

# ***APPENDIX B***

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*Scoping Reports*

ENVIRONMENTAL IMPACT STATEMENT  
SCOPING REPORT

**GRATON RANCHERIA**  
CASINO AND HOTEL PROJECT

**AUGUST 2004**

Lead Agency:

National Indian Gaming Commission  
1441 L Street, NW 9th Floor  
Washington D.C. 20005



Prepared By:

Analytical Environmental Services  
2021 "N" Street, Suite 200  
Sacramento, Ca 95814  
Phone (916) 447-3479  
Fax (916) 447-1665  
[www.analyticalcorp.com](http://www.analyticalcorp.com)



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# **SECTION 1.0**

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## Introduction

# SECTION 1.0

## INTRODUCTION

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The National Indian Gaming Commission (NIGC), in cooperation with the Bureau of Indian Affairs (BIA) and Sonoma County intends to prepare an Environmental Impact Statement (EIS) for the approval of a gaming management contract and subsequent development of a casino and hotel with other ancillary uses on approximately 363 acres of land in Sonoma County, California. This scoping report describes the EIS scoping process, identifies the cooperating agencies, explains the purpose and need for the proposed action, describes the proposed project and alternatives, and summarizes the issues identified during the scoping process.

The National Environmental Policy Act (NEPA) is the basic national charter for protection of the environment. NEPA provides an interdisciplinary framework to ensure that federal agency decision-makers consider environmental factors. The key procedure required by NEPA is the preparation of an EIS for any major federal action that may significantly affect the quality of the environment. Public involvement, which is an important aspect of the NEPA procedures, is provided for at various steps in the development of an EIS. The first opportunity for the public involvement is the EIS scoping process.

### 1.1 EIS SCOPING PROCESS

The "scope" of an EIS means the range of environmental issues to be addressed, the types of project effects to be considered, and the range of project alternatives to be analyzed. The EIS scoping process is designed to provide an opportunity for the public and other federal and state agencies to provide input that will help determine the scope of the EIS.

The first formal step in the preparation of an EIS is publication of a Notice of Intent (NOI) to prepare an EIS. The NIGC published the NOI for this proposed action in the *Federal Register* on February 12, 2004 (**Appendix A**). The NOI described the proposed action and the reasons why an EIS will be prepared. A public notice announcing the proposed action and the scoping meeting was also published in the Santa Rosa Press Democrat on February 17, 2004 (**Appendix B**). The range of issues to be addressed in the EIS will be expanded based on comments received during the scoping process. A list of comment letters received is included in **Appendix C**. Comment letters received during the scoping process are included in **Appendix D**. A transcript of the public scoping meeting can be found in **Appendix E**. Notes from the March 11, 2004 scoping meeting with local jurisdictions appear in **Appendix F**.

### 1.2 COOPERATING AGENCIES

The lead agency, National Indian Gaming Commission (NIGC), may request that another agency having jurisdiction by law or having special expertise with respect to anticipated environmental issues be a

“cooperating agency.” Cooperating agencies participate in the scoping process and, on the lead agency’s request, may develop information to be included in the EIS. The NIGC will meet with the cooperating agencies periodically and keep them informed of the status of the NEPA process. Cooperating Agency is defined in The Bureau of National Affairs, Inc. publication *The Environmental Impact Statement Process* (Number 27-2<sup>nd</sup>) as follows:

*The concept of the “cooperating agency” was an innovation of the CEQ NEPA regulations. In the past, agencies other than the lead agency were unlikely to participate in the preparation of the environmental impact statement, but subsequently would comment, often unfavorably, on it. The cooperating agency concept is designed to persuade other agencies to assist the lead agency in its preparation of the environmental impact statement, and to ensure a draft statement that reflects the expertise of more varied agencies.*

*The NEPA regulations define a cooperating agency as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal” that requires an environmental impact statement. (40 C.F.R. § 1508.5) “Jurisdiction by law” refers to “agency authority to approve, veto, or finance all or part of a proposal.” “Special expertise” means statutory responsibility, agency mission, or related program expertise. A similarly qualified state or local agency or an affected Indian tribe may become a cooperating agency.*

*An agency that has “jurisdiction by law” shall be a cooperating agency upon the lead agency’s request. Any other federal agency with “special expertise” relating to pertinent environmental issues may be a cooperating agency at the lead agency’s request. An agency may also request that the lead agency designate it as a cooperating agency.”*

*The lead agency must request the participation of each cooperating agency at the earliest possible time. Further, it must use the cooperating agencies’ environmental analyses and proposals “to the maximum extent possible consistent with its responsibility as lead agency.”*

*Each cooperating agency is similarly required to participate in the process at the earliest possible time and to “assume on request of the lead agency, responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.” Cooperating agencies also must make available staff support and funding to assist the lead agency on the statement.*

*Because they are apt to be cooperating agencies in a large number of cases, agencies such as the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Fish and Wildlife Service have claimed that the cooperating*

*agency function would impinge upon their other program commitments. Therefore, the regulations permit a potential cooperating agency to inform the lead agency and CEQ that "other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement." If an agency makes such a request, it is opting out of the action – not just the cooperating agency status – and may not participate subsequently at the commenting stage.*

The NIGC has formally requested Cooperating Agency participation from the U.S. Environmental Protection Agency, Bureau of Indian Affairs, California Department of Transportation, Fish & Wildlife Service, Department of Fish & Game and the Army Corps of Engineers. The County of Sonoma submitted a formal request to the NIGC to be designated as a cooperating agency for this project. To date, the Bureau of Indian Affairs, Sonoma County, and Army Corps of Engineers are participating as Cooperating Agencies.



# **SECTION 2.0**

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## Proposed Action and Alternatives

## SECTION 2.0

### PROPOSED ACTION AND ALTERNATIVES

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#### 2.1 PURPOSE AND NEED

Implementation of the Proposed Action would assist the Federated Indians of Graton Rancheria (Tribe) in meeting the following objectives:

- Improve the socioeconomic status of the Tribe by providing an augmented revenue source that could be used to: strengthen the Tribal government, fund a variety of social, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of tribal members, and provide capital for other economic development and investment opportunities.
- Provide employment opportunities to the Tribal and non-Tribal community.
- Make donations to charitable organizations and governmental operations, including local educational institutions.
- Fund local governmental agencies, programs, and services.
- Allow the Tribe to establish economic self-sufficiency.

The unmet economic needs for the Tribe and Tribal members are evident when comparing the Tribe's socioeconomic conditions with those of the surrounding communities. The economy of the Tribe lags behind the economy of the local community in terms of the employment rate, median household income, and percentage with home ownership. The Tribe also suffers from high unemployment rates and a lack of economic development opportunities. In addition to the Tribe's depressed economic condition, a disproportionate number of Tribal members are faced with substantial health problems.

A lack of economic development opportunities exists for the Tribe primarily due to a lack of funds for project development and operation. The Tribe has no sustained revenue stream that could be used to fund programs and provide assistance to Tribal members. Among the Tribe's general membership there is presently a high reliance upon Federal and State governments for social services.

The Tribe's need for an economic base represents one of the primary purposes of IGRA. IGRA states that Congress finds "a principal goal of Federal Indian policy is to promote tribal economic development, tribal self sufficiency, and strong tribal government..." 25 U.S.C. § 2701. IGRA also states that one of the purposes of the act is "to provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments..." 25 U.S.C. § 2702.

In order to ensure that revenues raised from gaming are used to “promote tribal economic development, tribal self sufficiency, and strong tribal government,” IGRA (25 U.S.C. § 2710(b)(2)(A)) limits the use of net gaming revenues to the following:

- Funding tribal government operations or programs.
- Providing for the general welfare of the Indian tribe and its members.
- Promoting tribal economic development.
- Making donations to charitable organizations.
- Funding operations of local government agencies.

The Proposed Action would provide the Tribe with a long-term, viable, and sustainable revenue base. Class III gaming is potentially very profitable. Revenues from the operation of the casino and hotel would be used for at least the following purposes:

- Funding governmental programs and services, including housing, educational, environmental, health, and safety programs and services.
- Hiring additional staff, upgrading equipment and facilities, and generally improving governmental operations.
- Decreasing the Tribe's and Tribal member's dependence on Federal and State grants and assistance programs.
- Making donations to charitable organizations and governmental operations, including local educational institutions.
- Funding local governmental agencies, programs, and services.
- Providing capital for other economic development and investment opportunities, allowing the Tribe to diversify its holdings over time, so that it is no longer dependent upon the Federal or State government or even upon gaming to survive and prosper.

Each of these purposes is consistent with the limited allowable uses for gaming revenues, as required by IGRA. The casino, hotel, and related facilities would also provide employment opportunities for Tribal members as well as local non-Tribal residents. Operation of the casino, hotel, and related facilities would require the purchase of goods and services, increasing opportunities for local businesses and stimulating the local economy. Likewise, the wages paid and benefits provided to employees of the casino, hotel and related facilities will be predominately spent in the local community, also increasing opportunities for local businesses.

The Tribal government's purpose for requesting the approval of the proposed management contract is to team with SC Sonoma Management LLC to develop and manage a casino and hotel resort. The Tribal government needs a developer/manager because the Tribe alone cannot secure the necessary financing to develop this project and lacks the necessary expertise to design, develop, build or manage such a resort.

## 2.2 ALTERNATIVES IDENTIFIED BY THE PUBLIC

This section summarizes public comments identified during the EIS scoping process regarding the evaluation of alternatives to the Proposed Action. Many commenters requested that the EIS evaluate specific alternative locations such as Skaggs Island, the former Agilent/Hewlett Packard complex on Valley Home Drive, the Highway 37/Lakeville Road site, Hamilton Air Force Base, Mare Island Naval Ship Yard, Mecham Road landfill, and the former drive-in movie theater at the Sonoma/Marin County border. Some commenters requested that the Tribe consider a more rural setting for the Proposed Action. One commenter requested that the EIS evaluate the suitability of all twelve alternative sites that were outlined in Betting Magazine (June 12, 2003). Another commenter requested the evaluation of the alternatives presented to the City Council in August 2003. Some commenters questioned whether the Tribe already owns land that is considered reservation land and could be developed for the Proposed Action. One commenter requested a no-action alternative to be evaluated. One commenter requested the evaluation of an agricultural alternative use of the proposed site in lieu of a casino and hotel. Another commenter suggested that a non-gaming alternative be analyzed.

Some commenters requested that the EIS evaluate project alternatives that substantially reduce the potential impacts, including at least one reduced-scale alternative for the project, as well as at least two alternative sites located elsewhere in the Tribe's aboriginal range. Some commenters requested the evaluation of an alternative for tribal trust land that is consistent with local General Plans (i.e. on a site designated and zoned for commercial use). The commenters suggested the alternatives be evaluated in the context of the impact areas (aesthetics, transportation, water quality and hydrology) including: siting and access options at the proposed site, types of wastewater disposal systems, and the provision of alternate water supplies and/or offsets to the water supply system (i.e. offsetting existing nearby urban irrigation uses to allow for increased groundwater use).

## 2.3 ALTERNATIVES ANALYZED WITHIN THE EIS

The EIS will analyze five development alternatives and a no action alternative.

### 2.3.1 Alternative A – Proposed Action

The Proposed Action analyzed in the EIS will be the approval of the Tribe's management contract with SC Sonoma Management LLC. The foreseeable consequence of this action will be the development of a casino and hotel resort on approximately 363 acres of land that will be taken into trust for the Tribe (project site). The project site is located in central Sonoma County adjacent to the western border of the City of Rohnert Park (Figure 2-1, Figure 2-2). The approximately 363-acre project site is bordered by Wilfred Avenue, residences, and agricultural land to the north; Stony Point Road, agricultural land, and a dairy to the west; Rohnert Park Expressway, agricultural land and the Laguna de Santa Rosa to the south; and a mobile home park, a business park, and agricultural land to the east (Figure 2-3). United States Route 101 (US-101) provides regional access to the project site from the San Francisco Bay Area to the south and Santa Rosa, which is located approximately seven miles to the north. Local access to

the project site is provided from Rohnert Park Expressway, Wilfred Avenue, and Stony Point Road. Rohnert Park Expressway and Wilfred Avenue provide access from Rohnert Park and US-101. Stony Point Road provides access from Santa Rosa to the north and Petaluma to the south.

The project site is currently used for agricultural and grazing purposes and is largely undeveloped. The only building present on the project site is a barn on the northwest corner of the site that periodically houses cattle.

### ***Casino and Hotel***

The development of a casino and hotel resort is planned on the northwest corner of the project site. The remainder of the project site would remain undeveloped and would be used for pasture, biological habitat, and/or recycled water sprayfields. The casino and hotel resort would include restaurants, a performing arts venue, banquet/meeting space, and a pool and spa. Table 2-1 shows the breakdown of proposed uses with associated square footages for the proposed casino and hotel resort. Alcohol would be served throughout the resort, including the gaming floor. Accordingly gaming patrons would be required to be 21 years old or over.

### ***Gaming Management Contract***

The Tribe and SC Sonoma Management LLC have entered into a development contract and a management contract for the construction and operation of the resort. Pursuant to the Indian Gaming Regulatory Act (Title 25 of the United States Code, Sections 2701 to 2721), the NIGC must review and approve the management contract. The NIGC provides regulatory oversight on tribal gaming operations to ensure the safety of the operations and the integrity of the games.

### ***Project Construction***

Alternative A would be constructed after the project site has been placed into federal trust. Construction would involve earthwork, placement of concrete foundations, steel, wood, and concrete structural framing, masonry, electrical and mechanical work, building and site finishing, and paving, among other construction activities.

### ***Grading and Drainage***

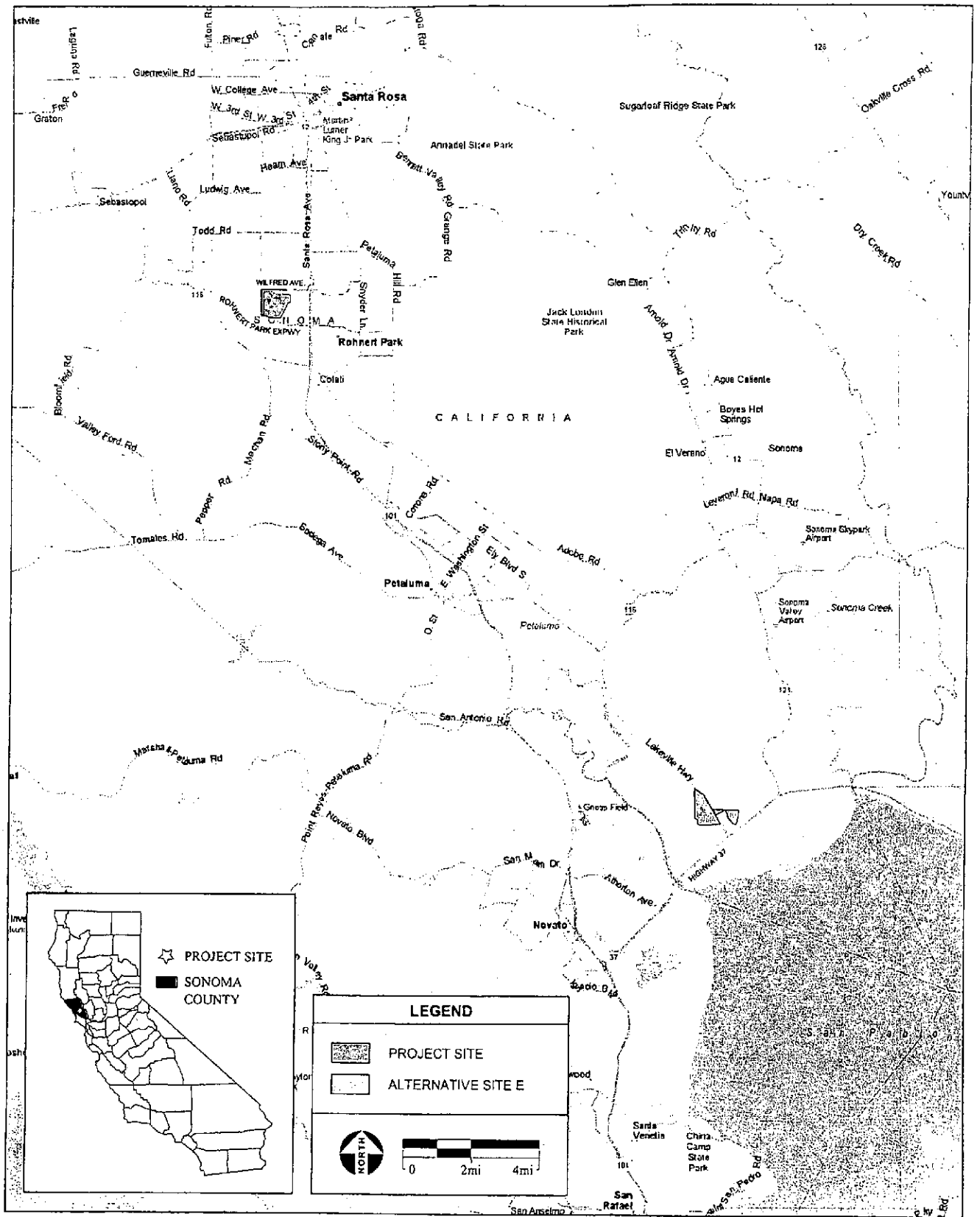
Alternative A would involve grading and modification of existing drainage patterns. A stormwater detention basin would be constructed to attenuate the increase in peak flows that could result from the project site during a storm event.

**TABLE 2-1  
ALTERNATIVE A – PROPOSED ACTION COMPONENTS**

Area	Seats/Rooms/Parking Spaces	Square Footage
<b>CASINO &amp; ENTERTAINMENT</b>		
<i>Casino</i>		
Casino Gaming		80,000
Casino Circulation		26,000
High Limit Gaming		5,000
Asian Gaming		3,600
Salons (2)		4,000
Entry Vestibules (5)		2,500
Restrooms (5)		6,000
Rewards Center		750
Cage		6,000
Back of House		70,000
Retail		1,000
<i>Food and Beverage</i>		
Buffet	500 seats	23,500
Bars (3)		4,500
Service Bars (4)		4,000
Lease Restaurants (3)	480 seats	20,000
Coffee Shop	225 seats	8,800
Steakhouse	200 seats	10,000
Food Court (6 tenants)	210 seats	12,600
<i>Entertainment</i>		
Nightclub		6,500
Performing Arts	1,500 seats	35,400
Lounge		8,000
<i>Banquet</i>		
Banquet/Meeting Space		30,000
Pre-function/Kitchen/Storage/Office/Support		40,000
<b>Total Casino &amp; Ent. Square Footage</b>		<b>408,150</b>
<b>HOTEL &amp; SPA</b>		
<i>Hotel</i>		
Lodging Area	300 rooms (20% suites)	291,000
Lobby/Bar/Back of House		13,750
Sundries		1,000
<i>Pool &amp; Spa</i>		
Spa		20,000
Pool Restrooms		2,600
Pool Concessions		1,500
Pool Grill		3,000
<b>Total Hotel &amp; Spa Square Footage</b>		<b>332,850</b>
<b>CENTRAL PLANT</b>		
<b>Alternative A Total Square Footage</b>		<b>762,300</b>
<b>PARKING</b>		
Surface Parking	4,404 parking spaces	
Parking Structure	2,000 parking spaces	
<b>Alternative A Total Parking Spaces</b>	<b>6,404 parking spaces</b>	

NOTE: All figures are approximate.

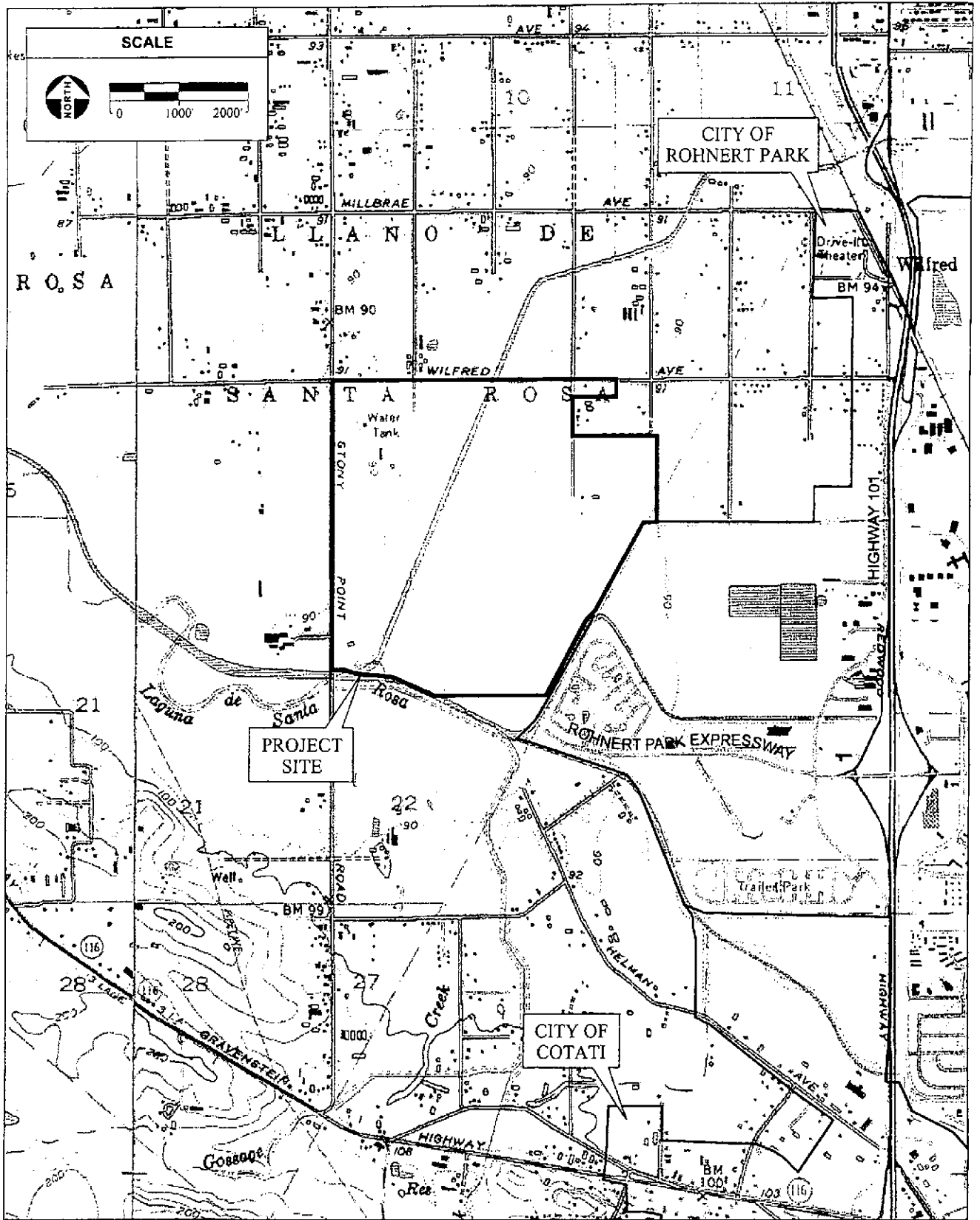
SOURCE: Friedmutter Group, 2004; AES, 2004.



SOURCE: Microsoft Streets & Trips, 2003 ; AES, 2004

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**Figure 2-1**  
Regional Location



SOURCE: "Cotati, CA" USGS 7.5 Minute Topographic Quadrangle,  
 Un-sectioned Area "Llano De Santa Rosa", T6N, R8W, Mt. Diablo Baseline and Meridian ; AES, 2004

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Figure 2-2  
 Site and Vicinity





Figure 2-3  
Aerial Site Map

### **Wastewater Treatment Facility**

An on-site wastewater treatment facility is planned for the proposed development to satisfy standards established by the U.S. Environmental Protection Agency (EPA). The Tribe proposes to use an immersed membrane bioreactor (MBR) system as the wastewater treatment process to provide the highest quality of water for reuse or disposal. Elements of the wastewater treatment and disposal facility include a wastewater treatment plant, wastewater piping, a wastewater disposal area, and recycled water impoundment. Wastewater disposal would take place both by discharge to the Laguna de Santa Rosa and by discharge to sprayfields.

### **Water Supply**

Water for domestic use, emergency supply, and fire protection would be provided by on-site wells. Elements of the proposed on-site water facilities include two on-site wells, an iron and manganese treatment plant, a steel water storage tank, and a water distribution pump system.

### **2.3.2 Alternative B – Alternate On-Site Location**

Alternative B consists of development of a casino and hotel resort in an alternative on-site location. Under Alternative B, the casino and hotel resort would be located in the northeast corner of the project site. The components of the casino and hotel resort would be identical to those proposed for Alternative A (see **Table 2-1**). Project construction and water/wastewater options would not differ from Alternative A. Of course, grading and drainage would change only to the extent necessitated by the topography of the alternative on-site locations. Under Alternative B, the NIGC would be responsible for approving a management contract between the Tribe and SC Sonoma Management LLC. Please refer to the discussions under Alternative A for more detail.

### **2.3.3 Alternative C - Reduced Intensity**

Alternative C consists of a smaller-scale version of Alternative A. The components of the reduced intensity casino and hotel resort are displayed in **Table 2-2**. Project construction, grading/drainage, and water/wastewater options would be smaller in scope when compared with Alternative A. Under Alternative C, the NIGC would be responsible for approving a management contract between the Tribe and SC Sonoma Management LLC. Please refer to the discussions under Alternative A for more detail.

TABLE 2-2  
ALTERNATIVE C – REDUCED INTENSITY ALTERNATIVE COMPONENTS

Area	Seats/Rooms/Parking Spaces	Square Footage
<b>CASINO &amp; ENTERTAINMENT</b>		
<i>Casino</i>		
Casino Gaming		65,000
Casino Circulation		26,000
High Limit Gaming		5,000
Asian Gaming		3,600
Salons (2)		4,000
Entry Vestibules (5)		2,500
Restrooms (5)		6,000
Rewards Center		750
Cage		6,000
Back of House		55,000
Retail		1,000
<i>Food and Beverage</i>		
Buffet	500 seats	23,500
Bars (3)		4,500
Service Bars (4)		4,000
Lease Restaurants (2)	280 seats	12,000
Coffee Shop	225 seats	8,800
Steakhouse	200 seats	10,000
Food Court (6 tenants)	210 seats	12,600
<i>Entertainment</i>		
Lounge		8,000
<i>Banquet</i>		
Banquet/Meeting Space		30,000
Pre-function/Kitchen/Storage/Office/Support		5,000
<b>Total Casino &amp; Ent. Square Footage</b>		<b>293,250</b>
<b>HOTEL</b>		
<i>Hotel</i>		
Lodging Area	100 rooms (10% suites)	77,000
Lobby/Bar/Back of House		13,750
Sundries		1,000
<i>Pool</i>		
Pool Restrooms		2,600
Pool Concessions		1,500
Pool Grill		3,000
<b>Total Hotel &amp; Spa Square Footage</b>		<b>98,850</b>
<b>CENTRAL PLANT</b>		<b>21,300</b>
<b>Alternative C Total Square Footage</b>		<b>413,400</b>
<b>PARKING</b>		
Surface Parking	2,650 parking spaces	
Parking Structure	2,000 parking spaces	
<b>Alternative C Total Parking Spaces</b>	<b>4,650 parking spaces</b>	

NOTE: All figures are approximate.

SOURCE: Friedmutter Group, 2004; AES, 2004.

### 2.3.4 Alternative D – Alternate Use

Alternative D consists of the development of a business park on the northwest corner of the project site. Table 2-3 details the square footage of each project component. Under this alternative the NIGC would not approve a management contract between the Tribe and SC Sonoma Management LLC.

#### *Project Construction*

Alternative D would be constructed after the project site has been placed into federal trust. Build out would take place over time, as tenants occupy space within the business park. Construction would involve earthwork, placement of concrete foundations, steel, wood, and concrete structural framing, masonry, electrical and mechanical work, building and site finishing, and paving, among other construction activities.

TABLE 2-3  
ALTERNATIVE D – ALTERNATE USE ALTERNATIVE COMPONENTS

Area	Seats/Rooms/Parking Spaces	Square Footage
<b>BUSINESS PARK</b>		
Light Industrial Businesses		400,000
Commercial Businesses		100,000
<b>Alternative D Total Square Footage</b>		<b>500,000</b>
<b>PARKING</b>		
Surface Parking	2,000 parking spaces	
<b>Alternative D Total Parking Spaces</b>	<b>2,000 parking spaces</b>	
NOTE: All figures are approximate.		
SOURCE: AES, 2004.		

#### *Grading and Drainage*

Alternative D would involve grading and modification of existing drainage patterns. A stormwater detention basin would be constructed to attenuate the increase in peak flows that could result from the project site during a storm event.

#### *Wastewater Treatment Facility*

An on-site wastewater treatment facility would be utilized for Alternative D to satisfy standards established by the U.S. Environmental Protection Agency (EPA). Elements of the wastewater treatment and disposal facility include a wastewater treatment plant, wastewater piping, a wastewater disposal area, and recycled water impoundment.

#### *Water Supply*

Water for domestic use, emergency supply, and fire protection would either be provided by an off-site water utility or supplied by on-site wells. Elements of the on-site water facilities would include two on-site wells, an iron and manganese treatment plant, a steel water storage tank, and a water distribution pump system.

### **2.3.5 Alternative E – Alternate Off-Site Location**

Under Alternative E, the casino and hotel would be developed on one of the sites identified during the scoping process and listed in Section 2.2. Components of the casino and hotel resort would be similar to those proposed for Alternative A (see Table 2-1). Under Alternative E, the NIGC would be responsible for approving a management contract between the Tribe and SC Sonoma Management LLC. Please refer to the discussions under Alternative A for more detail.

### **2.3.6 Alternative F - No Action**

Under the No Action Alternative, the NIGC would not approve a management contract between the Tribe and SC Sonoma Management LLC and no development would take place on the project site. For the purposes of the environmental analysis in this EIS, it is assumed that the project site would continue to be utilized for grazing and agricultural land uses under this alternative.

### **2.3.7 Alternatives Eliminated from Further Consideration**

The Graton Rancheria Restoration Act of 2000 (25 U.S.C. 1300n) restored the Tribe's federally recognized status and allowed the Tribe to establish a reservation anywhere within its designated service area of Marin and Sonoma counties. Following restoration, the Tribe explored a number of economic development opportunities other than tribal gaming in an effort to identify a business venture capable of attracting the financing required to acquire a land base and establish an enterprise that would in turn generate a revenue stream significant enough to support a strong Tribal government. In each instance, the Tribe eliminated the development alternative from further consideration because of inadequate financing and/or because the projected revenue stream was inadequate. Eventually, the Tribe settled on tribal gaming as the best opportunity to pursue its goals for economic development and Tribal self-reliance.

Before selecting the Rohnert Park site for the development of a casino and hotel resort, the Tribe identified approximately 48 potential sites within its aboriginal territory, including the SR-37/Lakeville Highway site noted above as Alternative E. The Tribe's aboriginal territory roughly corresponds with the designated service area of Marin and Sonoma counties provided for in the Tribe's Restoration Act identified above. Consistent with current land use patterns (and topographical and natural barriers to development), most of the potential development sites were located within or near urban areas situated along the Highway 101 corridor. The majority of the alternative sites were quickly eliminated for a variety of reasons, environmental, infrastructure and otherwise. After considerable deliberation, and in consultation with Sonoma County and local officials, the Tribe narrowed its range of sites down to eight sites, including the project site. Ultimately, the other seven sites were eliminated in favor of the project site, again for a variety of reasons related to the purpose and need for the Proposed Action. The EIS will describe the main reasons for eliminating these seven sites.

## **SECTION 3.0**

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### **Issues Identified During Scoping**

# SECTION 3.0

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## 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. 4<sup>th</sup> 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, Benshoof, 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 Action 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 of 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.



## ***SECTION 4.0***

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### **EIS Schedule and Public Review**

## **SECTION 4.0**

### **EIS SCHEDULE AND PUBLIC REVIEW**

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The current schedule anticipates that the Draft EIS will be available for public review in the fall of 2004. The public review period for the Draft EIS will be 45 days. A public hearing on the Draft EIS will be held during the review period. The Final EIS is currently scheduled to be available for review in early 2005. A decision on the project may be made 30 days after the Final EIS is released.

Appendices to the Scoping Report are available at the BIA upon request.

ENVIRONMENTAL IMPACT STATEMENT  
SUPPLEMENTAL SCOPING REPORT

**GRATON RANCHERIA**  
CASINO AND HOTEL PROJECT

**FEBRUARY 2006**

Lead Agency:

National Indian Gaming Commission  
1441 L Street, NW 9th Floor  
Washington D.C. 20005



Prepared By:

Analytical Environmental Services  
2021 "N" Street, Suite 200  
Sacramento, Ca 95814  
Phone (916) 447-3479  
Fax (916) 447-1665  
[www.analyticalcorp.com](http://www.analyticalcorp.com)



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# ***SECTION 1.0***

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Introduction

# SECTION 1.0

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## INTRODUCTION

This Supplemental Scoping Report has been prepared because a new proposed casino site has been identified by the Federated Indians of Graton Rancheria (Tribe). The National Indian Gaming Commission (NIGC), in cooperation with the Bureau of Indian Affairs (BIA), Army Corps of Engineers, and Sonoma County, is preparing an Environmental Impact Statement (EIS) to evaluate approval of a gaming management contract and alternatives to that action. One of the foreseeable consequences of approving such a contract is the development of a casino and hotel with other ancillary uses on an approximately 252-acre site in Sonoma County, California, referred to as the Wilfred Site. The Wilfred Site is adjacent to the formerly proposed Stony Point Site and incorporates the southern half of the Stony Point Site, considered in the previous scoping report. The new location on the Wilfred Site is being considered to avoid environmental concerns discovered on the Stony Point Site, particularly impacts to wetlands.

This scoping report describes the supplemental scoping process, identifies the cooperating agencies, describes the changes in the proposed project and alternatives, and summarizes the new issues identified during the supplemental scoping process. This scoping report supplements the prior scoping report for the Graton Rancheria Casino and Hotel Project dated August of 2004. The August 2004 scoping report is contained in **Appendix A** (minus appendices). Information including purpose and need for the project, and alternatives identified by the public can be found in the prior scoping report. As stated in the supplemental Notice of Intent (NOI) “all the information and comments gathered in response to the earlier NOI remain in the record, and there is no need to repeat information submitted at that time” (**Appendix B**). Given that Wilfred Site is located close to the originally proposed Stony Point Site, the environmental concerns identified in the initial scoping process will be considered for the Wilfred Site.

The National Environmental Policy Act (NEPA) is the basic national charter for protection of the environment. NEPA provides an interdisciplinary framework to ensure that Federal agency decision-makers consider environmental factors. The key procedure required by NEPA is the preparation of an EIS for any major Federal action that may significantly affect the quality of the environment. Public involvement is an important aspect of the NEPA procedures and is provided for at various steps in the development of an EIS, including the scoping process.



## 1.1 SUPPLEMENTAL SCOPING PROCESS

The “scope” of an EIS means the range of environmental issues to be addressed, the types of effects to be considered, and the range of alternatives to be analyzed. The EIS scoping process is designed to provide an opportunity for the general public and Federal, state, local, and tribal agencies to provide input that will help determine the scope of the EIS.

The scoping process began with the publication of a NOI to prepare an EIS in the *Federal Register* on February 12, 2004. The NOI described the Proposed Action and the reasons why an EIS would be prepared. The NOI, which announced the public scoping meeting, was published in the Santa Rosa Press Democrat on February 17, 2004. A public scoping meeting was then held on March 10, 2004 and a scoping meeting with local jurisdictions occurred on March 11, 2004. Scoping comments were accepted until April 1, 2004. A scoping report was issued that describes the scoping process; cooperating agencies; Proposed Action and alternatives; issues identified during the comment period; and expected scope of the EIS (**Appendix A**). The scoping report was made available to interested parties. Public notices, comment letters, a transcript of the public scoping meeting, and notes from the scoping meeting with local jurisdictions were included as appendices to the scoping report.

Since the release of the scoping report the location for the proposed casino/hotel has changed from the Stony Point Site to the Wilfred Site. A supplemental scoping process was initiated to address this change and allow an opportunity for the general public, and Federal, state, local, and tribal agencies to comment on the new proposed casino/hotel location on the Wilfred Site. The information gathered in the original scoping process will remain on record. A supplemental NOI was published in the *Federal Register* on September 29, 2005 (**Appendix B**). The NOI, which announced the second public scoping meeting, was published in the Santa Rosa Press Democrat and the Marin Independent Journal on September 27, October 9, and October 16, 2005 (**Appendix C**). A public scoping meeting was held on October 19, 2005. Scoping comments were accepted until November 4, 2005. Scoping meetings were held with the City of Rohnert Park on October 18, 2005 and Sonoma County on October 19, 2005. Notes from the meetings are included in **Appendix H**.

## 1.2 COOPERATING AGENCIES

The lead agency, NIGC, has requested that other agencies having jurisdiction by law or having special expertise with respect to anticipated environmental issues be cooperating agencies. Cooperating agencies participate in the scoping process and in reviewing preliminary drafts of the EIS. At the lead agency’s request, a cooperating agency may also develop information to be included in the EIS. The NIGC will contact the cooperating agencies periodically and keep them informed of the status of the NEPA process. To date, the Bureau of Indian Affairs, Sonoma County, and Army Corps of Engineers are participating as Cooperating Agencies.

### **1.3 EIS SCHEDULE AND PUBLIC REVIEW**

The current schedule anticipates that the Draft EIS will be available for public review in the summer of 2006. The public review period for the Draft EIS will be 45 days. A public hearing on the Draft EIS will be held during the review period. A Final EIS will be prepared, which will include responses to all substantive comments made on the Draft EIS. The Final EIS is currently expected to be available for review in spring of 2007. A decision on the project may be made 30 days after the Final EIS is released.

## ***SECTION 2.0***

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Proposed Action and Alternatives

# SECTION 2.0

## PROPOSED ACTION AND ALTERNATIVES

### 2.1 ALTERNATIVES ANALYZED WITHIN THE EIS

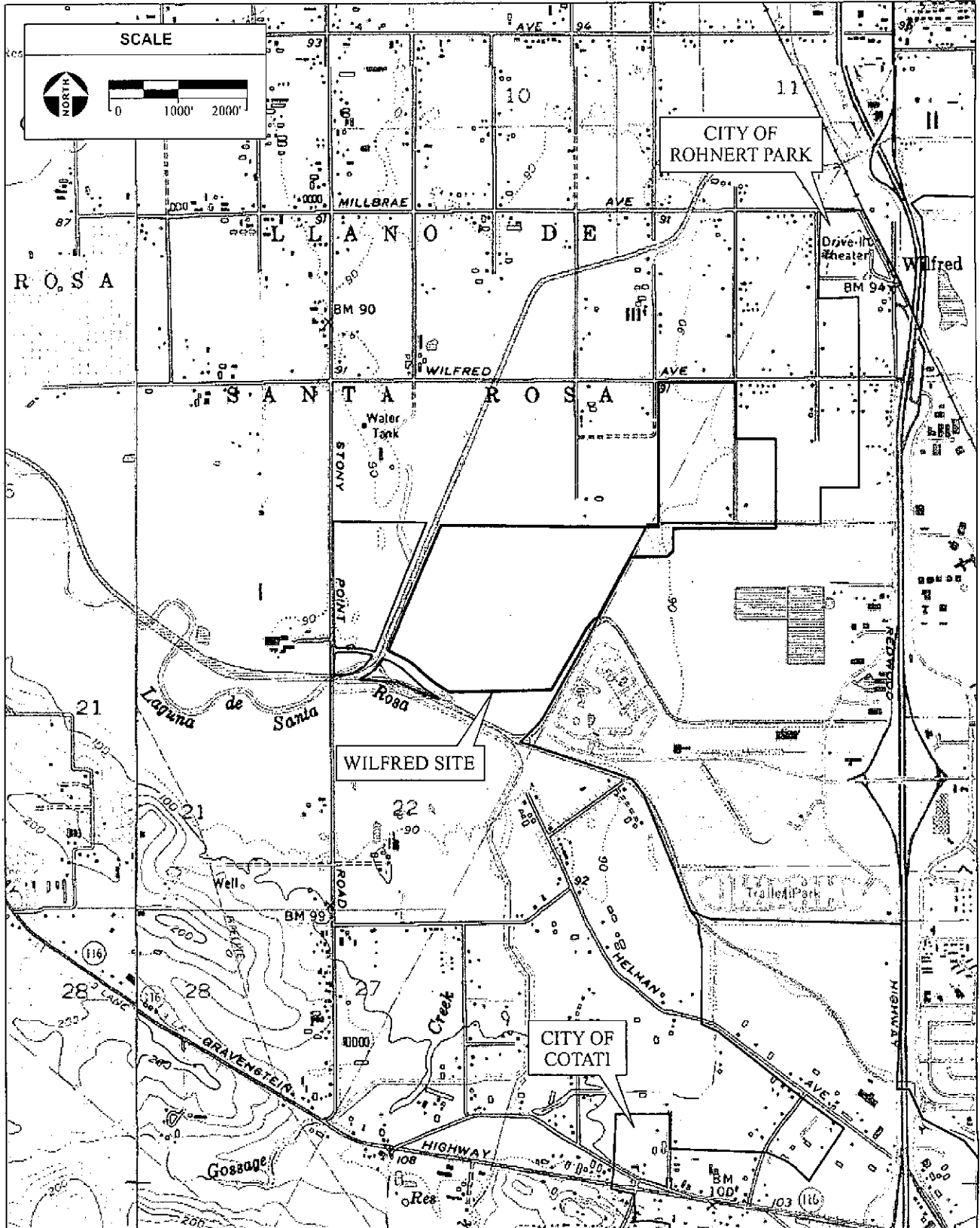
The EIS will analyze the same five alternatives addressed in the initial scoping report with the addition of one new alternative. Originally, a casino and hotel development was proposed on a site in southern Sonoma County near the intersection of Lakeville Highway and State Route 37. Due to environmental concerns of proximity to the San Pablo Bay and increased traffic another location was considered. A 322-acre portion of this site, referred to as the Lakeville Site, will be included in the EIS as the development site for Alternative F. The second development site proposed was the 360-acre property known as the Stony Point Site. The Stony Point Site is considered in this EIS as the development site for Alternatives B, C, D and E. During preparation of this EIS, numerous environmental constraints from development at the Stony Point Site were identified, including wetlands and flooding. Therefore, the casino-hotel resort is now proposed on the approximately 252-acre project site, referred to as the Wilfred Site. The Wilfred site includes the southern 182 acres of the Stony Point Site and a new 70-acre portion of land to the northeast. This added alternative is the new Alternative A and the other alternatives have been reorganized accordingly. A handout distributed at the supplemental scoping meeting, which outlined the alternatives, is included as **Appendix G**.

#### 2.1.1 ALTERNATIVE A – WILFRED SITE CASINO

Alternative A consists of the National Indian Gaming Commission's (NIGC) approval of a management contract between the Tribe and SC Sonoma Management, LLC. The foreseeable consequence of this action would be the development of a casino-hotel resort on a portion of approximately 252 acres of land (Wilfred Site) that would be taken into trust for the Tribe.

**Figure 2-1** shows the regional location of the Wilfred Site in central Sonoma County. The Wilfred Site is adjacent to the western boundary of the City of Rohnert Park as shown in **Figure 2-2**. The Wilfred Site is bordered by Wilfred Avenue, residences, and farmland to the north; Stony Point Road, residences, farmland, and a dairy to the west; Business Park Drive, light industrial land uses, Rohnert Park Expressway, farmland, and the Laguna de Santa Rosa to the south; and a business park, mobile home park, and farmland to the east. **Figure 2-3** shows an aerial photo of the Wilfred Site. The Wilfred Site is composed of 11 separate parcels owned in fee by SC Sonoma Development, LLC. U.S. Route 101 (US-101) provides regional access from the San Francisco Bay Area to the south and from Santa Rosa,





SOURCE: "Cotati, CA" USGS 7.5 Minute Topographic Quadrangle, Un-sectioned Area "Llano De Santa Rosa", T6N, R8W, Mt. Diablo Baseline and Meridian; AES, 2004

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**Figure 2-2**  
Wilfred Site – Site and Vicinity



SOURCE: Aerial Photography August 2002; AES, 2005

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**Figure 2-3**  
Wilfred Site – Aerial Site Map

approximately seven miles to the north. Local access to the Wilfred Site is provided from Business Park Drive and Wilfred Avenue, both of which connect to Rohnert Park and US-101.

Alternative A consists of the same components as described in the previous scoping report, comprising 762,300 square feet of building space (**Appendix A**). The casino-hotel resort is planned on the northeast portion of the Wilfred Site. The remainder of the Wilfred Site would remain undeveloped and would be used for pasture, biological habitat, detention basins, and/or recycled water sprayfields. The two-story casino would consist of a mixture of uses, including: gaming; retail; food and beverage areas; an entertainment venue; and banquet/meeting space. The 8-story hotel would include 300 rooms adjacent to a pool and spa.

### **2.1.2 ALTERNATIVE B – NORTHWEST STONY POINT CASINO**

Alternative B consists of the development of a casino-hotel resort on the northwest portion of the Stony Point Site. The Stony Point Site is an approximately 360-acre site located in central Sonoma County adjacent to the western border of the City of Rohnert Park (**Figure 2-4**). **Figure 2-5** shows an aerial photo of the Stony Point Site. In the previous scoping report this alternative was identified as Alternative A; the location and components have remained the same (**Appendix A**). Under Alternative B, the NIGC would be responsible for approving a management contract between the Tribe and SC Sonoma Management, LLC.

### **2.1.3 ALTERNATIVE C – NORTHEAST STONY POINT CASINO**

Alternative C consists of the development of a casino-hotel resort on the northeast portion of the Stony Point Site. In the previous scoping report this alternative was identified as Alternative B; the location and components have remained the same (**Appendix A**). Under Alternative C, the NIGC would be responsible for approving a management contract between the Tribe and SC Sonoma Management, LLC.

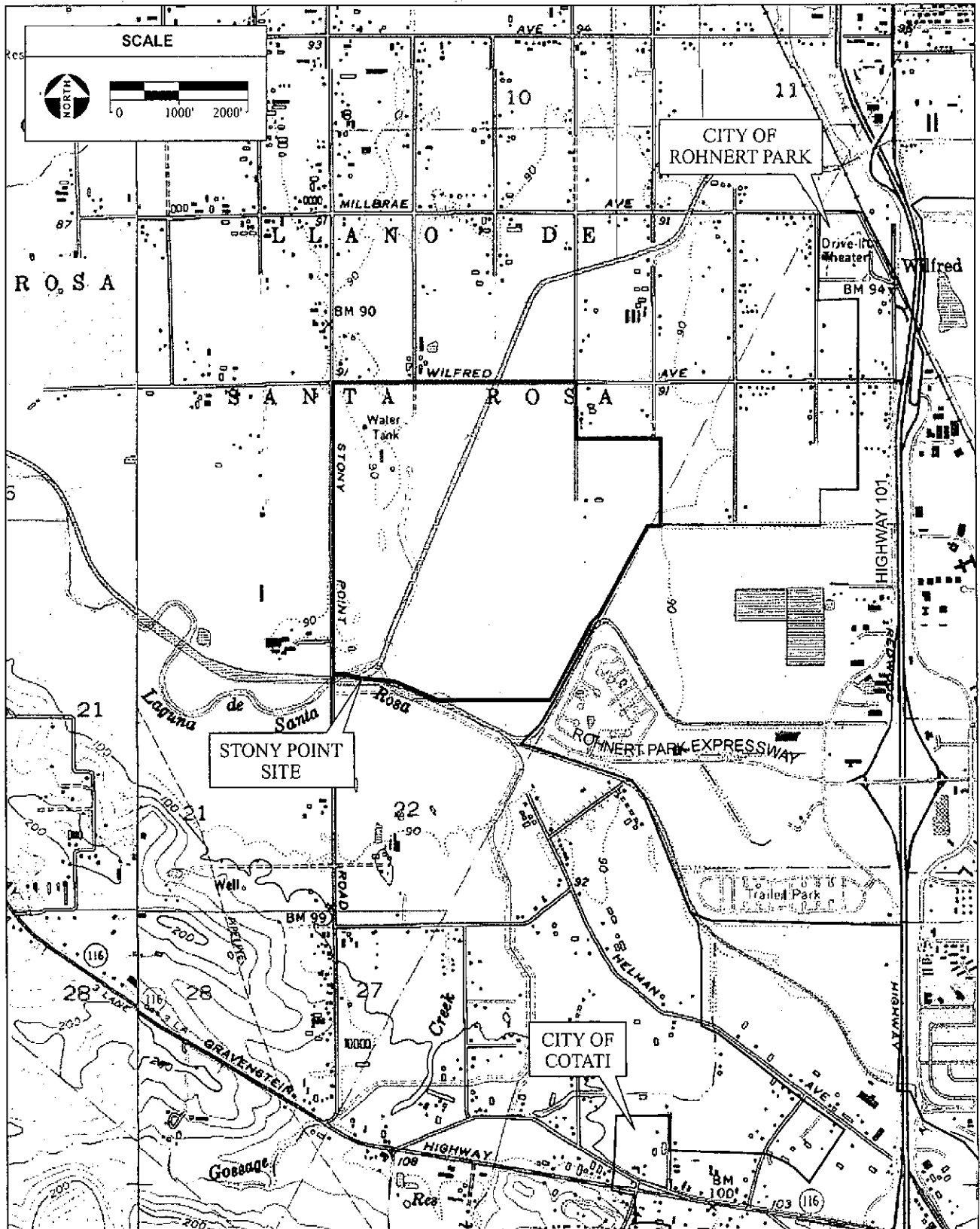
### **2.1.4 ALTERNATIVE D – REDUCED INTENSITY**

Alternative D consists of a smaller-scale version of Alternative A on the northwest corner of the Stony Point Site. In the previous scoping report this alternative was identified as Alternative C; the location and components have remained the same (**Appendix A**). Under Alternative D, the NIGC would be responsible for approving a management contract between the Tribe and SC Sonoma Management, LLC.

### **2.1.5 ALTERNATIVE E – BUSINESS PARK**

Alternative E consists of the development of a business park on the northwest corner of the Stony Point Site. This was included in the previous scoping report as Alternative D; the location and components have remained the same (**Appendix A**).





SOURCE: "Cotati, CA" USGS 7.5 Minute Topographic Quadrangle,  
 Un-sectioned Area "Llano De Santa Rosa", T6N, R8W,  
 Mt. Diablo Baseline and Meridian; AES, 2006

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**Figure 2-4**  
 Stony Point Site – Site and Vicinity



SOURCE: Aerial Photography August 2002; AES, 2006

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**Figure 2-5**  
Stony Point Site – Aerial Site Map

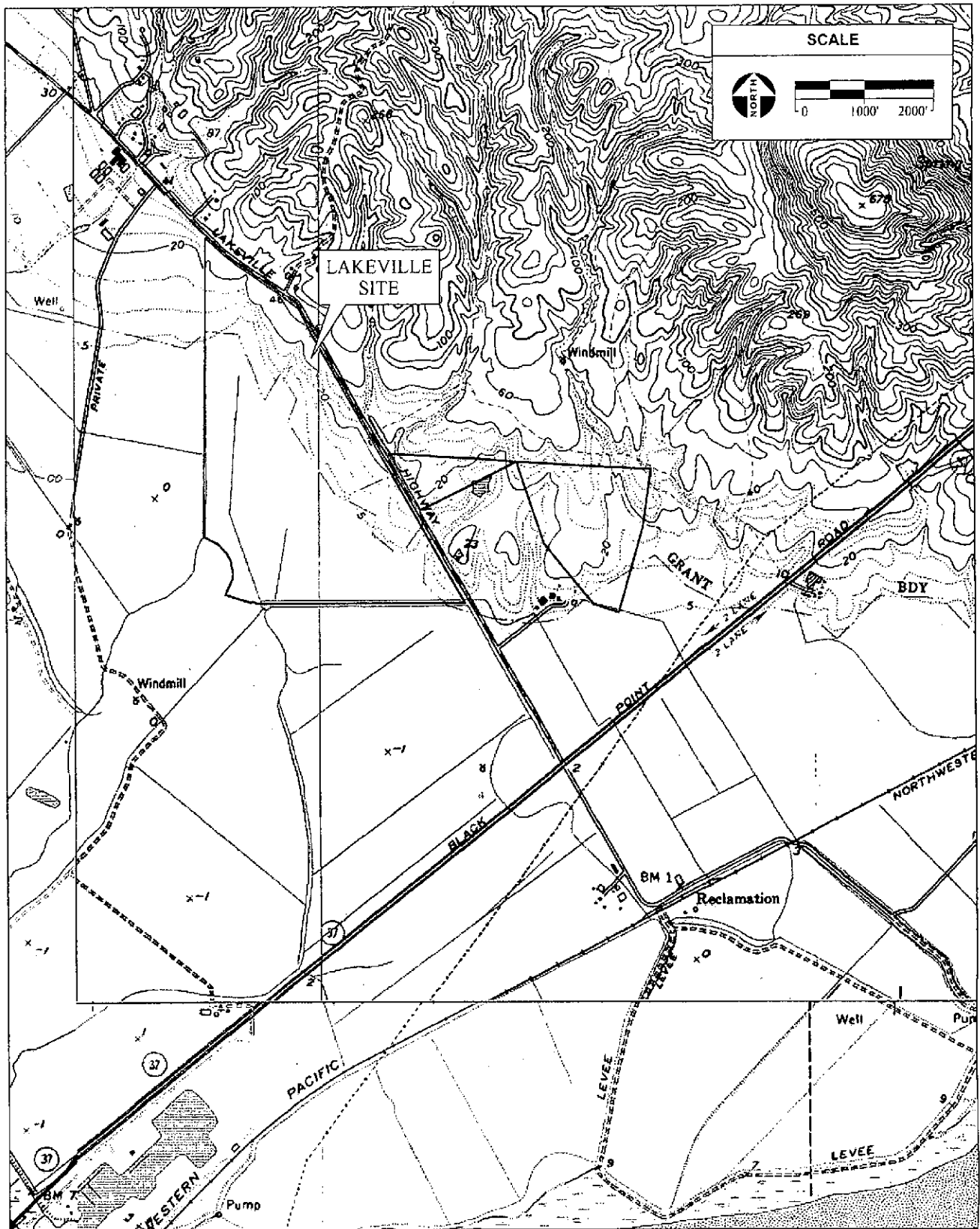
### 2.1.6 ALTERNATIVE F – LAKEVILLE CASINO

Under Alternative F, the casino-hotel resort would be developed on the Lakeville Site. The Lakeville Site is located in southern Sonoma County near the intersection of Lakeville Highway and State Route 37 (Figure 2-1). The approximately 322-acre site is bisected by Lakeville Highway and bordered on all sides by rural residential/grazing land. Figure 2-6 shows the vicinity of the Lakeville Site. Figure 2-7 shows an aerial photo of the Lakeville Site. Lakeville Highway provides local and regional access to the Lakeville Site from the San Francisco Bay Area to the south and central and northern Sonoma County to the north.

Components of the casino and hotel resort would be identical to Alternative A. Under Alternative F, the NIGC would be responsible for approving a management contract between the Tribe and SC Sonoma Management, LLC.

### 2.1.7 ALTERNATIVE G – NO ACTION

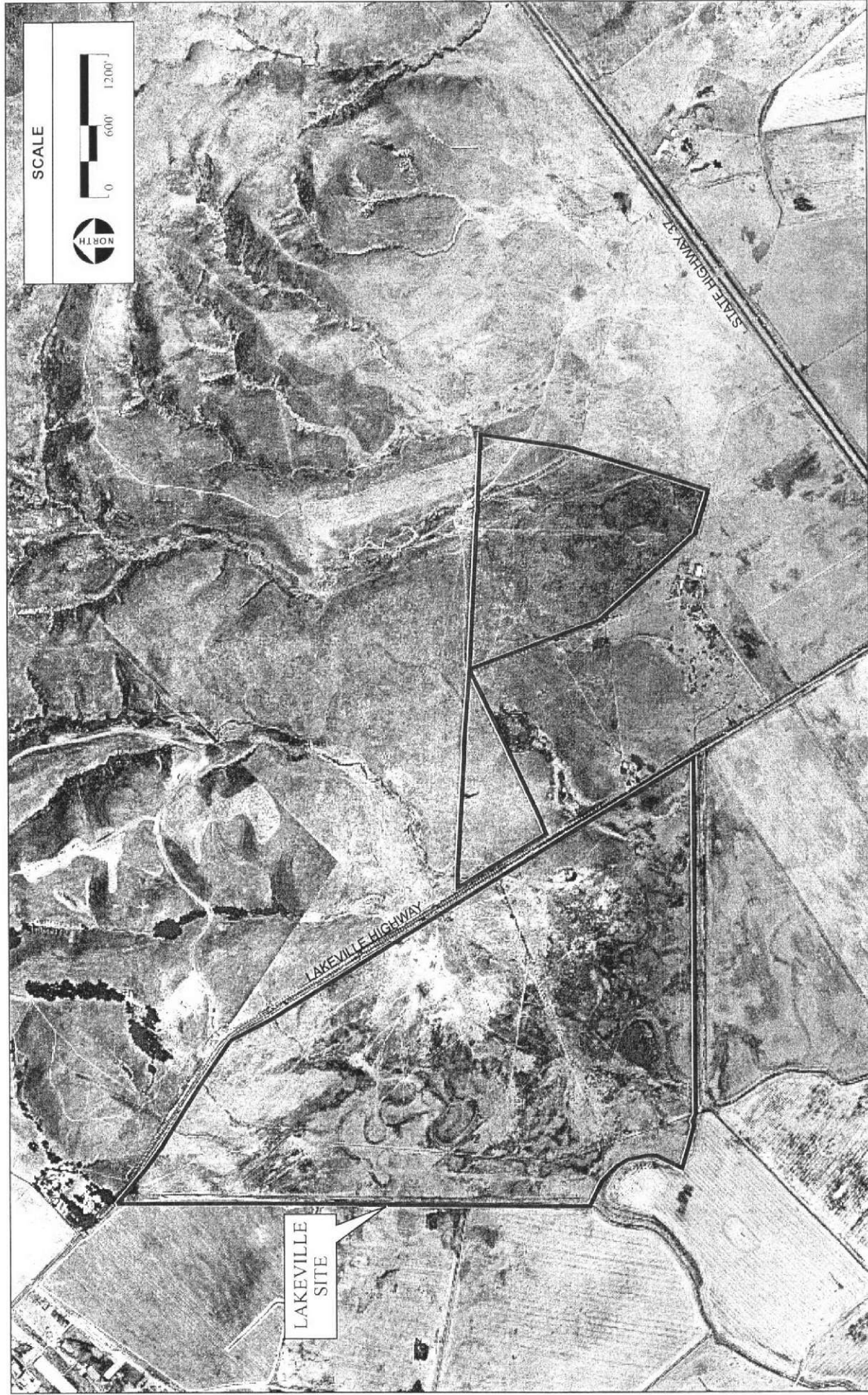
Under the No Action Alternative, the NIGC would not approve a management contract between the Tribe and SC Sonoma Management, LLC. The Wilfred Site, Stony Point site, and Lakeville site would not be developed as described under any of the alternatives identified in this document. The Wilfred Site and alternative sites would continue to be utilized for grazing, open space, agricultural land uses, and/or such other uses as local governmental authorities may approve. The Wilfred Site is within the Northwest Specific Plan Area for planned development as identified by the City of Rohnert Park. It is assumed under the No Action Alternative that development for the Wilfred Site would be guided by the uses outlined in the *Northwest Specific Plan, Southern Area (Part "B")*. As outlined in the Sonoma County General Plan, no development would occur on the Stony Point Site or Lakeville Site under the No Action Alternative.



SOURCE: "Scars Point, CA" USGS 7.5 Minute Topographic Quadrangle, Unsectioned areas of "San Pablo Mountains", T4N, R5W; Mt. Diablo Baseline & Meridian; AES, 2006

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**Figure 2-6**  
Lakeville Site – Site and Vicinity



SOURCE: Aerial Photograph Dated October, 2002; AES, 2006

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**Figure 2-7**  
Lakeville Site – Aerial Site Map

## ***SECTION 3.0***

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Issues Identified During Scoping

## SECTION 3.0

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### ISSUES IDENTIFIED DURING SUPPLEMENTAL SCOPING

#### 3.1 INTRODUCTION

The Council on Environmental Quality Regulations for implementing the National Environmental Policy Act (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 (40 CFR §1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations and individuals. The second Notice of Intent (NOI) comment period began September 29, 2005 and ended on November 4, 2005. The issues that were raised during the NOI comment period have been summarized within this *Graton Rancheria Supplemental EIS Scoping Report*. Copies of the supplemental scoping comment letters appear in **Appendix E**. A transcript of the supplemental scoping meeting appears in **Appendix F**. Issues and scope discussed during the first scoping period are not repeated here but are included in **Appendix A** and will be considered in the EIS. The following issue discussion contains a summary of new public comments received during the EIS supplemental 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 ISSUES IDENTIFIED DURING SUPPLEMENTAL SCOPING

##### 3.2.1 AIR QUALITY

###### *Comments*

###### *Construction and Operation*

Some commenters requested that the EIS include a list of types and quantities of air pollution that might be produced and how the project would mitigate for these pollutants. Commenters requested that the EIS address the applicability of the Clean Air Act Section 176 and EPA's general conformity regulations at 40 CFR Parts 51 and 93. Commenters inquired about the impact of air pollution on physical objects and the costs to local businesses and households for damage caused by increased air pollution. Commenters requested a discussion in the EIS of ambient air conditions, National Ambient Air Quality Standards, and criteria pollutant non-attainment areas. Commenters requested that the EIS analyze the impacts from construction and emission estimates of all criteria pollutants and diesel particulate matter (DPM), including the Federal 8-hour ozone standard and the PM<sub>2.5</sub> standard. Commenters inquired as to how the project would impact the area's diesel soot pollution and whether the project would increase the number of "smog days." Commenters requested a comparison of air quality impacts between Alternative F and

Alternatives A, B, C, D, and E, specifically regarding traffic pollution effects to the public within a seven-mile radius.

#### *Health*

Commenters inquired about the health risks from vehicle emissions and mobile source air toxics, including asthma and emphysema. Commenters suggested that the EIS evaluate the human health impacts associated with indoor air pollution as a result of smoking inside the casino. Commenters requested that the EIS include data on foreseeable health effects of project traffic air pollutants on Hahn School and Honeybee Pool. Commenters inquired as to whether the air quality would affect attendance rates of schools within a ten-mile radius of the project site due to pollution-related illness and how the project would mitigate for this effect. Commenters also inquired as to the effect of project construction on the elderly of Rohnert Park and Sonoma County and those with heart conditions and emphysema. Commenters inquired as to the impact of the project on air quality-related emergency room visits.

#### *Traffic*

Commenters requested that the EIS estimate automobile exhaust in tons per year at five and ten years after development. Commenters suggested that the EIS evaluate and quantify emissions of criteria pollutants from the expected project traffic and construction activities and compare findings to the Bay Area Air Quality Management District thresholds. Commenters requested that the analysis of air impacts in the EIS include queuing and level of service (LOS). Commenters voiced concern over additional pollution from buses traveling to the project. Commenters requested analysis of carbon monoxide emissions from expected project traffic.

#### *Documents*

Commenters requested that the EIS analyze local studies and data on the effects of air pollution. Commenters inquired about the conclusions of the Rohnert Park Northwest Specific Plan, which identified negative impacts for air pollution in the project area. Commenters requested that the EIS evaluate the following website regarding vehicle emissions: <http://www.epa.gov/otaq/toxics.htm>.

#### *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, including traffic. The EIS will include emission estimates for construction and operation activities related to the Project Alternatives. A discussion of indoor air pollution, health effects, and structural damage from pollution will also be included in the document. Relevant studies and plans will be reviewed to assess air quality impacts.



### 3.2.2 WATER RESOURCES

#### *Comments*

Commenters requested that the EIS address how the project would impact water supply, groundwater resources, and surface water resources in Rohnert Park and Sonoma County. Commenters requested that the EIS provide a breakdown of the water demand created by the project according to proposed land uses. Commenters inquired as to whether the applicant would plant vineyards or agricultural production, and if so how many acre-feet of water such plants would consume and what type of irrigation system would be used.

#### *Groundwater*

Commenters requested the definition of “aquifer” and the source of the definition. Commenters inquired as to what is considered a “supplemental production supply source” and how this differs from an “emergency groundwater supply source.” Commenters inquired about the definition of “overdraft” and whether it is consistent with Bulletin 118 and the definition in *Pasadena v. City of Alhambra* (1949; 22 Cal2d 908). Commenters inquired as to how the project would affect groundwater transients.

Commenters inquired as to whether the project is over alluvial fans or state-identified groundwater recharge lands. Commenters requested to know where recharge areas for groundwater pumped by the project are located. Commenters inquired as to whether fill has created an artificial clay “cap” or altered historical absorption or evapotranspiration rates. Commenters inquired as to whether the project would contribute to compression of the groundwater table similar to that in other areas including the Sacramento Valley water basins. Commenters inquired as to whether compression would be non-linear and if so how this would affect buildings, roads, landscape, and the perched water table. Commenters requested information on the perched water table in the project vicinity including: location, depth, breadth, capacity, contribution to local water sources, historical levels, future levels, relationship to deeper water tables, and recharge rate. Commenters requested information on artesian pressure in the project area including its location on groundwater models or maps. Regarding the basin, commenters requested the EIS identify the hydrogeologic boundaries, unconfined aquifers, confined aquifers, groundwater level contours in spring and fall, and whether depths have returned to 1982 levels. Commenters requested the average annual natural recharge rate for the basin in recent years and how the project would affect recharge rates. Commenters requested information regarding the current water level status of the Santa Rosa Valley groundwater basin and sub-basin. Commenters inquired about the potential for the project’s usage of a “new” aquifer and how this would affect local or regional water supplies.

Commenters requested that the EIS list measures of the project that would contribute to the elimination of the overdraft condition. Commenters questioned the effects of the project on the depletion of the underground aquifer and water table, and the potential secondary effects from this overdraft.

Commenters suggested that the study area for a groundwater basin assessment be based on established groundwater basin boundaries, not surface watershed boundaries, due to geologic formations and fault

zones. Commenters inquired as to whether the Sebastopol Fault and the Rodgers Creek Fault Zones are barriers to groundwater flow. Commenters requested information on the geologic formations, including Sonoma Volcanics and Petaluma formations that may affect groundwater flow and the applicant's wells. Commenters requested that the EIS include a three-dimensional groundwater model of the southern Santa Rosa Plain groundwater sub-basin, using MODFLOW software or an equivalent scientific model. Commenters inquired as to the advantages and disadvantages of using various types of groundwater models for making more precise predictions. Commenters inquired as to whether the applicant plans to adopt a groundwater management plan.

Commenters requested information regarding on-site groundwater wells planned for the project, including: size, pumping capacity, quantity, depth of screens, location with respect to cone of depression, whether they would be affected by reduction in underground percolation from the Russian River and Rohnert Park creeks, if they would be affected by the leaking liners at the Meacham Road dump, if they would be affected by the Incremental Recycled Water Program holding ponds, alternate sources of water, alternate well sites considered, preparations to prevent groundwater contamination, seal materials and methods, specifications for gravel pack, water production protocol, testing and monitoring methods, public access to well driller's log, plan for isolation of perched water table, contingency plan for repair/abandonment of bad bores, mechanical pump design, cost, life expectancy, and casing specifications. Commenters inquired as to how much groundwater would be pumped for reasonably projected expansion projects. Commenters inquired as to how much water the project would draw indirectly from the Laguna de Santa Rosa. Commenters requested information regarding the status of wells within a ten-mile radius of the project site including location and distance from the project site, water levels, and the aquifer utilized by the wells. Commenters inquired as to whether wells in the area were polluted, how the project could avoid pollution of wells, and the health risks involved. Commenters requested data comparing historic water levels of area wells with current levels.

#### *Municipal and Independent Water Suppliers*

Commenters inquired as to whether the project would use public municipal water supplies and if so how, where, and in what quantity. Commenters inquired as to whether the project would purchase water and if so requested information on: the quantity, source, location of pipes, the use of tanker trucks, and back-up sources in the event of unproductive wells. Commenters requested information regarding the possibility that Ranney collectors or other public water facilities would de-saturate a zone between surface water sources and the intake level.

Commenters inquired about the City of Rohnert Park's groundwater wells including: whether the City has added new groundwater wells since 1985 and if so the location and name of these wells, whether the City has decreased pumping from older wells in the center of the City, whether new wells have changed the cone of depression, whether the applicant's wells would affect existing City wells or cone of depression, guarantees that the City will not exceed its pumping limit of 2.3 million gallons per day, whether the City

is undertaking a groundwater monitoring program, and which City wells have declined in water level from 1987 to 2000.

Commenters inquired as to whether the Tribe would obtain water from Sonoma County Water Agency (SCWA). Commenters inquired as to what the capacity of SCWA's transmission system would be if the inflatable dam was precluded from use. Commenters requested that the EIS evaluate the past and projected future volume of groundwater extractions by SCWA. Commenters inquired as to whether SCWA considers varying levels of water conservation efforts for "shortage apportionment." Commenters inquired as to how the Eleventh Amended Agreement between SCWA and its contractors was affected by the Friends of the Eel River decision. Commenters requested information regarding SCWA's "three deep-water wells" (the Sebastopol Road well, the Occidental Road well, and the Todd Road well) including past production, annual extraction of groundwater, adverse impacts of extraction, date of installation, reason for installation, whether or not an EIR was conducted for the installation, and how the wells were changed from "emergency" to "production" status. Commenters inquired as to whether diversions from the Eel River to the Russian River are necessary to meet current and future demand from SCWA contractors and what proportion of current diversions is being used towards this purpose. Commenters inquired as to whether it would be possible for the Russian or Eel River to go dry in the vicinity of SCWA's collectors. Commenters inquired as to what extent constraints on groundwater pumping and water delivery from the SWCA would inhibit the sufficiency of water supplies for the project, and all other future projects within the City of Rohnert Park and the City of Santa Rosa's general plan areas. Commenters inquired as to how changes in water supply conditions since the Memorandum of Understanding (MOU) was signed affect the ability to deliver water to SCWA contractors. Commenters inquired as to how groundwater withdrawal would affect SCWA emergency wells in both the long term and short term.

Commenters requested that the EIS assess the capability of the City of Rohnert Park and the City of Santa Rosa to meet current and future water supply demands for all projects (including the Project Alternatives) located within each city's Urban Growth Boundary during average, single dry and multiple dry years. Commenters requested that the EIS disclose all current and projected sources of water supply for the City of Rohnert Park, the City Santa Rosa, and SCWA. Commenters inquired as to how past, current, and future water demand from the City of Rohnert Park, the City of Santa Rosa, SCWA, and other public water suppliers effect the agricultural industry and private well owners including those located in the Santa Rosa Valley groundwater basin, and the Wilson Grove Formation Highlands basin. Commenters requested information regarding surface and groundwater supplies for Marin and Sonoma Counties in the event of a drought. Commenters inquired as to how groundwater use is managed and coordinated between the City of Rohnert Park, the City of Santa Rosa and SCWA and what conservation strategies are used. Commenters inquired as to the position of Federal, State, and local agencies on the situation regarding the adequacy of the Sonoma County water supply, and the Marin County water supply.

Commenters requested information explaining why certain demand management measures listed in SB 610 are not being used by the City of Rohnert Park and the City of Santa Rosa. Commenters inquired about the estimated conservation savings and the effect of such savings on the City of Rohnert Park and the City of Santa Rosa's ability to further decrease demand. Commenters inquired about how the effectiveness of conservation strategies is measured. Commenters requested a cost benefit analysis of water demand management measures that could be implemented by the City of Rohnert Park and the City of Santa Rosa. Additionally, commenters inquired as to how climate variation, demographic factors, and economic factors would affect groundwater management planning for the Proposed Project, the City of Rohnert Park, the City of Santa Rosa, and SCWA. Commenters requested information regarding groundwater levels and the status of wells in the vicinity of the City of Sebastopol and the total amount of groundwater pumped by the City.

#### *Surface Waters*

Commenters requested historical flows and methods of knowing historical flows for affected streams. Commenters inquired as to whether the project would reduce in-stream flows and how this could be analyzed. Commenters requested information on historical deep water and boating near the site in the 1950's and how the land became dry. Commenters also inquired as to the total watershed affected by the project and the twenty-year plan to manage the watershed. Commenters requested that the EIS assess any impacts to engineered waterways and channels within a 40-mile radius of the project property. Commenters requested information regarding impacts to watersheds as a result of extraction due to water demand created by the project, SCWA, City of Rohnert Park, and the City of Santa Rosa. Commenters requested that the EIS include a list of government agencies, State regulations, and Federal regulations pertaining to creeks and flood channels affected by the project.

#### *Surrounding Community Impact*

Commenters inquired about how project wells would affect area water levels. Commenters inquired about how the project would affect water use during drought. Commenters inquired as to who the other groundwater users in the basin are, how much water they use, and how the project would compensate water users for any irreversible damage to the basin caused by the project. Commenters requested a list of cities in California and the United States that have had their water supply compromised by the addition of a casino in their communities, as well as the mitigation circumstances in these communities and the steps taken to rectify the problems. Commenters questioned how the project plans to provide water for its facilities in a way that will not affect or deplete Rohnert Park's water supply. Commenters requested that the EIS include a comparative study between Alternative F and Alternatives A, B, C, D, and E concerning the environmental impacts on the residents, schools, parks and pools within a seven-mile radius of the project in regard to groundwater supply.

#### *Water Rights*

Commenters inquired as to whether the applicant's Federal water right would expropriate, annex or take water rights from existing stakeholders and how reapportionment would occur. Commenters suggested

reviewing *Friends of the Eel River v. Sonoma County Water Agency* (Cal.App.4<sup>th</sup>; Case No. AO98118; appeal filed Sept. 17, 2002 1<sup>st</sup> Dist.). Commenters inquired as to whether the applicant intends to sell water on its property and the source of this water. Commenters inquired about legal issues that may arise over water supply access. Commenters questioned the procedures that will be put in place in the event of a drought and/or whether water rights were restricted for those with rights to the Russian River. Commenters requested that the EIS include a water impact report regarding water rights to residents and governments within a 25-mile radius. Commenters inquired about the potential for increases in SCWA's water rights and delivery capacity and approximately when these increases are projected to occur. Commenters requested information regarding the probability/potential for the SWCA to increase Santa Rosa and Rohnert Park's annual water entitlements over the next 20 years. Commenters inquired as to what is considered "long term" in regard to water entitlements.

#### *Documents*

Commenters requested that regional water availability over the next twenty years be reviewed in an Area Wide Plan, to address immediate, mid- and long-range plans. Commenters inquired as to whether the EIS used the City of Rohnert Park Final Water Supply Assessment, how the results of this document compare with other studies in the same area, and how its use may affect water calculations in the EIS. Commenters inquired as to when the supplement to the Water Supply Transmission System Project EIR will be completed. Commenters inquired as to whether the City of Rohnert Park's 2005 Water Supply Assessment correctly concludes that a large portion of the groundwater extracted from the City's wells originates from areas outside of the Santa Rosa Plain groundwater sub-basin. Commenters also inquired as to whether the City of Rohnert Park and the City of Santa Rosa's water supply assessments accurately project a future decrease in per capita and household water demand. Commenters inquired as to whether or not the water supply assessments for the City of Rohnert Park and the City of Santa Rosa meet SB 610 requirements. Commenters requested information regarding why the City of Santa Rosa's 2004 Southwest Area Specific Plan Water Supply Assessment does not contain a description of the Santa Rosa Valley groundwater basin, the Santa Rosa Plain groundwater sub-basin, or an analysis of groundwater pumping by the City of Rohnert Park, the City of Santa Rosa and SCWA. Additionally, commenters inquired as to whether the Southwest Water Supply Assessment accounts for all changes in SCWA and municipal water supply sufficiency that have occurred since 2002. Commenters requested information explaining why the State of California regards the Santa Rosa Valley basin and the Wilson Formation Highlands groundwater basins as the highest priority for the Groundwater Ambient Monitoring Assessment (GAMA) project. Commenters requested information about the technology used by the GAMA project to determine the location of recharge areas within the Santa Rosa sub-basin. Commenters requested information revealed in public testimony, published documents, or consulting reports that discuss groundwater overdraft conditions. Commenters inquired about the accuracy of the SWCA's 2000 Urban Water Management Plan (UWMP) and whether the plan accounts for demand variability and demand decrease due to conservation. Commenters inquired as to whether actual SCWA groundwater pumping is consistent with the UWMP estimates. Commenters inquired about the status and reasons for

delay of a potential comprehensive groundwater management plan for Sonoma County recommended by the Sonoma County Grand Jury.

Commenters requested consideration of the following documents:

- The O.W.L. Foundation requested consideration and review of the documents listed in Comment Letter B-4 in **Appendix E**. The O.W.L. Foundation included over 300 documents in their attachment to Comment Letter B-4. These documents included various maps, technical studies, reports, legal briefs, and court opinions of varying relevance to analysis of potential impacts for the Project Alternatives. These documents did not include scoping comments by the O.W.L. Foundation or other entities specific to the Project Alternatives. Instead, many of the documents were general planning documents or environmental studies completed for various projects and planning studies throughout the region. Most of these documents did not discuss the Project Alternatives. A variety of correspondence between local agencies and individuals was also included. Most of this correspondence did not concern the Project Alternatives. Some newspaper articles and other media materials were included as well. Again, most of the documents did not address the Project Alternatives.
- The O.W.L. Foundation requested review of the Legal Analysis of Sonoma County Groundwater Supply and the Adverse Affect of Federally Reserved Water Rights, submitted as an attachment to Comment Letter B-4 in **Appendix E**.
- Well data provided in the Cardwell Report (1952)
- Canon Manor DEIR
- Water supply plans currently in litigation

Given the lack of comments on the scope of the EIS, the above documents were reviewed, but were not summarized as scoping comments.

### *Scope*

The EIS will address potential impacts to water resources from the Project Alternatives, including impacts to groundwater, surface waters, and municipal supplies, nearby wells, and impacts to the surrounding community. The EIS will review available hydrogeologic studies and other relevant information on the water resources of the area. To the extent that it is relevant, this information will be used as a basis for the impact analysis.

## **3.2.3 WATER QUALITY**

### *Comments*

Commenters requested that the EIS assess effects of the project on water quality in local creeks and downstream areas. Commenters also requested the EIS describe the required setbacks for Labath Creek, and the Crane/Hinebaugh, Bellevue-Wilfred, and Laguna de Santa Rosa flood channels. Commenters

requested that the EIS address the cost of cleaning up spills or pollution and who would be responsible for these costs. Commenters inquired about the beneficial uses of waters of the State within the project area.

#### *Runoff*

Commenters inquired about how the project would affect stormwater quality on site and off site from the addition of vehicles and construction, including the grease/oil deposits from the parking areas. A commenter recommended that the EIS evaluate the impacts of widening Labath Creek to provide stormwater retention for the Proposed Project east of Langer Avenue. Commenters requested that the EIS assess additional loading on the creeks due to pesticide and fertilizer application for landscaping. A commenter recommended that the EIS address stormwater management plans for the project and how the plans would be compatible with local stormwater management plans. Commenters requested that the EIS consider diverting runoff from parking areas and roadways into stormwater treatment structures such as bioretention areas, infiltration trenches or basins, or filter strips.

#### *Groundwater*

Commenters inquired as to whether improperly abandoned wells in the area are affecting water quality. Commenters inquired as to whether additional bacteriological hazards would be introduced into the groundwater supply due to the project.

#### *Regulation and Compliance*

Commenters inquired about how the project will affect surrounding landowners and the cost to these landowners if the project fails to comply with prevailing California and Federal water quality standards. Commenters requested that the EIS address required permitting procedures for any stream alteration, specifically for dumping of treated wastewater into the Bellevue-Wilfred Channel, Crane/Hinebaugh Creeks, or the Laguna de Santa Rosa. Commenters requested that the EIS consider the following regulations, plans, and programs in determining the effects of the project on local creeks and flood channels:

- Federal Clean Water Act – Section 401 Water Quality Certification and Section 404(b)(1) Army Corps of Engineers Guidance for Evaluating Alternatives
- Porter-Cologne Water Quality Control Act
- SF Bay Water Quality Control Plan (Basin Plan)
- California Environmental Quality Act (CEQA)
- Plan for California's Non-Point Source Pollution Control Program
- National Pollutant Discharge Elimination System (NPDES)
- Coordination with additional Federal and State regulations

#### *Wastewater Discharge*

Commenters inquired as to the effects of pollutants contained in wastewater discharge on the ecosystem of nearby creeks and on groundwater quality. Commenters requested that the EIS assess the impacts to

surrounding water bodies from the spraying of tertiary treated water on the project site. Commenters inquired about the possible use of irrigation and disposal methods for waste management and what precautions will be taken to eliminate runoff into the Laguna de Santa Rosa. Commenters also requested information on the impact to the salmon and steelhead population if runoff reached the Laguna de Santa Rosa. Commenters suggested that the EIS assess quantity and quality of any sewage treatment plant effluent and the effect on endangered species in creeks and riparian corridors. Commenters suggested that a separate EIS be prepared for any sewage treatment plant that discharges water into the Bellevue-Wilfred and Laguna de Santa Rosa flood channels.

#### *Scope*

The EIS will address on-site and off-site water quality impacts from the Project Alternatives. This evaluation will include stormwater quality, groundwater quality, and impacts from effluent discharge. A second EIS will not be necessary to evaluate the potential impacts of effluent discharge. The EIS will discuss applicable regulations, programs, and plans.

### **3.2.4 DRAINAGE**

#### *Comments*

Commenters requested that the EIS identify ways to minimize the project footprint and reduce impervious surfaces. Commenters requested that the EIS evaluate the potential impacts of increased impervious surfaces on stormwater runoff to the Laguna de Santa Rosa, Russian River, and Pacific Ocean. Commenters inquired about whether stormwater has been observed sheeting off the site during heavy rains.

#### *Flooding*

Commenters inquired about the risk of flooding on the project site. Commenters requested that the EIS discuss the potential for flooding on the project site during El Niño or other abnormally rainy seasons. Commenters inquired about how the project would be compatible with existing local flood and drainage plans and what plans would be provided to the EPA for review. Commenters also suggested that the EIS address flood hazards and mitigation using current data, maps, projections, and studies by SCWA. Commenters inquired about the project's flood management plan including management of chemicals spills, and sewage spills. Commenters requested that the EIS assess the potential for evacuation of patrons and employees of the project during a flood event. Commenters requested that the EIS evaluate whether the project would cause water displacement and additional flooding of neighboring properties. Commenters requested information regarding the potential for groundwater contamination caused by the project in the event of flooding and project measures to prevent contamination. Commenters requested that the EIS evaluate whether the project would lead to effluent surfacing in residential areas, as a secondary effect of flooding. Commenters requested that the EIS analyze several life cycles of the 100-year flood plain. Commenters requested that the EIS assess the future maintenance costs associated with flooding. Commenters questioned how the project would be compliant with Executive Order 11988



(flood plain management). Commenters requested that the EIS address the clearance and permits the project would obtain from the U.S. Army Corps of Engineers, the Regional Water Board, California Department of Fish and Game, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, and SCWA for flood-related issues.

#### *Scope*

The EIS will evaluate the effect of runoff from increased impervious surfaces for the Project Alternatives. The EIS will evaluate flooding issues, review applicable documents, and discuss required permits and clearance for flooding issues. The EIS will evaluate consistency with Executive Order 11988.

### **3.2.5 WASTEWATER DISPOSAL**

#### *Comments*

##### *Municipal Services*

Commenters inquired as to whether the project would affect the number of available Rohnert Park wastewater hook-ups. Commenters inquired as to whether the project would affect the rates that Rohnert Park residents pay for wastewater services.

##### *Wastewater System Design*

Commenters requested the following information in the description of an on-site treatment plant: location, size, capacity, level of filtration, amount of discharge, area of discharge, quality of discharge, method of monitoring, inspection/review methods, life cycle, possible complications, technical attributes, alternatives, manufacturer, specifications, performance charts and problems, Occupational Safety and Health Administration records, power requirements, back-up system, override system, longevity, history of success, replacement plan, expansion plan, air pollution effects, and noise pollution effects. Commenters also requested the following information on any planned on-site wastewater treatment plant: whether the plant would utilize reverse osmosis, nanofiltration, or UV exposure; how volatiles, pharmaceuticals, viruses, endocrine disruptors, and phthalates would be removed; and how any contaminants not removed would affect human or animal health. Commenters inquired whether wastewater would be injected into any shallow or deep wells and if so what steps would be taken to prevent pollution of groundwater. Commenters inquired as to the effects of the proposed sewage treatment plant on channel maintenance costs and inquired as to who would be responsible for these costs. Commenters requested to know the setbacks of the wastewater treatment facility from the Rancho Verde Mobile Home Park and existing wells, creeks and flood channels. Commenters also requested that the EIS assess the effect of the sewage plant on local residents, particularly residents of the Rancho Verde Mobile Home Park. Commenters also inquired as to whether the sewage treatment plant would be located in the 100-year or 500-year flood zone and inquired as to the problems associated with flooding in the area of the sewage treatment plant. Commenters requested that the EIS address effects of the proposed sewage treatment plant on channel maintenance costs.

*Regulation and Programs*

Commenters requested that the EIS address compliance with all regulations and permits required for a wastewater treatment facility. Commenters also requested that the EIS address whether wastewater discharge from an on-site treatment facility would be subject to requirements under the Federal Safe Drinking Water Act's Underground Injection Control Program and/or the Clean Water Act's National Pollution Discharge Elimination System Program (NPDES). Commenters inquired about how the project would prevent hazardous discharge to beneficial waters of the State of California and the Laguna de Santa Rosa. Commenters inquired as to whether the project would become party to the Incremental Recycled Water Program.

*Scope*

The EIS will include a thorough discussion of wastewater treatment including what independent or municipal systems would be used and/or affected. The EIS will assess the potential impacts of the proposed wastewater treatment plant on water quality, air quality, noise, and the community. The EIS will discuss compliance with applicable wastewater regulations and programs required for the Project Alternatives.

**3.2.6 TRIBAL ISSUES**

*Comments*

Commenters inquired as to the number of Tribal members that live in Rohnert Park, as well as in Sonoma and Marin Counties. Commenters also inquired as to the number of other tribes located in Sonoma and Marin Counties, the Bay Area, and Northern California. Commenters requested that the EIS list health care, elder care, and other socioeconomic benefits that the project may represent for the members of the Tribe. Commenters requested a comparison of the unemployment rate and drug addiction between the Graton Rancheria members and County residents. Commenters requested that the EIS provide proof regarding the legitimacy of the current Tribal members as descendants of the original Graton Rancheria residents. Commenters requested information regarding the source of Tribal income. Commenters inquired as to what amount of the annual profits, for the next thirty years, will be received by each Tribal member.

Commenters requested information regarding the Graton Rancheria including: status, the date and year the land was given to the Tribe, the circumstances under which the land was given to the Tribe, the size of the Rancheria, the amount of money that each individual garnered from the sale of the land who bought the land, who currently owns the titles to the property, what year it was it sold, and how many people were living there during the last census. Commenters also requested a detailed description of the governing system of the Tribe. Commenters inquired about how the Tribal Government would interact with and affect the government of the City of Rohnert Park. Commenters inquired as to what Tribal resolutions authorize the scope of the project. Commenters inquired as to whether individual Tribal members would be held personally liable for any damages or failures by the Tribal leaders to make

appropriate decisions regarding the operation of the project. Commenters requested information regarding the types of financial contributions that the Tribe has donated to date and how this financial loss has impacted the Tribe.

Commenters inquired as to whether the Tribe's governing body or Tribal leadership's vision was compatible with NEPA. Commenters requested that the Indian Gaming Regulatory Act of 1988 be reviewed to determine whether gaming was intended off of reservation land. Commenters inquired as to whether or not the *City of Sherill v. Oneida Nation* decision supercedes and trumps Congressional legislation regarding the Graton Rancheria land status per the 2000 Indian Omnibus Act and also Congressional legislation allowing the Tribe to bypass the Department of the Interior's Section 456. Commenters inquired as to how Rohnert Park will compare with North Dakota and inquired as to whether all people, including those belonging to the Tribe, would be subject to the same laws and restitution. Commenters requested the following information regarding the Coast Miwok Tribe: when the Federal Government first recognized the Tribe, if the Tribe ever had a treaty with the US government, what the terms of the treaty were and if the treaty is still in effect.

**Scope**

Tribal issues will be addressed in the EIS to the extent required under the NEPA process. The current socioeconomic status of the Tribe will be discussed as well as the effects of the project on the Tribe.

**3.2.7 VISUAL RESOURCES**

**Comments**

Commenters requested that the EIS address the visual effects of the development on residents in the area. Some commenters inquired what screening measures would be incorporated into the project or mitigation measures. Commenters requested the EIS identify the effects to open space. A commenter requested that the EIS assess the compatibility of the scale of the project with surrounding buildings. Commenters requested that the EIS include the height of parking structures.

**Scope**

The EIS will identify if the Project Alternatives would adversely impact visual resources, including the effects to residents and compatibility with the surrounding environment.

**3.2.8 NOISE**

**Comments**

Commenters inquired about the increases in and quantities of noise pollution as a result of the project and how they would be mitigated. Commenters inquired about the short-term and long-term economic impacts of an increase in noise pollution. Commenters requested the EIS consult other noise studies in the Sonoma County area and identify how the results of these studies compare with the project.

Commenters inquired about the noise levels at Stations' casinos. Commenters also requested that the EIS address the environmental impacts from traffic noise on the residents, schools, parks and pools within a seven-mile radius of the project. In this analysis, commenters requested that noise pollution be evaluated during different parts of the day and week. Commenters requested that the EIS include a comparative study between Alternative F and Alternatives A, B, C, D, and E concerning noise pollution. Commenters requested that the EIS include data concerning the effects of traffic noise on Hahn School students.

### *Scope*

The EIS will include an analysis of the noise generated from construction and operation of the project, including project traffic. Sensitive receptors including schools and residences will be discussed.

## **3.2.9 TRAFFIC**

### *Comments*

#### *Traffic Circulation*

Commenters inquired as to when the bulk of casino traffic would occur in comparison to rush hour. Commenters requested to know the cost of increased traffic congestion. Commenters requested that the EIS analyze the increased stress on residents due to increased traffic. Commenters inquired as to whether the project would impact people who live along the Golden Gate Bridge-Rohnert Park corridor of Highway 101. Commenters requested that a traffic impact analysis and cost analysis of all proposed roadway changes include Railroad Avenue, Primrose Avenue, and Redwood Drive, and neighborhoods surrounding Golf Course Drive. Commenters inquired as to the effect of the casino on traffic in the D, F, G, and H section housing communities and how the casino plans to prevent traffic in these areas from increasing. Commenters also requested that the projected economic impact of casino traffic be assessed for the shopping centers near the proposed project site for the first, fifth, sixth, tenth, and fifteenth year of casino operation and for the construction period. Commenters also requested that the EIS include data on the effects of casino traffic on the students and staff of elementary schools, particularly those who attend Hahn School. Commenters requested information regarding how future lodging and retail outlets adjacent to the proposed casino would affect traffic. Commenters inquired as to the impacts of commuter traffic generated by employees of the casino that do not reside in the immediate area of the casino. Commenters requested that limiting all commercial vehicles and shuttle or bus traffic related to the project to the west side of Highway 101 in the Rohnert Park area be considered in order to be consistent with the Rohnert Park General Plan that separates commercial traffic to the west and residential traffic to the east.

Commenters also requested that the EIS identify funding for improvements needed to the road, highway and transit system due to the project and that the EIS identify the share of payment from the project for these improvements. Commenters inquired as to whether existing property owners, buyers, and builders would be imposed with capital improvement fees for these projects. Commenters requested estimates of the time and cost of providing a Highway 101 corridor and the surface streets necessary to support the

proposed project. Commenters requested that the EIS evaluate traffic safety issues related to the project including access to private property. Commenters requested that the EIS include the numbers of cars and buses that the project will add to the roadways per day and per year. Commenters questioned the effectiveness of expanding Highway 101 as a solution to increased traffic from the project.

Commenters requested that the foreseeable quality of life changes for residents, particularly school children, elderly, and disabled residents caused by project traffic be compared between Alternative F and Alternatives A, B, C, and D. Commenters requested that records of meetings, e-mails, phone calls, and letters between the Tribe and Caltrans concerning the Wilfred Avenue/Golf Course Drive Interchange be made available to the public. Commenters requested that the impact of traffic on wildlife be evaluated. Commenters suggested that the EIS discuss necessary revisions to the traffic element of City and County plans. Commenters questioned whether access to the project site would be paved. Commenters requested that increased road damage due to project traffic for the next five years be assessed. Commenters also requested that the EIS assess the environmental impacts of adding another lane of traffic to the Golden Gate Bridge and another lane onto Highway 101 through Marin County and southern Sonoma County. Commenters requested that the EIS include maps for Alternatives A, B, C, and D that demonstrate the project's relationship to the Caltrans Wilfred Avenue/Golf Course Drive Interchange Project.

#### *Methodology*

Commenters requested that the EIS include analysis of other traffic studies in Sonoma County or near casinos that could be used in a comparative traffic study analysis. Commenters requested that the traffic impacts from other Indian casinos in California be compared to those of this project. Commenters suggested an evaluation of the impacts of special event traffic including weekend and evening peak hours for the project. Commenters requested that the methodology used for the traffic study be identical to that contained in the Caltrans traffic manual as directed by Caltrans District 4. Commenters requested that the EIS evaluate any traffic impacts associated with commercial or ancillary uses on the project site. Commenters requested that the EIS identify the capacity of the planned improvements on US-101 and the impacts resulting from planned developments along the corridor and determine how much additional capacity will be needed to accommodate the project.

#### *Traffic Safety*

Commenters inquired about how project traffic would affect the safety of children on their way to and from school, specifically Hahn Elementary, Creekside Middle School, and Rancho Cotate High School. Commenters inquired about the effect of the project on the number of driving under the influence (DUI) citations in Rohnert Park and greater Sonoma County. Commenters also requested information on possible increases in insurance premiums due to an increase in DUI citations. Commenters requested that DUI arrests and other similar problems near other Indian casinos in California be compared with shopping center developments in the same area as the casinos. Commenters inquired as to the effect of the project on teen car crashes and deaths and asked that this statistic be evaluated one and ten years after the project is built. Commenters inquired as to how the project will eliminate increased hazards to

pedestrians, motorists, residents, and specifically those who live near Golf Course Drive. Commenters requested that traffic flows, accidents, and fatalities for the residential areas north and south of Golf Course Drive be assessed 1 to 15 years following the project's opening. Commenters inquired as to the effects of increased traffic around Hahn School and Honeybee Pool and requested an assessment of the effects of increased traffic on air quality, noise, vibration, crime rate, and safety of the children attending these locations.

#### *Public Transportation*

Commenters inquired as to the effect of the project on the rail station currently planned to be located in Cotati. Commenters requested information regarding the limitations of commercial, shuttle and bus traffic. Commenters inquired about how the project would promote public transportation, bikes, alternative transportation, walking, and other forms of environmentally responsible transportation to, from, and around the project.

#### *Scope*

A traffic study will be performed to assess the impact of construction and operation of the project on traffic circulation and roadways. The EIS will include a discussion of impacts to traffic safety, public transportation, and pedestrian and bicycle traffic. Impacts to both local and regional roadways will be evaluated.

### **3.2.10 BIOLOGICAL RESOURCES**

#### *Comments*

##### *Wildlife and Habitats*

Commenters requested that the EIS analyze the impacts to habitat and species from construction, night lighting, and obstruction of animal movement along water "highways." Commenters inquired as to what plants and animals would be affected by a reduction of groundwater or stream water. Commenters inquired about the life cycles, historical populations, and current populations of possible plants and animals in the project area and how they will be impacted by the project. Commenters inquired about the use of salamander bucket traps in the area, if they would be used in the analysis of the EIS, and how this has affected the local salamander population. Commenters requested that the EIS discuss the method used to count animals. Commenters requested the EIS analyze how many different types of birds on the Pacific Flyway utilize the site or areas near the site. Commenters also inquired as to the effect of the project on the avian wildlife that use the site and surrounding area for wintering and as part of their migration route. Commenters inquired as to how displaced wildlife would be reintroduced. Commenters requested that the EIS assess the impacts of affected groundwater levels on sustaining creeks and trees. Commenters inquired as to whether there would be an effect on any valley oak habitat. Commenters inquired about how the project will affect trees in the Urban Forest.

Commenters requested that the EIS identify critical habitat and all petitioned and listed threatened and endangered species that might occur within the project area. Commenters requested that the EIS identify, the species and habitats, which would be directly or indirectly affected by the project alternatives. If threatened or endangered species may be impacted, commenters requested that the EIS include a biological assessment and description of the outcome of consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. Commenters requested information regarding the effects to salmon population of the Eel and Russian Rivers. Commenters requested that the EIS assess impacts to Steelhead. Commenters suggested that the EIS address the increased road kill rate for migrating Tiger Salamanders and other endangered species. Commenters inquired as to the effects of the project on the Tri-Colored Blackbird that nests near Sonoma Mountain and in nearby agricultural lands. Commenters requested that the EIS discuss the following issues regarding raptors: the number of nests in the area, the loss of breeding and hunting sites as a result of the project, the overall effect of loss of habitat to the County's ecosystem, mitigation measures, and how the project will comply with Federal and State policy regarding protection of raptor habitat. Commenters inquired about the effects of the project on salmon, salmonid species, white herons and anaerobic microorganisms in the proposed project area. Commenters also inquired as to what other sites do not have spawning fish in Marin and Sonoma Counties due to creek habitat depletion. Commenters suggested that the EIS assess the biological impacts on the Open Space Creek Park System. Commenters inquired as to whether the project will require new landscaping and how it will meet the requirements of Executive Order 13112 on Invasive Species.

#### *Waters of the U.S.*

Commenters requested that the EIS identify all waters of the U.S. that would be affected by the project alternatives and include maps identifying waters within the project area. Commenters requested information on the acreage, channel length, habitat types, values, and functions of waters of the U.S. that could be affected by the project. Commenters suggested that the EIS include alternatives to discharge of dredged or fill materials to waters of the U.S. Commenters inquired about the importance of wetlands in the functioning of the Pacific Flyway. Commenters suggested that the EIS address the required permitting procedures for any streambed alteration. Commenters requested information on the effect of the project on the local wetland restoration effort and the effects of the project on the estuary and wetland ecosystems near the proposed site. Commenters requested that the EIS address effects on streams and wetlands from adding or widening bridges. Commenters inquired as to how the project will comply with the President's Wetlands Initiative.

#### *Documents*

Commenters requested the EIS look at the January 25, 2005 letter from William B. Hurley of the North Bay Watershed Division to Ron Bendorff of the City of Rohnert Park Planning Department. Commenters also requested that the EIS consider the Bear Park Creek Pilot Project and its efforts on creating a Habitat Conservation Plan and a Natural Community Conservation Plan for the Crane/Hinebaugh Creek and other local creeks. Commenters suggested that the EIS analyze any 2005 studies done on local creeks. Commenters requested the EIS consider the recent salamander study and suggested that a new salamander

study be performed. Commenters inquired as to the most recent studies relating to spawning fish in creeks near the project area.

### *Scope*

The EIS will address the potential impacts from construction and operation of the project on wildlife, habitats, and waters of the U.S, including wetlands. This analysis will include the Pacific Flyway and threatened and endangered species. Applicable regulations and required permits regarding biological resources will be discussed. The document will include a delineation of the waters of the U.S. and biological surveys on the alternative sites. Relevant and available documents will be consulted and reviewed.

## **3.2.11 LAND USE PLANNING**

### *Comments*

Commenters requested that project land use planning decisions create conditions that will preserve and protect the twenty miles of Open Space Creek Parks and creek habitats in the future. Commenters requested that the EIS consider the financial investment already made in the Creek Parks. Commenters requested that the EIS analyze the importance of the loss open space. Commenters requested that the EIS note that Sonoma County taxpayers pay a quarter percent sales tax to preserve open spaces. Commenters also inquired as to the environmental effects of the project on the community separator. Commenters requested that the EIS evaluate the project's affect on the allocation of building permits in both Sonoma County and Marin County municipalities. Commenters also inquired as to the physical setback requirements for the land management zones. Commenters requested a description of the "no new development" zone and limitations on construction within this zone. Commenters requested that the EIS consider that both the Incremental Recycled Water Program and North County Agricultural Reuse Project still have the potential to introduce elements that are incompatible with existing land uses. Commenters requested that the EIS include maps for Alternatives A, B, C, and D that demonstrate their relationship to residences within a 10-mile radius of the casino resort entrance, as well as their relationship to Home Depot, Wal-Mart, Costco, and all businesses within a 2-mile radius of the entrance. Commenters requested that the EIS address the compatibility of the project with the protected Urban Riparian Ecosystem that includes 20 to 25 miles of Open Space Creek Parks, a bike path and trail system, and approximately 400 acres of Urban Forest.

### *Agriculture*

Commenters inquired about the effects to agricultural land from increased pollution from the project. Commenters inquired as to whether the project would introduce genetically modified plants and if so how these would alter local farming operations. Commenters inquired as to whether the project would affect prime farmlands. Commenters also inquired as to the environmental effects of the project on agricultural greenbelts.



*Land Use Documents*

Commenters inquired whether the project would be consistent with the Sonoma County General Plan, Sonoma County General Plan Update, City of Rohnert Park General Plan and City of Cotati General Plan. Commenters inquired as to whether the project would participate in or review the Sonoma County General Plan Update process. Commenters suggested that the EIS include discussion on whether the proposed action would support or conflict with Federal, State, or local land use plans, policies, and controls in the project area. Commenters suggested that the EIS review land use documents that have been formally proposed by the appropriate government body in written form in addition to published documents. The EIS should assess consistency with the Sonoma County General Plan's limitations on construction in Open Space Community Separators, including construction of sewage plants. Commenters requested that the EIS assess the revisions that will need to be made to the proposed Northwest, Wilfred-Dowdell, and Stadium Specific Plans, due to changes in land use and traffic from the proposed project.

*Scope*

The EIS will provide a description of land uses in the vicinity of the project and address the consistency of the project with land use documents. This analysis will include open space, agricultural, and community separator designations. Potential land use conflicts will also be analyzed in the EIS. Additionally, the EIS will analyze potential impacts to agricultural operations and prime farmland.

### **3.2.12 COMMUNITY CHARACTER**

*Comments*

Commenters inquired as to whether the project would affect the quality of life in the area or the image of Rohnert Park. Commenters questioned the impact the project would have on the habits and morals of Sonoma State University students. Commenters inquired as to how the project fits in with Rohnert Park's planned community and asked that consideration be given to the fact that it was California's first planned community. Commenters also inquired as to the effect of the project on the residents of Rancho Verde and requested that the EIS consider site studies that show the effects of casinos on residential neighborhoods. Commenters inquired as to whether pawnshops would go up in Rohnert Park, and if the existence of these shops would have an effect on Rohnert Park's image.

*Scope*

The EIS will assess the impact of the Project Alternatives on the area's community character including Rohnert Park and nearby residential areas, to the extent required by NEPA.

### 3.2.13 EMERGENCY RESPONSE

#### *Comments*

Commenters requested that the EIS assess the ability of emergency vehicles to use all major roads during all hours near the project site. Commenters also inquired about the liability of a death or injury due to traffic congestion. Commenters inquired about the ability of the project to handle any possible fires and the costs of any such events on residents of Rohnert Park.

#### *Scope*

The EIS will assess the impacts of the Project Alternatives on emergency response and emergency response providers. The EIS will discuss the cost of fire protection services as well as design features minimizing the risk of fire.

### 3.2.14 PUBLIC SERVICES

#### *Comments*

##### *Law Enforcement*

Commenters inquired about the impact of current law enforcement contributions from the Graton Rancheria. Commenters requested that the EIS evaluate the effect of the project's increased funding for the police department. Commenters requested analysis of the likelihood of money laundering and drug trafficking at the casino and how these impacts would be mitigated. Commenters inquired about precautions that will be taken to prevent children from consuming tobacco on the premises if the land is taken into trust. Commenters inquired as to how the Tribe plans to deter the presence of minor children on the property and what will be done when minors are found on the premises. Commenters also inquired as to how the Tribe plans to ensure that children are not left in vehicles while parents gamble and what the penalty would be for this violation. Commenters inquired as to how the Tribe plans to deter prostitution and sexual assault. Commenters inquired as to how the Tribal police force would interact with the Rohnert Park Safety Department and Sheriff. Commenters inquired as to the size and training of any Tribal police force. Commenters inquired as to the laws that would be enforced by any such Tribal police force and who would oversee the force. Commenters inquired as to internal laws in such a police force, including laws pertaining to the prosecution of officers that engage in illegal activity.

##### *Fire Protection Services*

Commenters inquired as to whether the fire station proposed for the project would have a faster response time for the population on the west side of Highway 101 than the existing fire stations. Commenters were specifically interested in the fire station's response time in the case of natural disasters, such as earthquakes. Commenters also requested that the EIS consider the new public safety vehicles and the construction of the new fire station that the Tribe has pledged to fund under the terms of the MOU.

*Recreation*

Commenters inquired as to whether the Bellevue Channel will remain open to the public as a walking path, and if not, what measures will mitigate the loss of this local recreational facility. Commenters requested that the EIS evaluate the impacts of abandoning previous plans for the project site to be used as a 2-acre recreational facility for nearby residents, and how the project will address the need for additional parks.

*Schools*

Commenters requested that the EIS evaluate the additional school facilities that will be required to accommodate the project's estimated 3,000 employees. Commenters requested information regarding the number, location, and poverty status of school-age children residing within a 10-mile radius of the project site. Commenters inquired as to the number of children that live within ¼ mile, ½ mile, 1 mile, 2 miles, 3 miles, and 4 miles of the project and how the project will affect each of these groups of children. Commenters also inquired as to whether the project would affect the number of non-English speaking children in the local schools and create an increased need for bilingual school staff and funding. Commenters inquired as to the number of people with school age children that would choose to relocate away from Rohnert Park due to the project and how this change would affect the school systems and school funding. Commenters requested that the EIS consider the Tribe's recent monetary contributions to the local school systems and the Tribe's pledge to continue monetary contributions after the project is built.

*Public Health and Safety*

Commenters inquired as to the effect of slot machines on the human body, specifically the eyes, neck, back, shoulders, elbows, and wrists. Commenters inquired as to whether the casino would follow all Federal and State health and safety laws. Commenters inquired as to the estimated number of new smokers this casino project would create and if the applicant would institute nicotine cessation programs to help smokers quit. Commenters requested a description of measures that will be used to prevent airborne, contact and water-borne viral infections on the premises. Commenters inquired as to whether the project would increase diseases in the community. Commenters inquired as to the effects of project traffic on Golf Course Drive neighborhoods with regard to vibration of homes and broken down vehicles.

*Other Public Services*

Commenters inquired as to where the project would dispose of sewage and solid waste. Commenters inquired about the project's plans for implementation of non-renewable energy sources. If alternative energy is not a requirement of the project, commenters requested that the EIS include an evaluation of the project's impacts on the nation and State's non-renewable energy sources over the next 20 years.

*Scope*

The EIS will assess the potential impacts that the Project Alternatives will have on public services including law enforcement, fire protection services, schools, energy, parks, and solid waste facilities.

This analysis will include impacts to public health and safety, emergency response, funding, and capacity of services.

### 3.2.15 SOCIOECONOMIC CONDITIONS

#### *Comments*

##### *Local Economy*

Commenters inquired about the present and future performance of the Sonoma County infrastructure. Commenters inquired as to whether hiring union labor would negatively impact local businesses. Commenters inquired as to what assurances could be provided to local businesses that the project would not create a blacklist of businesses. Commenters inquired about how the project would affect the image of Sonoma County and incoming workers attracted to the current image. Commenters inquired about the distribution of profits from the project. Commenters inquired as to whether the project would affect the attractiveness of the area to new business. Commenters requested that a quality of life cost benefit analysis be conducted to compare the benefits of the Tribe to the costs to the local community. Commenters requested that the EIS consider the beneficial effects of the project on the local economy. Commenters requested that the EIS discuss the economic experience of other casino communities. Commenters requested that the EIS include an independent economic impact analysis, covering at least a 50-mile radius from the project site. Commenters inquired as to the potential increase in tax rates to homeowners and businesses in Rohnert Park and surrounding communities due to the presence of the project. Commenters would like an evaluation of the increase in homeowner premiums as a result of the project. Commenters inquired as to how the local shopping centers will be impacted by the project. Commenters requested analysis of available information provided by the State and County related to economic gains and losses from Indian casinos in California. Commenters requested a calculation of the economic impact on Mount Shadows shopping center for a period of 1 to 15 years after the casino's opening.

Commenters inquired as to the marketing plans for the project, including the size of the marketing area, what languages will be used in marketing, the media that will be used, and the target market. Commenters also requested that these marketing plans be compared to those of other tribes in California and to those of Station Casino's current casinos. Commenters requested to know whether the Bay Area would be included in the socioeconomic study for the project.

Commenters requested that the EIS include a detailed study concerning the financial impact of the project on police and fire resources and court systems, specifically to the Cities of Rohnert Park, Santa Rosa, Cotati, and Sebastopol, and to the Sonoma County Sheriff's Office. Commenters requested that the EIS address the increased cost to the State of California's criminal justice and social welfare departments. Commenters questioned if there would be increased costs to school districts, increased taxes for education, or a decline in educational quality due to the project. Commenters inquired as to the economic effects on Rohnert Park and the members of the Tribe if the project were to fail or if the Tribe were

unable to repay its loans to Station Casinos. Commenters also requested information on how Rohnert Park has allotted and spent money for safety. Commenters requested that the EIS consider the accomplishments of the Special Enforcement Unit (SEU) and the canine unit that were created with the money given to Rohnert Park by the Federated Indians of Graton Rancheria. Commenters requested that the EIS evaluate the study *Economic Impacts of Legalized Gambling* by John Kindt of the University of Illinois.

#### *Employment*

Commenters inquired as to what proportion of casino employees would be Tribal members and what proportion would be Rohnert Park residents. Commenters inquired as to what safeguards and training Station Casinos will offer to avoid employee rights violations such as sexual harassment, discrimination, and civil rights violations. Commenters also inquired as to what worker's compensation programs the casino will offer and if these programs will be comparable to coverage mandated by California law. If these programs will not be offered, commenters questioned as to the cost to the surrounding community for uncompensated injuries.

#### *Social Issues*

Commenters inquired about how the project would benefit society and families. Commenters requested that the EIS include social impacts from studies completed of Atlantic City, Reno, Las Vegas, and California casino communities. Commenters inquired about the effect of the casino on the number of homeless in the community. Commenters also inquired as to how many college students are currently addicted to drugs, alcohol, and gambling and how these numbers are projected to change with the addition of the casino complex. Commenters inquired as to the legal gambling age in California and for the proposed casino. Commenters requested that the EIS include a detailed study outlining available programs for the prevention of elder abuse, child abuse, and pathological gambling specific to each of the surrounding cities of Rohnert Park, Cotati, Sebastopol, Penngrove, Santa Rosa, and Petaluma and the annual cost of each program. Commenters inquired as to whether the Tribe had any plans for programs that reunite the community.

Commenters suggested that the EIS should quantifiably demonstrate, over a 10-year period, projected incidences of crime, bankruptcy and other social consequences associated with problem or addictive gambling among local families. Commenters inquired about the project's affect on elderly gamblers living on fixed incomes and whether they would suffer financial problems. Commenters inquired about what programs currently exist in California and Nevada for gambling addiction and whether they will be implemented in this area. Commenters inquired as to the projected social cost to the County and the City of gambling addiction in terms of foreclosures and bankruptcies based on demographics.

Commenters inquired about how the project would affect levels of theft, embezzlement, child prostitution,, organized crime, gang activity, kidnapping, drug trafficking, racketeering, dealer corruption, and money laundering in the area. Commenters stated concerns over the possible increase in trash and

graffiti in the community as a result of the project. Commenters inquired about how much the projected increase in crime would cost the community. Commenters also questioned whether the project would sponsor a drug treatment program. Commenters inquired as to the existence of any previous money mismanagement in the last 5 years by Stations Casinos.

#### *Scope*

The EIS will include an analysis of potential impacts to the local economy, including fiscal impacts to local jurisdictions. The EIS socioeconomic analysis will include discussions of the project's effect on employment, housing, pathological gambling, crime, and other social issues.

### **3.2.16 GEOLOGY**

#### *Comments*

Commenters requested that the EIS identify seismic faults and unstable soils which would affect development of the project site. Commenters requested that the EIS assess impacts to water bodies in the instance of a seismic event. Commenters inquired as to whether the project would be located in an earthquake zone. Commenters inquired as to the ability of the project to handle an earthquake.

#### *Scope*

The EIS will address potential impacts of the Project Alternatives with regard to soils and seismic events.

### **3.2.17 HAZARDS**

#### *Comments*

Commenters inquired as to whether hazardous waste, weapons, or contamination from military operations, including the Cotati military base, are located in the project area. Commenters inquired about how scatter or dispersion from military operations could be predicted or mapped. Commenters requested that the EIS analyze data on the weapons, chemicals, fuels, additives, pharmaceuticals, paints, coatings, and other hazards likely to be found in the area of the project site. Commenters inquired as to whether photographic evidence of land scarring near the project site is from hazardous explosions and if residual contamination exists in the area. Commenters requested that the EIS analyze the life and concentration of contamination. Commenters requested the EIS analyze the risk of intercepting a polychlorinated biphenyl (PCB) pollution plume during drilling of commercial wells, or other perforation in the earth, and the mitigation for this pollution. Commenters requested information on deep soil detection of possible hazards. Commenters requested the following information on fill: how much has been placed on the site over time, whether fill would hamper detection of hazards, the source of fill, whether it contained any pollution, history of the fill, who supervised fill of the site, and whether permits or grading plans were involved. Commenters inquired as to whether any nitrates, nitrites, benzene, heavy metals, antibiotics, cryptosporidium, giardia or other toxins have been found within 10 miles of the project site.

*Scope*

The EIS will address the potential impact of exposure to hazardous materials from the construction and operation of the Project Alternatives. The EIS will include a discussion of the potential hazards from former military operations, underground storage, fill contamination, and PCB pollution plumes.

**3.2.18 ENVIRONMENTAL JUSTICE**

*Comments*

Commenters requested that the EIS assess impacts to low-income communities from gambling and drug addiction problems. Commenters inquired about the effects of the project on the River Rock Casino in Geyserville operated by the Dry Creek Rancheria. Commenters inquired as to the effects of the proposed casino complex on tribal casinos along US-101 in Sonoma and Mendocino Counties; on the tribal casinos in Lake and Napa Counties, and on those tribes within a 250-mile radius.

*Scope*

The EIS will identify and addresses disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

**3.2.19 CULTURAL RESOURCES**

*Comments*

Commenters requested that the EIS identify the tribes that may have previously inhabited the project site.

*Scope*

The EIS will contain a cultural history of the alternative sites and vicinity.

**3.2.20 CUMULATIVE IMPACTS**

*Comments*

Commenters requested that the EIS identify which resources are analyzed for cumulative impacts, which ones are not, and why. The commenters requested that the EIS define the geographic boundary, history, and present status for each resource to be addressed in the cumulative analysis. Commenters suggested that for cumulative impacts identified, mitigation should be proposed; for this mitigation, the responsibility of the NIGC, Tribe, and other entities should be clearly stated.

*Air Quality*

Commenters requested that the EIS address the indirect and cumulative impacts of the project on air quality.

#### *Water Resources*

Commenters inquired about the implementation timeline for all projects expected to occur within Sonoma County that are considered for future water demands. Commenters also questioned whether the proposed casino complex is compatible with State and regional long-range water planning policies. Commenters inquired as to the cumulative effect of groundwater pumping by the City of Rohnert Park, the City of Santa Rosa, SCWA, the Penngrove Water Company, and other public water suppliers on the agricultural industry and private well owners, including those located in the Santa Rosa Valley groundwater basin and the Wilson Grove Formation Highlands basin.

#### *Traffic*

Commenters requested that the EIS consider the cumulative impact of the projected casino, shopping center, university, and cultural center on traffic in the year 2030. Commenters requested that these cumulative impacts be compared with those of Coddington, Santa Rosa Plaza, Petaluma Outlet Mall, and Northgate in Marin County. Commenters also requested that these cumulative impacts be compared with those of alternate rural, suburban, and urban sites. Commenters requested that the cumulative impacts analysis consider the additional growth resulting from the project. Commenters requested that the EIS address the cumulative effect of casino-generated traffic on businesses located on Redwood Drive, Rohnert Park Expressway, Golf Course Drive, Commerce Boulevard, and Stony Point Road through the year 2030. Commenters requested that the EIS assess the cumulative impacts of special event traffic, including weekend and evening hours for the hotel and casino complex in combination with other event venues in the area. Commenters suggested that the cumulative impacts of other event venues in the area such as the Green Music Center, Sonoma State University, and the proposed sports complex be evaluated and compared to those of the project.

#### *Biological Resources*

Commenters requested that the EIS evaluate the cumulative impacts of water usage on the region's ecosystem. Commenters requested that the EIS evaluate the cumulative environmental impacts resulting from loss of wetlands.

#### *Scope*

The EIS will discuss cumulative impacts of the Project Alternatives and identify appropriate mitigation measures, as required by NEPA. Cumulative impacts analyzed will include potential impacts to traffic, biological resources, water resources, and air quality, from the project when considered in conjunction with past, present, and reasonably foreseeable future actions.

### **3.2.21 OTHER ISSUES**

#### *Comments*

Commenters requested information regarding how nearby residents' rights to self-determination and self-governance will be protected. Commenters inquired as to whether or not any administrator, agency, or



staff member working on behalf of this application behaved subsequent to the belief that they would be protected in court by the judicial principle of Chevron deference. Commenters requested the definition of a “cooperating agency” and inquired as to which agencies are cooperating agencies, and as to the involvement of each agency with the project. Commenters inquired as to how the money for the project site will be paid back and what parties will benefit from the transaction. Commenters inquired as to whether the applicant would ensure that there were no interference with the constitutional and civil rights of citizens of Sonoma County, so they can be fully represented by unbiased elected officials in their representative governments at the Federal, State, and local levels. Commenters questioned the application process for becoming a Tribal member due to the annual increase in members. Commenters inquired as to whether the Tribe 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 and/or environmental regulations. Commenters requested that the applicant obtain a new and appropriate MOU from the City of Rohnert Park that is specifically applicable to the new proposed site, and that acknowledges certain authorities of the City to exercise jurisdiction.

#### *EIS Methodology*

Commenters recommended that the EIS focus on impacts before mitigation. Commenters requested that the project be compared in terms of water, sewer, and traffic with all other projects of similar size in the North Bay area. Commenters also requested that the impacts of the casinos in San Diego County be compared with the proposed impacts of this project in terms of crime, gambling addiction, traffic, water, and sewer usage. Commenters requested that the EIS provide comparisons of the impacts from this project with the impacts reported in environmental studies for Thunder Valley Casino and other California casinos. Commenters requested that project proponents anticipate the possibility that conditions will change during the time required for the EIS to be drafted and approved and requested that meetings be held with local officials and planners to anticipate changes and discuss more specific project plans. Commenters requested that the EIS assess the effects of a business park or any such development after the exact nature of the proposal is made clear and after consultation with local government and agency representatives. Commenters requested that the EIS address the impacts of supporting facilities including transportation improvements, parking lots/structures, drinking water facilities, wastewater treatment facilities, and other utilities upgrades.

#### *Project Description*

Commenters inquired as to whether the applicant would purchase properties adjacent to the proposed site in the foreseeable future. Commenters inquired as to whether the Tribe intends at any point to operate a retail shopping center or any other commercial use on the project site. Commenters requested information about potential non-tribal enterprises that may be located on the proposed trust land. Commenters inquired as to the availability of detailed project plans and if those plans would be made available to the public. Commenters inquired as to the size, location, and operating details of each part of the project, specifically the wells and sewage treatment and water treatment plants. Commenters inquired as to who purchased the project site. Commenters suggested that the EIS accurately assess only projects

on land optioned or owned by the proponents. Commenters inquired as to whether the Tribe had considered using alternative energy sources such as solar power to operate the casino or if they had considered building the casino structure out of rammed earth or hay. A commenter recommended that the Lakeville site be reconsidered as a more appropriate site for the casino complex and suggests that a resort, KOA type private campground, or a steelhead hatchery be placed at the confluence of the creeks to reduce environmental impacts. Commenters requested that the Tribe consider other business opportunities besides a casino to fund the Tribe. Commenters suggested that the Tribe conduct organic farming or the rearing of domestic livestock instead of operating a casino. Commenters requested that assessor's parcel numbers and physical address be identified for the proposed site. Commenters requested that the EIS include an "artisan cheese factory" alternative. Commenters inquired as to whether or not it is reasonable for the Tribe to use the Wilfred Avenue-Stony Point Road site as an alternative location given that the property is contiguous.

#### *Alternative Locations*

Commenters requested the EIS analyze alternative sites, including Skaggs Island. Commenters requested that sites of 80 acres or larger, 10 or more miles from Rohnert Park that have a similar projected gain for the Tribe as that of the proposed site be submitted and considered. Commenters suggested the Ford Family Ranch as an alternative site for the casino complex. Commenters inquired as to why land located within the original Graton Reservation was not considered as a project site. Commenters requested that the EIS include a list of the 48 alternative sites explored by the Tribe and discuss why the project site was determined to be the optimal location. Alternative sites suggested are Highway 37, the former drive-in theatre at the county line between Marin and Sonoma Counties near San Antonio Creek, Mecham Road, Hamilton Air Force Base, and the 400-acre area by the Sonoma County Airport. Commenters suggested that the list of alternatives is inadequate because Alternatives B, C, D, and E are not feasible due to landowner's unwillingness to sell the land. Commenters requested that the EIS provide comparisons between the project site and the following locations:

- 833 Chileno Valley Drive, Marin County
- 200 Old Rancheria Road, Nicasio
- 5755 Lucas Valley Road, Nicasio
- 1000 Rockpile Road, Healdsburg
- 2665 Arnold Drive, Sonoma

#### *Scoping and Public Communication*

Commenters requested several scoping sessions with invitations sent to stakeholders including the U.S. Geological Survey, the California Departments of Water Resources and Health Services, the North Coast Regional Water Quality Board, SCWA, Sonoma County Board of Supervisors, and Rohnert Park, Petaluma, Cotati, Sebastopol, Santa Rosa, City Council members, and Sonoma County Water Coalition and all of its member organizations. Some commenters requested more scoping sessions, including sessions in Rohnert Park, Santa Rosa, Petaluma, Sebastopol, Marin County, and Novato. Commenters

requested the document list the steps the project has taken to inform the public of implications, effects, and the scope of the project. Commenters inquired as to how the project would become aware of the concerns of the public and local governing agencies. Commenters inquired as to how the scoping process would mitigate for discrimination. Commenters requested that the issue be put on a ballot. Commenters inquired as to how the project will coordinate and update neighboring property owners. Commenters inquired as to whether other forms of communication for project information other than the Press Democrat could be used. Commenters inquired as to how project documents, correspondence, meetings, notes, contacts, and comments would be made public. Commenters requested that California counties be contacted to assist in determining the scope of the project in the Bay Area. Commenters expressed concern over the word "supplemental" in the supplemental scoping meeting and report and question whether it gives the impression of being less important to interested parties. Commenters inquired as to whether cooperating agencies, local businesses, local churches, public and local schools, and local tribes were notified of the scoping meeting. Commenters questioned whether notification of the scoping meeting was given in languages other than English. Commenters inquired as to whether one scoping meeting was adequate to address the project issues and requested a 90-day comment period time extension, and at least three more scoping hearings, including a daytime, evening, and weekend meeting time period. Commenters expressed concerns over the notice that suggested that if a comment was already submitted for the previous site, no additional comment was needed. Commenters voiced concern over the starting time of 6 p.m. for the scoping meeting and felt that it excluded many members of the working community. A recommendation was made that the next meeting be scheduled on a Saturday, at a reasonable time in a space that accommodates a larger group. Commenters requested that a more detailed description of the project be included in the NOI. Commenters requested that an additional scoping session be held on the grounds that the public was not given sufficient time to prepare for the hearing, and the NIGC did not make diligent efforts to involve the public in preparing and implementing their NEPA procedures. In addition, commenters requested that additional scoping meetings be held in order accommodate the size of the Rohnert Park community. Commenters requested that the scoping review and full environmental review process be expanded, restarted and initiated using a scale proportional to the long-term, area-wide impact of the project. Commenters suggested that the "tiered process" utilizing an "area-wide plan" would be a more adequate method of environmental review for the project than the "supplemental process." Commenters requested that there be a separate scoping meeting for government agencies. Commenters inquired as to whether the change to the project requires a new EIS and scoping hearing for public and local governments to comment.

#### *Political and Legal Issues*

Commenters suggested that the proposed location of the casino is not consistent with Governor Schwarzenegger's May 18, 2005 proclamation of "no urban casinos." Commenters inquired about the impacts of the casino on the government of Rohnert Park and on local political systems. Commenters inquired as to what government agencies Stations Casinos must report to and as to how often those reports must be made. Commenters requested that a list of lawsuits filed against the Thunder Valley Casino and Stations Casinos be assessed and inquired as to how the project plans to prevent similar

issues. Commenters note that rancherias were not intended by Congress to be sovereign Indian land and therefore would not qualify under the Indian Gaming Regulatory Act for Indian gaming.

### *Scope*

To the extent required by NEPA, additional issues will be addressed. The EIS will include a thorough description of the Project Alternatives. Scoping comments will be taken into consideration when addressing issues in the EIS and the Draft EIS will be made available to the public for review and comment.

## **3.2.22 MITIGATION MEASURES**

### *Comments*

#### *Wastewater*

Commenters requested that the applicant provide written assurance for the ongoing monitoring of wastewater needs for the project and surrounding land uses.

#### *Water Resources*

Commenters requested that the applicant provide area governments and individuals with an irrevocable waiver of sovereignty for litigation of future water issues. Commenters also suggested that all projects incorporate native plants that do not need chemical additives. Commenters inquired as to how the project would mitigate for loss of water recharge area and contamination of drinking water. Commenters inquired as to the mitigation plans for auto chemical runoff and other toxics from the project.

#### *Law Enforcement Services*

Commenters inquired as to how the project would mitigate for child abuse, child prostitution, organized crime, money laundering, corruption and embezzlement. Commenters inquired as to mitigation if residents feel that bars need to be installed on their windows and security systems need to be installed on their doors.

#### *Schools*

Commenters inquired about a new high school being built as a solution to the overcrowding of their current high school.

#### *Socioeconomic Conditions*

Commenters inquired as to whether the Tribe would guarantee that they would not deflect any outside infrastructure costs and social problems caused as a result of the proposed casino. Commenters recommended projection of the profitable life of the casino and a mitigation plan for removal of the casino after its profitable life. Commenters inquired as to how any increased cost to the County and the City for gambling addiction in terms of foreclosures and bankruptcies would be mitigated. Commenters inquired as to mitigation if homeowner's and business insurance increase as a result of the casino.

Commenters inquired as to how any increases in automobile insurance due to casino traffic would be mitigated. Commenters inquired as to how any loss in property value to home and business owners would be mitigated. Commenters also inquired as to how any increases in taxes to residents and businesses due to the presence of the casino would be mitigated. Commenters inquired as to how any revenue losses from local hotels, restaurants, performing arts centers, and shopping centers due to the casino project would be mitigated. Commenters also inquired as to how losses will be mitigated if the casino's hotel and restaurants do not remit taxes to the local government.

*Air Quality*

Commenters recommended including a construction emissions mitigation plan for fugitive dust and diesel particulate matter in the EIS and adopting this plan in the Record of Decision. The plan should include mitigation measures to reduce impacts from construction activities.

*Biological Resources*

Commenters inquired as to how any negative effects on the salmon population would be mitigated. Commenters inquired about how the project would mitigate for loss of endangered species habitat, and loss of wetlands.

*Hazards*

Commenters inquired about how the project would mitigate for known or hidden military hazards or pollution that may pose a risk due to construction on the site, including rumors of missing diesel/chemical tanks.

*Land Use*

Commenters requested that the EIS discuss required mitigation of construction in Open Space Community Separators, if the construction is to take place in the proposed location. Commenters inquired as to what measures will be taken to ensure the project will comply with the County's General Plan. Commenters inquired about how the project would mitigate for loss of open space, loss of community separator, and loss of grazing lands.

*Community Character*

Commenters requested that mitigation measures be implemented that will prevent the project from changing the rural character of the area.

*Visual Resources*

Commenters recommended a procedure be put in place for accepting complaints regarding excessive lighting and glare for adjacent neighbors to the project site and for those affected areas not located directly around the site.

***Scope***

Mitigation measures for impacts will be included in the EIS, as required by NEPA. When appropriate the measures requested above will be included as recommended mitigation and/or required mitigation.