project site. If so, commenters requested that the EIS provide documentation that all underground storage tanks have been identified, located and appropriately

removed by qualified professionals, using current techniques in compliance with 40 CFR Part 280. Commenters inquired how the project would comply with federal, state and local hazardous materials regulations. Commenters requested that the EIS identify which entity will be responsible for regulation enforcement. Commenters inquired whether there are any unresolved hazardous materials issues at the proposed site for which the state, county or a municipality could be determined to be the potential responsible party.

Commenters requested that the EIS summarize the results of the Phase I Environmental Assessment that has been completed for the site and include a copy of that assessment as an appendix. Commenters inquired whether the project site would be located within 3,000 feet of a site of known toxic contamination or a solid waste landfill site. Commenters inquired whether the site listed on an EPA Superfund National Priorities or CERCLA or equivalent State list. The commenter inquired about the rationale of listing or not listing the site. Commenters inquired whether the project site and vicinity would be free of hazardous and toxic waste potentially left by the World War II Military Installation, machine gun firing range, drag strip and oil testing facility. Commenters requested that the EIS identify actions and mitigations proposed each of the hazardous materials and contamination findings noted in the “Outer Landing Field-Cotati Report”.

Commenters requested that the EIS evaluate the potential for exposing people to hazards from fire and hazardous materials during construction and during normal business operations. Commenters inquired whether the Proposed Action would comply with all public safety requirements for fire safety, in accordance with state and federal law. Commenters inquired whether the Proposed Action would develop a public safety evacuation and rescue plan for customer, and would the plan accommodate projected customers based upon high or low attendance that is associated with hours of operations, weekdays, holidays, and special events.

Commenters inquired whether the project would be located within 3,000 feet from the end of a runway at a civil airport. Commenters inquired whether the project within 2 ½ miles from the end of a runway at a military airstrip.

Commenters inquired whether the Proposed Action would be impacted by poisonous plants, insects or animals on-site. Commenters inquired whether the Proposed Action would be affected by wind/sandstorm concerns. Commenters inquired whether the Proposed Action would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. If so, commenters requested that the EIS describe and evaluate the impact. Commenters inquired whether there are unprotected water bodies on the project site. Commenters inquired whether the Proposed Action would be affected by seismic faults, or fractures. Commenters inquired whether there are other hazardous terrain features located on the project site.

Scope

The EIS will address the potential impact of exposure to hazardous materials from the construction and operation of the Proposed Action and Alternatives. The EIS will identify existing public health issues associated with the proposed facilities and the surrounding area. This analysis would include field visits and review of local, state and federal documents and databases.

3.2.18 Environmental Justice

Comments

Commenters inquired whether the Proposed Action would be located in a predominantly minority or low-income neighborhood and whether the project site or neighborhood would suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community at large.

Scope

The EIS will assess the potential impacts of the Proposed Action on minority populations and low-income populations in accordance with *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, as amended, which directs Federal agencies to develop an environmental justice strategy that identifies and addresses disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations.

3.2.19 Cultural Resources

Comments

Commenters inquired whether the State Historic Preservation Office (SHPO) has been notified of the project and requested to provide comments. Commenters inquired whether the project parcels are listed on or eligible for listing on the National Register of Historic Places. Commenters requested that the EIS consult with the Northwest Information Center at Sonoma State University. Commenters inquired whether the project parcels are located within or directly adjacent to a historic district. Commenters inquired whether the property's area of potential effects (APE) includes a historic district or property. Commenters requested that the EIS identify any historical, prehistoric or paleontological resources and uses on-site and evaluate project impacts on these resources.

The Proposed Action is located adjacent to what was known during World War II as the "Outer Landing Field – Cotati" from 1943 to 1948 which has an alternative existing use as a commemorative, historic space to recognize the American War effort in World War II. Commenters inquired whether the Proposed Action would prevent the use of this adjacent alternate use. Commenters inquired whether the Proposed Action would include a method to blend historic recognition of the site's history with the proposed use.

Scope

The EIS will contain a cultural resources analysis that identifies any impacts to paleontological, historical, and archaeological resources located within the project area. The EIS process will include a cultural records search and consultation with the Native American Heritage Commission, including a review of appropriate local, state, and federal documents and literature regarding the potential for cultural resource sites to be located on the site. The EIS will include information from site visits and field review of the site in order to identify potential cultural resources that may be present on the site and any newly discovered cultural resource sites will be appropriately documented and recorded. SHPO will be consulted during the EIS process.

3.2.20 Cumulative Impacts

Comments

Commenters inquired whether the Proposed Action would have impacts that are cumulatively considerable. Commenters requested that the EIS consider project impacts that might be cumulative with other foreseeable projects in the vicinity. For cumulative impacts to traffic, groundwater, flooding, and wastewater disposal, the analysis should consider long term, as well as the immediate future. Long term would include buildout in accordance with land use maps of the County General Plan and the various city General Plans.

Commenters inquired whether the Proposed Action would result in a significant impact to population growth. Commenters requested that the EIS evaluate the cumulative impacts on traffic from the Proposed Action in combination with retail establishments in the area such as Home Depot, Costco, Walmart and Target. Commenters inquired whether the Proposed Action would result in a cumulative economic impact to other Indian tribes within 100 miles of the project site over the next ten years.

Commenters requested that the EIS determine the cumulative impact on groundwater and whether there is an adequate supply for the project that will not cause or contribute to a net deficit in aquifer volume or long term lowering of the groundwater table. The cumulative impact analysis must consider other existing water supply wells in the Santa Rosa plain groundwater basin, such as those of the cities of Rohnert Park, Cotati and Sebastopol; the County; the Sonoma County Water Agency; private water companies; and private landowners. Commenters requested that the EIS consider the potential for groundwater use by public water suppliers within the Santa Rosa groundwater basin to meet planned growth.

Scope

The EIS will address the cumulative impacts of the Proposed Action and Alternatives. “Cumulative impacts” refer to the effects of two or more projects that, when combined, are considerable or compound

other environmental effects. The EIS will discuss cumulative impacts and identify appropriate mitigation measures.

3.2.21 Other Issues

Comments

Commenters inquired what the “urban heat island” affect of the development would be. Commenters inquired whether the Tribe would use green technologies for the gaming facility. Commenters requested that the EIS discuss which building codes the project would comply with and identify whether the Tribe would agree to comply with Sonoma County’s building standards. Commenters inquired whether the Proposed Action would be required to comply with the local health and safety authorities that have jurisdiction over issues including, but not limited to, water service, sewer service, fire inspection and protection, rescue/ambulance service, food inspection, and law enforcement. Commenters request that the EIS describe what enforcement mechanisms or compliance requirements exist for agencies with local jurisdiction to ensure ongoing compliance with the issues discussed above. The commenters requested that the cities of Sebastopol, Petaluma, Cotati, and Santa Rosa, as well as the County of Sonoma all be named as “cooperating agencies” in the preparation of the EIS.

Commenters suggested that the EIS include a detailed project description indicating size, on-site location, any related/connected actions, such as infrastructure, and other possible reasonably foreseeable developments that could occur on the rest of the site. Commenters inquired whether proper notification was given for the environmental process, comment due dates, nature of the process, and public education. Commenters inquired whether the local property owners, neighbors, public and agencies be contacted during the information gathering process for the EIS. The U.S. Department of Interior and the BIA should enter into a legally binding agreement to prepare a full EIS pursuant to NEPA before taking any land into trust.

Commenters inquired whether approval of the Proposed Action would enable the approval of similar projects throughout the State. Commenters inquired whether the Proposed Action would be affected if the current Council members were recalled. Commenters inquired how community opposition affects the planning and development process of the Proposed Action.

Commenters requested that the EIS include the following:

- A detailed site plan showing all proposed structures and improvements. This must include all building, parking and circulation areas, ingress and egress to the site, utility facilities (e.g., water, wastewater and storm drainage) and any ancillary uses that are proposed for the site.
- Proposed architectural designs for all proposed structures, including building elevations.
- All proposed signage for the project, on-and off-site.
- A lighting plan for the site.
- Preliminary engineered grading and drainage plans.

- Any off-site improvements that are proposed, including off-site parking and transportation facilities.
- Operational details of the proposed facility, including number of visitors expected, hours of operation for the various components, anticipated use of the event facility, availability of alcoholic beverages (including hours that alcohol will be served), whether 18 year olds will be allowed to gamble, etc.

Documents

Commenters requested that the EIS consider the following documents prior to the approval of the Proposed Action:

- All documents from the convention on the Conservation of Migratory Species September 18-24, 2002, as well as subsequent meeting documents and policies.
- “The Ramlet Report” prepared for the County of Sonoma and the references included in that document.
- All County of Sonoma health department records for percolation test and ground water readings.
- All well driller logs from Sonoma County well drilling companies.
- Roma Gans’ book “How do birds find their way” about bird migration.
- Several flood cycles should be studied prior to casino approval
- Standards set forth by the Regional Water Quality Control Board
- American Indians, Answers to Today’s Questions by Jack Utter ISBN 0-9628075-3-2.
- Sonoma County Attachment 1: County staff’s guidelines for traffic reports
- Sonoma County Attachment 2: County staff’s proposed standards for package treatment plants
- Sonoma County Attachment 3: Sonoma County General Plan, Public Safety Element. Chapter 7B of the Sonoma County Code, and Articles 56 and 58 of Chapter 26 of the Sonoma County Code (F1 and F2 Combining Districts). A copy of the Sonoma County General Plan is located on the following website: <http://www.sonoma-county.org/prmd>
- Sonoma County Attachment 4: Sonoma County Water Agency’s flood control design criteria
- Sonoma County Attachment 5: Sonoma County Fire Code
- Sonoma County Attachment 6: Sonoma County Building Ordinance
- Sonoma County Attachment 7: County staff’s guidelines and methodology and thresholds of significance for visual impacts.

Scope

The EIS will discuss the “urban heat island” effect to the extent applicable to the Proposed Action and Alternatives. Pollution prevention, including the use of green technologies, will be addressed in the EIS. As noted in Section 1.0, Cooperating Agency participation has been formally requested of Sonoma County, the U.S. Environmental Protection Agency, the Bureau of Indian Affairs, the California Department of Transportation, the U.S. Fish & Wildlife Service, the California Department of Fish &

Game, and the U.S. Army Corps of Engineers. Requests from other agencies to participate as cooperating agency will be considered according to the requirements of NEPA. The EIS will include a detailed project description, including all proposed developments for the Proposed Action and Alternatives. Consultation and communication with the public will be conducted according to the requirements of NEPA. To the extent possible and required by NEPA, the above documents will be considered in the preparation of the EIS.

3.2.22 Mitigation Measures

The Council on Environmental Quality (CEQ) NEPA Regulations require that mitigation measures be developed for all of a proposal's effects on the environment where it is feasible to do so (CEQ 46 Fed. Reg. 18026, 19a; 40 CFR Sections 1502.14(f) and 1502.16(h)). The following summarizes specific issues and questions relating to mitigation that were raised by members of the public or by agencies during the scoping process and will be addressed in the EIS, to the extent applicable and required by NEPA.

Air Quality

Commenters inquired how the Proposed Action would mitigate incinerators, power generators, large parking facilities (1,000 or more cars), heavily traveled highways, adjacent and on-site road systems. Commenters also requested that the EIS discuss mitigation measures to reduce the impact of nuisance odors. Commenters also inquired whether the public areas of the casino and hotel resort would allow smoking. If so, commenters request that the EIS discuss what mitigations will be provided to reduce exposure to second-hand smoke.

Water Supply

Commenters requested that the EIS discuss relevant mitigation measures for land subsidence due to drilling deep wells. Commenters requested that the EIS discuss mitigation if the Proposed Action is found to have an impact on existing wells and describe how the watersheds of all bodies of water associated with the proposed wells would be protected. Commenters also requested that the EIS discuss how groundwater levels would be monitored over time. Commenters requested that the EIS consider the "Open Space, Water Resource Protection, Land Use ("O.W.L.") Foundation Report" and respond to each of the area water management, area water crisis, and groundwater overdraft scenarios described, by providing mitigation measures that would reduce impacts over the next twenty years.

Water Drainage

Commenters requested that the EIS study the current flooding conditions, the reasons the problems currently exist, the potential adverse effects of development on water flow and flooding, and determine what requirements need to be imposed to mitigate these problems. Specifically, commenters requested that the EIS discuss how the Proposed Action would mitigate the annual flooding closures of the Rohnert Park Expressway just west of the Rancho Verde Mobile Home Park and at Wilfred Avenue in the area where Primrose intersects Wilfred. Commenters also requested that the EIS discuss how the Proposed

Action would mitigate the flood prone areas surrounding the project site such as Scenic and Todd Avenues.

Commenters requested that the EIS identify whether the project site is in a 100-year or 500 year FEMA/FIRM Floodplain and describe mitigation and construction modifications to ensure compliance with the appropriate floodplain designation. Commenters requested that the EIS discuss mitigation measures that would be proposed for compliance with Water District requirements and needs of the existing canal. Commenters inquired whether the Proposed Action would require a National Pollutant Discharge Elimination System (NPDES) permit from the North Coast Regional Water Quality Control Board or the EPA.

Tribal Issues

Commenters inquired whether monetary compensation or mitigation measure agreements between the Tribe and the City of Rohnert Park would be considered binding given the Tribe's Sovereign Nation status.

Visual Resources

Commenters requested that the EIS discuss mitigation measures for light impacts including design measures that would minimize light pollution concerns regarding placement of the neon signage and the parking lot to the surrounding community. Commenters requested that the discussion state whether mitigation measures intended to reduce on-and off-site light and glare impacts would comply with local government light, glare and signage requirements. Commenters requested that the EIS discuss whether the Proposed Action would include measures to nullify or minimize land alterations or specifically consider landscape barriers (comprised of trees and bushes) or a wall to mitigate light impacts to the Mobile Home Park.

Noise

Commenters requested that the EIS consider landscape barriers (comprised of trees and bushes) or a wall to mitigate sound impacts to the Mobile Home Park and the surrounding community.

Traffic Circulation

Commenters inquired whether the Proposed Action would include measures designed to discourage the use of neighborhood roadways. Commenters also requested that the EIS discuss mitigation measures that would reduce impacts from increased traffic and associated costs. Commenters requested that these mitigation measures be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring. Commenters suggested that the EIS use Appendix B in the Department of Transportation's Guide for the Preparation of Traffic Impact Studies to calculate the project's fair share fees for transportation mitigation.

The Department of Transportation considers the following to be significant impacts that would require mitigation:

- Off-ramps with vehicle queues that extend into the ramp's deceleration area or onto the freeway.
- Vehicle queues at intersections that exceed existing lane storage.
- Traffic impacts that cause any ramp's merge/diverge level of service (LOS) to be worse than the freeway's LOS.
- Traffic impacts that cause the LOS to deteriorate below LOS E for freeways and LOS D for highways and intersections. If the LOS is already "E" or "F", then a quantitative measure of increased queue lengths and delay should be used to determine appropriate mitigation measures.

Traffic Safety

Commenters requested that the EIS discuss mitigation measures aimed at decreasing traffic accidents related to drunk driving. Commenters also requested that the EIS discuss mitigation measures that would reduce the traffic hazard from fog.

Public Transportation

Commenters inquired whether the Proposed Action would include mitigation measures that would assist in increasing the capacity of public transportation. In discussing mitigations to traffic congestion, commenters requested that the EIS evaluate the viability of a rail station within the area and the impacts of such a station, both in terms of congestion relief and on the community and surrounding roads. Commenters also requested that the EIS address necessary public transit accommodations on existing roads, such as the addition of bus "bulb outs" to remove buses from the flow of traffic, and the need for road widening to accommodate expanded transit service.

Commenters requested that the EIS evaluate the following transit alternatives as a way to mitigate air pollution and single-occupant vehicle traffic that will be generated by the Proposed Action:

- A free shuttle from the proposed Rohnert Park SMART station to and from the project site.
- Direct express bus service to and from the Golden Gate Transit ferry terminal at Larkspur.
- Local bus service as an integral component to bring visitors, as well as employees (who will be working night-shifts due to the casino being open 24 hours a day), to and from the project site.
- Buses serving the project should be electric or another clean fuel model.
- Consider operating a shuttle service between the Dry Creek Rancheria casino and the proposed Graton casino in order to reduce single occupant auto travel between the two casinos.

Roadway Infrastructure

Commenters requested that the EIS discuss whether the Proposed Action would require the construction of additional lanes on Interstate 101 and whether road-widening activities would result in the displacement of residential units in the roadway vicinity. Commenters also requested the discussion to

state whether the Tribe would contribute funds for Highway 101 improvements or other required road maintenance measures. Commenters inquired whether, in light of the state and local budget deficit, the county would have the funds to pay for the roadway improvements necessary for the Proposed Action. Commenters requested that the EIS traffic consultant work closely with City staff to insure that the traffic analysis adequately describes, assesses and mitigates potentially significant local impacts.

The following components, identified within the MOU are not currently incorporated into the Transportation Element of the City of Rohnert Park's General Plan:

- Widening of Rohnert Park Expressway.
- Installation of on-demand activated traffic light at the entrance to the Rancho Verde Mobile Home Park.
- Unspecified financial and other contributions to the Wilfred Avenue/Golf Course interchange construction and Highway 101 widening from Wilfred Avenue to Old Redwood Highway.
- Traffic engineering study to identify significant off-reservation impacts on traffic resulting from the project and potential measures to mitigate such impacts.

Commenters requested that the EIS discuss how the traffic engineering study would address these additional roadway improvements, and describe what mitigation measures would be provided to ensure roadway improvements and traffic activity are in compliance with the municipal General Plan.

Biology

Commenters inquired whether the Proposed Action would directly or indirectly impact wetlands and require the issuance of a Clean Water Act Section 404 permit.

Land Use Planning

Commenters inquired whether the design of the Proposed Action would incorporate measures such as a setback buffer to protect agriculture and minimize conflicts with adjacent agricultural uses. Commenters suggested that the EIS discuss how the removal of project parcels from the Williamson Act would be offset. Commenters requested that the EIS discuss how impacts would be mitigated to ensure that surrounding areas are protected from encroachment of additional urban uses and identify measures to promote wise, efficient and environmentally sensitive use of the project site.

Community Character

Commenters inquired whether revenue sharing from the proposed casino would mitigate impacts to community character.

Public Services

Commenters requested that the EIS identify appropriate mitigation to accommodate the additional demand for public services, including fire, police, other emergency services, schools, human and social services, solid waste services, utilities and criminal justice services resulting from the Proposed Action. Specifically, commenters requested that the mitigation measures designed to reduce impacts to law enforcement and associated costs included personnel, monitoring systems, training and counseling programs that would reduce criminal activity. Commenters also requested that the EIS discuss mitigation measures for daycare that include child safety traveling to and from daycare facilities.

Commenters requested that the EIS discuss the mitigation measures for the following public safety concerns:

- Sixteen preschools located within a two-mile radius of the project site.
- Eight elementary schools within a two-mile radius of the project site.
- Two middle schools within a two-mile radius of the project site.
- One high school, one middle school and one elementary school within one-half mile of the project site.

Socioeconomic

Commenters inquired whether there are provisions in place to ensure mitigation for impacts that are not within the MOU. Commenters requested that the EIS discuss the revenue contribution from the Proposed Action to public services such as schools, police and fire services and discuss mitigation measures that would mitigate the financial impacts of the Proposed Action.

Commenters requested that the EIS discuss the methodology of developing mitigation for reducing gambling addiction and identifying and deterring problem and at-risk gambling customers. Commenters specifically inquired whether the Proposed Action would include funding for gambling addiction rehabilitation programs and counseling services to the Rohnert Park and Sonoma County area and whether these services be available upon the opening of the proposed casino. Commenters also requested that the EIS discuss prevention and treatment programs for suicide rate, elder abuse, child abuse, crime, drug abuse, mental disorders, underage gambling in communities within 50 miles.

Hazards

Commenters requested that the EIS evaluate the potential for exposing people to hazards from fire and hazardous materials during construction and during normal business operations and identify appropriate mitigation measures. Commenters specifically inquired whether the Proposed Action would include measures to buffer the impact of potential release of hazardous materials.

Other

Commenters requested that the EIS identify sources of funding that will be in place to achieve the mitigation measures and to operate them over the long term. Commenter stated that there needs to be independent verification that funding for mitigation measures would be available at the outset and would be fiscally sustainable to operate those mitigations over the long term. Commenters requested that independent verification include an independent audit of the tribe and/or casino's books if funding for mitigation is dependent on a percentage of revenues. Commenters requested that the EIS evaluate any identified mitigation measures to determine whether the mitigations have secondary impacts, whether they are economically feasible and the timing of such mitigations relative to project implementation. The County is particularly concerned that the EIS may identify significant off-site traffic mitigation measures that would result in impacts of their own and would require significant coordination with, and potentially funding from, non-tribal entities before implementation. Commenters requested that the EIS evaluate and recommend concrete mitigation measures to reduce or eliminate impacts throughout the surrounding area, irrespective of any proposed cash payments.

Commenters requested that the EIS identify what provisions or enforceable guarantees will be made to ensure mitigation effectiveness, in both the short and long terms. Commenters inquired who would have the vested authority to enforce mitigation measures that result from environmental review in the EIS. Specifically, commenters requested that the EIS describe whether mitigation is adopted that specifies, for instance, EPA as assuming enforcement jurisdiction and responsibility for mitigation on water issues, if the tribal entity subsequently assumes TAS standard, takes that jurisdiction on itself, would third parties and interested citizens have recourse for enforcing the mitigations. In addition to NEPA requirements, Commenters inquired whether the Bureau of Indian Affairs would have its own separate mitigation requirements. Commenters requested the EIS to describe what the future mitigation monitoring by the County would include and how it would be funded. Any off-site mitigations, improvements, or requirements must also undergo a CEQA process with the local jurisdictions. Commenters inquired how legal approval of these studies would be coordinated with the EIS process for the project.

Commenters requested that the EIS specifically address whether discretionary approvals are required from the NIGC, the U.S. EPA, the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers and describe the criteria for issuing those approvals, including the ability of the federal agencies to impose any feasible mitigation. Some commenters stated that the federal government can only delegate to the tribal government those powers, which it has retained, and the federal government has delegated to California the enforcement power of some provisions in the Clean Water Act. Commenters requested that the EIS clarify whether or not the EPA has the ability to reclaim from the State Water Board jurisdiction over the permits and regulations and then vest that authority to the Tribe.

Commenters requested that the EIS identify the courts including the appellate courts having jurisdiction over on-site activities and with compliance permits associated with the development. Commenters

inquired whether any of the provisions for citizen action would be available or many environmental laws would be available under the court system used.