

APPENDIX AA

Comment Letters from Governmental Organizations

STATE CAPITOL
Room 4139
SACRAMENTO, CA 95814
(916) 319-2006
FAX (916) 319-2106

DISTRICT OFFICE
3501 Civic Center Drive
SUITE 412
San Rafael, CA 94903
(415) 479-4920
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CALIFORNIA LEGISLATURE



Jared Huffman
ASSEMBLYMEMBER, 6TH DISTRICT

CHAIR, Environmental Safety
& Toxic Materials Committee

COMMITTEES
Appropriations
Utilities and Commerce
Water Parks and Wildlife

Wednesday, April 04, 2007

RE: Graton Casino Project DEIS Extension

I strongly support a six month extension to the public comment period on the Draft Environmental Impact Statement (DEIS) for the Graton Casino "Project" in Sonoma County. This project could have far-reaching, negative consequences for the City of Rohnert Park, and the entire region. These impacts include: traffic congestion, depletion of existing water supply, and urban blight. All of which could have dire effects on both the environment and our quality of life.

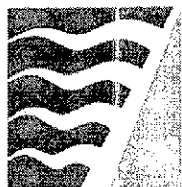
Again, I urge your careful consideration of this request. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Huffman".

JARED HUFFMAN
Assemblymember, 6th District

JH: lb



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT
SINCE 1955**

ALAMEDA COUNTY
Tom Bates
Scott Haggerty
Janet Lockhart
Nate Milay

CONTRA COSTA COUNTY
John Gioia
Mark Ross
(Chair)
Michael Shirransky
Gayle B. Ulkema

MARIN COUNTY
Harold C. Brown, Jr.

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
Chris Daly
Jake McGoldrick
Gavin Newsom

SAN MATEO COUNTY
Jerry Hill
(Vice-Chair)
Carol Klatt

SANTA CLARA COUNTY
Erin Garner
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Liz Kniss
Patrick Kwok

SOLANO COUNTY
John F. Silva

SONOMA COUNTY
Tim Smith
Pamela Torliatt
(Secretary)

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

May 14, 2007

Brad Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 20005

Subject: Graton Rancheria Casino and Hotel Project Draft Environmental Impact Statement and Draft Conformity Determination

Dear Mr. Mehaffy:

Bay Area Air Quality Management District (District) staff have reviewed your agency's Draft Environmental Impact Statement (DEIS) and Draft Conformity Determination (DCD) for the Graton Rancheria Casino and Hotel Project (Project). We understand that approval of the preferred Project alternative would allow development of a casino and hotel resort that would also include restaurants, an entertainment venue, banquet and meeting space, a pool and spa, and possibly an on-site wastewater treatment plant. Site alternatives are located in Sonoma County and the preferred alternative site is located west of the City of Rohnert Park.

We agree with the DEIS conclusions that the Project will create significant adverse air quality impacts. The Bay Area is currently classified as nonattainment for state and federal ozone standards and the state PM₁₀ and PM_{2.5} standards. The Project will adversely impact the region's ability to attain or maintain these standards. In addition, new federal PM_{2.5} standards may result in the Bay Area being classified as nonattainment, possibly requiring the District to prepare a PM_{2.5} attainment plan by 2013.

The DCD states (page six) that the District is expected to attain the federal 8-hour ozone standard in April 2007 and request redesignation to attainment of the standard at that time. This statement should be revised as the District's attainment date is June 15, 2007. In addition, the District must formally petition the U.S. Environmental Protection Agency (USEPA) to request redesignation to attainment, which would also require the District to prepare a maintenance plan that demonstrates continued attainment of the standard for the next ten years. The USEPA must also make a finding of attainment before they could act on any request for redesignation. The District has not initiated the redesignation process.

The DEIS fails to discuss greenhouse gas emissions generated by the project. With passage of AB32, the Global Warming Solutions Act, California now has a mandate to significantly reduce greenhouse gas emissions. We recommend that the final environmental impact statement (FEIS) include a discussion and quantification of the greenhouse gas emissions for each of the alternatives and identify measures to reduce these emissions.

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The URBEMIS modeling files included in Appendix W indicate that some mitigation measure switches in the model were changed from "off" to "on," and therefore the Project's estimated emissions were reduced in anticipation of these mitigation measures being implemented. However, none of these measures are reflected in the recommended mitigation measures of the DEIS or included as part of the Project description. The model was run with the mitigation measure for an increase in efficiency beyond Title 24 building standards changed to "on." The mitigation measure included in the DEIS reads "...meets or exceeds Title 24 requirements," (emphasis added). It is not mitigation if it merely "meets" Title 24 requirements. We recommend that the mitigation language in the DEIS be changed to "...shall exceed Title 24 requirements," and that implementation of this measure be required as a condition of project approval.

The model was also run with the electric landscape maintenance equipment mitigation measure changed to "on," yet the DEIS does not contain any mitigation measures that require the Project proponents to use electric landscape maintenance equipment. We recommend that Project approval be conditioned so that only electric landscape maintenance equipment may be used at the site.

The DEIS includes a number of "recommended" mitigation measures to reduce operational emissions, including motor vehicle emissions, and support transit use, vehicle trip reductions, and energy efficiency. To ensure that these mitigation measures are fully implemented to achieve emission reductions, we recommend that all operational emission mitigation measures be required as a condition of project approval.

Mitigation measures for impacts from exposure to toxic air contaminants (TAC) propose to locate receptors "...as far away as feasibly possible..." from sources of TAC. We recommend additional mitigation measures to further reduce exposure to TAC, including electrification of all loading docks and a prohibition of diesel truck idling.

We note that the Project proponents propose to obtain emission reduction credits (ERCs) to offset up to 284 tons per year of reactive organic gases, 149 tons per year of nitrogen oxides, 121 tons per year of particulate matter (PM₁₀) and 35 tons per year of PM_{2.5}. (The amount of ERCs may change due to our comments above on the URBEMIS assumptions.) We also note that without the ERCs for nitrogen oxides, the National Indian Gaming Commission will not be able to make a positive conformity finding. Our recommendation is to first reduce emissions as much as possible on-site before purchasing ERCs. In addition, the origination of any credits purchased should be from facilities as close as possible to the Project. All ERCs obtained by the Project proponents must be certified by the District and processed through the District's emissions bank in accordance with our Regulation 2, Rule 4 – Emissions Banking.

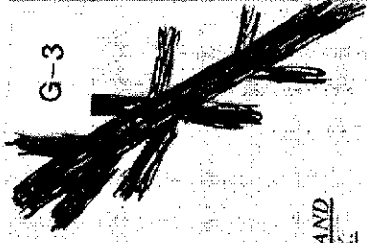
If you have any questions regarding these comments, please contact Greg Tholen, Senior Environmental Planner, at (415) 749-4954.

Sincerely,



Jean Roggenkamp
Deputy Air Pollution Control Officer

CC: BAAQMD Director Tim Smith
BAAQMD Director Pamela Torliatt



WRITTEN COMMENT CARD

NATIONAL INDIAN GAMING COMMISSION - DRAFT EIS WORKSHOP & PUBLIC HEARING

FEDERATED INDIANS OF GRATON RANCHERIA - CASINO/HOTEL PROJECT

WELLS FARGO CENTER FOR THE ARTS - 50 Mark West Springs Road
April 5th, 2007

IF YOU WOULD LIKE TO SUBMIT A WRITTEN COMMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Elder Name: Annette S. Elder-Evins Trustee Guenocamata
Organization: Guenocamata

Address: 948 Leddy Avenue Santa Rosa CA 95407 Rancheria

Phone/Email: (707) 545 2730 local toll free 800 995-2730

Comment: Please upgrade the water/wastewater treatment facility to clean drinking water discharge standards a design d state of the art bottling facility as a subsidiary business

② The earth speaks for itself.

Please give to attendant, drop in Written Comment Box, or mail to: Brad Melhally, NEPA Compliance Officer, National Indian Gaming Commission, 1441 L Street, NW, Suite 9100, Washington DC 20005. Please include your name, return address, and the caption: "Draft EIS Comments, Graton Rancheria Casino and Hotel Project".



May 10, 2007

National Indian Gaming Commission
 Attention: Brad Mehaffy
 1441 L Street NW
 Suite 9100
 Washington, DC 20005

City Council

Vicki Vidak-Martinez
Mayor

Jake Mackenzie
Vice-Mayor

Amie L. Breeze
 Tim Smith
 Pamela Stafford
Council Members

Subject: City of Rohnert Park Comments on Draft Environmental Impact Statement (DEIS) for the Graton Rancheria Casino and Hotel

Mr. Mehaffy:

Thank you for providing the City of Rohnert Park ("City") with a copy of the DEIS for the above-referenced project. At its May 8, 2007 meeting, the City Council reviewed and approved the following comments prepared by City staff. These comments are based on the City's existing development standards that the City applies to all projects. The City acknowledges this project is not subject to its codes; however, this is the only objective measurement available to the City to formulate its comments.

Stephen R. Donley
City Manager

Daniel Schwarz
Assistant City Manager

Judy Hauff
City Clerk

Michelle Marchetta Kenyon
City Attorney

Gabrielle P. Whelan
Assistant City Attorney

Thomas R. Bullard
Director of Public Safety

Ron Bendorf
Director of Community Development

Darin W. Jenkins
*Director of Public Works /
 City Engineer*

Foremost, the Council wishes to draw your attention to Page 2-83, section 2.10. The text in this section states that an additional Alternative H will be considered but will not be added to the analysis in the DEIS. This alternative should be added to the analysis in the DEIS and the document recirculated for comment.

The Council believes the following comments to be of the utmost concern:

- The DEIS proposes that facilities be located in the 100-Year floodplain. The current flood elevation information from FEMA is known to be less than conservative, as flooding occurs above the 100-year flood plain elevation at intervals much less than 100 years. In fact, the extent of flooding as a result of the December 30-31, 2005 storm approximated the 500-year floodplain depicted in Figure 3.3.-2. At a minimum, the proposed project should avoid all filling of

6th Floor 51 Nth St
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or development within the 100-year floodplain and minimize any filling or development within the 500-year floodplain. Any filling of the 500-year floodplain should be offset with an equivalent volume of excavation near the project site to replace the lost flood storage.

- Page ES-55, Table ES-1: The text states that “The City of Rohnert Park can expect a large fiscal surplus after the implementation of Alternative A...” The City will be entering the upcoming fiscal year with a projected deficit of \$4.7 million. In addition, the City currently has an unfunded retiree medical benefit balance of more than \$50 million. This statement should be adjusted to reflect the casino’s financial impact rather than to provide any view of the City’s financial condition.
- Figure 2-2: The proposed height of the hotel building is taller than what would be allowed by the City’s Municipal Code (i.e. the City allows a maximum height of 65 feet), and would not be in keeping with the lower-scale buildings in the area. A building of the height proposed would also not provide an appropriate visual transition from urban development to the east and rural uses to the west.
- Page 2-11, section 2.2.7: The first paragraph states that the City “expressed an interest in connecting the project to the City’s sewer main that crosses the Wilfred site.” This is an inaccurate statement. A more accurate characterization is included on page 4.9-3 where it states: “The second conveyance scenario would be to pump directly to the City’s sewer force main. Although possible, the City has indicated that this would not be permitted.” This statement should be included here and emphasized elsewhere in the document.
- Page 4.7-8, third paragraph: The Rohnert Park Department of Public Safety (RPDPS) cannot assume law enforcement responsibility for the project. *(Note: Throughout the DEIS there are statements that the existing MOU covers the cost of the City’s provision of law enforcement services to the casino. These statements are inaccurate and need to be corrected. Also, the impacts of this to the City have not been analyzed in the DEIS.)*
- Page 4.7-14: The first full paragraph references Table 4.7-4, but should reference Table 4.7-11. Also, it would be helpful to know which casinos included in Table 4.7-11 are near urban areas so that there is a better comparison with the proposed casino near the City. Furthermore, a more comprehensive analysis of the impacts on casinos to the communities near them should be included in the DEIS.
- Table 4.8-3: The following changes should be made to the column regarding Alternative A, and further analysis should be provided regarding the impacts related to these items, with appropriate mitigation offered to address the impacts:
 - Policy LU-3c – This assumes that City water and sewer would be available to the project, which is inaccurate;

- Objective LU-5.1 and Policy LU-5c– The project would remove the community separator in this area without mitigation being offered, which is not consistent with the County General Plan;
 - Goal LU-8 – Explain how the project is consistent with this goal;
 - Goal LU-9 – The project as proposed is not consistent with this goal and would have a significant effect on scenic features in the area;
 - Goal OS-1– Explain how the project is consistent with this goal;
 - Objectives OS-1.1 and OS-1.4 and Policy OS-1b - The project would remove the community separator in this area without mitigation being offered, which is not consistent with the County General Plan;
 - Policy OS-4A - The project would remove the community separator in this area. The project should comply with the existing agreement between the City and the County regarding mitigation;
- Page 4.8-5: The DEIS states “Planned Caltrans improvements to the roadway network...that are expected to occur in 2008 include the addition of high occupancy vehicle lanes (HOV) to the US-101 freeway from SR-37 through Santa Rosa...” Only small portions of that corridor are fully funded. There exists a funding gap on the order of \$500 million for the remaining segments. To assume the improvements are in place by 2008 is inaccurate. The reconstruction of the US 101/Wilfred Avenue interchange won't be completed until 2011. The DEIS should provide an analysis of what impacts could be expected on US-101 until the HOV lanes are added and appropriate mitigation is offered to address them.
 - Page 4.9-8, third paragraph: The assumption that the Tribe will contract with RPDPS for primary law enforcement services is incorrect and, at this point, cannot be done (Public Law 280).
 - Page 4.9-9, second paragraph: The text discusses an expectation that RPDPS will provide public safety services to the project, and the listed funds will not cover this expectation. This portion of the text should be reanalyzed and mitigation for any impacts related to public safety should be offered to address impacts.
 - Page 4.12-18: Reference to Page 4.6-19 of Santa Rosa's EIR Addendum indicates that the Casino project will need to show that discharge will be less than one percent of the Laguna's flow, yet elsewhere in the DEIS this flow limitation is not mentioned or seemingly contemplated.
 - Note: Some intersection improvements offered as mitigations are inconsistent with the Rohnert Park General Plan. Some intersection

improvements are unrealistic given right-of-way and structural constraints. For instance, eight through lanes on Rohnert Park Expressway over US 101 cannot be accommodated on the existing bridges and it is extremely unlikely that further widening of the bridges will take place. The DEIS should be realistic about what intersection improvements will actually be in place in 2020 and the Casino project should be sized so that levels of service are maintained.

The Council also requests your consideration of the following comments:

- Page ES-5, first full paragraph: "Rohnert Park Safety Department" should read "Rohnert Park Department of Public Safety."
- Page 2-3, the last sentence in the first paragraph states that "Access...would be gained from access points on Business Park Drive and Wilfred Avenue." An access point on Business Park Drive was never contemplated with the original project; therefore there is no mitigation in the existing MOU between the City and the Tribe to address any impacts related to this.
- Page 2-3, the third bullet point should include sewage and air quality as additional standards that the Tribal Government would adopt and comply with.
- Figure 2-1: Additional structure parking should be considered to better allow use of surface areas (e.g. landscaping, storm water detention).
- Page 2-8, section 2.2.3: See above comment regarding the proposed height of the hotel building.
- Page 2-8, section 2.2.5: The project's inclusion of green building and energy efficiency measures should be elaborated here.
- Page 2-8, section 2.2.6: This section proposes discharging storm water to Labath Creek. Currently there is significant flooding along and downstream of Labath Creek. Adding storm water to Labath Creek should be avoided. Project drainage should be sent to the Bellevue-Wilfred Flood Control Channel.
- Figure 2-3: The proposed site plan would result in an unattractive view of the project from the south, particularly the wastewater treatment plant element. Also, the retaining walls shown in Section C and elsewhere should be landscaped with plants to soften their appearance from outside the site and discourage graffiti.
- Page 2-14: The third bullet from the top suggests that sewage can be pumped directly into the sewer force main. As noted above, this will not be permitted.

- Page 2-14: The last bullet states that "The operation will not produce noxious odors." The method of ensuring that this is the case should be explained.
- Page 2-20: The DEIS should explain how the use of the spray fields could affect the quality of water pumped from on-site wells. The locations of the proposed wells should also be indicated.
- Page 2-21: The use of waterless urinals should be considered as a water conservation measure.
- Figure 2-18: The setback from the "irrigated pasture land" on the east side of the site to the existing uses beyond should be identified.
- Page 2-53: Alternative E – Business Park should be considered on the Northwest Specific Plan (NWSP) site, where it is allowed by the City's General Plan, instead of at the more remote location shown.
- Figure 2-24 is a very rough sketch and does not give an adequate representation of how this option could appear.
- Page 2-58: If Alternative E were developed within the City on the NWSP site, then it would be eligible for City water and sewer service, eliminating the need for Options 1 and 2.
- Page 2-61, section 2.6.7: If Alternative E were developed on the NWSP site, the fuel storage may be unnecessary.
- Page 2-69, section 2.8.1: The text assumes that the "Southern Specific Plan" for the NWSP has been adopted. This is not the case, as the application for that Plan was withdrawn at the time the Tribe purchased the Wilfred site. The "Southern Specific Plan" should, therefore, not be used for comparison with the casino development. The DEIS should instead use the existing General Plan designations for the NWSP. (Note: The General Plan shows the NWSP (North and South) as earmarked for 800-900 high-density residential units, 40-50 acres of commercial uses, 15-25 acres of office uses, 55-65 acres of industrial uses, and 2-4 acres of parks.)
- Figure 2-32: As noted above, there is not a current distinction between the NWSP North and South, so this graphic is inaccurate.
- Figure 2-33: As noted above, there is no adopted Specific Plan for the NWSP, so this graphic is inaccurate. The existing land use designations from the General Plan should alternatively be shown.
- Page 2-72: All of this information is no longer current, as the application for the NWSP was withdrawn before the Plan could be adopted. Use the General Plan land use information instead.
- Page 2-73, final paragraph: The interceptor line has been completed and is not currently in construction, so this statement is inaccurate and should be amended.

- Page 2-74: The section on "Water Supply" uses the withdrawn "Southern Specific Plan" as its basis, which is incorrect. The General Plan land use designations for this area should be alternatively used.
- Page 2-78: The "Cotati Alternative" notes that "the site is located outside of the urban growth boundary of the City of Cotati." If location within an urban growth boundary is a factor that was used in selecting an alternative site for analysis, then the Stony Point site alternative used throughout the document could also be considered inappropriate, as it is also outside of an urban growth boundary.
- Page 2-86, section 2.10.6: The first paragraph in this section states that "Runoff would be conveyed by an underground drainage system to the detention basin, and, after filtration, to the Bellevue-Wilfred Channel..." This should also be considered for Alternative A.
- Page 3.3-7, section 3.3.2: The last sentence is misleading. The City's well logs show water levels at depths varying from as little as 9 feet from the surface as recently as April 2006. The average depth to water of the City's wells in April, May and June of 2006 was 30 feet.
- Page 3.3-13: The second paragraph should note that the City has appealed the court's decision.
- Page 3.4-21: The third paragraph should acknowledge that secondhand smoke would be a major indoor air pollutant and will be harmful to those employees who must be in that environment.
- Figure 3.5-1: The red lines representing "Drainage Ditches" are difficult to make out and should be given greater prominence.
- Page 3.5-16, Wilfred Site: The Figure referenced (3.5-5) does not show the Wilfred site, rather it shows the Stony Point site. This should be corrected.
- Figure 3.5-5: The graphic does not show the correct site. Also, the text noted above and on Page 3.5-18 regarding the Stony Point site states that "Sonoma sunshine" and "Lobb's aquatic buttercup" were found on the sites; however, the locations of the buttercup are not indicated on Figure 3.5-5.
- Page 3.5-23 should include a discussion of Lobb's aquatic buttercup, as it is present in the area.
- Page 3.7-1, Table 3.7-1: The actual 2004 DOF population estimate for the City is 42,445, not 42,150.
- Figure 3.8-2 (and other similar traffic diagrams) is produced at such a scale as to render it unreadable.
- Page 3.8-4: Stony Point Road is not shown as a "Minor Arterial" in the Rohnert Park General Plan, as it is not within the City's Sphere

of Influence (SOI). The County of Sonoma designation should be used.

- Page 3.8-4: Dowdell Avenue is shown as a future "Minor Collector" only for that portion of the roadway within the City's SOI.
- Page 3.8-4: The County of Sonoma General Plan should be used to provide the roadway classification for Langner Avenue.
- Page 3.8-5: The County of Sonoma General Plan should be used to provide the roadway classification for Primrose Avenue.
- Page 3.8-5: The County of Sonoma General Plan should be used to provide the roadway classification for Whistler Avenue.
- Page 3.8-5: The City of Cotati and County of Sonoma General Plans should be used to provide the roadway classification(s) for State Route 116.
- Page 3.8-5: "Rhonert Park" should be changed to "Rohnert Park."
- Page 3.8-6, third full paragraph: The text indicates that the EIR for the SMART project is underway, however it has been completed.
- Figure 3.8-3: The intersection of State Farm Drive and Commerce Boulevard should be analyzed to assess traffic impacts at this location.
- Figure 3.8-4: The information presented is very small in scale and difficult to read.
- Note: All roadway configurations proposed in the DEIS should be in conformance with the City's General Plan designations for these roadways.
- Page 3.8-32: There should be a bullet point added regarding the City's agreement with the County regarding Community Separator mitigation.
- Figure 3.8-12 is inaccurate and should be updated (see attached Zoning Map).
- Page 3.8-36: The section referencing the "City of Rohnert Park, Northwest Specific Plan, Southern Area (Part "B") is incorrect, as it references a plan that was never adopted. The text should be rewritten to acknowledge that the current General Plan is in effect for this area.
- Page 3.9-4, last paragraph: The Eleventh Amended Agreement for Water Supply was replaced in 2006 by the Restructured Agreement.
- Page 3.9-5, first paragraph: The City's estimated water demand of 6,926 acre feet per year included 450 AFY of recycled water, and this should be noted. Also, the date of the letter sent by Rohnert Park to SCWA should be noted, which is March 2004.

- Page 3.9-5, second paragraph: This section notes that the City "uses approximately 10 million gallons of recycled water per month in summer months," however it goes on to state that "Recycled water offsets over 3 mgd of potable city water." These statements appear to conflict with one another because 10 million gallons per month is only 0.3 mgd. This should be corrected.
- Figure 3.9-3 incorrectly indicates the City's fire station locations and should be corrected.
- Page 3.9-12; third paragraph: The text shows that there are 12 officers and this should be at least 45. The total agency has 78 sworn personnel and 115 total employees which includes support personnel
- Page 3.9-12; third paragraph: PSOs are certified as first responders and also many are EMTs.
- Page 3.9-13; third paragraph: There are no remaining funds for SEU.
- Page 3.9-14; third paragraph: The area discussed is actually within the Rincon Valley Fire District.
- Page 3.9-15; fourth paragraph: This should indicate that there are at least 59 PSOs; there is no longer a Fire Commander; fire inspectors are sworn officers; a Lieutenant manages this division; and the division is allotted 3 fire sergeants
- Page 3.9-16; first paragraph: It should be noted that officers will respond "if available".
- Page 3.9-16: The station address should show City "Center" Drive
- Page 3.19-17: Station Three: Type I Engine with 1250 GPM pump and 500 gallon tank; air rescue capacity of 6,000 pounds per square inch; no longer in possession of the hazardous materials response trailer.
- Page 3.19-17: Station Four – Type I Engine with 1500 GPM pump.
- Page 3.19-17: third paragraph – 2 Expeditions, 3 Explorers, 0 Crown Victoria,
- Page 4.2-1, second paragraph: The text indicates that the geotechnical study for a portion of the Wilfred site was conducted by "Blackman Consulting" in 2005; however, this company was the project proponent for the NWSP (south) and not the preparer of the study. This is inaccurate and should be corrected.
- Page 4.2.11, section 4.2.7: This assumes that there is an existing Specific Plan for the NWSP area and its own environmental documentation. This is incorrect, and any discussion of this area should be based on the existing General Plan and not on a Specific Plan that has been withdrawn.

- Page 4.2-12, under "Seismicity": See above comment regarding use of General Plan rather than withdrawn Specific Plan.
- Page 4.3-1, under "Flooding": Due to observed flooding of the Wilfred site on December 31, 2005, it seems that the 100-year flood boundary is not accurate. The 500-year flood boundary seems to more accurately indicate the true extent of the 100-year flood plain. Flood storage to replace loss of the 500-year flood plain should be included in the project.
- Page 4.3-2: The use of additional structure parking would allow additional land for runoff treatment, which is preferred. This should be analyzed in the DEIS and added as a mitigation measure where appropriate.
- Page 4.3-3: A discussion of the biosolids generated by the wastewater treatment plant should be included in the DEIS and, where necessary, mitigation offered to address any impacts.
- Page 4.3-5: The first paragraph states that the "net average impact to groundwater...would be 140 gpm for Alternative A over and above that required for the build out of the Northwest specific plan." It should be clarified whether this is based on the withdrawn Specific Plan application, which would be incorrect, or the General Plan, which would be correct.
- Page 4.3-16: If the business park alternative were relocated to the NWSP, perceived impacts would be reduced.
- Page 4.3-21: The text assumes that a Specific Plan for the NWSP (South) has been adopted, however this application was withdrawn and the General Plan assumptions should be used instead. Also, mitigation measures would be offered by any environmental documentation for a new Specific Plan application, so the text's references to mitigation measures in Section 5.2.2 are premature.
- Page 4.3-22, under "Wastewater": The interceptor line project has been completed.
- Page 4.4-13: Alternative A has to be compared with the existing General Plan and not with the withdrawn Specific Plan application (see comment above regarding Page 2-69, section 2.8.1.)
- Page 4.4-25: The first sentence references "mixed-use development," which typically includes a mix of residential and commercial uses together; however, the General Plan's vision for the NWSP does not contemplate this.
- Page 4.4-28, section 4.4.8: The text assumes that a Specific Plan for the NWSP (South) has been adopted; however, this application was withdrawn and the General Plan assumptions should alternatively be used. Also, mitigation measures would be offered by any environmental documentation for a new Specific Plan

application, so the text's references to mitigation measures in Section 5.2.3 are premature.

- Page 4.4-29: Same comment as above.
- Page 4.5-2, under "Special Status Species": "affect" should be changed to "effect." Also, there should be some discussion of "Lobb's aquatic buttercup."
- Page 4.5-37: The text assumes that a Specific Plan for the NWSP (South) has been adopted, however this application was withdrawn and the General Plan assumptions should alternatively be used. Also, mitigation measures would be offered by any environmental documentation for a new Specific Plan application, so the text's references to mitigation measures in Section 5.2.4 are premature.
- Page 4.6-2: "effect" should be changed to "affect."
- Page 4.6-6: The text assumes that a Specific Plan for the NWSP (South) has been adopted, however this application was withdrawn and the General Plan assumptions should alternatively be used. Also, mitigation measures would be offered by any environmental documentation for a new Specific Plan application, so the text's references to mitigation measures in Section 5.2.5 are premature.
- Pages 4.7-6 to 4.7-27: The text assumes that a Specific Plan for the NWSP (South) has been adopted, however this application was withdrawn and the General Plan assumptions should alternatively be used. This would affect the estimated costs/economic benefits presented on the top of Page 4.7-27.
- Page 4.7-9, third paragraph: If RPDPS were to provide some type of public safety service to the project, Sonoma County would not be the dispatcher for RPDPS.
- Page 4.7-9, first and third paragraphs: Again, the assumption that RPDPS will provide public safety services to the project is incorrect.
- Page 4.7.10, second paragraph: Same comment as above.
- Page 4.7-18, first paragraph: The current MOU does not provide for this impact or necessary mitigation to address it.
- Page 4.7-19, first paragraph: An estimate of "problem and pathological gamblers" within the City is offered, however, this does not include an estimate of those within the general area of the proposed casino and not just within the City.
- Page 4.7-28, first paragraph: The text states that "No minority or low-income communities were identified...in the vicinity of the Wilfred and Stony Point sites." The area defining "the vicinity" should be indicated and the justification for this conclusion should be given.
- Figures 4.8-1 and 4.8-2 are difficult to read.

- Figure 4.8-4: The graphic assumes that 25 percent of casino traffic will arrive via Labath Avenue, which is a circuitous route. This percentage should be lowered and the traffic study should be revised to reflect this, with appropriate mitigation offered to address these impacts.
- Figure 4.8-5: The graphic assumes that 30 percent of casino traffic will exit via Labath Avenue, which is a circuitous route. This percentage should be lowered.
- Page 4.8-28, second paragraph: The City's agreement with the County regarding Community Separator mitigation should be discussed.
- Page 4.8-72: It should be noted that the Land Use and Agriculture impacts would be lessened if the business park alternative were developed on the NWSP site, rather than the remote Stony Point site. A revised analysis using this alternative business park site should be prepared and appropriate mitigation offered to address impacts
- Pages 4.8-84 to 4.8-85: The text assumes that a Specific Plan for the NWSP (South) has been adopted, however this application was withdrawn and the General Plan assumptions should alternatively be used. This analysis should be revised to reflect this. Also, mitigation measures would be offered by any environmental documentation for a new Specific Plan application, so the text's references to mitigation measures in Section 5.2.7 are premature.
- Page 4.9-3, first full paragraph: The third sentence should be changed to read "From the pump station wastewater would flow through an existing 30-inch force main or an existing 24-inch force main to the Laguna WWTP." Also, the basis for the assumption that the available capacity of this trunk sewer varies between 650 and 1,800 gpm should be indicated. Lastly, the following statement needs to receive more prominence earlier in the DEIS: "The second conveyance scenario would be to pump directly to the City's sewer force main. Although possible, the City has indicated that this would not be permitted."
- Page 4.9-29, first paragraph: it states that Alternative E - Business Park would have its water needs met by on-site wells and storage, and that there would not be a connection to the regional wastewater treatment plant. City services would be available if this alternative were moved to the NWSP, which is within the SOI and Urban Growth Boundary and designated by the General Plan for such development. A revised analysis using this alternative business park site should be prepared and appropriate mitigation offered to address impacts
- Page 4.9-33, last paragraph: The text assumes that the existing labor pool would fill the jobs created by Alternative E. A business park would likely draw its labor force from a larger regional area,

rather than just from the closest cities, so this statement appears misleading.

- Pages 4.9-37 to 4.9-40: The text on these pages assumes that a Specific Plan for the NWSP (South) has been adopted; however, this application was withdrawn and the General Plan assumptions should alternatively be used. Also, the NWSP per the General Plan allows for residential and commercial uses, as stated, but also includes an industrial component that is not recognized in the DEIS. The DEIS should be revised to reflect this and mitigation offered to address any impacts identified.
- Page 4.10-2, last paragraph: It is noted that noise levels for the residential properties close to the parking areas for Alternative A would be in the range of 54 dB to 59 dB, and that this would be "lower than normally acceptable levels..." The Municipal Code requires that noise be less than 60 dB for residential uses in the daytime and be less than 50 dB between 7:00 PM and 7:00 AM, so this statement is inaccurate. The DEIS should be revised to reflect this and mitigation offered to address any impacts identified.
- Page 4.10-3, third paragraph: The DEIS states that the maximum noise levels from truck movements at the loading docks would be in the range of 48 to 53 dBA, and that this would be less than significant in terms of ambient noise levels. Again, the Municipal Code requires that noise levels for residential properties be less than 50 dB between 7:00 PM and 7:00 AM, so this statement is also inaccurate.
- Page 4.10-5, Table 4.10-2: This table shows the Millbrae noise levels going from an existing of 59.8 dB to 59.7 dB with the project. It seems unlikely that the project will result in a reduction of noise levels along this segment. This should be reanalyzed and corrected in the DEIS.
- Page 4.10-9, first paragraph: It is stated that "visual impacts in terms of the land use planning would be less than significant." This would not be true, as the project would be much larger than any other buildings in the area, as well as larger than anything that would be allowed in the NWSP, as anticipated in the City's General Plan. Furthermore, the project as proposed would not allow for a logical visual transition between the City's developed areas and the open space to the west. An alternative design should be offered, the DEIS should be revised to reflect this, and mitigation should be offered to address any impacts identified.
- Page 4.10-9, under "Regional Impacts": The DEIS states that the new construction would be "consistent with the clustered regional commerce already in place along US-101 at and in the vicinity of Wilfred Avenue and Business Park Drive," so the visual impacts would be less than significant. As noted above, the project would be a good deal larger than anything existing or anticipated in the

area, so this conclusion is incorrect. An alternative design should be offered, the DEIS should be revised to reflect this and mitigation should be offered to address any impacts identified.

- Page 4.10-9, under "Impacts to Wilfred Site Viewshed": As noted above, the proposed facilities would not be consistent regional commercial element envisioned for the NWSP area per the General Plan, so there would be a significant visual impact from the project. Furthermore, the Municipal Code would not allow a structure over 65 feet in this area, so the project is not consistent with City standards. The DEIS should be revised to reflect this and appropriate mitigation offered to address impacts.
- Page 4.10-9, last paragraph: The NWSP application was never adopted, so there is no specific plan in place to guide the visual development of the Wilfred site, other than the General Plan. The DEIS should, therefore, not state that the project would be visually consistent with the NWSP. Furthermore, the DEIS should be revised to reflect this and appropriate mitigation offered to address impacts.
- Figures 4.10-1 and 4.10-5: These photo simulations emphasize the fact that the proposed project would have a large visual impact, and this should be recognized in the DEIS. An alternative design should be offered, the DEIS should be revised to reflect this and mitigation should be offered to address any impacts identified.
- Page 4.10-47, under "Operational Noise Impacts": The impacts stated could be further reduced by moving Alternative E to the Wilfred site, as this type of business park development is anticipated in the General Plan for this site.
- Pages 4.10-49 to 4.10-50, under "Visual Resources": See comment above regarding relocating Alternative E to Wilfred site.
- Page 4.10-60, last paragraph: The text assumes that the NWSP has been adopted. Since it has not, the assumptions of the General Plan for this area prevail.
- Page 4.10-65, table 4.10-6: The assumptions in this table should be based on the General Plan and not the NWSP, which was withdrawn.
- Page 4.10-66, last paragraph: There is no environmental document for the NWSP other than the general Plan EIR, so the statement regarding mitigation measures in the NWSP EIR cannot be made.
- Page 4.10-68: All of the references on this page to the NWSP are inaccurate, as this plan was never adopted. The General Plan assumptions for this site should be alternatively used.
- Page 4.11-3, end of first paragraph: The text states that "the existing housing stock would continue to serve the existing labor pool, resulting in no housing growth caused by the alternatives."

The basis for this conclusion should be presented. The composition of the jobs within the project would help determine this; however, no information regarding this is presented. There will realistically be a need for additional affordable housing to serve lesser-paid employees, and this burden would fall upon local jurisdictions, so this statement may not be correct.

- Page 4.12-1, bottom: the last full sentence states that the 2020 timeframe corresponds to the future planning period for the Sonoma County General Plan, but it should be noted that this also corresponds to the City's current General Plan.
- Page 4.12-4, last paragraph: It should be noted that the "Luther Burbank Center" is now the "Wells Fargo Center."
- Figure 4.12-3: This graphic inaccurately represents the planned developments in the area and should be updated to reflect the existing plans and the current General Plan (see attached).
- Pages 4.12-8 and 4.12-9, Table 4.12-1: This table should be substantially revised to reflect the following:
 - The Northeast Area Specific Plan's hearings did not occur in 2004 and will likely occur in 2007-2008;
 - The numbers shown for the NWSP are incorrect and are based on the withdrawn plan. This should be amended to reflect the assumptions in the City's General Plan for this area;
 - The University District Specific Plan and its EIR were adopted by the City Council in 2006, and this project includes 1,645 units and 175,000 square feet of commercial space. Also, the entire area is 297.20 acres, not just the commercial component;
 - The Wilfred/Dowdell Specific Plan is still in process and hearings will likely take place in 2007. The project allows up to 302,114 square feet of commercial space;
 - The Stadium Area plan is in review and an EIR is being prepared. Hearings will likely take place in 2007. This project also shows the potential for 338 residential units;
 - All of the projects listed as "Approved Projects (Under or Soon to Be Under Construction)" have been completed;
 - Under "Projects Approved but Awaiting Building Permits," the Arbors and Vineyards projects have been completed, the Circuit City project was withdrawn, the City Center Townhomes project is nearing completion, the School District warehouse is not being further pursued, and the Expressway Marketplace, Park Gardens Apartments, and Radius development projects are under construction;

- A "Status Report of Current Approved/Proposed Projects" is attached for clarification.
- Page 4.12-14: A listing of current projects within the County of Sonoma is needed.
- Page 4.12-15, under "Wilfred-Dowdell Specific Plan Area": It should be noted that the City is not in the early stages of preparing an EIR, rather a draft is expected to be released for comment in the near future.
- Page 4.12-15, under "NWSPA": The Draft Specific Plan is not being reviewed, rather it was withdrawn after the sale of the site to the Tribe and Stations Casinos.
- Page 4.12-16: The "Santa Rosa Kaiser Expansion project is included in the discussion, but other major projects within Santa Rosa are not and should be (e.g. the Railroad Square project.)
- Page 4.12-17, under "Treated Effluent Discharge": The Subregional System's EIR does indicate that there are significant impacts related to the project even after mitigation, so the statement that a connection to the system would be less than significant may not be accurate. The DEIS should be revised to further study this issue and appropriate mitigation offered to address impacts.
- Page 4.12-29, first full paragraph: The text states that the Sonoma County Economic Development Board predicts that permits for residential units will cause substantial growth in housing units to serve the expected increase in employment caused by the project. There is no assurance that these units will be developed in the immediate vicinity of the project, nor is it assured that these units would be affordable enough to meet the needs of casino workers. This needs to be further analyzed in the DEIS and appropriate mitigation offered to address impacts.
- Page 4.12-30, last paragraph: The inclusion of childcare facilities within the casino should be explored to meet the needs of casino workers.
- Page 4.12-35, second paragraph: It is stated that the Redwood/Commerce intersection was not analyzed as it would not be retained after the interchange improvements. This is not accurate, as the intersection will remain after the interchange improvements are made. The traffic study should be revised to reflect this fact and mitigation offered to address any impacts.
- Page 4.12-47, Table 4.12-9: The noise impacts should be presented for both daytime and nighttime situations, as this would allow for a better assessment of these impacts. Also, it should be noted that any noise exceeding 60 dB is considered a significant impact to residential properties by the Municipal Code, so levels exceeding this should be bolded in the table. The noise analysis

should be revised to reflect this and appropriate mitigation offered to address impacts.

- Page 4.12-47, last paragraph: The proposed project would constitute a significant cumulative visual effect and should be represented as such. It is proposed to be at a much larger scale than existing or planned development in the area, but impacts could be lessened by reducing the height in the structure.
- Page 4.12-48, Table 4.12-10: The noise impacts should be presented for both daytime and nighttime situations, as this would allow for a better assessment of these impacts.
- Page 4.12-70, under "Alternative E – Business Park": As stated previously, the relocation of this alternative to the Wilfred site would provide a meaningful analysis of this alternative, as such a development would be allowed by the City's General Plan for this area.
- Page 4.12-90, under "Alternative G – No Action": The analysis should be based on the General Plan's assumptions for the NWSP and not the withdrawn plan.
- Page 4.12-95, under "Public Services": The analysis should be based on the General Plan's assumptions for the NWSP and not the withdrawn plan. Furthermore, it should be noted that industrial development is shown in this area per the General Plan.
- Page 4.12-99, under "Hazardous Materials": The analysis should be based on the General Plan's assumptions for the NWSP and not the withdrawn plan. Furthermore, it should be noted that industrial development is shown in this area per the General Plan.
- Page 5-3: A potential mitigation measure would be to reduce the amount of impervious surfacing by increasing the use of structure parking, thereby allowing additional room for on-site storm water treatment.
- Page 5-4: The use of xeriscape to reduce irrigation water consumption should be included as a mitigation measure.
- Page 5-5: See above comment.
- Page 5-6, mitigation measure T states: "As part of the Tribe's Memorandum of Understanding with the City of Rohnert Park, the Tribe will contribute to help establish or support ongoing water conservation measures city-wide in Rohnert Park." This is a good mitigation measure, but does not seem to be included in the 2003 MOU with the Tribe. Please provide reference to where in the MOU it discusses provisions of funds for this purpose or clarify the intent of the statements.
- Page 5-8, item c: Using the formula provided and calculating the annual payment for a 250 gallons-per-day well, a decline of 20 feet, and a cost of electricity of \$0.18 per kwh, it seems to indicate a

payment of \$0.20 per year. While this may be a technically accurate way to calculate impacts, it may not be well received by those impacted.

- Page 5-11, under "Operational Emissions": Sonoma County Transit and Golden Gate Transit should be listed as regional transit providers that the Tribe will work with to ensure that there is adequate transit to the project. Also, specifics should be provided regarding mitigation measures D.b and D.e. Lastly, the text should acknowledge the potential for the SMART rail to provide transit to the casino and the Tribe's willingness to work with this agency.
- Page 5-12: The use of a photovoltaic system should be explored as a mitigation measure.
- Page 5-12, regarding Alternative G: There is currently no environmental document for the NWSP, other than the General Plan EIR, so mitigation measures for this Alternative that are based on the withdrawn plan should not be offered.
- Page 5-16, under "Indoor Air Quality": The prohibition of smoking within the facility should be offered as a mitigation measure.
- Page 5-17, regarding Alternative G: There is currently no environmental document for the NWSP, other than the General Plan EIR, so mitigation measures for this Alternative that are based on the withdrawn plan should not be offered.
- Page 5-22, Mitigation Measures E and F: The person/agency that will monitor these measures should be identified.
- Page 5-29, Table 5-4: The Alternative A column should be checked for the Langner/Wilfred rows "Signalize" and "Widen Wilfred to 3 lanes (add EB left and WB left)." Also, the rows marked P for proportionate cost of mitigation measure should be changed to F for full cost of mitigation measure. The reality of the situation is that there are no other sources of funding to fund improvements to these intersections.
- Page 5-30, Table 5-4: it is not clear under intersection 6 Dowdell/Wilfred that what is proposed for Alternative A is actually five lanes wide at the intersection – per Figure A9 of Appendix O. This will require significant right-of-way acquisition including potential condemnation of one house. Because this intersection is in unincorporated Sonoma County, presumably the Board of Supervisors would be the authority to condemn property to accommodate the Casino project. More discussion of this needs to be included in the DEIS including the likelihood of the Board taking such action and the impacts of the project if they don't. The case is also similar at intersection 5 Wilfred/Labath where potentially 5-6 houses could be subject to condemnation.
- The DEIS seems to assume that Wilfred Avenue is widened by 2008. It should be noted that widening Wilfred Avenue will take at

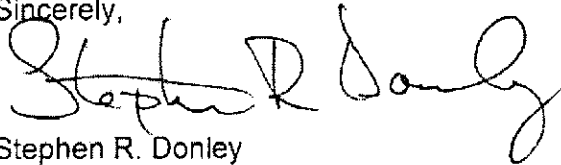
least two years because of the CEQA review process, right-of-way acquisition, wetland impacts and tiger salamander habitat impacts. A more realistic time frame to use in the DEIS would be two years after groundbreaking of the casino project.

- Page 5-44, Table 5-7 is presented as "Intersection LOS After Mitigation – Alternatives A-E (2020)" but the Signal Control Column does not reflect the intersection improvements shown in Table 5-4 on page 5-29. For instance, one intersection improvement for Wilfred/Stony Point is signalization under all scenarios yet Table 5-7 shows Signal Control as Two Way Stop Control for that intersection. The same is true for Labath/Wilfred and Dowdell/Wilfred. Intersections with varying control under different scenarios should be noted as such on Table 5-7.
- Intersection numbering used in the DEIS needs to match the intersection numbering of Appendix O Traffic Impact Studies.
- The intersection of Labath and Business Park Drive is not included in Table 5-4 but it should be shown as an intersection improvement because it would be a new intersection. The proposed signal control should be shown in Table 5-7 (one-way stop control per Appendix O). The eastbound left to northbound Labath should be dedicated and not combined with the eastbound through on Business Park Drive as is currently proposed in the Traffic Impact Studies.
- Page 5-53: The use of a photovoltaic system for power and the use of solar heating of the swimming pool(s) should be offered as mitigation measures.
- Page 5-55, center page, item Y: There is a discussion of how prior to the project's operation, the Tribe will contract with "a" law enforcement service provider for primary law enforcement services. The party intended to provide this service should be identified in the DEIS. Furthermore, the DEIS should be revised to reflect this and any additional mitigation needed to address impacts should be offered.
- Page 5-56, center page, item FF: There is a discussion of how prior to the project's operation, the Tribe will enter into an agreement with "a" fire service provider for primary fire protection. The party intended to provide this service should be identified in the DEIS. Furthermore, the DEIS should be revised to reflect this and any additional mitigation needed to address impacts should be offered.
- Page 5-57: The following mitigation measures should be amended as follows:
 - D. The use of concrete block walls to buffer noise is not allowed by the City's General Plan within this area;
 - E. Idling should not be allowed between 7:00 PM and 7:00 AM, per the Municipal Code;

- G. Project construction should not exceed the hours permitted by the Municipal Code (i.e. 8:00 AM to 6:00 PM);
 - I. This measure is only offered for Alternative F, but appears to be appropriate for all of the alternatives;
 - J. Project construction should not exceed the hours permitted by the Municipal Code (i.e. 8:00 AM to 6:00 PM).
- Page 5-59: There are two Mitigation Measures lettered "T" and should be reordered. The second of these should include the lowering of the building's height to 65 feet or under to help mitigate visual impacts.
 - Page 6-3: The City of Rohnert Park staff contacts should be updated. Also, the Department of Public Safety contacts should be listed.

Again, thank you for this opportunity to comment. If you should have any questions, please feel free to contact me at (707) 588-2226.

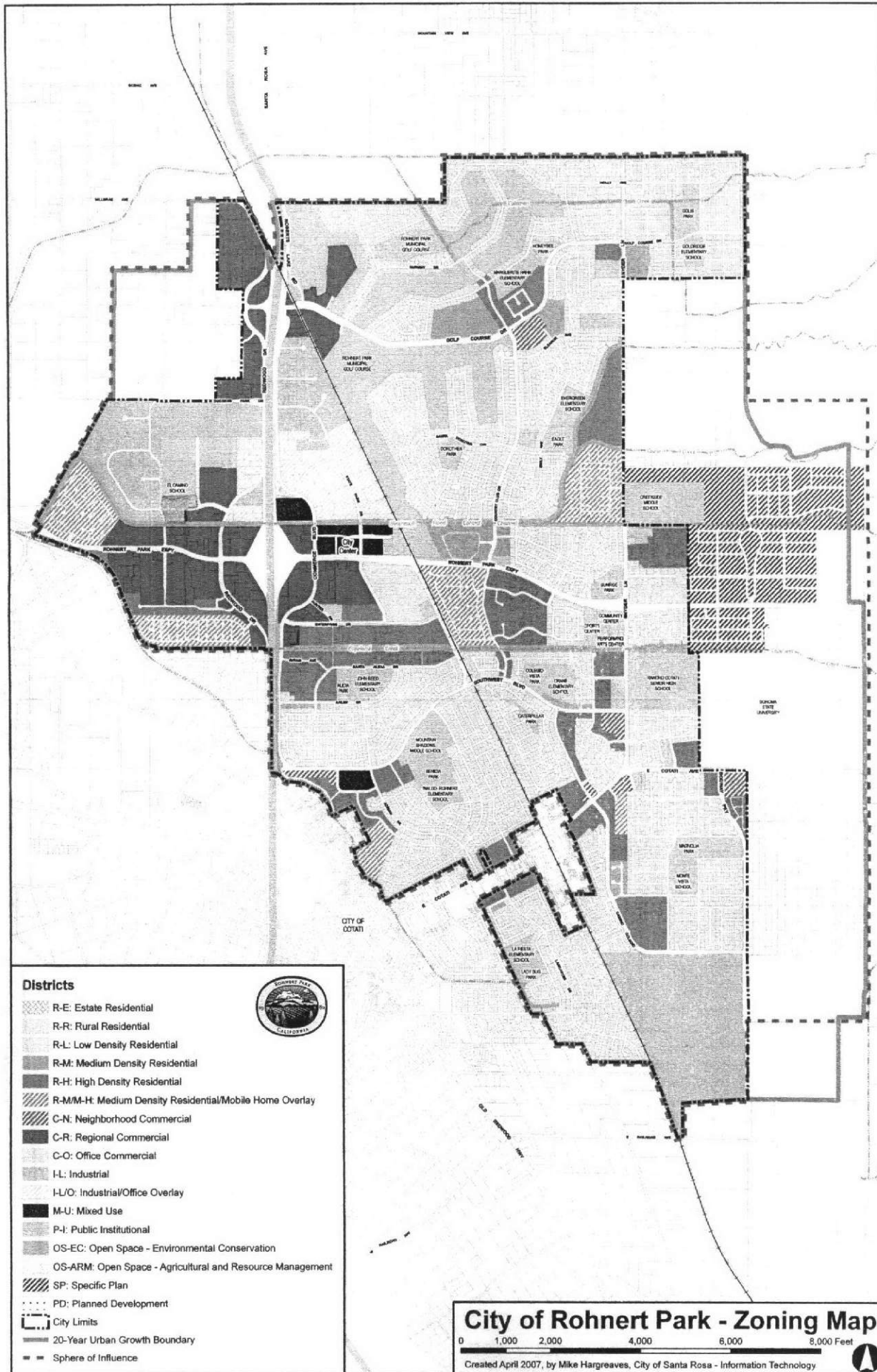
Sincerely,



Stephen R. Donley
City Manager

Attachments

Cc: City Councilmembers (5)
Planning Commissioners (5)
Michelle Marchetta Kenyon, City Attorney
Gabrielle P. Whelan, Assistant City Attorney
Daniel Schwarz, Assistant City Manager
Darrin W. Jenkins, Public Works Director/City Engineer
Thomas R. Bullard, Director of Public Safety
Ron Bendorff, Director of Community Development



Districts

- R-E: Estate Residential
- R-R: Rural Residential
- R-L: Low Density Residential
- R-M: Medium Density Residential
- R-H: High Density Residential
- R-MM-H: Medium Density Residential/Mobile Home Overlay
- C-N: Neighborhood Commercial
- C-R: Regional Commercial
- C-O: Office Commercial
- I-L: Industrial
- I-U/O: Industrial/Office Overlay
- M-U: Mixed Use
- P-I: Public Institutional
- OS-EC: Open Space - Environmental Conservation
- OS-ARM: Open Space - Agricultural and Resource Management
- SP: Specific Plan
- PD: Planned Development
- City Limits
- 20-Year Urban Growth Boundary
- Sphere of Influence



City of Rohnert Park - Zoning Map

0 1,000 2,000 4,000 6,000 8,000 Feet
 Created April 2007, by Mike Hargreaves, City of Santa Rosa - Information Technology



- | | | |
|--|--|--|
| <ul style="list-style-type: none"> Rural Estate Residential (up to 2 un/ac) Low Density Residential (4-6 un/ac) Medium Density Residential (6-12 un/ac) High Density Residential (12-24 un/ac) Industrial Commercial <ul style="list-style-type: none"> N Neighborhood Commercial R Regional Commercial | <ul style="list-style-type: none"> Mixed Use Office Public/Institutional Parks/Recreation Open Space - Environmental Conservation Open Space - Agriculture and Resource Management Community Separator | <ul style="list-style-type: none"> Sphere of Influence 20-Year Urban Growth Boundary EXISTING/PROPOSED Major Arterial (4-6 lanes) Minor Arterial (2 lanes) Major Collector (4 lanes) Minor Collector (2 lanes) |
|--|--|--|

All maps are intended to be consistent with the General Plan Diagram. Additional adjustments to the other maps may be made for consistency.

MIKE HARGREAVES
City of Santa Rosa, Information Technology

Figure 2.2-1
General Plan Diagram
Adopted July 2000
(Rev. 4/07)

Status Report of Current Approved/Proposed Projects

Specific Plans

1. **Northeast Area**: Draft Specific Plan is being updated. Copies of the revised plan will be submitted to the Commission when received. The Administrative Draft EIR has been received and reviewed and will be amended per changes to plan. Hearings are projected for Commission/Council late in 2007.
2. **Southeast Area**: Draft Specific Plan currently being reviewed. Draft EIR released for 45-day review period on December 14, 2005, and review period ended January 27, 2006. The Administrative Draft Final EIR review is nearing completion. Projected for Commission/Council hearings in the summer, 2007.
3. **University District**: Specific Plan approved in May, 2006. Annexation approved by LAFCO in April, 2007.
4. **Wilfred-Dowdell**: Draft Specific Plan has been rewritten and a Supplemental EIR is being prepared. Projected for Commission/Council hearings in the summer, 2007.

Projects Approved/Under (Soon-to-be Under) Construction

1. **Agilent Facility Retrofit (aka Sonoma Mountain Village)** (1400 Valley House Drive) Building Permit issued 11/22/05 for 13,000 ft² tenant improvement of Agilent Building 1. Coddling Enterprises moved into these offices in June of 2006. In addition, on March 23, 2006, the Planning Commission approved the remodel of Buildings 1 and 4. Coddling received a final inspection of their 1.1 MW PV system in October of 2006.
2. **City Center Townhomes/CentreVille** (Northwest corner State Farm Drive/Padre Parkway): 76 units (live/work, townhouse, condominium) with accessory commercial space at corner. 12 units will be affordable for sale to low- and moderate-income households. A number of the units have been sold and are now occupied. Nearing completion.
3. **Creekwood Apartments/Self-Storage** (Commerce Boulevard at Professional Center Drive): 96 apartment units (minimum 14 affordable) and self-storage facility. Self-storage portion of project is completed; permit for apartments not yet applied for.
4. **Mountain Shadows Plaza**: Permit issued 6/1/06 for addition to retail space. Under construction.
5. **Park Gardens Apartments Addition** (1400 East Cotati Avenue): 20-unit multi-family project to be constructed to rear of existing Park Gardens Apartment complex (minimum 3 affordable). Building permits issued 5/18/05. Underground and site work has been completed. Under construction.

Projects Approved/Awaiting Building Permits

1. **Expressway Marketplace Pad Building** (565 Rohnert Park Expressway): 4,704 square foot standalone commercial building to be constructed within the parking lot of the Expressway Marketplace

- shopping center. Project approved by Planning Commission on July 22, 2004. Building permits issued and project under construction.
2. Hampton Inn & Suites (6258 Redwood Drive): Site Plan and Architectural Review approved in December 2005 to allow construction of a 60,201 square foot hotel ("Hampton Inn and Suites") containing 102 rooms. Building permit issued and project under construction.
 3. Jiffy Lube (5195 Redwood Drive): 3,450 square foot retail building with a drive-through window and an approximately 2,090 square foot auto repair building on a vacant parcel in front of the "Levitz" furniture showroom. Permit ready to issue.
 4. Kokalis Retail Building (6603 Redwood Drive): Approximately 5,500 s.f. retail building approved by Planning Commission on November 14, 2006. Building permits not yet applied for.
 5. Radius Development Group Project (Northwest Corner of Commerce Boulevard and Rohnert Park Expressway): Two commercial buildings totaling 26,302 square feet of floor area with potential drive-through window for one of the buildings. Permits issued 7/27/05. Applicant resubmitted plans for review of revisions on 10/11/05. Sign program approved by Planning Commission in February, 2006. Under construction. The redevelopment of the adjacent "Wendy's" site with a small commercial building with a drive-through and an amendment to the sign program to include this building was approved by the Planning Commission on December 14, 2006. First building is under construction.
 6. Rohnert Park Mall (6595 Commerce Boulevard) On May 11, 2006, the Planning Commission approved Site Plan and Architectural Review for the exterior remodel of the 50,000 square-foot building and Sign Program. Planet Fitness and Super Pets are operating. Toob Town and Paradise Pizza have decided not to renew their lease. The space is currently unoccupied and no tenant has been proposed.
 7. Vida Nueva (705 Rohnert Park Expressway) On May 25, 2006, the Planning Commission approved Site Plan Architectural Review and Conditional Use Permit for a 24-unit supportive housing project for previously homeless individuals on a 1.9 acre site. On June 13, 2006, the City Council approved an amendment of the General Plan land use designation from Open Space to High Density Residential and introduced an Ordinance to rezone the site to the "R-H" (High Density Residential) zoning district.

Projects Under Consideration

1. Stadium Area Master Plan (Area Generally Bordered by Labath Avenue to the West, by properties fronting on Business Park Drive to the North, by properties fronting on Redwood Drive to the East, and by the Hinebaugh Creek channel to the South): A Preliminary Development Plan for this area was reviewed by the Planning Commission on May 13, 2004, and comments provided to the applicant. The plan shows regional commercial development for the south portion of the site, with a mix of residential and commercial to the north. A Final Development Plan has been submitted. A scoping session for the required EIR was held at the June 23, 2005

Commission meeting. Because of changes in the Plan, the EIR has had to undergo revisions but should be available to the public in the spring/summer, 2007.

2. Sonoma Mountain Village Preliminary Development Plan (Southwest Corner of Camino Collegio and Bodway Parkway): On May 11, 2006, the Planning Commission reviewed and provided comments to the applicant regarding a proposal to develop the 175-acre Agilent site with a mixed-use type development consisting of approximately 1,900 residences (single family attached and detached, multifamily, and live/work) and roughly 850,000 square feet of commercial and public/institutional. The Final Development Plan was submitted and deemed complete in December, 2006. On April 10, 2007, the City Council authorized staff to initiate a contract with EIP for the preparation of an EIR. The scoping session should be conducted in June, 2007.



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Pamela Torliatt
Mayor

Teresa Barrett
Samantha Freitas
Mike Harris
Karen Nau
Mike O'Brien
David Rabbitt
Councilmembers

March 20, 2007

Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 "L" Street NW
Suite 9100
Washington, D.C. 20005

RE: Request for an Extension of the Public Comment Period on the Draft Environmental Impact Statement (DEIS) for the Proposed Federated Indians of Graton Rancheria Casino and Hotel Project, Sonoma County, CA

Dear Mr. Mehaffy:

On behalf of the City Council and the citizens of the City of Petaluma, we would respectfully request that the public comment period on the aforementioned DEIS, now scheduled to conclude on May 14, 2007, be extended from its current 77 days (based on the February 27, 2007 date on the letter from Mr. Chad Broussard of Analytical Environmental Services) to a total of 180 days. We understand that our request is not specifically provided for within the National Environmental Protection Act (NEPA) or the applicable procedural regulations of the Council on Environmental Quality governing NEPA (40 CFR Parts 1500-1508). However, the proposed casino/hotel has such potential to create significant environmental impacts for the City of Petaluma and other jurisdictions in proximity to the project that we believe the established comment period is insufficient to adequately understand and thoughtfully comment on the analysis and conclusions in the DEIS. Given the amount of time it has taken to produce and circulate the DEIS for public comment and the complexity of the issues and impacts it describes, we believe that our requested extension of the comment period is not only warranted, but also is in the best interest of full disclosure and public discourse on which NEPA is based.

Thank you in advance for your prompt consideration of and favorable response to this request.

Sincerely,

Pamela Torliatt
Pamela Torliatt
Mayor

City Manager's Office
11 English Street
Petaluma, CA 94952

Phone (707) 778-4345
Fax (707) 778-4419
E-Mail

citymgr@ci.petaluma.ca.us

Animal Services
840 Hopper Street Ext.
Petaluma, CA 94952
Phone (707) 778-4396
Fax (707) 778-4397

Risk Management
11 English Street
Petaluma, CA 94952
Phone (707) 776-3695
Fax (707) 776-3697
E-Mail

riskmgmt@ci.petaluma.ca.us

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cc: Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, D.C. 20005

Honorable Lynn Woolsey
2263 Rayburn Building
Washington, D.C. 20515

Philip N. Hogan
Chairman
National Indian Gaming Commission
1441 "L" Street NW
Washington, D.C. 20005

Supervisor Mike Kerns
Supervisor Valerie Brown
Supervisor Mike Reilly
Supervisor Paul Kelley
Supervisor Tim Smith

Sonoma County Mayors

COUNTY OF SONOMA
BOARD OF SUPERVISORS

575 ADMINISTRATION DRIVE, RM. 100A
SANTA ROSA, CALIFORNIA 95403

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PAUL L. KELLEY

MIKE REILLY

March 20, 2007

Via Mail and Fax: (202) 632-7066

Mr. Brad Mehaffy
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 20005

Re: Request to extend public comment period and schedule a public hearing
Graton Rancheria Casino and Hotel Project Draft Environmental Impact Statement

Dear Mr. Mehaffy:

The County of Sonoma, Sonoma County Water Agency, Sonoma County Transportation Authority, and Rincon Valley Fire Protection District respectfully request that you extend the public comment period on the Graton Rancheria Casino and Hotel Project Draft Environmental Impact Statement ("DEIS") by 90 to 120 days, and hold an additional public hearing near the end of the revised public comment period. We understand that you have received several requests in this regard, and intend to consider them after the April 4 and 5 public hearings.

We respectfully suggest that the current comment deadline does not provide the public and interested parties with sufficient time to obtain and read the DEIS, consider the project's potential impacts and alternatives, and comment effectively. The DEIS consists of five 3½- to 6-inch binders filled with double-sided text, figures, and charts. It evaluates seven alternatives and eighteen impact categories, and includes twenty-five appendices with highly detailed and technical scientific information. We believe that an extension of the comment period is necessary to allow the public and interested parties a meaningful opportunity to respond to this information.

Indeed, we note that the DEIS comment period is just a few days longer than the 50-day scoping comment period, even though that process did not require the public to review anything resembling the same amount of material. We respectfully submit that the DEIS warrants a substantially longer public comment period than the scoping stage. We further suggest that extending the comment period would evince a commitment to a transparent

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NATIONAL INDIAN GAMING COMMISSION
RECEIVED

Mr. Brad Mehaffy

March 20, 2007

Page 2

and thorough public review process, and would generate more thoughtful, better reasoned, and more concise public comments.

We also respectfully request that you schedule an additional public hearing near the end of the revised comment period. We appreciate your scheduling of two hearings so far, but note that April 4 and 5 are less than thirty days from your March 9 release of the DEIS. We think it unlikely that the public will be able to obtain and review the DEIS, consider the project, and offer effective oral comments in less than 30 days. Indeed, we suspect that many of the attendees will address the length of the comment period rather than the DEIS itself, defeating the purpose of the public hearings. By contrast, a later hearing date would allow commenting parties to provide brief, focused comments that would be easier to address in the Final EIS.

Thank you for your consideration of our request. Please advise me at your earliest possible convenience when you decide on our request, so we can plan accordingly.

Sincerely yours,

A handwritten signature in black ink that reads "Mike Kerns". The signature is written in a cursive, slightly slanted style.

Mike Kerns, Vice-Chair
Sonoma County Board of Supervisors



CITY OF
SANTA ROSA

OFFICE OF THE MAYOR
100 Santa Rosa Avenue
Post Office Box 1678
Santa Rosa, CA 95402-1678
707-543-3010
Fax: 707-543-3030

March 20, 2007

Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 "L" Street NW
Suite 9100
Washington, D.C. 20005

**REQUEST FOR EXTENSION OF PUBLIC COMMENT PERIOD ON
DRAFT EIS FOR THE FEDERATED INDIANS OF GRATON
RANCHERIA CASINO AND HOTEL PROJECT IN SONOMA COUNTY,
CALIFORNIA**

BOB BLANCHARD
Mayor

LEE PIERCE
Vice Mayor

JANE BENDER
SUSAN GORIN
VERONICA JACOBI
MIKE MARTINI
JOHN SAWYER
Councilmembers

Dear Mr. Mehaffy:

The purpose of this correspondence is to request an extension of the public comment period on the above document from its current date May 14, 2007, to a period of 180 days from the initial release. The environmental analysis is both extensive and complex as indicated by the time required to prepare the draft environmental impact statement. Because this project may have impacts on our community, we need additional time to have our city departments review the report and provide analysis for city council consideration.

There has been extensive newspaper reporting and discussion of this project in the past but less significant publicity recently as the DEIS was being prepared. As a result, additional time is required for us to refocus city staff attention to this matter, review the DEIS and conduct sufficient analysis to provide informed comments.

We hope that you will look favorably upon this request for an extension to the public comment period so that the city council can fulfill its responsibility of participating in the review process. Please notify us of your determination.

Sincerely,

Bob Blanchard
Mayor

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NATIONAL INDIAN
GAMING COMMISSION
2007 MAR 29 AM 11:17

C: Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, D.C. 20005

Honorable Lynn Woolsey
2263 Rayburn Building
Washington, D.C. 20515

Philip N. Hogan, Chairman
National Indian Gaming Commission
1441 "L" Street NW
Washington, D.C. 20005

Supervisor Mike Kerns
Supervisor Valerie Brown
Supervisor Mike Reilly
Supervisor Paul Kelley
Supervisor Tim Smith

Sonoma County Mayors



City of Sebastopol

CITY HALL
 P.O. BOX 1776
 SEBASTOPOL, CA 95473
 (707) 823-1153 PHONE
 (707) 823-1135 FAX
www.ci.sebastopol.ca.us
 Email: mgourley@sonic.net

MAYOR
 Sam Pierce

COUNCIL
 Craig Litwin, Vice Mayor
 Larry Robinson
 Linda Kelley
 Sarah Glade Gurney

City Manager
 David D. Brennan

March 21, 2007

Mr. Bradley Mehaffy
 NEPA Compliance Officer
 National Indian Gaming Commission
 1441 L Street NW
 Suite 9100
 Washington, DC 20005

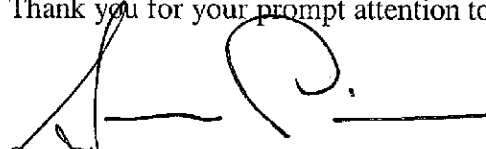
RE: Federated Indians of Graton Rancheria Casino/Hotel Project DEIS
 Request for extended response period

Dear Mr. Mehaffy:

The proposed Federated Indians of Graton Rancheria casino project ("Project") has, since the beginning, been a source of concern to the City of Sebastopol. The impact of this Project on regional resources would be significant.

It has taken three years almost to the day for the Project's Draft Environmental Impact Statement ("DEIS") to be released, yet your office has allowed only 74 days to respond. We believe that the response time for this DEIS should be commensurate with the document's preparation time. Therefore, so that we may have the time needed to review and respond to the DEIS, we request that the community be given six months in which to respond.

Thank you for your prompt attention to this matter.


 Sam Pierce
 Mayor
 City of Sebastopol

91 : 11 AM 6Z MAR 29 2007

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 NATIONAL INDIAN
 GAMING COMMISSION

cf: Phillip N. Hogen, Chairman,
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington DC 20510

The Honorable Lynn Woolsey
6th Congressional District Representative
2263 Rayburn Bldg House Office Building
Washington DC 20515

Sonoma County Board of Supervisors
575 Administration Drive
Room 102A
Santa Rosa, CA 95403

Sebastopol City Council
Sebastopol City Manager
Planning Director

City of Sonoma

Sonoma Sister Cities:

No. 1 The Plaza
Sonoma, California 95476-6618
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



Chambolle-Musigny, France
Greve in Chianti, Italy
Kaniv, Ukraine
Patzcuaro, Michoacán, Mexico

March 22, 2007

Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005


RE: Federated Indians of Graton Rancheria Casino/Hotel Project DEIS
Request for extended response period

Dear Mr. Mehaffy:

The proposed Federated Indians of Graton Rancheria casino project ("Project") has been a source of continuing concern to residents and local government agencies throughout Sonoma County. The impact of this Project on regional resources would be significant.

It has taken three years for the Project's Draft Environmental Impact Statement (DEIS) to be released, yet only 74 days have been allowed in which to respond to this lengthy document. The significance of the Project to the region requires that sufficient time be provided for review of the DEIS and preparation of a thoughtful and reasoned response. The Sonoma City Council requests that the community be given six months in which to respond.

Thank you for your consideration of this request.


Stanley Cohen
Mayor
City of Sonoma

cc: Phillip N. Hogen, Chairman,
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, DC 20005

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington DC 20510

2007 MAR 29 AM 9:42

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GAMING COMMISSION

3-29-07-1

The Honorable Mike Thompson
1st Congressional District Representative
231 Cannon Office Building
Washington, DC 20515

The Honorable Lynn Woolsey
6th Congressional District Representative
2263 Rayburn Bldg House Office Building
Washington DC 20515

Sonoma County Board of Supervisors
575 Administration Drive
Room 102A
Santa Rosa, CA 95403

Councilmembers

CALIFORNIA LEGISLATURE

STATE CAPITOL
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SACRAMENTO, CA 95814
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FAX (916) 319-2106

DISTRICT OFFICE
3501 Civic Center Drive
SUITE 412
San Rafael, CA 94903
(415) 479-4920
FAX (415) 479-2123



Jared Huffman
ASSEMBLYMEMBER, 8TH DISTRICT

CHAIR, Environmental Safety
& Toxic Materials Committee

COMMITTEES
Appropriations
Utilities and Commerce
Water Parks and Wildlife

March 28, 2007

Mr. Bradley Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20004
FAX: 202.632.7066

RE: Federated Indians of Graton Rancheria Casino and Hotel Project DEIS

Dear Mr. Mehaffy:

I am writing to formally express my strong support for a six month extension to the public comment period on the Draft Environmental Impact Statement (DEIS) for the Graton Casino "Project" planned in Sonoma County, California.

This project, if built, may have far-reaching, negative consequences for the City of Rohnert Park, and the entire region. As you are well aware, an initial review of the DEIS was released and has identified several areas of concern, including: traffic congestion, the imposition of a federal water right for an area that is already experiencing concerns about its water supply, urban blight, and so on.

Traffic Congestion: The estimated daily round vehicle trips to the casino may in fact be unrealistically low. Planned Highway 101 expansion at Wilfred Avenue was never intended to accommodate future commercial development, but only to relieve existing traffic congestion. Therefore, casino traffic might result in negating the planned improvements to Hwy 101.

Existing Water Supply: In a region that faces significant and growing water problems, we must carefully assess the impact of this project on water resources. The DEIS acknowledges that the Project could present a threat to those wells, and offers some compensation should anyone within a specific area have their wells impacted by the Project within a specific period of time. This compensation plan may not be adequate. If residents' wells were to go dry from the casino's impact on the aquifer, they would have limited options. Simply assuming these residents could secure replacement water supplies would be irresponsible, especially given the lack of existing supply and infrastructure in the current water delivery system. I see no reason to put area residents' water supplies at risk for this development.

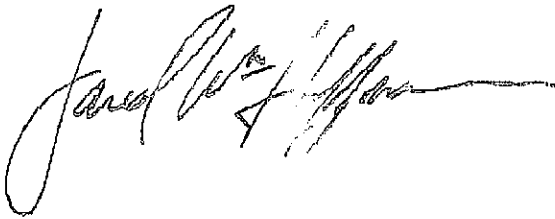
Urban Blight: We know from other communities across California that the impact of tribal casinos have resulted in closed stores, deserted malls, and downtown commercial decay, as people spend their discretionary money on gambling rather than goods and services from their fellow community members, further weakening the region's economic strength.

The people of the 6th Assembly District - my constituents - wish to make a meaningful response to the Project's DEIS. They do not have access to a staff who could review the DEIS for them, but must do it all themselves. The Graton DEIS took three years to produce and I do not feel that an adequate amount of time has been allowed for their analysis and thoughtful comment to be expressed.

Therefore, I am herein requesting that the deadline for response for the Graton DEIS be extended from the current seventy-five days to six months, and that responses be accepted up to and including Friday August 31, 2007.

Again, I urge your careful consideration of this request. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



JARED HUFFMAN
Assemblymember 6th District

JH: lb



City of Cloverdale

P.O. Box 217 • 124 North Cloverdale Blvd. • Cloverdale, CA 95425-0217

March 30, 2007

Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 "L" Street NW
Suite 9100
Washington, D.C. 20005

REQUEST FOR EXTENSION OF PUBLIC COMMENT PERIOD ON DRAFT EIS FOR THE FEDERATED INDIANS OF GRATON RANCHERIA CASINO AND HOTEL PROJECT IN SONOMA COUNTY, CALIFORNIA

Dear Mr. Mehaffy:

The purpose of this correspondence is to request an extension of the public comment period on the above document from its current date May 14 2007, to a period of 180 days from the initial release. The environmental analysis is both extensive and complex as indicated by the time required to prepare the draft environmental impact statement. Because this project may have impacts on our community, we need additional time to have our city departments review the report and provide analysis for city council consideration.

There has been extensive newspaper reporting and discussion of this project in the past but less significant publicity recently as the DEIS was being prepared. As a result, additional time is required for us to refocus city staff attention to this matter, review the DEIS and conduct sufficient analysis to provide informed comments.

We hope that you will look favorably upon this request for an extension to the public comment period so that the city council can fulfill its responsibility of participating in the review process. Please notify us of your determination.

Sincerely,

Gus Wolter
Mayor

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NATIONAL INDIAN
GAMING COMMISSION
2007 APR -4 PM 3:51



Discover Cloverdale

Cc: Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, D.C. 20005

Honorable Lynn Woolsey
2263 Rayburn Building
Washington, D.C. 20515

Philip N. Hogan, Chairman
National Indian Gaming Commission
1441 "L" Street NW
Washington, D.C. 20005

Supervisor Mike Kerns
Supervisor Valerie Brown
Supervisor Mike Reilly
Supervisor Paul Kelley
Supervisor Tim Smith

Sonoma County Mayors

LYNN WOOLSEY
6TH DISTRICT, CALIFORNIA

COMMITTEES:

EDUCATION AND THE WORKFORCE
RANKING MEMBER, SUBCOMMITTEE ON
EDUCATION REFORM
SUBCOMMITTEE ON WORKFORCE PROTECTIONS
SCIENCE
SUBCOMMITTEE ON ENERGY

WEB PAGE AND E-MAIL:
<http://www.woolsey.house.gov>

Congress of the United States
House of Representatives
Washington, DC 20515-0506

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2263 RAYBURN BUILDING
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TELEPHONE: (202) 225-5161
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1101 COLLEGE AVENUE, SUITE 200
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NORTHGATE BUILDING
1050 NORTHGATE DRIVE, SUITE 354
SAN RAFAEL, CA 94903
TELEPHONE: (415) 507-9554

G-12

April 2, 2007

Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW
Suite 9100
Washington, D.C. 2005

**Re: Extension of Comment Period for DEIS, Federated Indians of Graton
Rancheria Casino Resort Complex, Rohnert Park, Ca.**

Dear Mr. Mehaffy:

On behalf of many concerned citizens and of the City Councils of Petaluma, Sebastopol and Sonoma, I am requesting an extension of the comment period to 180 days on the Draft Environmental Impact Statement (DEIS) for the Federated Indians of the Graton Rancheria's Casino Resort Complex proposed for the City of Rohnert Park in Sonoma County, California.

The proposed casino-resort complex is a massive undertaking that will dwarf any other commercial venture in this county. The DEIS has identified a number of significant impacts on water supply, sewage disposal, wetlands preservation, and traffic congestion. Sonoma County is experiencing stress in all of these areas and the addition of this very large and centrally located project may exacerbate them. All of these issues need close examination and analysis. Unfortunately, given the massive size of the DEIS, and the complexity of the issues it describes, the current 75-day comment period is simply inadequate.

The people of Sonoma County who will be most impacted by this proposed project deserve a rigorous and thoughtful environmental review. Therefore, I ask that the comment period be extended to 180 days until August 31, 2007 and for your written response to this request. If you have any questions or comments, please contact me or Tom Roth in my Sonoma County District Office at (707) 542-7182.

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GAMING COMMISSION
APR 9 - 10 AM 2007

Thank you in advance for your careful consideration of my request.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Woolsey". The signature is written in black ink and is positioned above the printed name.

Lynn Woolsey
Member of Congress

cc: Mayor Pam Torliatt, City of Petaluma
Mayor Sam Pierce, City of Sebastopol
Mayor Stanley Cohen, City of Sonoma

City of Cotati

Sonoma County, California



March 28, 2007

Mr. Brad Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 20005

Subject: NIGC Draft Environmental Impact Statement and Conformity Determination

Dear Mr. Mehaffy,

The City of Cotati appreciates the opportunity to comment on the Graton Rancheria Casino and Hotel Environmental Impact Study (EIS). We have received a copy of the CD-ROM that contains many volumes of information and analysis regarding this extremely important proposed project here in the County of Sonoma. In reviewing the information on the on the CD-ROM, it appears that an eighth alternative (Alternative H) is still being developed for the "Wilford site." This alternative is described conceptually to be a "less intensive." It does not seem appropriate to request comments on this EIS when an important alternative is still being developed. The information we received indicates that this alternative would be submitted for comment with the Final EIS. We find this timing for release and consideration of Alternative H in conflict with respect to having a clear understanding of possible alternatives for this proposed project and being able to respond with full information to the current Draft EIS that is being circulated. Moreover, given the many volumes of materials that are contained with this Draft EIS and the detail and complexity of the information and project under consideration, the suggested May 14, 2007, due date for comments is substantially inadequate for purposes of preparing thorough and informed comments on this important project to the Cotati community and the wider County of Sonoma.

Consequently, the City of Cotati is formally requesting the following

1. That Alternative H be fully developed and completed in a final form and that the Draft EIS be re-circulated with this alternative included; and,
2. That the review period for preparing comments once the revised and re-circulated EIS is distributed is a minimum of six months from the date the revised DEIS is distributed to allow for thorough review and thoughtful commentary on this important project.

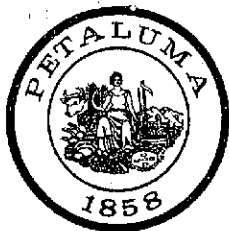
Should you have any questions regarding these comments, please do not hesitate to contact City of Cotati Director of Planning David Woltering, AICP, at (707) 665-3638.

Very truly yours,

Geoff Fox, Mayor
City of Cotati.

cc: Councilmembers
Dianne Thompson, Acting City Manager

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GAMING COMMISSION
APR 3 2007



RECEIVED
CITY OF PETALUMA
POST OFFICE BOX 61
2007 MAY 1 PETALUMA, CA 94953-0061

Pamela Torliatt
Mayor

Teresa Barrett
Samantha Freitas
Mike Harris
Karen Nau
Mike O'Brien
David Rabbitt
Councilmembers

May 8, 2007

Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 "L" Street NW
Suite 9100
Washington, D.C. 20005

RE: City of Petaluma Comments on the Draft Environmental Impact Statement (DEIS) for the Proposed Federated Indians of Graton Rancheria Casino and Hotel Project, Sonoma County, CA

Dear Mr. Mehaffy:

On behalf of the City Council and the citizens of the City of Petaluma, we are submitting the following comments on the DEIS:

Section 3.3.1 Under "Surface Water Quality" for the Lakeville Site, the EIS should address the fact that the Petaluma River is currently on the list of Clean Water Act 303(d) impaired water bodies. The EIS should also address the fact that the California Regional Water Quality Control Board has placed prohibitions on the discharge of treated wastewater into the Petaluma River. It is likely that similar prohibitions would be placed on this project.

Section 3.4 – The DEIS does not address the air quality impacts that could be mitigated through the coordination of local transit services to integrate with the transit services to be provided by the casino-hotel. In addition, traffic related air quality impacts may be further mitigated by providing on-site housing for casino and hotel employees that might otherwise have to commute to the site. Air quality and other related impacts may be further mitigated through a commitment by the Tribe to construct the hotel-casino and related facilities pursuant to a designated LEED standard.

Section 3.8 – Area Road Network for Alternative F should include intersections within the City of Petaluma due to the proximity of the City of Petaluma to the project alternative.

Section 4.3.6 There does not appear to be any discussion on how the project would comply with the prohibition of wastewater discharge to the Petaluma River.

City Manager's Office
11 English Street
Petaluma, CA 94952

Phone (707) 778-4345
Fax (707) 778-4419
E-Mail
citymgr@ci.petaluma.ca.us

Animal Services
840 Hopper Street Ext.
Petaluma, CA 94952
Phone (707) 778-4396
Fax (707) 778-4397

Risk Management
11 English Street
Petaluma, CA 94952
Phone (707) 776-3695
Fax (707) 776-3697
E-Mail
riskmgt@ci.petaluma.ca.us

Section 4.8 – According to the second paragraph on page 4.8-5 the addition of HOV lanes on Highway 101 from Novato to Santa Rosa are expected to occur in 2008, although later on this same page, and following onto the next, many portions of those improvements are noted as occurring much later or possibly delayed. Improvements noted as occurring much later or those that are not fully funded should not be included as assumed improvements within the context of this report.

With regard to the project's construction impacts, little is mentioned about specific locations of borrow pits. The locale of these sites should be known to identify the specific impacts of nearly 46,000 trip ends for the import of fill (Alternative A). Additionally, the location of quarry, cement and asphalt concrete batch plants should be noted to identify the specific impact of those trip ends.

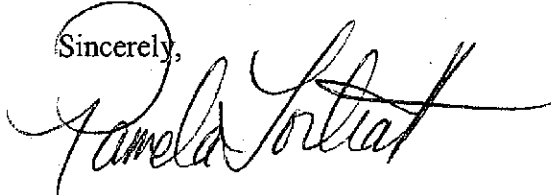
Project Trip distribution for alternatives A-E assumes 30 percent to/from the north via the 101 corridor, while alternative F assumes 20 percent from the north and only 10 percent of this traffic generated from the 101 corridor. Given the trip generation assumptions for alternative F with 40% of the project traffic assumed to/from all parts east, it is reasonable to assume that a large portion of the 70% trips in alternative A would infiltrate the Sonoma and Petaluma Valleys to get to Highway 101 northbound as many trips do to avoid Highway 37. The extent of this impact on the City of Petaluma could be as much as 30 percent of the project's trip generation. Additionally, only 5 percent of the project's trips are assumed to leave northbound Highway 101 at State Route 116 to travel north on Stony Point Road. Without the assumed HOV improvements to Highway 101 on the Cotati Grade a greater number of trips will leave the highway as early as the Old Redwood Highway interchange, further impacting the City of Petaluma. This includes the interchange of Highway 101 and Old Redwood Highway. It also could be reasoned that as the lack of improvements, or provision for HOV lanes on Highway 101, continues south from Rohnert Park, the likelihood for infiltration of project related trips into the local street network would increase. At this current juncture, it is likely to assume that the last portion of HOV lanes to be completed along the Highway 101 corridor, from Windsor to Novato, would be the stretch between Railroad Avenue and Petaluma Boulevard South.

Furthermore, the project's trip generation assumptions appear to consider trips to/from outside of the immediate area, yet many of those traveling to the area to stay at the hotel would tend to recreate within the immediate locale generating daily trips within the area. Trips include visiting the various communities, newly renovated downtowns, city, regional and state parks, wineries and vineyards, or any host of local entertainment activities.

Section 5.2.2 Mitigation Measure W is to "...work with the Cities of Rohnert Park, Petaluma and SCWA to find and deliver more surface water..." The EIS does not specify the source of the "surface water." If the EIS assumes this "surface water" is to come from the Russian River water system operated by the SCWA, this would be problematic. The SCWA and its water contractors have been working for many years on this water supply source to ensure a safe, reliable, and high quality source of water for Marin and Sonoma County communities. The EIS should provide more information on this mitigation measure.

Thank you for the opportunity to comment. City of Petaluma staff can be made available to answer any questions you may have or requests for additional information necessary to adequately respond to comments. We look forward to the responses and the next stage of the review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Torliatt". The signature is fluid and cursive, with a large initial "P" and "T".

Pamela Torliatt
Mayor of Petaluma

cc: Honorable Dianne Feinstein, 331 Hart Senate Office Building, Washington, D.C. 20005
Honorable Lynn Woolsey, 2263 Rayburn Building, Washington, D.C. 20515
Philip N. Hogan, Chairman, National Indian Gaming Commission, 1441 "L" Street
NW, Washington, D.C. 20005
Supervisor Mike Kerns
Supervisor Valerie Brown
Supervisor Mike Reilly
Supervisor Paul Kelley
Supervisor Tim Smith
Sonoma County Mayors

EMS Impacts – General Discussion:

The PFD provides emergency (911) ambulance services to the incorporated city limits and 160 square miles of a contract service area within the southern reaches of Sonoma County. The Lakeville casino site is within our primary service area. We provide mutual aid/backup to American Medical Response – Sonoma Life Support (AMR) for the Rohnert Park locations.

PFD ambulances are staffed with two firefighter paramedics (FF/P). This increase of demand for Ambulance services can have a wider effect than just EMS services in the Petaluma area. Our dual role assignments of our Firefighter/ Paramedics have a direct affect upon fire suppression levels in the City of Petaluma. Doing so could increase the PFD's response times and/or redirect fire resources to the proposed project, thus resulting in lower levels of service to other citizens served by the fire stations(s) within the city limits. Increases in call volume create proportional increases in equipment usage and maintenance as well as increases in corresponding risks for accidents and lost time to employees due to injuries associated with EMS responses.

Also, what is more difficult to quantify is the impact this added growth would have on the fire department's ability to respond to multiple incidents simultaneously. Currently, it is not uncommon for the fire department to have two or more incidents running at the same time. This type of simultaneous activity draws down our available resources. With the proposed increases in growth, the numbers of simultaneous incidents will also increase, potentially delaying subsequent calls for assistance and impacting the resources of our mutual aid neighbors.

Additionally, the PFD currently has the only available water craft for rescue on the Petaluma River and the increased potential for use could be directly affected.

EMS Considerations of Impacts of a Casino in Rohnert Park:

We depend upon American Medical Response (AMR) to provide mutual aid/backup service when PFD EMS resources are depleted in the PFD EMS service area. They in turn depend on our ambulance services when the EIS resources are drawn down within the EIS service area. Increases in the demand for emergency EMS responses are likely to increase our calls for service to Rohnert Park as a back up to AMR. This in turn directly affects the PFD'S ability to meet it minimum staffing requirement for both EMS and fire/rescue responses within the city.

The consultant should study this impact and address appropriate recommendations for mitigation to these concerns. Mitigations should consider purchase of a new ambulance and the associated medical equipment as well upgrades to PFD's Fire Station Two (S. McDowell Blvd @ Corona Rd) to accommodate housing the vehicle and the personnel to staff it.

EMS considerations of impacts of a Casino Lakeville Highway:

The Petaluma Fire Department provides Ambulance transports, Fire control and Vehicle extrication along the 101 and Ambulance responsibility for the Lakeville corridor. The addition of a 300 room facility located in our area of responsibility that would attract an additional 1000 people overnight with additional people for recreation, lodging, gambling and staffing of said facility, can be estimated to add 2-3 calls per day using current call statistics.

The consultant should study this impact and address appropriate recommendations for mitigation to these concerns. Mitigations should consider purchase of a new ambulance and the associated medical equipment as well upgrades to PFD's Fire Station Three (S. McDowell Blvd @ Caulfield Lane) to accommodate housing the vehicle and the personnel to staff it. Depending upon the scope of the project and calls for service generated by this project, two total ambulance may need to be added to meet the demand.

Traffic Impacts Hwy 101 and Lakeville Hwy:

The Petaluma Fire Department provides Ambulance transports, fire control and vehicle extrication along the 101 corridor.

The complicating factors are the transport time out of the area that ambulance transports generate. The more transports directly affect the availability of area resources. Fire resources for water rescue and auto extrication must also be considered as well as the total resource draw down that will affect fire protection and EMS delivery in the Petaluma area.

The most direct impact that can be forecasted to affect the Ambulance and EMS delivery system of the Petaluma Fire Department would be the traffic increase on the 101 in both directions. The additional 12,782 trips per day (estimated by the EIS) on the south county highways can directly raise the risk of vehicle accidents and affect emergency response and transport times of our ambulances.

Due to the traffic increases on the Lakeville highway corridor in both directions, direct traffic impacts will most likely affect the Ambulance and EMS delivery system of the PFD. Highway 37 and 101 will also feel affects of increased traffic. The additional 18,356 trips per day (per the EIS) on the highways can directly raise the risk of vehicle accidents.

The consultant should study the traffic impacts on Hwy 101 from Petaluma to and through the Santa Rosa Corridor. Specifically, it should include comparative analysis of the changes in emergency response (911 responses) and transport (round trip – delivering patients and returning to the city) times to determine if the increases will adversely affect the Petaluma Fire Department's (PFD) ability to meet it's minimum staffing requirements for fire and EMS services within the city limits.

Additionally, the traffic impacts for the Lakeville corridor should also be considered for the same criteria.

WRITTEN COMMENT CARD

NATIONAL INDIAN GAMING COMMISSION - DRAFT EIS WORKSHOP & PUBLIC HEARING
FEDERATED INDIANS OF GRATON RANCHERIA - CASINO/HOTEL PROJECT
WELLS FARGO CENTER FOR THE ARTS - 50 Mark West Springs Road
April 5th, 2007

APR 10 AM 2:40

IF YOU WOULD LIKE TO SUBMIT A WRITTEN COMMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW.

(Please write legibly)

Name: Nancy R. Kern Organization/Tribal Agency: Fed. Indians of Graton
Address: 1955 Pennercrest Dr # 229 Santa Rosa, Ca 95403 Rancheria

Phone/Email: 707 579 9165 "Draft EIS - Graton Rancheria Casino & Hotel"

Comment: The land in question for Casino is "good commercial" why not then space for the "original people"?
The way over ches... instead of another Big Boy warehouse or strip mall. Voices don't protest when there go up repeatedly water usage? water waste? Why no protest @ the night whites work their grape vineyards using more water than km. other industries. A shy "Set the Casino be built"

Please give to attendant, drop in Written Comment Box, or mail to: Brad Mehaffy, NEBA Compliance Officer, National Indian Gaming Commission, 1441 L Street, NW, Suite 9100, Washington DC, 20005. Please include your name, return address, and the caption: "Draft EIS Comments, Graton Rancheria Casino and Hotel Project"

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Sonoma-Lake-Napa Unit
 1199 Big Tree Road
 St. Helena, CA 94574-9711
 Email: frank.kemper@fire.ca.gov
 (707) 967-1408



April 30, 2007

National Indian Gaming Commission
 ATTN: Brad Mehaffy
 1441 L Street NW, Suite 9100
 Washington DC 20005

RE: Graton Rancheria Casino and Hotel
 SCH# 2007034002

Thank you for the opportunity to comment on the Graton Rancheria Casino and Hotel. If it is determined timberland or oak woodlands, the follow points apply.

- Timberlands require a conversion permit and/or timber harvest plan. This would include Christmas trees.
- Under 7.3.1 Mitigation Measures, Loss of Oak Woodland/Mixed Evergreen Forest. Public Resources Code (PRC) §750, et seq. states that only a Registered Professional Forester (RPF) may practice forestry on non-federal, forested landscapes (See attached letter from the Board of Forestry).
- Sonoma County has been declared a Sudden Oak Death infested County. Removal and Disposal of oak trees must conform to standards set for by the Sonoma County Agricultural Commission.

Sincerely,

Ernie Loveless
 Unit Chief

By: Frank Kemper
 Assistant Chief
 Pre-Fire Division

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 2007 MAY -4 PM 4: 48

Encl.

**BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION**

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.bof.fire.ca.gov/licensing/licensing_main.html
(916) 653-8031

January 9, 2006

Mr. Anthony Farrington, Chair
County of Lake Board of Supervisors
255 North Forbes Street
Lakeport, California 95453

Dear Mr. Farrington,

This letter is in response to the growing misconception regarding the application of the Professional Foresters Law (PFL), within the context of the California Environmental Quality Act (CEQA). As you may be aware, the PFL became effective on January 1, 1973, one year prior to the effective date of the Z'berg-Nejedly Forest Practice Act. With the passage of the PFL, the Legislature declared the existence of a public interest in the management and treatment of California's forest resources, and regulates all persons who practice the profession of forestry. The intent of the Law is to provide the consuming public with a source of forest management experts--knowledgeable, trained, experienced and skilled in the scientific fields relating to forestry.

Though the PFL is often characterized as applicable only to activities related to the Forest Practice Act, i.e. preparation of Timber Harvest Plans (THP's, NTMP's, etc.) the PFL is in fact far broader in scope and no less applicable to oak woodlands or any other forest type. Public Resources Code (PRC) §750, *et seq.* states that only a Registered Professional Forester (RPF) may practice forestry on non-federal, forested landscapes.

Forestry is defined as,

...the science and practice of managing forested landscapes and the treatment of the forest cover in general, and includes, among other things, the application of scientific knowledge and forestry principles in the fields of fuels management and forest protection, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from forestry activities on watershed and scenic values... (PRC §753)

Forested Landscapes are defined as,

...those tree dominated landscapes and their associated vegetation types on which there is growing a significant stand of tree species, or which are naturally capable of growing a significant stand of native trees in perpetuity, and is not otherwise devoted to non-forestry commercial, urban, or farming uses. (PRC §754)

The Board of Forestry and Fire Protection has generally interpreted the term *significant stand of tree species* to mean those stands with a canopy cover of 10% or greater.

While it has been argued that the preparation of tree inventories and forest cover characterizations in support of CEQA compliant documents does not constitute the practice of forestry, this perspective does not satisfy the Law. Regardless of context, be it a Timber Harvest Plan for a stand of ponderosa pine or an Environmental Impact Report (EIR) for development conversion of blue oak woodland, if the project occurs on a *forested landscape* an RPF must be involved. Certified arborists, vegetation ecologists, botanists, biologists or individuals from any other discipline may not serve as surrogates for a Registered Professional Forester.

The Board of Forestry and Fire Protection respectfully requests the assistance of your Board to ensure that CEQA projects under county control comply with the Professional Foresters Law. To that end, this office will provide whatever assistance it may to your Board and county departments. Further information on the Registration of Professional Foresters may be found at www.bof.fire.ca.gov/licensing/licensing_main.asp.

Thank you for your time and consideration in the review of this correspondence. Questions or concerns may be directed to me at (916) 653-8031.

Sincerely,

Eric K. Huff, RPF No. 2544
Executive Officer, Foresters Licensing

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0006
(916) 319-2006
FAX (916) 319-2106

DISTRICT OFFICE
3501 CIVIC CENTER DRIVE, SUITE 412
SAN RAFAEL, CA 94903
(415) 479-4920
FAX (415) 479-2123

Assembly California Legislature



JARED HUFFMAN
ASSEMBLYMEMBER, SIXTH DISTRICT

COMMITTEES
CHAIR, ENVIRONMENTAL
SAFETY AND TOXIC MATERIALS
APPROPRIATIONS
UTILITIES AND COMMERCE
WATER, PARKS AND WILDLIFE

April 25, 2007

National Indian Gaming Commission
Mr. Brad Mehaffy, NEPA Compliance Officer
1441 L Street NW, Suite 9100
Washington, DC 20005

Dear Mr. Mehaffy:

On April 4, 2007, I wrote to you to request an extension of the 60-day public comment period for the Federated Indians of Graton Rancheria Casino Resort Complex DEIS. I understand that this request was rejected shortly after the National Indian Gaming Commission (NIGC) held two public hearings in Sonoma County.

My staff attended the hearing held in Rohnert Park on April 4, 2007, and read aloud my statement of support for a six month extension of the draft environmental impact statement (DEIS) comment period. At this meeting, the NIGC distributed copies of its Extension Policy. This statement read:

“Written requests for extension of the comment period must be submitted by May 4, 2007, and will be considered on a case-by-case basis.”

Due to immense community opposition to this project, I respectfully request that the decision to reject the six-month extension be reconsidered. This project has potential impacts on water supply/quality, waste disposal, wetlands preservation and traffic congestion for the County of Sonoma. Because of these issues, the residents of Sonoma County deserve an adequate amount of time to examine this lengthy and complex document.

Furthermore, if extensions are in fact considered on a case-by-case basis, what are the criteria that the NIGC uses to determine which communities are or are not granted this courtesy? How do communities and local governments prove that they do need additional time to examine the DEIS?

2007 MAY 4 3 PM 4: 07

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STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0006
(916) 319-2006
FAX (916) 319-2106

DISTRICT OFFICE
3501 CIVIC CENTER DRIVE, SUITE 412
SAN RAFAEL, CA 94903
(415) 479-4920
FAX (415) 479-2123

Assembly California Legislature



JARED HUFFMAN
ASSEMBLYMEMBER, SIXTH DISTRICT

COMMITTEES
CHAIR, ENVIRONMENTAL
SAFETY AND TOXIC MATERIALS
APPROPRIATIONS
UTILITIES AND COMMERCE
WATER, PARKS AND WILDLIFE

Again, I strongly support a six month extension to the public comment period on the DEIS for the Graton Casino Project in Rohnert Park, CA. This project could have far-reaching, negative consequences for the City of Rohnert Park, and the entire region. These impacts include: traffic congestion, depletion of existing water supply, and urban blight. All of which could have dire effects on both the environment and our quality of life.

If you have any questions or comments, please contact Lisa Badenfort in my Sonoma County Office at 707.576.2631.

Sincerely,

A handwritten signature in black ink that reads "Jared Huffman".

JARED HUFFMAN
Assemblymember, 6th District

JH: lb



COUNTY OF SONOMA

ADVISORY BOARD ON ALCOHOL AND DRUG PROBLEMS

1221 Farmers Lane, Suite 200
 Santa Rosa, California 95405
 Telephone (707) 565-6945 FAX (707) 565-6964

Trey Dunia, Chairperson

April 23, 2007

Brad Mehaffy, NEPA Compliance Officer
 National Indian Gaming Commission
 1441 L Street, NW, Suite 9100
 Washington, D.C. 20005

Subject: Graton Rancheria Casino Project

Dear Mr. Mehaffy,

I am contacting you as Chair of the Sonoma County Advisory Board on Alcohol and Drug Problems to express the Board's concerns about the proposed Graton Rancheria casino project. As a countywide citizen panel, appointed by the Sonoma County Board of Supervisors, the Advisory Board is charged with the task of providing public input to the Department of Health Services and the County Supervisors on the prevention and treatment of alcohol and drug related problems.

The Advisory Board believes that the casino project, as currently proposed, has the potential to create a substantial increase in alcohol-related problems in the community. Further, it is the Advisory Board's belief that the proposed mitigations outlined in the Environmental Impact Study are inadequate to address the potential negative impacts of the project.

The Advisory Board is specifically concerned about the potential negative impacts that the proposed casino project will have on rates of underage drinking and alcohol-related injuries, traffic crashes, crime and violence. We are concerned that increased community alcohol problems will place an unacceptable burden on local law enforcement and treatment systems and will negatively impact youth, families and the community-at-large. For these reasons, the Advisory Board opposes the casino project.

Should the project go forward, we ask that you carefully evaluate it with these concerns in mind and that you take proactive steps to assure that the project has adequately addressed the following risks:

- Sales to minors in the casino and associated retail businesses.
- Provision of alcohol to minors by legal-age patrons in the casino hotel, restaurants or parking areas.
- Serving of intoxicated patrons.

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Brad Mehaffy
April 23, 2007
Page 2

- Driving under the influence by casino patrons.
- Alcohol-related assault, crime and violence associated with the casino and its hotel.
- Increased burden on criminal justice, health and social service agencies

We urge you to place appropriate controls on the sale and service of alcoholic beverages including, but not limited to:

- Limiting the locations and hours of sale for alcoholic beverages.
- Requiring annual server training for all employers who serve or sell alcoholic beverages.
- Requiring the adoption of responsible beverage service policies and practices by all business operating within the project footprint.
- Prohibiting the presence of minors, under age 21, in any areas of the casino where alcoholic beverages are served or sold.
- Requiring food service in all areas of the casino where alcohol is served.
- Implementing a designated driver program, including free transportation and lodging vouchers, for casino patrons.
- Providing financial resources to local law enforcement, and supporting criminal justice agencies. to implement DUI checkpoint programs and regular, frequent monitoring of alcohol sales and service practices in the casino and associated retail businesses.

Thank you for this opportunity to provide comment on the proposed project. We look forward to working with you to protect the health and safety of our community.

Sincerely,



Trey Dunia, Chair

Sonoma County Advisory Board on Alcohol and Drug Problems

cc: Valerie Brown, Chairperson, 1st District, Sonoma County Board of Supervisors
Mike Kerns, Supervisor, 2nd District, Sonoma County Board of Supervisors
Tim Smith, Supervisor, 3rd District, Sonoma County Board of Supervisors
Paul L. Kelley, Supervisor, 4th District, Sonoma County Board of Supervisors
Mike Reilly, Supervisor, 5th District, Sonoma County Board of Supervisors
Rita Scardaci, Director, Sonoma County Department of Health Services

LYNN WOOLSEY
6TH DISTRICT, CALIFORNIA

COMMITTEES:
EDUCATION AND THE WORKFORCE
RANKING MEMBER, SUBCOMMITTEE ON
EDUCATION REFORM
SUBCOMMITTEE ON WORKFORCE PROTECTIONS
SCIENCE
SUBCOMMITTEE ON ENERGY

WEB PAGE AND E-MAIL:
<http://www.woolsey.house.gov>

Congress of the United States
House of Representatives
Washington, DC 20515-0506

G-19

WASHINGTON OFFICE:
2283 RAYBURN BUILDING
WASHINGTON, DC 20515-0506
TELEPHONE: (202) 225-5161
DISTRICT OFFICES:
1101 COLLEGE AVENUE, SUITE 200
SANTA ROSA, CA 95404
TELEPHONE: (707) 542-7182
NORTHGATE BUILDING
1050 NORTHGATE DRIVE, SUITE 354
SAN RAFAEL, CA 94903
TELEPHONE: (415) 507-9554

April 24, 2007

Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 2005

**Re: Extension of Comment Period for DEIS, Federated Indians of Graton
Rancheria Casino Resort Complex, Rohnert Park, Ca.**

Dear Mr. Mehaffy:

On April 2, I wrote to you to request an extension of the comment period to 180 days on the Draft Environmental Impact Statement (DEIS) for the Federated Indians of the Graton Rancheria's Casino Resort Complex proposed for the City of Rohnert Park in Sonoma County, California. On April 4, the National Indian Gaming Commission issued a statement prior to the public hearing on the DEIS at Rohnert Park, stating that extensions may be granted on a case-by-case basis, and that all requests for extensions should be submitted by May 4, with the current extension period expiring May 14, 2007.

I would like to clarify my request. I asked that there be an extension granted to local governments, public agencies, and the general public – everyone who wishes to comment on this lengthy and complex DEIS. The casino-resort project is of immense interest to the people of Sonoma County, as shown by the large turnouts at the two public hearings, and the unified position of the County and seven of eight cities that more time is needed to analyze the DEIS.

Issues of the Casino-Resort's impacts on water supply, sewage disposal, wetlands preservation, and traffic congestion deserve close examination and analysis. The NIGC should not be in the position of deciding who is deserving of getting the extra time needed to thoroughly examine this project and who is not.

To that end, I respectfully request the following information: what criteria will be used to exclude people from extensions? Will local governments get preference over residents? How will people prove that they need the extra time?

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Everyone impacted by this huge, centrally located project (which includes every Sonoma County resident) deserves the time to thoroughly review this massive and extremely important environmental document. Therefore, I repeat my request that the comment period be extended to 180 days until August 31, 2007, and for your written response to this request. If you have any questions or comments, please contact me or Tom Roth in my Sonoma County District Office at (707) 542-7182.

I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Woolsey".

Lynn Woolsey
Member of Congress

cc: Senator Diane Feinstein
Tim Smith, Sonoma County Supervisor
Jeff Brax, Sonoma County Counsel's Office

**Fax Cover Sheet**

Date: April 19, 2007

Pages 5 (including cover)To: Mr. Bradley Mehaffy, NEPA Compliance
Officer NIGC

Fax Number: (202) 632-7066

From: Greg Sarris, Chairman c/o Yana Ross,
Interim Tribal Council Exec. Asst.

Fax Number: (707) 578-2299

Re: DEIS for FIGR's Resort
Casino and HotelEmail: tcexassist@gratonrancheria.org

Dear Mr. Mehaffy,

A copy of this letter was faxed to your office yesterday evening. I am refaxing this letter because I caught a typo and corrected it. In the bottom paragraph on page two, the second mention of the date with regard to the two most recent public hearings and information workshops should have read "April 4 and 5, 2007" instead of "April 4 and 4, 2007". The correct original document will be sent out today via U.S. Mail. Please replace this facsimile with what was previously sent. Please accept my apologies for the error. Thank you very much.

Sincerely,

Yana Fawn Ross
Interim Tribal Council Executive AssistantFederated Indians of Graton Rancheria
P.O. Box 14428
Santa Rosa, CA 95402
707.578.2233 x204
tcexassist@gratonrancheria.org

Federated Indians of Graton Rancheria
P.O. Box 14428 • Santa Rosa, CA 95402 • Tel: (707) 578-2233 • Fax: (707) 578-2299
www.gratonrancheria.com



April 18, 2007

Via Facsimile and U.S. Mail

Mr. Bradley Mehaffy, NEPA Compliance Officer
NIGC National Indian Gaming Commission
1441 L. St. NW, Ste. 9100
Washington, D.C. 20005

Re: DEIS for Federated Indians of Graton Rancheria's Resort Casino and Hotel

Dear Mr. Mehaffy:

I understand that Sonoma County and several local cities and representatives have requested that the National Indian Gaming Commission ("NIGC") extend the comment period to provide their constituents six months to comment on the above-referenced draft environmental impact statement ("DEIS"). Should NIGC decide to grant the full extension request, the comment period would be extended an additional 105 days beyond the 75-day comment period provided to the Environmental Protection Agency ("EPA") and individuals, organizations, and agencies identified on NIGC's mailing list, all of whom received the DEIS on March 1, 2007, or an additional 114 days beyond the 66-day comment period designated in the Notice of Availability published in the Federal Register on March 9, 2007. Such an extension is obviously a very significant period that would further delay our project. Nonetheless, in the same spirit of cooperation which has guided our actions throughout the project, I am writing to inform you that the Federated Indians of Graton Rancheria ("Tribe") is not opposed to NIGC providing a reasonable extension of the comment period.

When we announced our plans to reestablish our reservation and develop the resort in April 2003, our Tribe envisioned creating a model development that would benefit not only our Tribe's 1100 members, but also the larger community and the environment. Since then, our Tribe has committed an extraordinary amount of time and resources to address community concerns, restore environmental habitat and watersheds, protect worker's rights, and promote educational opportunity. Notably, to accommodate concerns raised by the County and environmental organizations, our Tribe worked cooperatively with the County to move from the location initially identified for our development to a new location not once, but twice. Each of the three locations are identified and analyzed as different project alternatives in the DEIS. Our proposed project alternative--Alternative A--in the DEIS would be built at the most recent location acquired by the Tribe and its developer in August 2005. As explained in the DEIS, development at this location is consistent with proposed local land use planning, minimizes impacts to wetlands, is outside the 100-year flood plain, and minimizes cumulative traffic impacts on the area by displacing a major commercial and residential development previously planned for the site.

Our cooperative efforts have significantly increased the cost of our proposed project. For example, our Tribe is currently accumulating more than \$1.2 million each month in interest

P.O. Box 14428 • Santa Rosa, CA 95402 • Tel: (707) 578-2233 • Fax: (707) 578-2299
www.gratonrancheria.com

Letter to NIGC Chairman P. Hogan
April 18, 2007
Page 2

payments alone on development costs for the project. Our growing debt is largely the result of the costs associated with new land acquisitions made at the request of the surrounding community and the generous contributions made by our Tribe in advance of the project opening to protect public safety, acquire open space, and educate our youth. Every day of additional delay in obtaining the requisite approvals to build our project not only compounds this debt, but results in the loss of many more millions of dollars in opportunity costs. While our Tribe is anxious to move forward in order to advance the needs of our tribal members and those of the larger community, at the same time, we remain committed to cooperation and addressing community concerns, including the apparent desire for additional time to review the DEIS.

The primary reason for requesting an extension, as stated by the County, is that the current comment period of approximately ten weeks is too brief because of the voluminous nature of the DEIS. The DEIS is certainly a lengthy document which provides the detailed and thorough environmental analysis that we were asked and agreed to provide. An important reason for its considerable length is the large number of alternatives being considered as a result of the Tribe's willingness to identify and acquire alternative locations as discussed above. Fortunately, the DEIS is carefully and logically organized in a way that should facilitate ready identification and review of specific areas of concern.

Several local cities also requested an extension of the comment period. In response, we note that those local communities wishing to comment on specific aspects of the DEIS should be able to obtain guidance from Sonoma County. Sonoma County is serving as a cooperating agency for preparation of the environmental impact statement, and has already reviewed the administrative DEIS and provided NIGC with hundreds of written comments on our proposed project's impacts to various regional resources. We also note that the 66-day comment period provided by NIGC in the Notice of Availability is three weeks longer than the minimum 45 days required under 40 C.F.R. 1506.10, and the 75-day comment period provided to EPA and those on the mailing list is more than two weeks longer than required under NIGC's internal procedures manual. Nonetheless, our Tribe will honor whatever extension you consider necessary to ensure that the County, other cooperating agencies, the cities, and the public have a fair and adequate opportunity to review and comment on the DEIS.

While we do not oppose a reasonable extension of the comment period, we do not believe that another costly public hearing on the DEIS is warranted. The public has been provided nearly a dozen opportunities to comment on our proposed project in various meetings and hearings conducted by the Tribe, Rohnert Park, Sonoma County, and NIGC. Indeed, NIGC alone has held two respective public scoping hearings in 2004 and 2005, and, more recently, two separate public hearings and information workshops on the DEIS on April 4 and 5, 2007. While we are committed to ensuring a transparent and thorough public review process, including ample opportunity for public hearings, we note that every member of the public who requested to speak was provided the opportunity to do so at each of the two recent public hearings on the DEIS, and that all public comments were heard well before the conclusion of the designated comment period at 10:00 p.m. on the evenings of April 4 and 5, 2007. Further, we note the substantial cost to the Tribe for each of the two recent public hearings, including payments for security personnel, facility rental, environmental consultants, and a retired judge to ensure a fair and impartial process. Our experience at multiple hearings concerning our project suggests that an

Letter to NIGC Chairman P. Hogan
April 18, 2007
Page 3

additional hearing will result in little or no new information, and that written communication at this stage generally provides considerably greater opportunity for more reasoned and thoughtful comments.

Thank you for this opportunity to comment on the various extension requests.

Sincerely,



Greg Sarris
Chairman

cc: Mr. Bradley Mehaffy, NEPA Compliance Officer, NIGC

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Lynn Woolsey
6th Congressional District Representative
2263 Rayburn Building House Office Building
Washington, D.C. 20515

The Honorable Mike Thompson
1st Congressional District Representative
231 Cannon Office Building
Washington, D.C. 20515

The Honorable Jared Huffman
Assemblymember, 6th District
State Capitol
Room 4139
Sacramento, CA 95814

The Honorable Valerie Brown, Chairwoman
Sonoma County Board of Supervisors
575 Administration Drive
Room 102A
Santa Rosa, CA 95403

Letter to NIGC Chairman P. Hogan

April 18, 2007

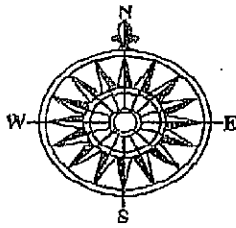
Page 4

The Honorable Gus Wolter, Mayor
City of Cloverdale
P.O. Box 217
124 North Cloverdale Blvd.
Cloverdale, CA 95425-0217

The Honorable Bob Blanchard, Mayor
City of Santa Rosa
Office of the Mayor
100 Santa Rosa Avenue
P.O. Box 1678
Santa Rosa, CA 95402-1678

The Honorable Sam Pierce, Mayor
City of Sebastopol
City Hall
P.O. Box 1776
Sebastopol, CA 95473

The Honorable Stanley Cohen, Mayor
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476-6618



SCTA

Sonoma
County
Transportation
Authority

Keeping Sonoma County Moving

04/20/07-03

Directors

April 9, 2007

Robert Jehn, Chair
Cloverdale

Mike Kerns, V. Chair
Sonoma County

Bob Blanchard
Santa Rosa

Stanley Cohen
Sonoma

Pat Gillard
Cotati

Mike Harris
Petaluma

Paul Kelley
Sonoma County

Jake Mackenzie
Rohnert Park

Warin Parker
Windsor

Sam Pierce
Sebastopol

Mike Reilly
Sonoma County

Lisa Schaffner
Healdsburg

Mr. Bradley Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 20005

Sent via fax: 202-632-7066

RE: Federated Indians of the Graton Rancheria Casino and Hotel project DEIS

Dear Mr. Mehaffy:

I am writing to formally request a 120-day extension to the public comment period on the Draft Environmental Impact Statement (DEIS) for the Graton Rancheria Casino and Hotel project proposed in Sonoma County, California. An extension of the comment period is necessary to allow the public and interested parties a meaningful opportunity to respond to this information.

As the countywide agency responsible for long-term transportation planning and project development, the Sonoma County Transportation Authority will be reviewing the technical studies and analyses related to traffic impacts associated with the proposed project. However, the two-month comment period is woefully inadequate to perform a reasonable assessment and coordinate with our partner jurisdictions on appropriate comments regarding such impacts.

The SCTA respectfully submits that the DEIS warrants a substantially longer public comment period than the one provided during the scoping stage. Extending the comment period would demonstrate a commitment to a transparent and thorough public review process and would generate more thoughtful, better reasoned, and more concise public comments.

Thank you for your consideration.

Sincerely,

Robert Jehn
Chairman, SCTA

Suzanne Smith
Executive Director

450 Mendocino Avenue
Suite 208
Santa Rosa, CA 95401
PH: 707-565-6373
FAX: 707-565-5370



CITY OF
SANTA ROSA

OFFICE OF THE CITY MANAGER
100 Santa Rosa Avenue
Post Office Box 1678
Santa Rosa, CA 95402-1678
707-543-3010
Fax: 707-543-3030

May 11, 2007

Mr. Bradley Mehaffy
NEPA Compliance Office
National Indian Gaming Commission
1441 "L" Street NW
Suite 9100
Washington, D.C. 20005

**COMMENTS ON DRAFT EIS FOR THE FEDERATED INDIANS OF GRATON
RANCHERIA CASINO AND HOTEL PROJECT IN SONOMA COUNTY, CALIFORNIA**

Dear Mr. Mehaffy:

In correspondence on March 20, 2007 to you the city of Santa Rosa requested an extension to the public review period for the above project. The city also received a copy of a letter to the National Indian Gaming Commission signed by Greg Sarris, Chairman of the Federated Indians of the Graton Rancheria indicating that the tribe did not oppose an extension to the comment period. However, since we have not received official notification that the comment period has been extended we are enclosing the comments which we were able to assemble during the time period available. We hope that the Commission will direct its consultants to respond to these comments or perhaps discuss them with city staff. The comments are summarized below by topic.

AFFECTED ENVIRONMENT

Fire Protection

3.9-14 -- Responsibility for the Wilfred site is not accurate. The majority of the site falls within the Rincon Valley Fire Protection District (RVFPD) while a small amount falls within the City of Rohnert Park. This may be the case for the other sites as well. CFD does not respond initially to structure fire or emergency medical calls within the RVFPD. The incident statistics are not sourced and we are unsure of their origin and what geographic area they cover.

The majority of the Wilfred site is within the RVFPD. The RVFPD has an automatic aid agreement with the City of Santa Rosa for responses to fire emergencies within the area.

In calendar year 2006 the Santa Rosa Fire Department responded into the Fire Protection area serving the majority of the Wilfred site. In addition, the Todd Road RVFPD responds into the City of Santa Rosa on a regular basis as part of the automatic aid agreement with the City.

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Mr. Bradley Mchaffy
National Indian Gaming Commission
May 11, 2007
Page 2

3.9-15 – The majority of the Wilfred site is serviced by the Redwood Empire Dispatch Communication Authority dispatch center for fire and medical emergencies.

Emergency Medical Response

3.9-19 – Initial first responder responses to medical emergencies located at the Wilfred site will be from the Rincon Valley Fire Protection District's Todd Road fire station. American Medical Response also responds and provides ambulance transport services. The closest Advanced Life Support (ALS) unit responds to the incident. During busy system times, Santa Rosa Fire Medic Engine 8, located on Burbank Avenue, will respond as the first responder. ALS resource and an AMR ambulance will respond for transport.

ENVIRONMENTAL CONSEQUENCES

Fire Prevention Services

4.9-10.11 - Operation: Fire protection would not impact the County of Sonoma as no part of the Wilfred site is located within their jurisdiction. Primary impacts would be to the RVFPD with secondary impacts to the Rohnert Park, Santa Rosa and Rancho Adobe Fire Protection Districts. As discussed, calls for fire emergencies will have an impact on adjoining fire department response times. The City of Santa Rosa depends on the response of the RVFPD Station 4 (Todd Road) into the south end of Santa Rosa as a part of the automatic aid agreement. Increased responses by the RVFPD Station 4 will impact the City of Santa Rosa response times.

MITIGATION MEASURES

Fire Protection/Emergency Medical Services

5-56

FF – change provider to Providers based on the primary response of at least two fire jurisdictions and impacts on adjoining fire jurisdiction response times. The agreement shall fund the on-going staffing of the fire response services.

As noted, there is no current agreement to provide fire protection services to the project. The impacts of fire and EMS responses to the Casino property have not been fully studied and require additional analysis to identify the accurate impacts to the jurisdictions based upon the experience of similar sized casino property responses. Based upon the impacts identified, an agreement should be obtained to provide fire and EMS response services.

COMMENTS ON WATER AND WASTEWATER SERVICES

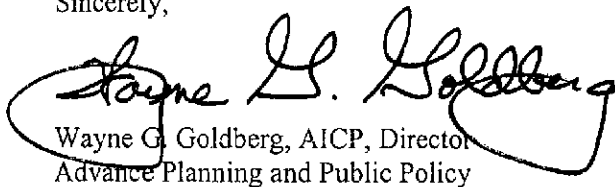
The proposal indicates sending up to 354,000 gallons per day (gpd) to the Laguna Treatment Plant. This is 239,000 gpd higher than the Rohnert Park general plan anticipated and therefore beyond the current Integrated Regional Wastewater Management Plan and Program EIR. In addition, the quality of the project's sewage is higher in BOD and TSS than the average Laguna Plant inflow. This introduces several questions:

Mr. Bradley Mchaffy
National Indian Gaming Commission
May 11, 2007
Page 3

1. Will the Casino be considered a separate entity or should the project be a part of the Rohnert Park allocation?
2. If the Tribe is considered a separate entity, will it pay for the amendments to the Master Plan and program EIR?
3. Should the project's inflow volume be considered differently because of higher BOD and TSS?
4. If the Laguna Plant treats the project wastewater, the Tribe requests up to 50 gpm of recycled water. How will the Tribe negotiate this commitment with the Regional Authority and what price will the Tribe suggest for the water?
5. If the Casino treats its own wastewater, impacts to the Laguna could affect aquatic habitat. Will the Tribe be required to monitor the discharge in accordance with the Clean Water Act? It should consider cumulative impacts with the discharge of the current regional system. This data should also be provided to the city of Santa Rosa as the Laguna Plant operator so that it might be included in the city's monitoring of cumulative impacts.
6. The project proposes two wells which would pump a total of up to 200 gpm. If this pumping were to affect groundwater flows to the Laguna, Laguna flows could decrease. The EIS should evaluate whether groundwater pumping for the project would affect the flows in the Laguna.
7. Both the wastewater and water analyses in the EIS discount demand, and therefore discount impacts, due to the Northwest Specific Plan. NEPA requires that the environmental analysis evaluate effects of the Proposed Action relative to existing conditions (that is, the Northwest Specific Plan as it is described in Rohnert Park's general plan). The EIS wastewater and water impact analyses should be modified to reflect effects of all the project's wastewater and water demand.

The city of Santa Rosa has other concerns as well as those listed, but was unable to compile them in the review time allotted. Should the review period for the EIS be extended we would be pleased to discuss them with your consultant team. We look forward to your response.

Sincerely,


Wayne G. Goldberg, AICP, Director
Advance Planning and Public Policy

c: Mayor Blanchard and Members of the City Council
Jeff Kolin, City Manager
Brien Farrell, City Attorney



DEPARTMENT OF CONSERVATION

G-23

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May 10, 2007

Mr. Brad Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

Subject: Graton Rancheria Casino and Hotel Draft Environmental Impact Statement (DEIS) - SCH# 2007034002, Sonoma County

Dear Mr. Mehaffy:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIS for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

The project seeks approval of a management contract between the Federated Indians of Graton Rancheria (Tribe) and SC Sonoma Management, LLC to develop and operate a casino-hotel resort on land in Sonoma County (County) to ultimately be taken into trust by the Secretary of the Interior for the Tribe. The Tribe has submitted a fee-to-trust application but, at the request of the County, has agreed to delay the transfer until later in the NEPA process. Project development is proposed on the Wilfred Site located in central Sonoma County. The 252-acre site is bordered by Wilfred Avenue, residences and farmland to the north; Stony Point Road, residences and farmland to the west; Business Park Drive, light industrial, Rohnert Park Expressway, farmland and the Laguna de Santa Rosa to the south; and a business park, a mobile home park and farmland to the east.

The Wilfred Site includes four parcels of non-irrigated pastureland totaling approximately 182 acres enforce ably restricted by Williamson Act contract. On page 1-1, the DEIS states that the Tribe has acquired the Wilfred Site; however, on page 1-3, it states that the site is comprised of eleven parcels owned in fee by SC Sonoma Management. The project proposal does not involve development of the contracted land, but rather its use as a wastewater spray field and continued agriculture.

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Alternatives consist of casino-hotel development on adjacent sites (Stony Point) or one off-site location (Lakeview) or an industrial/business park on an adjacent site. None of the alternatives involve development of contracted land, which would remain in agricultural use. The Lakeview Site does not include contracted land.

Project Impacts on Agricultural Land

Alternative C (Northeast Stony Point Site) contains 75.5 acres of Prime, Unique, or Farmland of Statewide Importance. Alternative D (Reduced Intensity) contains 43.6 acres of this important farmland. The preferred site and other alternatives do not contain this important farmland. The DEIS concludes that agricultural impacts, including cumulative and growth-inducing impacts, will be less than significant due to the "inferior" quality of the important farmland (Storie Index Rating of 41), the relatively "small" amount of land converted and the continued agricultural use of Williamson Act land.

Although the DEIS discusses the LESA rating system, it does not appear that the LESA has been used to evaluate the impacts of the project's farmland conversion. The Department recommends that the Final EIS (FEIS) include the LESA rating for the various sites, preferably the California version of LESA, which is available from the Department. If impacts are significant, we recommend mitigation in the form of agricultural conservation easements or in lieu fees at a ratio of 1:1 for the same quality easement land or equivalent fee as land converted.

Although the DEIS discusses project indirect and growth-inducing effects, it does not appear to address the impacts on agriculture in the surrounding area of the project sites. Given the acknowledgement that the project will increase population, housing, traffic, commercial development and related services, the DEIS should evaluate the potential for decreased agricultural production on adjacent farmland which surrounds the sites and the potential for further conversion of farmland. The Department recommends that the FEIS include this evaluation.

Williamson Act Lands

The project involves agricultural land, including Williamson Act contracted land, being taken into trust for the Tribe. The DEIS indicates that no applications for non-renewal have been filed. According to phone conversation April 9, 2007 with Mr. Brad Mehaffy, NEPA Compliance Officer, the Williamson Act contract will remain in effect upon the land being taken into trust. However, the Department is concerned about the enforceability of the Williamson Act contract after the land is taken into trust and recommends the contracted land not be accepted into trust while the Williamson Act contract is in effect. Options available to the Tribe for removal of the contract are non-renewal and cancellation. In the alternative, the Tribe may grant a waiver of sovereign immunity for the limited purpose of enforcing the terms and conditions of the Williamson Act contract. This would also satisfy the Department's concerns about the enforceability of the restrictions on the contracted property. The Department offers the following comments in this regard.

The Williamson Act Contract Is an Enforceable Restriction on Title under the California Constitution.

Williamson Act contract restrictions will not be voided by the mere acceptance of title into trust by the federal government under federal law (28 U.S.C. § 1360) or state law (Cal. Gov. Code § 51295). Acceptance into trust does not trigger California Government Code § 51295, because no land is being acquired by or in lieu of eminent domain, nor federal preemption in 28 U.S.C. § 1360 (2007), since a Williamson Act contract is a voluntarily accepted contractual restriction. Friends of East Willits Valley v. County of Mendocino, 101 Cal. App. 4th 191 (2002). Williamson Act contracts are enforceable restrictions on title under both the California Constitution and state statute. Participating counties have a duty to restrict uses of contracted lands in a manner at least restrictive enough to satisfy the Williamson Act. Delucchi v. County of Santa Cruz, 179 Cal.App.3d 814, 823 (1986). A county's participation in the Williamson Act obligates it to exercise its police power in "accordance with state law." Id. at note 9.

Applicable state law in this context is of a constitutional dimension. Williamson Act contracts are recognized as enforceable land use restrictions in the State Constitution, as well as state law. Cal. Const., art. XIII, § 8, and Cal. Gov. Code, § 51252.

To promote the conservation, preservation and continued existence of open space lands, the Legislature may define open space land and shall provide that when this land is enforceably restricted, in a manner specified by the Legislature, to recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

Cal. Const., art. XIII, § 8 (emphasis added), see also Cal. Gov't Code, § 51252 ("Open-space land under a contract entered into pursuant to this chapter shall be enforceably restricted within the meaning and for the purposes of Section 8 of Article XIII of the State Constitution."). State and local legislative authority regarding the implementation of the Williamson Act is constrained by the constitutional requirement that the contracts are enforceable as conservation restrictions.

[E]ven if [art. XIII] section 8 [of the Constitution] allows the Legislature to define restrictions, it does not permit a definition which renders such restrictions ineffective for land conservation purposes. We are of the opinion that to pass constitutional muster, a restriction must be enforceable in the face of imminent urban development, and may not be terminable merely because such development is desirable or profitable to the landowner.

Lewis v. City of Hayward, 177 Cal.App.3d 103, 113 (1986) (emphasis added) citing Sierra Club v. City of Hayward, 28 Cal.3d 840, 855 (1981) (The California Supreme Court stated "it is the purpose of the act to extend tax benefits to those who voluntarily subject their land to 'enforceable restrictions.' (Cal. Const., art. XIII, § 8.)").

Furthermore, the California Supreme Court held that to insure the constitutional requirement of an "enforceable restriction" is met the California Legislature "deliberately required a long-term commitment to agriculture or other open-space use." Sierra Club, 28 Cal.3d at 852. Thus, a legislative determination, in the County's zoning code or anywhere else, which would have the effect of making the restriction "ineffective for [agricultural] land conservation purposes" would violate the State Constitution. Id.

To ensure Williamson Act contracts can be enforced as a long-term commitment to agriculture, statute requires they "[b]e binding upon, and inure to the benefit of, all successors in interest of the owner." Cal. Gov't Code § 51243(b). Like all other long-term land use restrictions that run with the land, Williamson Act contracts must also be duly recorded. Cal. Gov't Code § 51248. Recording provides notice to all persons concerning the restricted property status, pursuant to the recording laws of the state. Id. The Williamson Act relies on contractual land use restrictions that run with the land, and are not terminable at the whim of legislative bodies.

The Department considers the cancellation of Williamson Act contracts a significant impact on the environment.

The nature of a Williamson Act contract creates a jurisdictional problem that the Interior Secretary must consider when evaluating requests for the acquisition of land in trust status. 25 CFR 151.11. To avoid any jurisdictional issues the contracted land must be removed from contract before it is accepted into trust. Cancellation of this contract requires the Sonoma County Board of Supervisors make the findings found in Cal. Gov. Code § 51282. The Department considers premature termination of a Williamson Act contract a significant project impact. The accepted method of termination is non-renewal. Premature termination undermines the public purpose of the Williamson Act in preserving agricultural land. The Department recommends that the loss of contracted agricultural land be mitigated.

The Department encourages the use of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, we recommend that this ratio be increased. It follows a rationale similar to that of wildlife habitat mitigation. The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. Agricultural conservation easements will protect a portion of those remaining resources and lessen project impacts.

Mitigation using agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance, and the search for compensatory lands conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

In the alternative to cancellation, if the Tribe waives its sovereign immunity for the limited purpose of Williamson Act contract enforcement, there would be no jurisdictional issues. The Tribe could then proceed to have the contracted land taken into trust for their benefit while still subject to the Williamson Act. Under this alternative the contract would not be cancelled, the property would continue to be farmed, as a result, the Department would not recommend mitigation for the loss of contracted land.

In Conclusion

As stated above, the Williamson Act contract remains a constitutionally enforceable restriction obligating state and local government to exercise its police power to enforce its terms. Taking contracted land into trust by the federal government portends a question as to the enforcing entity. Therefore, the Department requests that the subject contracted land not be accepted into trust on behalf of the Tribe until the encumbrances on title that the Williamson Act contract creates are first removed. Canceling the contract is a significant impact and the Department recommends mitigation. However, the Tribe need not cancel the contract if the Tribe waives its sovereign immunity for the limited purpose of Williamson Act contract enforcement before the land is accepted into trust.

Thank you for the opportunity to comment on this DEIS. We look forward to your response to our comments and a copy of the FEIS. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 327-2145.

Sincerely,



J. Kyle Nast
Staff Counsel

cc: Ryan W. Marcroft, Esq., Deputy Legal Affairs Secretary, Governor's Office
Scott Morgan, Deputy Director, State Clearinghouse
Sara Drake, Esq., Supervising Deputy Attorney General, Department of Justice



California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman



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 Agency Secretary

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Arnold
 Schwarzenegger
 Governor

May 14, 2007

National Indian Gaming Commission
 1441 L Street NW, Suite 9100
 Washington DC, 20005
 Attn: Brad Mehaffy

Subject: Comments on the Draft Environmental Impact Statement (EIS) for the Proposed
 Federated Indians of the Graton Rancheria Casino and Hotel Project, Sonoma County

File: Graton Rancheria NPDES

Dear Mr. Mehaffy:

Thank you for the opportunity to comment on this draft document. Unfortunately, the document was originally sent to the San Francisco Bay Regional Water Quality Control Board. Please be aware that all of the project alternatives with the exception of Alternative F would result in a facility located within the watershed of the Laguna de Santa Rosa. The Laguna de Santa Rosa is within the boundaries of the North Coast Regional Water Quality Control Board (NCRWQCB). The NCRWQCB is the state agency responsible for the protection of the quality of state waters within its jurisdiction. Discharges directly to waters of the state or discharges that occur off of Indian trust lands are subject to permitting by this agency. Onsite discharges to Waters of the United States (waters of the US) in accordance with Sections 402 and 404 of the federal Clean Water Act will be permitted by the federal Environmental Protection Agency (USEPA) and the US Army Corps of Engineers. The NCRWQCB intends to take an active role in the permitting process for these two federal agencies. We expect that permits developed by these federal agencies would be consistent with state permits issued for similar facilities. Furthermore, we would expect that NPDES permits issued by USEPA would fully implement water quality objectives including point source prohibitions contained in the Water Quality Control Plan for the North Coast Region.

The project, as described in the EIS, has the potential for creating significant water quality impacts to waters of the US and waters of the state. Specifically, onsite discharges of domestic wastewater and storm water runoff as well as dredge and fill impacts to surface waters, if not properly mitigated, have the potential for creating impacts to area ground and surface water quality. The EIS contains alternatives that propose to discharge treated wastewater and storm water runoff to the Laguna de Santa Rosa (Laguna). This waterbody is currently listed as impaired in accordance with provisions of Section 303d of the federal Clean Water Act for the following pollutants: nitrogen, phosphorus, sediment, low temperature, low dissolved oxygen and mercury. At this time, there are no Total Maximum Daily Load (TMDL) studies to address these impaired conditions. Onsite discharges of treated wastewater and storm water runoff to the

California Environmental Protection Agency

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Laguna will constitute a new source of pollutants to the Laguna de Santa Rosa that will affect its impaired status. We cannot support the introduction of a new discharge of impairing pollutants to this troubled watershed. We recommend that wastewater be collected and sent for treatment at the existing Laguna subregional wastewater treatment facility (Option 1 on Alternative A) instead of alternatives that would create a new discharge. We recommend that all storm water runoff be fully treated by utilizing recognized storm water treatment "best management practices" that will reduce or eliminate pollutants of concern.

Specific Comments:

Page 3.3.2 – This section discusses the waste reduction strategy developed by the NCRWQCB to address excessive ammonia levels in the Laguna. Since the development of the strategy, the 303d list has been amended to address impairments due to excessive nitrogen and phosphorus. Staff are currently working to develop a TMDL for the Laguna.

Page 4.3.3 – The document indicates that if the treatment and disposal of wastewater is contained onsite, "there would be no discharge and therefore no impact to surface waters". However, the biological section of the document shows that there are many onsite surface waters including seasonal wetlands and watercourses. Therefore, onsite discharge of treated wastewater may still affect onsite surface waters.

Page 4.3.3 – This page discusses the waste load allocation strategy intended to address ammonia impairment in the Laguna. This strategy is not intended to address the nitrogen and phosphorous impairment reflected by the current 303d listing. Any new discharge of nitrogen or phosphorus has the potential for contributing to the further impairment of the Laguna.

Page 4.3.3 – The document discusses the use of chlorine for wastewater disinfection. The use of this chemical has the potential for creating chlorine byproducts at levels that violate water quality objectives. Please include mitigation measures for this potential impact.

Page 4.3.3 – The document states the following: "discharges to surface water would only occur when the Russian River's water level is high enough to allow discharges in accordance with California State Water Resources Control Board (SWRCB) Water Quality Order No. 2000-02." Please be aware that the subject Order for discharges from the City of Santa Rosa's Laguna subregional wastewater treatment facility has been replaced by NCRWQCB Order No. R1-2006-045. Furthermore, the relevant point source discharge limitation prohibition for discharges in this watershed is located in the Water Quality Control Plan for the North Coast Region (Water Quality Plan). The language in the Water Quality Control Plan prohibits point source discharges to the Russian River and its tributaries during the period of May 15 through September 30 and during all other periods when the waste discharge flow is greater than one percent of the receiving stream's flow. The discharge flow limitation for the proposed facility should be one percent of the receiving water flow, not the flowrate in the Russian River (as recognized in Appendix 1). Exceptions (such as the one granted to the City of Santa Rosa) can be granted under the conditions identified in the Water Quality Plan.

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

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DEPARTMENT OF TRANSPORTATION

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May 15, 2007

SON-101-15.02
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 SCH # 2007034002

Mr. Brad Mehaffy, NEPA Compliance Officer
 National Indian Gaming Commission
 1441 L Street, NW, Suite 9100
 Washington D.C. 20005

Dear Mr. Mehaffy:

DEIS Comments, Graton Rancheria Casino and Hotel Project

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the proposed project. Our comments are based on the review of the DEIS, in particular the Traffic Impact Studies (TIS) (Attachment O) and Chapter 15 - Transportation.

Forecasting

Table A1 (page 52): Based on ITE Trip Generation 7th Edition, the 300-room hotel should generate: $300 * 8.92/3 = 892$ daily trips; $300 * 0.67/3 = 67$ AM trips; $300 * 0.74/3 = 74$ PM trips. The study used daily trips = 817; AM trips = 56; PM trips = 59.

Traffic Analysis

1. The study uses the year 2008 for near-term conditions and the year 2020 for long-term conditions. Even if this project were completed by 2008, a study horizon of 20 years after completion of construction should be used. Please also note that the US-101/Wilfred Ave Interchange project will not be completed by 2008, and revise the freeway configuration accordingly.
2. The project will generate 1,384 trips in AM peak hour and 2,287 trips in PM peak hour as shown on page 52 of the TIS. This high number of projected trips could significantly impact intersections around the Wilfred interchange during the AM, PM and weekend peak hours.

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Mr Brad McLaughly/ National Indian Gaming Commission
May 15, 2007
Page 2 of 5

However, the study only includes the PM peak hour analysis. An analysis of the AM and weekend peak should also be provided for comparison since intersection turning movements may be totally different than during the PM peaks. The storage lengths of all turning movements should be evaluated for potential impacts as well.

3. As explained on page 6 of the TIS, the TRAFFIX software and Highway Capacity Software (HCS) are used to perform intersection analysis. The Commerce Blvd northbound on/off ramp intersection, the Commerce Blvd/Golf Course Dr intersection, the Golf Course Dr/Roberts Lake Rd intersection, the southbound Wilfred Ave on/off ramp intersection and Wilfred Ave/ Redwood Dr intersection are very closely spaced. The TRAFFIX software and HCS may seriously distort the results of closely spaced intersections because they do not capture queuing interaction between intersections. Another software should be used to address spill-back potential from the downstream to the upstream intersection, effects of downstream queues on the upstream saturation flow rate, and unusual platoon dispersion or compression between intersections.
4. Table 2 on page 5 of the TIS lists Level of Service (LOS) criteria for the various jurisdictions. Please note that LOS D at signalized intersections and highways, and LOS E at freeway segments and ramps, are not the Department's satisfactory criteria. The Department endeavors to maintain a target LOS at the transition between LOS C and D. If the State highway facility is already operating at LOS D or less, mitigation measures should be provided to maintain the No Project condition LOS.
5. Table 6 (page 34), Table A3 (page 37) and Table A7 (page 66) of the TIS: It is very confusing to put ramp junction and freeway segment LOS in one table. Ramp junction LOS results should be shown on a separate table. It appears that the freeway roadway segment LOS analysis does not consider bottleneck effects. Freeway LOS analysis should consider any bottlenecks and their associated congestion in the study area. Freeway/ramp volumes and capacities should be included in these tables.
6. Figure 4.8-3 (2008 Project-Generated PM Traffic Volumes – Alternative A) of the DEIS: Traffic volumes on Intersections # 9, # 10, # 11, and # 12 do not reflect a NB loop off-ramp at Intersection # 11 as mentioned in Chapter 5.0 Mitigation Measure (page 5-31).

Intersection Mitigation Measures

It appears that, for some of the identified impacts, this project relies on the Department's projects in progress for mitigation. For example, on page 5-46 of the Draft EIS, Section "Mitigation for Freeway Segments and Ramps," it says that the Tribe shall contribute to the construction of the Wilfred Avenue Interchange Project. The current design for the interchange project does not include the freeway and intersection improvements recommended in the Draft EIS as mitigation for the casino and hotel project impacts. The Department's interchange project is fully funded and at a stage in design where changes cannot be made. Therefore, further improvements recommended as mitigation measures for the Casino project will have to be done as follow-up projects.

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Mr Brad Mehauff/ National Indian Gaming Commission
May 15, 2007
Page 3 of 5

Table 5-4, Intersection Improvements-Alternatives A-E:

1. Page 5-31, Intersection # 7 – Add WB through and add EB through: Alternative A does not include adding WB through and EB through lanes on Wilfred Ave. The analysis shows large backup queues for projected volume counts in WB and EB directions.
2. Intersection 8 - Wilfred/US 101 SB Ramps: Any modifications to this ramp will require additional retaining walls between the mainline and the ramp.
3. Intersections # 9 and 10: The proposal to relocate the intersection closer to the railroad crossing was rejected by the Public Utilities Commission (PUC). As a result of this decision the design of the Wilfred Interchange Project did not allow the Golf Course Dr/ Commerce Blvd intersection to be aligned with Roberts Lake Dr. The current design keeps the existing intersection at Golf Course Dr/ Commerce Blvd and extends Commerce Blvd north to Redwood Dr.
4. Intersections # 9 and 10: Please clarify whether mitigation is proposed for the Golf Course Dr/ Commerce Blvd and Golf Course Dr/ Roberts Lake Rd intersections for Alternative A. Per Table 5-4, no mitigation is proposed for these intersections for Alternative A. Similarly, on Table A-5 (Alternative A Summary of Mitigations) on pages 62/63, it says that no mitigation is necessary for these two intersections. However, Table A-6 (Alternative A Mitigated Intersection level of Service) shows mitigation improvements for the two intersections. To clarify this inconsistency, provide diagrams that show lane configuration and peak hour volumes for all scenarios (No Project, With Project and With Project plus Mitigation). Clarify whether this intersection is proposed at-grade (as mentioned above, at grade intersection is not acceptable to the PUC) or whether a grade separation is proposed. Provide LOS summaries with the proposed improvement. Mitigations to the intersection are essential because, without improvements, the space between the Wilfred Ave/southbound ramps intersection and the Commerce Blvd/ Golf Course Dr intersection would not have adequate storage to handle peak hour traffic.
5. Intersection # 11 – Add NB loop off-ramp that drops traffic onto WB Wilfred Ave: It is essential that impacts at this intersection be mitigated, because the Graton Rancheria Casino Study projected volume counts exceed the Wilfred Interchange Project capacity based on 2030 forecasted volumes. However, we need to have a better understanding of the mitigation as proposed and its merits and implications on the Wilfred Ave Interchange project before we can make final comments.

Bicycle and Pedestrian Travel and Mitigation

Page 4.8-25 of the DEIS, Section "Potential Effects on Intersection Safety", 1st paragraph:

1. The additional auto traffic generated by the project may have an adverse impact on the existing level of bicycle and pedestrian safety regardless of whether the project generates additional bicycle trips.

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Mr Brad McHaffey/ National Indian Gaming Commission

May 15, 2007

Page 4 of 5

2. Additional bicycle trips may reasonably be anticipated as indicated by the additional bike paths proposed in the vicinity of the project in both the Rohnert Park General Plan and the Sonoma County Transportation Plan.
3. The mitigation measures proposed in Chapter 5.0 on page 5-11 to encourage transit shuttle service would result in additional pedestrian trips between transit stops and the project area. The project also proposes TDM measures to encourage bicycle commuting and will include secure bicycle parking on site.

In order to accommodate safe pedestrian travel between transit stops, the project and other locations within 1/4 to 1/2 mile of the project area, we recommend that mitigation measures J and K, proposed for Alternative E, also be considered for Preferred Alternative A. Mitigation measure J provides for multiple and/or direct pedestrian access to adjacent, complementary land uses and through the project. Measure K ensures that setback distance is minimized between development and existing/designated transit/pedestrian shelters.

To provide for additional bicycle travel generated by the project and to maintain the existing level of safety for existing bicycle travel, we suggest that the project contribute development impact fees toward the completion of bicycle facilities likely to generate travel to and from the project location. Accommodating bicycle travel to and from the site will contribute to a reduction in auto trips and emissions.

For all proposed improvements we recommend that bicycle and pedestrian circulation be considered in the design of intersections and turning movements, and that adequate sidewalk facilities, striped crosswalks, and pedestrian countdown signals for elderly and disabled citizens be provided.

Transit Coordination

For all alternatives, emphasis should be placed on reducing trip generation and encouraging public transportation. To achieve this, the following measures should be considered:

1. Site design should maximize access to existing transit lines. The project proponents should partner with local transit agencies to provide transit services and stops near to the project site. Site design should include transit facilities/amenities (bus shelters, bicycle lockers/racks, etc.) at transit access points, for public and private transit operations.
2. Improvements to street design should accommodate bus travel and maximize pedestrian access to transit stops.
3. Promotion of transit-use incentives such as employer-subsidized transit passes, accommodation of "unusual" work schedules to allow for transit schedules, "validation" of transit tickets to provide free return trips, and subsidized shuttle services.
4. Preferential parking for carpools/vanpools as well as loading and unloading facilities for transit and carpools/vanpools.

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Mr Brad Mohaffy/ National Indian Gaming Commission

May 15, 2007

Page 5 of 5

Should you require further information or have any questions regarding this letter, please call or email Ina Gerhard of my staff at (510) 286-5737 or ina_gerhard@dot.ca.gov.

Sincerely,



TIMOTHY C. SABLE

District Branch Chief

IGR/CEQA

c: State Clearinghouse

Sara Drake, California Department of Justice

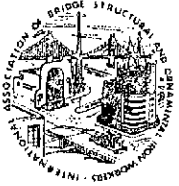
Janielle Desomer, Office of Governor Arnold Schwarzenegger, Legal Affairs

Doug Kimsey, Metropolitan Transportation Commission

Suzanne Smith, Sonoma County Transportation Authority

bc: TSable/ JFinney/ LTAubeneck/ CGomez/ BMiller/ DSeriani/ ETzeng/ PVan/ PCox/ RCenteno/ JLee/ RNods/ BThomas/ BGebreyesus/ MMostaghimi/ MYLee/ MBrent/ MLavrinets/ IGerhard/ Chron/ File

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John A. Rocha
Business Representative

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Organizer

May 8, 2007

Brad Mehaffy
Nepa Compliance Officer
National Indian Gaming Commission
1141 L Street, NW Suite 9100
Washington, DC 20005

RE: Federated Indians of Graton Rancheria Hotel and Casino Resort Project

The Officers and Membership of Ironworkers Local #377 San Francisco, California would like to express and acknowledge full support of the Graton Hotel and Casino Resort in Rohnert Park, California.

The Graton Rancheria Hotel Resort and Casino will create an extra avenue of entertainment and social activities for the City of Rohnert Park and the surrounding communities.

The Resort will not only BRING permanent job opportunities for the Residents of Rohnert Park & others cities, but it will also create much needed construction jobs in the area of Sonoma County.

Thank you for your consideration!

Dan P. Hellevig
Executive Officer

Dan Prince
President-Organizer

John Ford
Business Representative

Tom Marini
Organizer

Dennis Meakin
Business Representative

John A. Rocha
Business Representative

2007 MAY 17 AM 10:28

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NATIONAL INDIAN
GAMING COMMISSION

1 (A.D.A. Compliance Required)
 2 Annette S. Elder-Evins Omb Control #3034-xxxx
 3 Guenocamata Sovereign Trust 68-618xxxx
 4 Guenocamata Sovereign People of the
 5 Guenocamata Rancheria
 6 Administration of Tribal Government
 7 948 Leddy Avenue
 8 Santa Rosa, California, USA
 9 95407-6601
 10 (107) 545-2730, (107) 545-2734

11 RE: "Draft E.I.S. Comments
 12 Graton Rancheria Casino and Hotel Project"
 13 FEDERATED INDIANS OF GRATON RANCHERIA
 14 HOTEL AND CASINO RESORT PROJECT

15 TO: Brad Mehaffy
 16 NEPA Compliance Officer
 17 National Indian Gaming Commission
 18 1441 L. Street N.W., Suite 9100
 19 Washington, D.C. 20005

20 Greetings and Good Faith Brad Mehaffy,
 21 NEPA Compliance Officer of the COURT

22
 23 The COURT'S attention is invited to the following
 24 affidavit of the Native American Indian
 25 Sovereign People, Annette S. Elder-Evins ©,
 26 I, Annette S. Elder-Evins, Sovereign People
 27 do hereby declare, say, state, depose, discuss,
 28 move, MOTION, ORDER AND DECREE the

1 the following to be TRUE, CORRECT, FACTUALLY
 2 BASED to the best of my ability :

3 Consideration; valuable, in-kind, full
 4 faith and credit, and otherwise held in due
 5 course, and respect for the interests, and
 6 concerns of all parties, including but not
 7 limited to the LEGAL ENTITY known as the
 8 FEDERATED INDIANS OF GRATON RANCHERIA
 9 is hereby acknowledged.

10 As Sovereign People of the mutually
 11 exclusive territory colored as Sonoma County
 12 Bk. A, pats pg. 170 for land Patton, serial # 5422,
 13 Type M42, R. BK 40, pg. 48, section 30, township 7
 14 means meridian 30, Range 8, of which Guenocamata
 15 Rancheria is Homesteaded within the Rancho Uard
 16 I recognize and acknowledge with remote
 17 unduel influence the United States Flag of Peace,
 18 Title 4 U.S. Code Chapter 1 of which preserves
 19 Constitution.

20 Natural Rights intact and unabridged, I
 21 hereby acknowledge the lawful representation
 22 of Children's Interests in Public Law Proceedings,
 23 as defendant generation rights, I also GRANT
 24 recognition of office of TRUSTEE of Alex Evins
 25 Living Trust 94-6717XXX; and CERTIFICATE OF
 26 DEATH LOCAL REGISTRATION NUMBER 3-1997-49-007896
 27 County of SONOMA, SANTA ROSA, CALIFORNIA, STATE OF
 28 CALIFORNIA CERTIFICATION OF VITAL RECORD OF
 AMERICAN INDIAN SOVEREIGN.

ANY AND ALL HIDDEN MONEY ACCOUNTS
 TO BE PLACED IN DEPOSIT WITH ALEX EVINS
 LIVING TRUST ACCOUNT - BANK ROUTING #
 121042882, BANK ACCT # 009803XXXX
 WELLS FARGO BANK, N.A. California.

3 of 17

1 Guardian at Litem and Trustee of Children of Marriage
2 of EVINS, holding Sovereign power of Signature
3 herein BARS all counterfeit signatures in
4 accordance to Title 18 U.S.C.A. Chapter 18 § 21,
5 and further BARS unauthorized use of personal
6 Identity information and Individual Indian
7 Money accounts of Alex Evins, social security #
8 437-26-5356 and Union Trust Accounts in
9 name of Alex Evins / Beneficiary. U.S. District Tax
10 Court Accounts of Alex and Clara/Lee Evins.
11 Guardian at Litem and Trustee of Children of Marriage
12 of EVINS, and Trustee of Alex Evins Living Trust
13 herein acknowledges the Affidavit - Death of Joint
14 Tenant [1997-010427] OFFICIAL RECORDS OF SONOMA
15 COUNTY, CALIFORNIA [1997-010427] - CERTIFICATE OF DEATH STATE OF
16 CALIFORNIA - COUNTY OF SONOMA, SANTA ROSA, CALIFORNIA
17 OF CLARA LEE EVINS - LOCAL REGISTRATION DISTRICT
18 AND CERTIFICATE NUMBER 4900-2347] AND ANY
19 AND ALL FINANCIAL IDENTITY / RESPONSIBILITY
20 AS DIRECTED THROUGH United States District
21 Tax Court - Estate of Clara Lee Evins social
22 security # 461-406082 - Date of Death Oct. 14, 1985.
23 Paid by Cashiers Checks of First Interstate
24 Bank of California, Coddington Branch, Santa Rosa
25 from Individual Indian Money account of
26 Annette S. Evins social security # 555-33-xxxx
27 as secured party, holder of financial bond in
28 due course.

23 Constructive, legal and lawful notice hereby
24 given of Examination ORDER - ADMINISTRATIVE
25 LAW DECREE DIRECTED TO COMPTROLLER
26 GENERAL OFFICE, U.S. Government
27 Accountability, 441 G. Street N.W.,
28 Washington, D.C. 20548 Henceforth. SO BE IT
ORDERED (07-134-2).

4877

FOR PURVIEW OF DECLARATION OF TRUST OF ALEX EVINS
contact Alameda Co. Recorders Office, Oakland, CA.
in reference to document # 97099261 filed 4/17/97.
OR BY WRITING GUENOAMATA RANCHERIA
NATIVE AMERICAN INDIAN SOVEREIGN COURT
FACILITADE / TRIBAL TRUST OFFICER regarding:
PROPRIETARY RIGHTS, natural rights,
prior rights, reservation marriage rights, power
of signature, power of public trust office
AT 948 LEDDY AVE, SANTA ROSA, CALIFORNIA
95407-6601.

DISTRICT / TRIBAL PROBATE CODE available to
validated, verifiable PUBLIC TRUST OFFICER
holding BOND OF FIDELITY and / OR OMB # /
F. E. I. N. with deposit.

Point blank - another TRIBE - recognized or
unrecognized may not use any portion of the Estate
of Evins, Alex. This includes but is not limited to
FEDERATED INDIANS OF GRATON RANCHERIA.
The Guenocamata Tribe of Native American
Vendians; self-governing, self-regulating,
self-administering, self-taxing holds
JURISDICTION OVER TRIBAL LANDS and
People, and personal property.

Having JURISDICTION and Administrative
controls I demand the defendant generation
rights of the Children of Alex Evins be addressed
as lawful beneficiaries of Indian Trust. Do not
use any accounts of Alex Evins without signature
of Trustee of Alex Evins Living Trust.

As Corporation(s) at Law - the Federated
Indians of Graton Rancheria must be

5 of 7

1
2 accountable to fellow sovereigns, and file
3 truthful statements of information, not
4 concealing information to the detriment
5 of fellow sovereigns, which constitutes
6 Fraud on its Face - unjust enrichment, and
7 unfair business practice, embezzlement,
8 misrepresentation in fact, misrepresentation
9 of bond, collusion, racketeer involved corrupt
10 organization, and a host of prisonable and
11 misprisonable felonies.

12 With all due respect you and I are going
13 to Comptroller General Hearings and you
14 will be accountable for what you are
15 attempting to do to the innocent, unknowing
16 children aforementioned above.

17 The Courts attention is now invited to the
18 natural environment -

19 All discharge into the Laguna de Santa Rosa
20 must be at Clean Drinking Water standards.

21 It would be the Greatest of All Good to
22 All people to co-create a reverse osmosis
23 clean drinking water treatment facility as
24 part of your Hotel and Casino Resort Project.

25 I was afforded a brief opportunity to read
26 the proficient 600+ pages DRAFT EIS
27 and in general the legal case was astute.
28 Being disabled I am unable to print out
hard disk provided as my magnetic field
freezes most computers I contact, so I will

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only be able to make general comments regarding the Draft EIS from memory

The most pressing environmental impact of significant value is the discharge of treated water as noted above. Please consider upgrading project discharge standards to clean drinking water.

Please consider reverse osmosis treatment of wastewater as a viable source of clean water for primary purposes.

Please consider a bottling plant, brine cannery, toiletry products ie bathsalts and other subsidiary businesses as part of the economic development / impact of casino development.

Please consider methane cogeneration as power source for casino and surrounding development.

Please consider cleaning up the old munition dump in area of proximity and placing a U.S. Postal Service Vehicle Maintenance Facility / Job Training Institute as Greater works project and subsidiary business, as part of project.

It's not only what you do, it's how you do it, AND WHO YOU DO IT WITH.

Finally, in regards to the attractive

797

1 nuisance like prostitution, the Federated
2 Indians should work closely with local
3 law enforcement, medical facilities,
4 and employ people from paralyzed
5 veterans to run any escort service
6 associated with the casino project.

7 Signed: Annette & Eder Guerin ©
8 Under penalty of perjury at
9 Guenocamata Rancheria on
10 May 4, 2007.

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METROPOLITAN
TRANSPORTATION
COMMISSION

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
TEL 510.817.5700
TTY/TDD 510.817.5769
FAX 510.817.5848
E-MAIL info@mtc.ca.gov
WEB www.mtc.ca.gov

May 18, 2007

Bill Dodd, Chair
Napa County and Cities

Scott Haggerty, Vice Chair
Alameda County

Tom Annuniano
City and County of San Francisco

Tom Azuabrado
U.S. Department of Housing
and Urban Development

Tom Bates
Cities of Alameda County

Bob Blanchard
Sonoma County and Cities

Dean J. Chu
Cities of Santa Clara County

Dave Cortese
Association of Bay Area Governments

Dorene M. Giacomini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Steve Kinsey
Marin County and Cities

Sue Lempert
Cities of San Mateo County

Jon Rubin
San Francisco Mayor's Appointee

Bijan Sartipi
State Business, Transportation
and Planning Agency

James P. Spering
Solano County and Cities

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San Mateo County

Amy Worth
Cities of Contra Costa County

Ken Yeager
Santa Clara County

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Operations

Andrew B. Fremier
Deputy Executive Director,
Bay Area Toll Authority

Therese W. McMillan
Deputy Executive Director, Policy

Mr. Brad Mehaffy, NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street, NW, Suite 9100
Washington, D.C. 20005

Re: Draft DEIS Comments, Graton Rancheria Casino and Hotel Project

Dear Mr. Mehaffy:

The Metropolitan Transportation Commission (MTC), which is the federally designated Metropolitan Planning Organization (MPO) and State designated Regional Transportation Planning Agency (RTPA), has reviewed the draft DEIS for the proposed project and has the following comments:

Freeway/Interchange Improvements

Our main concern is that the US 101/Wilfred Avenue interchange re-design was based on projected land use and corresponding traffic demand that did not include a potentially significant traffic generator, such as the casino/hotel project, in such close proximity.

The DEIS indicates that the casino/hotel project relies on the currently funded US 101/Wilfred Avenue interchange projects in progress for mitigation. It is our understanding that the current design for the interchange project does not include the freeway and intersection improvements recommended in the Draft EIS as mitigation for the casino/hotel project impacts. The Wilfred Avenue interchange project is fully funded and at a stage in design where changes cannot be made without schedule disruption and additional cost. Therefore further improvements recommended as mitigation measures for the Casino project will have to be done as follow-up mitigation projects since the casino project will generate 1,384 trips in the AM peak hour and 2,287 trips in the PM peak hour. This high number of projected trips could also significantly impact intersections around the Wilfred interchange during the AM, PM and weekend peak hours, so these follow-up projects would appear to be necessary mitigation.

Further, the study only includes the PM peak hour analysis. An analysis of the AM and weekend peak should also be provided for comparison since intersection turning movements may be totally different than during the PM peaks. The storage lengths of all turning movements should be evaluated for potential impacts as well.

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In addition, the study uses the year 2008 for near-term conditions and the year 2020 for long-term conditions. The US-101/Wilfred Ave Interchange project will not be completed by 2008. Even if the casino/hotel project was completed by 2008, a study horizon of 20 years after completion of construction should be used.

Further, it's important to note that LOS D at signalized intersections and highways, and LOS E at freeway segments and ramps, are not the Caltrans' satisfactory criteria. It's our understanding that Caltrans endeavors to maintain a target LOS at the transition between LOS C and D. If the State highway facility is already operating at LOS D or less, mitigation measures should be provided to maintain the No Project condition LOS.

Bicycle/Pedestrian

For all proposed improvements we recommend that bicycle and pedestrian circulation be considered in the design of intersections and turning movements, and that adequate sidewalk facilities, striped crosswalks, and pedestrian countdown signals for elderly and disabled citizens be provided.

Transit Coordination

The project sponsors should partner with local transit agencies to provide transit services and stops near to the project site. Site design should include transit facilities/amenities (bus shelters, bicycle lockers/racks, etc.) at transit access points, for public and private transit operations. In addition, improvements to street design should accommodate bus travel and maximize pedestrian access to transit stops.

Should you require further information or have any questions regarding this letter, please call or email me at (510) 817-5790 or dkimsey@mtc.ca.gov.

Sincerely,



Doug Kimsey
Planning Director

c: Tim Sable, Caltrans District 4
Suzanne Smith, Sonoma County Transportation Authority

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

June 4, 2007

Brad Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

Subject: Draft Environmental Impact Statement (DEIS), Graton Rancheria Casino and Hotel Project, Sonoma County, California (CEQ # 20070080)

Dear Mr. Mehaffy:

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

The proposed project (Alternative A) consists of a 762,300 square foot casino and hotel project to be located in Sonoma County, California. Based on our review, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). We have concerns regarding impacts to groundwater resources from the proposed project, which the DEIS has determined would be significant to neighboring shallow wells. Regionally, the project would represent approximately 4.5% of all current and future pumping in the Southern Santa Rosa plain, a relatively large percentage for a single project. The regional significance of these impacts will also depend on whether the groundwater basin is determined to be in a state of overdraft, a determination that will be made by a joint Sonoma County Water Agency (SCWA) and US Geological Survey (USGS) study in future years.

The DEIS did not evaluate a reduced intensity alternative on the Wilfred site, and this is the basis for our "2" rating above. However, the DEIS indicates that a reduced intensity alternative on the Wilfred site is being evaluated as Alternative H for the Final EIS. While Alternative H was not evaluated, certain conclusions can be inferred from data presented on water use from the reduced-intensity alternative on the northwest Stony Point site (Alternative D), and it is clear that Alternative H would be environmentally preferable to the proposed project. Because of our concerns regarding groundwater impacts, EPA recommends the National Indian Gaming Commission (NIGC) and the Federated Indians of the Graton Rancheria (Tribe) select a reduced intensity alternative on the Wilfred site as the preferred alternative.

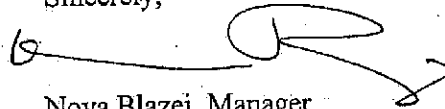
We commend NIGC and the Tribe for thoroughness of study, a good range of alternatives, avoidance of wetlands, and substantial mitigation measures. We recommend

commitments to all mitigation measures be included in the Final EIS and the Record of Decision (ROD).

While EPA appreciates the completeness of this DEIS, we recommend that NIGC and the Tribe consider the appropriate level of study for future NEPA analyses. Per 40 CFR 1500.1 and 1500.4, the goal of NEPA is to improve decision-making by providing decision makers and the public with pertinent and accessible information on potential project impacts. Quality of information is more valuable than quantity of information. The length of this DEIS may make it inaccessible to some members of the public.

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,



Nova Blazej, Manager
Environmental Review Office

Enclosure: Summary of EPA Rating Definitions
EPA's Detailed Comments

CC: Greg Sarris, Tribal Chairman, Federated Indians of the Graton Rancheria
Devin Chatoian, Environmental Director, Federated Indians of the Graton Rancheria

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Water Resources

Groundwater

All project alternatives will utilize groundwater as the potable water source, and the proposed project (Alternative A) will require 200 gallons per minute (gpm) with a sustained pumping rate of 0.29 million gallons per day (mgd) (p. 4.3-4). This proposed groundwater pumping rate will equal approximately 7% of the City of Rohnert Park's average pumping rate in the period from 2000 through 2002. The proposed wells will represent approximately 0.8 to 1% of all current, and 1 to 1.7% of all future pumping in the Santa Rosa Valley Basin, and about 4.5% of all current and future pumping in the Southern Santa Rosa plain (Appendix G, p. iv).

The groundwater impacts analysis examined 193 shallow wells within 1.5 miles of the Wilfred (Alternative A) site and concluded that all of these wells are predicted to experience drawdown from groundwater pumping from the project (App. G, p. 52). Eight (8) wells are at greatest risk for going dry or being rendered unusable by having insufficient available drawdown to support normal (primarily residential) pumping (App. G, p. 53). Thirty-one (31) additional wells have a smaller but still significant risk of going dry or being rendered unusable. Modeling results also indicate the interference drawdown from project groundwater pumping can result in increased power costs needed to pump water. The DEIS identifies these impacts to shallow wells as significant (p. 4.3-7).

The Tribe has proposed measures to mitigate these impacts, including a groundwater monitoring program, and a well impact compensation program for neighboring wells that are negatively impacted (p. 5-8). EPA commends this proposed mitigation and concurs with the recommendation that a third party, such as Sonoma County, should oversee the program. However, it can be assumed that rendering wells unusable would be a hardship to neighboring well users, despite compensation. Avoiding these impacts is environmentally preferable and is strongly recommended, especially since the groundwater basin may be in a state of overdraft. A joint Sonoma County Water Agency (SCWA) and US Geological Survey (USGS) study that is currently underway will address whether the basin is in overdraft, but study results will not be available for some time.

A reduced groundwater pumping alternative could also benefit groundwater quality, in that it could lessen the risk of downward migration of shallow contamination to the deep aquifer from the leaking underground storage tanks located within 0.5 miles of the Wilfred site (p. 4.10-8).

Recommendation: Because of potential overdraft concerns, EPA recommends selection of the reduced intensity casino on the Wilfred site that is being evaluated as Alternative H for the Final EIS (FEIS). This alternative would require substantially less sustained groundwater pumping (150 gpm versus 200 gpm for the proposed project).

Along with selection of Alternative H, EPA recommends including all the groundwater mitigation measures identified for Alternative A. We recommend the FEIS and Record of Decision (ROD) commit to use of reclaimed water for landscape watering and toilet flushing (p. ES-16). One measure states that the project proponent will consider creating an off-site artificial recharge project (p. 5-5). EPA recommends commitment to this measure if the basin is determined to be in overdraft.

Wetlands

We commend the Tribe for avoiding wetlands by proposing the project on the Wilfred site in the DEIS, over the originally proposed Stony Point and Lakeville sites. This change reduced impacts to wetlands by approximately 90%. In addition, the Wilfred site is the only site outside the 100-year floodplain (p. ES-6).

The Jurisdictional Delineation identified 18.44 acres of waters of the U.S. on the site, and the proposed project (Alternative A) would directly impact between 2.07 and 2.37 acres, depending on the on-site wastewater disposal option utilized. According to Figure 2-6, it appears that additional wetlands can be avoided if off-site wastewater treatment can be utilized and there is no need for the on-site wastewater treatment plant. Since the City of Rohnert Park has expressed interest in a hook up should the Wilfred site be utilized (p. 2-11), we encourage off-site wastewater treatment and disposal.

Avoidance of wetlands can also be achieved through a reduced project footprint on the Wilfred site, such as that would occur with a reduced intensity alternative (Alternative H) being evaluated for the FEIS. Figure 2-6 and 2-7 show that wetlands located in the northwest portion of the Wilfred site, and possibly also in the northeast portion, can be avoided by reconfiguring the parking lot, especially since the reduced intensity alternative will require 1452 fewer parking spaces (p. 2-7, 2-47). We note that the Clean Water Act (CWA), Section 404 permit will only permit the Least Environmentally Damaging Practicable Alternative (LEDPA) with regards to wetlands.

Recommendation: For the protection of wetland resources, EPA recommends offsite wastewater treatment and disposal if agreements with the City of Rohnert Park and the Laguna Subregional Wastewater Treatment Plant can be achieved. EPA also recommends the design for the reduced intensity Alternative H configure the smaller parking lot to avoid additional wetlands. See our additional comments about parking lot design below. If Alternative H is not selected, the project proponent should assess the feasibility of utilizing an additional parking structure to further avoid wetlands.

Also, the FEIS should state that EPA will evaluate project impacts to water quality under Section 401 of the CWA and is the agency that will issue Water Quality Certification.

Stormwater Pollution Prevention

The DEIS correctly describes that "runoff from project facilities, especially surface parking lots, could flush trash, debris, oil, sediment and grease into area surface waters..." and states that the drainage plan in Appendix C includes the "use of several features designed to filter the surface runoff prior to release to natural drainage channels" and that they include sediment/grease traps and vegetated swales (p. 4.3-2). However, according to the designs presented in Appendix C - Site Grading and Storm Drainage, the control of post-development stormwater appears to rely on the construction of a detention basin to mitigate the volume of peak flow events and does not include devices to filter or infiltrate runoff. A detention basin, designed to control the peak runoff capacity, may not have the ability to mitigate the increase in pollutants that will occur after development.

As mentioned, parking lots increase impervious surfaces and contribute pollutants to surface waters; therefore, it is important to consider changes in parking lot designs that address runoff and pollution. One common design change is reducing the excessively high parking ratios commonly used in commercial areas. The preferred alternative will include 6,102 parking spaces: 4,102 in surface parking lots, and 2,000 in a parking structure. It is not clear how the parking lot for the project was sized. Parking ratios are generally expressed as spaces per 1,000 ft² gross floor area (GFA) not including storage or utility spaces. It appears that the parking ratio used is over 8 spaces per 1000 ft² of total square footage. This is much higher than the conventional retail minimum parking ratio of 5 spaces per 1000 ft² GFA, and better site design parking ratios for retail spaces have been recommended at 4.0 to 4.5 spaces per 1000 ft² GFA¹.

Recommendation: To prevent stormwater pollution from reaching surface waters, the project should ensure that the appropriate Best Management Practices (BMPs) to treat stormwater are included. These BMPs can include use of filtration devices such as grassed filter strips, swales, or channels and bioretention areas.

EPA also recommends the parking lot design be modified to conform with "green parking" guidelines. For more information on green parking, see http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet_results&view=specific&bmp=89. The FEIS should identify the parking ratio used to size the parking lot and indicate how this ratio is appropriate. We recommend the parking ratio be reviewed for conformance with local and national casino experience to see if lower ratios are warranted and feasible.

We commend the use of a parking structure, which minimizes the parking lot footprint, and encourage the use of the structure for any alternative that is selected. We also have the following recommendations: (1) that at least 30% of the spaces have smaller dimensions for compact cars, and (2) that spillover parking with pervious surfaces be included in the design. Pervious alternative pavers include gravel, cobbles, wood mulch, brick, grass pavers, turf blocks, natural stone, pervious concrete, and porous asphalt.

¹ Kwon, Hye Yeong. 2000. An Introduction to Better Site Design, *Watershed Protection Techniques*, 3(2): 623-632

Water Quality / TMDLs

The DEIS correctly identifies the Laguna Santa Rosa as impaired for temperature, nitrogen, phosphorus, sedimentation, and dissolved oxygen (p. 3.3-2) and Total Maximum Daily Loads (TMDLs) have been established for total nitrogen and ammonia. The DEIS concludes that discharging treated wastewater to the water body "could cause an incremental increase in the daily load of phosphates and nitrates, further impairing water quality in the waterway" (p. 4.3-3). While the onsite Wastewater Treatment Plant (WWTP) would treat for ammonia and nitrogen, it does not identify how phosphates would be addressed. In addition, the DEIS indicates that fertilizers would be used but only the minimum amount necessary and not before rain is expected (p. ES-15).

Recommendation: In the FEIS, address phosphate removal from wastewater and identify mitigation for phosphates discharge to the phosphorus-impaired Laguna Santa Rosa.

We recommend additional measures be implemented regarding fertilizer use because the Laguna is impaired for nutrients and dissolved oxygen. While the DEIS states that fertilizers will be used with care, we recommend that the project include a landscape plan that commits to utilizing native plants which require less or no fertilizer, and avoids use of extensive lawn areas or uses native grasses only.

Wastewater Treatment Plant (WWTP)

The Executive Summary states that the WWTP will remove endocrine wastes in Spring to the extent feasible (p. ES-40), but the EIS does not further address this issue. It is unclear to what extent the Immersed Membrane Bioreactor (MBR) system will treat endocrine disruptors. Data demonstrating treatment performance of the MBR system for these constituents should be included if this statement is made.

The DEIS states that chlorine will be used as the primary disinfectant from the wastewater treatment plant (p. 4.3-3). However, Appendix V indicates that ultraviolet disinfection will be used. Note also that if chlorine is used to disinfect treated wastewater discharged to the Laguna de Santa Rosa, the NPDES permit may include effluent limitations for the control of chlorine by-products (e.g., trihalomethanes (THM)). Similar wastewater treatment systems utilizing the membrane bioreactor system have used ultra violet (UV) disinfection for discharged wastewater to avoid the production of THMs and have avoided the need for THM effluent limitations in NPDES permits.

Recommendation: In the FEIS, provide information regarding the performance of the MBR system regarding endocrine disruptor removal. Clarify the primary disinfectant that will be used for the WWTP. We also recommend Mitigation J on p. 5-4 be modified to clearly state "The Tribe will only discharge to the Laguna de Santa Rosa during the period from October 1 through May 14 each year".

Air Resources

Conformity Analysis - Carbon Monoxide

The draft general conformity analysis relies on the "Transportation Project-Level Carbon Monoxide Protocol" (CO protocol) to demonstrate that the CO emissions generated by the operation of the project conform to the State Implementation Plan (SIP). In the General Conformity Determination and in Section 4.4 of the DEIS, it states that projects that do not meet the criteria of Sections 4.7.3 or 4.7.4 of the CO protocol are presumptively determined to not cause a violation of the CO National Ambient Air Quality Standards (NAAQS) and do not trigger a requirement for dispersion modeling.

While it is appropriate to use the CO protocol to evaluate emissions impacts, the entire process has not been completed. Section 4.7.5 of the CO protocol notes that, "[u]nder certain special conditions, there still may be cause for concern about the air quality impacts of the project even if no further analysis was required according to Sections 4.7.3 and 4.7.4." In order to complete the analysis, the project must be evaluated in accordance with the criteria in section 4.7.5 of the CO protocol.

Recommendation: In the final general conformity analysis and FEIS, evaluate CO impacts in accordance with the criteria set out in section 4.7.5 of the CO protocol and include a discussion of the results of the evaluation and any additional analyses that may be triggered.

Conformity Analysis - Nitrogen Oxides (NOx)

Section 4.0 of the draft conformity analysis indicates that the project proponent intends to demonstrate conformity for NOx by purchasing emission credits to fully offset NOx emissions. Offsets used to demonstrate conformity must meet all criteria for federal enforceability, i.e., reductions must be real, surplus, permanent, quantifiable and enforceable and must be obtained and used in accordance with the federally approved SIP for the Bay Area.

Recommendation: In the final general conformity analysis and FEIS, add language acknowledging the requirement for federal enforceability of offsets.

Conformity Analysis - Ozone

The *Specific SIP Allowance* portion of Section 4.0 of the draft conformity analysis includes information regarding the Bay Area's attainment status with respect to the federal 8-hr ozone standard. Please note that the attainment deadline is June 15, 2007 rather than April, and that the Bay Area Air Quality Management District (BAAQMD) is not required to "petition the USEPA for upgrade [sic] ozone status" and may not immediately do so. While monitoring data currently indicate that the Bay Area is attaining the 8-hr ozone standard, it is not certain that it will continue to do so, and it is premature to state that the Bay area "is expected to be classified as an ozone maintenance area."

Recommendation: In the final general conformity analysis and FEIS, modify the language in the document to reflect the uncertainty regarding when and if the Bay Area will be redesignated as an ozone maintenance area.

Mitigation Measures

We commend the National Indian Gaming Commission (NIGC) and the Tribe for including construction and operational mitigation measures to mitigate air impacts. Because of potentially significant cumulative impacts from the project, especially particulate matter less than 10 microns (PM₁₀) for which the project will be contributing a relatively large portion (4%) of the countywide total (p. 4.12-24), it is important to ensure the mitigation measures proposed will be adopted and commitments to them included in the ROD.

Recommendation: Include commitments for the air mitigation measures in the FEIS and ROD. We recommend adding the following measures: (1) use of construction entrances to reduce soil/dust transport off the site, and (2) time-staged construction to avoid dust/open soils. As an operations mitigation measure, we recommend NIGC and the Tribe consider inclusion of a bus-driver lounge to discourage idling, and adoption and enforcement by the Tribe of an anti-idling ordinance for buses.

Solid Waste Recycling

The DEIS states that “to the extent determined commercially reasonable”, the Tribe agreed to implement recycling and green waste diversion (p. 2-25). We are concerned with a lack of commitment in the DEIS to implement these basic pollution prevention measures. The Council on Environmental Quality (CEQ) has issued guidance¹ on integrating pollution prevention measures in NEPA documents. In addition, Executive Order (EO) 13423²; Section 2(e) states that each agency shall “ensure that the agency (i) reduces the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of by the agency, (ii) increases diversion of solid waste as appropriate, and (iii) maintains cost-effective waste prevention and recycling programs in its facilities”.

Recommendation: Consistent with CEQ’s guidance and EO 13423, we recommend firm commitments in the FEIS and ROD to implementation of solid waste recycling programs for the project.

¹ Memorandum to Heads of Federal Departments and Agencies Regarding Pollution Prevention and the National Environmental Policy Act, CEQ, January 12, 1993.

² Executive Order 13423, January 24, 2007, Strengthening Federal Environmental, Energy, and Transportation Management. Available: http://ceq.eh.doe.gov/nepa/regs/Executive_Order_13423.htm

Green Building

The DEIS states that "to the extent determined commercially reasonable", the Tribe agreed to design buildings using green building techniques (p. 2-25). There is a mitigation measure on p. ES-27 that states that the tribe shall "ensure that buildings are oriented to take advantage of solar heating and natural cooling, and use passive solar designs". It is not clear how or if the site plan or architectural rendering of the proposed project (Figures 2-1 and 2-2) are utilizing passive solar design. Additionally, in the discussion of indoor air quality, the DEIS contains a discussion of Leadership in Energy and Environmental Design (LEED) and states that LEED factors were "used to evaluate indoor air quality concerns for the project and, where appropriate, to incorporate green building best practices for each alternative" (p. 3.4-21). There is no clear demonstration of how various LEED factors were evaluated in the DEIS, nor is there a commitment for a LEED-certified project.

Recommendation: NIGC and the Tribe should commit to a facility that is certified as a green building per the LEED green building rating system. This specification will guide the building process and create a high-performance, sustainable building, which would be consistent with the goals of EO 13423. LEED certification will enable the Tribe to establish themselves as recognized leaders in the green building sector and offer them the opportunity to market their venue as an environment-friendly facility. For questions on green building, please contact Timonie Hood with EPA Region 9's Solid Waste Office at 415-972-3282.

Miscellaneous Comments

- The cumulative impacts assessment did not include the impacts from the planned 175-acre Sonoma Mountain Village project by the City of Rohnert Park. This development will include over 1800 housing units and substantial water use. The cumulative impacts assessment should be amended to include this development.
- The DEIS defines the Area of Potential Affect (APE) for cultural and paleontological resources to be the construction footprint only, and states that "all other areas within the confines of the site boundaries are considered areas of indirect effect and all outside the APE" (p. 3.6-1). We note that this definition of the APE is inconsistent with the National Historic Preservation Act, which states that the "Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist." The DEIS also states that the "architectural APE" included the site boundaries for the site plus "one parcel beyond" (p. 3.6-1). This designation is confusing. The EIS should clarify how the cultural and paleontological resource APE is consistent with that of the National Historic Preservation Act.
- The mitigation measures in the Executive Summary identify a stormwater detention basin for Alternative G, but not for Alternative A (p. ES-18). This is not consistent with Chapter 4.

- Page 1-21 of the DEIS states that NIGC solicited Cooperating Agency status from the U.S. Environmental Protection Agency. This is incorrect and should be amended.
- On page ES-97, the DEIS states that biological surveys would be required to comply with CEQA (the California Environmental Quality Act). It is not clear how this state regulation would apply to tribes. This discussion should be clarified.

LYNN WOOLSEY
6TH DISTRICT, CALIFORNIA

COMMITTEES:
EDUCATION AND LABOR
CHAIRWOMAN, SUBCOMMITTEE ON
WORKFORCE PROTECTIONS
SUBCOMMITTEE ON EARLY CHILDHOOD,
ELEMENTARY AND SECONDARY EDUCATION
SCIENCE AND TECHNOLOGY
SUBCOMMITTEE ON ENERGY
AND ENVIRONMENT
FOREIGN AFFAIRS
SUBCOMMITTEE ON AFRICA
AND GLOBAL HEALTH

Congress of the United States
House of Representatives
Washington, DC 20515-0506
May 31, 2007

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Mr. Bradley Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 2005

**Re: Comments on the Graton Rancheria Casino and Hotel Project Draft
Environmental Statement (DEIS)**

Dear Mr. Mehaffy:

I am submitting my comments on the Draft Environmental Impact Statement (DEIS) for the Graton Rancheria Casino and Hotel Project, proposed by the Federated Indians of the Graton Rancheria. While it is unusual for me to comment on local environmental documents, this project is of such a size and scope, that it will have huge impacts on the people and resources of Sonoma County far into the future. Unfortunately, the DEIS which is supposed to clearly lay out these impacts and possible mitigations, fails utterly on a number of major issues. It is my intent to summarize some of the major deficiencies of this document.

The project site referred to in this document is the Wilfred Avenue Site just outside the boundaries of the City of Rohnert Park.

The DEIS does not recognize that Sonoma County has serious water supply problems and that the project will exacerbate them. The Sonoma County Water Agency in an August 11, 2003, notified its contractors that there is not enough water to supply the needs of existing customers. Since then the SCWA has abandoned its Water Supply and Transmission Project which was to deliver those supplies, and has embarked on a Water Project that is filled with uncertainties regarding funding, regulatory compliance, and political support.

Drilling new wells to service the project raises new problems. The DEIS erroneously relies on a Water Supply Assessment produced by the City of Rohnert Park to satisfy state law regarding adequate water supply for new developments. This document was ruled invalid by a trial court for its many deficiencies and it contradicts several previous studies that conclude that the Santa Rosa Plain Groundwater Basin is overdrafted. Allowing new wells for the project has the potential further depletion of the basin and drying up existing wells. If the tribe is granted federal "super-rights" to water, all existing wells in the area are threatened.

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The DEIS minimizes the flooding impacts of the project. The U.S. Army Corps of Engineers has reassessed the flood carrying capacity of streams on the Santa Rosa plain and has concluded that waterways engineered for 100-year storm events are inadequately designed to carry such flows. Given these conditions, and recent past history, we can expect serious flood events to reoccur in years or decades, rather than centuries. The proposed project site is located within an area where localized flooding is common, and even small amounts of fill can alter drainage patters.

The County of Sonoma has designated the project site to be within a "Flood Prone Urban Area." In order to protect the project, its planners propose to bring in thousands of tons of fills to raise 66-acre casino-hotel site five feet. Missing from the EIS are the engineering calculations that would show how this fill would affect drainage on nearby properties, including residential homes and a mobile home park.

The DEIS minimizes endangered species impacts. The project is proposed to be located midway between Santa Rosa and Rohnert Park-Cotati California Tiger Salamander populations. The project's development would create new road, pipe and structure barriers to the tiger salamander's mobility and migration patterns. U.S. Fish and Wildlife Service approved surveys need to be conducted on the property proposed for development to determine impacts on the species, and mitigation measures, and they should be referred to in the DEIS. Similar surveys need to be conducted to determine the project's impacts on vernal pool plants species and to develop mitigation measures.

The DEIS inadequately deals with traffic impacts. Currently Highway 101 is Sonoma County is undergoing its first widening project in 50 years. When the project is completed (Probably in 2010 or later, not 2008 as the DEIS assumes), Highway 101 will have "caught up" with existing congestion relief needs, it will not have new capacity for future traffic. The proposed project would generate 18,250 vehicle trips per day, which is the traffic equivalent of the added lane, effectively negating the congestion relief of the Highway 101 widening project and wasting the millions of local, state and federal dollars spent on its construction.

In conclusion, **the DEIS needs to be re-written and recirculated because of its severe deficiencies.** It fails to meet the statutory requirement that it examine thoroughly the full impacts of the proposed project, list a full range of alternatives to the project, and provide serious mitigation measures to significant impacts. The largest commercial development project in the history of Sonoma County deserves far greater scrutiny.

I look forward to your response.

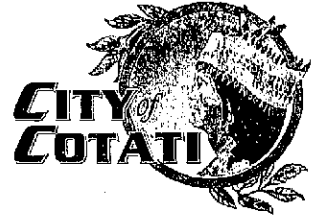
Sincerely,



Lynn Woolsey
Member of Congress

City of Cotati

Sonoma County, California



June 4, 2007

Mr. Bradley Mehaffy
 NEPA Compliance Officer
 National Indian Gaming Commission
 1441 L Street, NW, Suite 9100
 Washington D.C. 20005

Re: City of Cotati Comments on the Draft Environmental Impact Statement (DEIS) for the Proposed Federated Indians of Graton Rancheria Casino and Hotel Project, Sonoma County, California

Dear Mr. Mehaffy;

On behalf of the City Council and the citizens of the City of Cotati, please receive the following comments on the referenced DEIS:

- The DEIS proposes that facilities be located in the 100-Year floodplain. The current flood elevation information from FEMA is known to be less than conservative, as flooding occurs above the 100-year flood plain elevation at intervals much less than 100 years. In fact, the extent of flooding as a result of the December 30-31, 2005 storm approximated the 500-year floodplain depicted in Figure 3.3.-2. At a minimum, the proposed project should avoid all filling of or development within the 100-year floodplain and minimize any filling or development within the 500-year floodplain. Any filling of the 500-year floodplain should be offset with an equivalent volume of excavation near the project site to replace the lost flood storage.
- The DEIS describes fiscal impacts in Section 4.7. The Tribe is proposing contributions to the City of Rohnert Park and the County of Sonoma to mitigate a range of fiscal impacts, including those related to providing law enforcement. The City of Cotati anticipates experiencing fiscal impacts from the proposed project. These fiscal impacts are likely to occur in areas related to law enforcement, housing, recreation, and city services. The potential for fiscal impacts to the City of Cotati should be studied in the FEIS.
- Page 4.8-5: The DEIS states "Planned Caltrans improvements to the roadway network . . . that are expected to occur in 2008 include the addition of high occupancy vehicle lanes (HOV) to the US-101 freeway from SR-37 through Santa Rosa . . ." Only small portions of that corridor are fully funded. There exists a funding gap on the order of \$500 million for the remaining segments. To assume the improvements are in place by 2008 is inaccurate. The reconstruction of the US 101/Wilfred Avenue interchange won't be completed until 2011. The DEIS should provide an analysis of what impacts could be expected on US-101 until the HOV lanes are added and appropriate mitigation is offered to address them. Additionally, the DEIS should provide an analysis of what impact the casino traffic will have on US-101 after the HOV lanes are added, and describe appropriate mitigation measures.

- Figure 2-1: Additional structure parking should be considered to better allow use of surface areas (e.g. landscaping, storm water detention).
- Figure 2-8, section 2.2.5: The project's inclusion of green building and energy efficiency measures should be described in detail at this location.
- Page 3.9-4, last paragraph: The Eleventh Amended Agreement for Water Supply was replaced in 2006 by the Restructured Agreement.
- Page 4.3-1, under "Flooding": Due to observed flooding of the Wilfred site on December 31, 2005, it seems that the 100-year flood boundary is not accurate. The 500-year flood boundary seems to more accurately indicate the true extent of the 100-year flood plain. Flood storage to replace loss of the 500-year flood plain should be included in the project.
- Page 4.3-2: The use of additional structure parking would allow additional land for runoff treatment, which is preferred. This should be analyzed in the DEIS and added as a mitigation measure where appropriate.
- Figures 4.10-1 and 4.10-5: These photo simulations emphasize the fact that the proposed project would have a large visual impact, and this should be recognized in the DEIS. An alternative design should be offered, the DEIS should be revised to reflect this and mitigation should be offered to address any impacts identified.
- Page 4.11-3, end of first paragraph: The text states that "the existing housing stock would continue to serve the existing labor pool, resulting in no housing growth caused by the alternatives." The basis for this conclusion should be presented. The composition of the jobs within the project would help determine this; however, no information regarding this is presented. There will realistically be a need for additional affordable housing to serve lesser-paid employees, and this burden would fall upon local jurisdictions, so this statement may not be correct. It is likely that this development will actually bring more individuals to the area competing for lower paid service jobs. Consequently, it is expected that there will be an increased demand for affordable housing, and, therefore, increased competition for existing affordable residential units. Consequently, the City of Cotati anticipates an adverse impact in the area of affordable housing which should be analyzed and mitigated in the FEIS.
- Page 4.12-14: A listing of current projects within the County of Sonoma is needed.
- Page 4.12-17, under "Treated Effluent Discharge". The Subregional System's EIR does indicate that there are significant impacts related to the project even after mitigation, so the statement that a connection to the system would be less than significant may not be accurate. The DEIS should be revised to further study this issue and appropriate mitigation offered to address impacts.

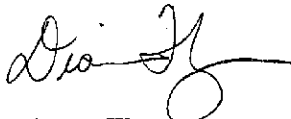
- Page 4.12-29, first full paragraph: The text states that the Sonoma County Economic Development Board predicts that permits for residential units will cause substantial growth in housing units to serve the expected increase in employment caused by the project. There is no assurance that these units will be developed in the immediate vicinity of the project, nor is it assured that these units would be affordable enough to meet the needs of casino workers. This needs to be further analyzed in the DEIS and appropriate mitigation offered to address impacts.
- Page 4.12-30, last paragraph: The inclusion of childcare facilities within the casino should be explored to meet the needs of casino workers.
- Page 4.12-47, last paragraph: The proposed project would constitute a significant cumulative visual effect and should be represented as such. It is proposed to be at a much larger scale than existing or planned development in the area, but impacts could be lessened by reducing the height in the structure.
- Page 5-3: A potential mitigation measure would be to reduce the amount of impervious surfacing by increasing the use of structure parking, thereby allowing additional room for on-site storm water treatment.
- Page 5-4: The use of xeriscape to reduce irrigation water consumption should be included as a mitigation measure.
- Page 5-11, under “Operational Emissions”: Sonoma County Transit and Golden Gate Transit should be listed as regional transit providers that the Tribe will work with to ensure that there is adequate transit to the project. Also, specifics should be provided regarding mitigation D.b and D.e. Lastly, the text should acknowledge the potential for the SMART rail to provide transit to the casino and the Tribe’s willingness to work with this agency.
- Page 5-12: The use of photovoltaic system should be explored as a mitigation measure.
- Page 5-16, under “Indoor Air Quality”: The prohibition of smoking within the facility should be offered as a mitigation measure.
- Page 5-22, Mitigation Measures E and F: The person/agency that will monitor these measures should be identified.
- Page 5-53: The use of a photovoltaic system for power and the use of solar heating of the swimming pool(s) should be offered as mitigation measures.
- Page 5-55, center page, item Y: There is a discussion of how prior to the project’s operation, the Tribe will contract with “a” law enforcement service provider for primary law enforcement services. The party intended to provide this service should be identified in the DEIS. Furthermore, the DEIS should be revised to reflect this and any additional mitigation needed to address impacts should be offered.

- Page 5-56, center page, item FF: There is a discussion of how prior to the project's operation, the Tribe will enter into an agreement with "a" fire service provider for primary fire protection. The party intended to provide this service should be identified in the DEIS. Furthermore, the DEIS should be revised to reflect this and any additional mitigation needed to address impacts should be offered.
- The DEIS indicates that a reduced intensity alternative (Alternative H) is being developed. A detailed description along with anticipated impacts and mitigation measures for this alternative should be provided in the FEIS.

The City of Cotati has strong concerns about the adequacy of the DEIS given that there would be substantial impacts ranging from traffic to fiscal to affordable housing to crime, and inconsistent mitigation offered given that mitigation agreements only exist with certain jurisdictions (e.g. the City of Rohnert Park and the County of Sonoma) and not others (e.g. the City of Cotati and the City of Petaluma). This approach to mitigation appears to be inconsistent and inadequate. Along with the other issues described above, the City of Cotati requests that this issue be studied in the FEIS.

The City of Cotati appreciates this opportunity to review and comment on the DEIS for the proposed Federated Indians of Graton Rancheria Casino and Hotel Project. Should you have any questions regarding these comments, please contact David Woltering, Director of Planning, at 707/665-3638.

Sincerely,



Dianne Thompson
Acting City Manager

c: Mayor and City Council
David Woltering, Director of Planning

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JUN 01 2007

Regulatory Branch (1145b)

SUBJECT: File Number 28745N

Mr. Brad Mehaffy
NEPA Compliance Officer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

Dear Mr. Mehaffy:

This letter is written in response to the February 27, 2007, Draft Environmental Impact Statement for the proposed Graton Rancheria Casino and Hotel Project and our meeting on May 22, 2007. The purpose of this meeting was to discuss needed revisions of the Draft Environmental Impact Statement.

In particular, we agreed that the Draft Environmental Impact Statement will include a project description referencing the roadwork improvements and a higher level of analysis of the impacts associated with these roadwork improvements in the section of the Environmental Impact Statement that addresses indirect impacts. The roadwork improvements are the widening of Wilfred Avenue from Highway 101 west to Stony Point Road and those outlined in Table A5 of the Revised Draft Initial Traffic Impact Study. The analysis of impacts will address impacts to waters of the U.S. within fifty feet on either side of the right-of-way of the proposed roadwork improvement. In addition, the project proponents will submit an application for a Department of the Army authorization for the proposed project.

The Corps shall make every effort to review revised drafts of the revised sections of the Draft Environmental Impact Statement in an expeditious manner. Should you have any questions regarding this matter, please call Katerina Galacatos of our Regulatory Branch at 415-503-6778. Please address all correspondence to the Regulatory Branch and refer to the File Number at the head of this letter.

Sincerely,

Jane M. Hicks
Chief, Regulatory Branch

CF:

CESPN-OR-R (Rdg File)
CESPN-OR-RN (GALACATOS)

GALACATOS/vm
CESPN - OR -RN
25 May 07

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**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

June 4, 2007

National Indian Gaming Commission
Attn: Brad Mehaffy
1441 L Street NW
Suite 9100
Washington, DC 20005

Re: DEIS Comments, Graton Rancheria Casino Project ("Project")

Dear Sirs:

The Dry Creek Rancheria Band of Pomo Indians ("Tribe") has the following concerns relating to the Draft Environmental Impact Statement ("DEIS") for the Graton Rancheria Casino Project.

Environmental Justice

The Tribe is located on the federally designated Dry Creek Rancheria, a 75-acre area of steep slopes. The Tribe currently has almost 1,000 members. As the designated reservation land had few commercial uses, the Tribe's opportunities for economic self-reliance had been severely limited and a significant majority of the Tribal members have incomes below the federal poverty line as of the most recent data available.

However, in 1999 the Tribe signed a Compact with the State of California allowing the Tribe to operate gaming facilities pursuant to the Indian Gaming Regulatory Act. Accordingly, the Tribe was able to open its first major economic enterprise, River Rock Casino, in September 2002. Now in operation, the new enterprise has helped to provide funding for government, infrastructure, health, welfare and educational needs for the Tribe.

Because of the demonstrably significant importance that the River Rock Casino has had upon the economic situation of the Tribe and its members, the Tribe is concerned that the Graton Rancheria Casino Project DEIS greatly understates the potential economic impact that the Project would have upon the Tribe.

Board of Directors

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As noted in Section 3.7.4 of the DEIS, *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, 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. The DEIS further notes that, according to guidance from the Council on Environmental Quality (CEQ) and the U.S. Environmental Protection Agency, agencies should consider the composition of the affected area, to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by the proposed action, and if so, whether there may be disproportionately high and adverse environmental effects on those populations.

However, although the DEIS notes these Environmental Justice requirements, it doesn't even attempt to analyze the significant impact that the Project would potentially have upon the Tribe's economy. While noting that the Project contains a "casino component" which would compete with the River Rock Casino, it merely states that the construction of the Project would result in River Rock sustaining certain levels of "convenience losses" and "participation gains." It states that these projected "convenience losses" would, depending on the Project alternative selected, vary from 13% to 22% and projects the "participation gains" at 38% in all cases. (DEIS at pp. 4.7-28, 4.7-30)

The DEIS' assumptions regarding losses are based upon an overly simplistic analysis premised solely upon an imputed calculation of increased distance between the River Rock Casino and population centers. (Appendix N, p. 38) There is no reasonable attempt to consider the impacts of placing a new casino between the Tribe's River Rock Casino and population centers. The provided analysis is therefore superficial and conclusionary.

The assumptions regarding "participation gains" are based upon allegations that similar results have occurred in such locations as Las Vegas. However, even the DEIS acknowledges that the Project location is distinguishable from these locals (noting that Northern California's casinos will be much more geographically spread out than those in Las Vegas and will not collectively function as a single destination the way Las Vegas casinos do). (Appendix N, p.51) Aside from asserting that Northern California has other attractions that will promote this result, the DEIS provides no support for the conclusion that such "participation gains" will occur for facilities that are spread over dozens of miles. This analysis is grossly inadequate and cannot survive scrutiny.

Despite insufficient analysis, the DEIS attempts to brush aside concerns relating to the potential economic impacts of the Project upon the Tribe, its members and its River Rock Casino and the Twin Pine Casino (run by the Middletown Rancheria Band of Pomo Indians) by stating that both of these enterprises would "remain profitable." In a conclusory fashion, it then states that:

Given that even under a worst-case scenario both competing Tribal casinos would remain profitable (although profitability would decrease), a disproportionately high and adverse effect to nearby tribes would not occur and a less than significant environmental justice effect would result. Thus a less than significant environmental justice effect would result from competition. (DEIS at p. 4.7-30)

Even if the DEIS had provided an adequate analysis for the conclusion it contained regarding the potential impact of the Project on the River Rock Casino and the Tribe (which it does not), it is obvious that the conclusion that the River Rock would simply "remain profitable" could not, even if true, mean that the Tribe would not, through the construction of the Project, sustain substantial economic damage because of the impairment of its primary business enterprise. As the Tribe has only recently been able to begin to mitigate the economic deprivation experienced over many years through the operation of the River Rock, any deterioration in the profitability of that enterprise constitutes a serious and substantial impact upon the Tribe. Therefore, it is not sufficient for the DEIS to merely conclude whether the River Rock Casino will "remain profitable." It must further address what the specific economic impacts of the Project upon the Tribe may be.

Therefore, basic concepts of environmental justice require that additional studies be conducted to verifiably demonstrate the potential economic impacts of the Project upon the Tribe and its government, infrastructure, health, welfare and educational needs (which are currently being met largely by revenues from the River Rock Casino). These studies should be conducted using standard economic principles. The Tribe should be permitted (should it desire to do so) to participate and to comment upon those studies. Moreover, any analysis as to the potential impact of the Project upon the Tribe, must not be premised upon simple concepts of "profitability," but must also consider the actual impact of the Project upon such sectors as the Tribe's employment and housing.

Cultural and Historic Resources

The Tribe notes that nothing in the DEIS indicates that the Graton Rancheria Tribe has been historically connected with the alternative Project

sites in question. (DEIS Section 3.6) For this reason alone, the Tribe is concerned with the adequacy of the cultural and historic resource review that has been provided in the DEIS. Moreover, the Tribe has not been contacted regarding its relationship to these locations. The Tribe is therefore concerned whether adequate review has been undertaken with regard to the cultural and historic status of the proposed alternative Project locations.

Dry Creek Rancheria Tribe and its ancestors are the original residents of Sonoma County thousands of years ago. The Tribe and its ancestors have both prehistorically and historically utilized this region and surrounding areas not only as a hunting, gathering and fishing resource, but also as a cultural and religious resource. It is therefore highly unlikely that (as depicted in the DEIS) no tribe has significant links to the proposed Project locations. Consequently, the Tribe requests that ethno-historic and ethnographic studies of the proposed Project and alternative sites be undertaken in order to assess and document the potential impact that the proposed Project will have on the Tribes' historical religious and cultural resources.

The analysis that has been included in the DEIS has only briefly and cursorily surveyed the archaeological and related physiographic/environmental features of the site. The Tribe believes that such studies are incomplete and may not have properly identified or described the cultural resources that may be present, or their Tribal meaning and uses. The relevant materials in the DEIS also do not adequately analyze the tribal activity in the area. Further, the DEIS does not outline any measures to be taken to determine the potential for Project related disturbances to cultural and natural resources.

The Tribe therefore requests that a further ethnographical research study be conducted in order to identify any potential cultural impacts that the Project may have. The study should:

- Identify knowledgeable Tribal elders to assist in a comprehensive ethnographic and ethno-historic research Project.
- Contain a more thorough review and critical evaluation of all prior ethnographic and ethno-historic information sources.
- Further seek to actually identify and locate culturally sensitive sites and resources within and adjacent to the proposed Project locations to include information on their use, function, and meaning for the Tribes.

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- Suggest ways in which this information can be utilized to minimize risk to cultural sites and resources in Project administration.

The Tribe appreciates the opportunity to present its position on the DEIS and respectfully requests that the Commission act favorably on the Tribe's request for the above-referenced additional studies.

Very truly yours,

Board of Directors
Dry Creek Rancheria Band of Pomo Indians

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COUNTY OF SONOMA
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June 4, 2007

Mr. Brad Mehaffy, NEPA Compliance Coordinator
 National Indian Gaming Commission
 1441 L Street, NW, Suite 9100
 Washington, D.C. 20005

Subject: Comments on the Draft Environmental Impact Statement ("DEIS")
 for the Proposed Graton Rancheria Casino and Hotel Project

Dear Mr. Mehaffy:

At its meeting of May 15, 2007, the Board of Supervisors formally approved the attached comments on the Draft Environmental Impact Statement ("DEIS") and Draft Conformity Determination for the Proposed Federated Indians of the Graton Rancheria Casino and Hotel Project ("proposed project").

The County conducted as rigorous a review as possible given the size and complexity of the document and the very limited comment period. Unfortunately, the DEIS analysis of the potential environmental impacts is deficient in nearly every issue area. The County's comments, although not exhaustive, point out numerous deficiencies including: inaccurate baseline information, inaccurate statements, and substantive gaps and flaws in approach, methodology and analysis.

The County's comments are intended to highlight these deficiencies in the DEIS, thereby providing the National Indian Gaming Commission ("NIGC") and its consulting firm an opportunity to re-circulate a revised DEIS and prepare a Final EIS that fully identifies and analyzes all potentially significant impacts resulting from the proposed project, fully explores all feasible alternatives to the proposed project, and proposes appropriate and enforceable mitigations to offset impacts.

The County is committed to continuing to work with the NIGC to ensure that the Final EIS meets the requirements of the National Environmental Policy Act by fully disclosing, analyzing, and mitigating the proposed project's environmental impacts, and properly analyzing all feasible alternatives.

Thank you in advance for your consideration of the County's comments. If you have questions or require additional information to ensure the County's comments are addressed in the Final EIS, please contact Jeffrey Brax, Deputy County Counsel at (707) 565-2421.

Sincerely,

Valerie Brown, Chair
 Sonoma County Board of Supervisors

Enclosure

2007 JUN 11 AM 9:57

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County of Sonoma and Sonoma County Water Agency

Comments on the Graton Rancheria Casino and Hotel Project Draft Environmental Impact Statement (DEIS)

The County of Sonoma and the Sonoma County Water Agency (SCWA) hereby submit comments to the National Indian Gaming Commission (NIGC) on the NIGC's Draft Environmental Impact Statement (DEIS) for the Graton Rancheria Casino and Hotel Project (proposed project). The project is proposed by the Federated Indians of Graton Rancheria (Tribe or project proponent). The County and SCWA have been and remain deeply concerned about the size and scope of the proposed project, and its likely significant impacts on the County and its residents and environmental resources.

These following summary identifies the County and SCWA's primary concerns and the DEIS's most important deficiencies, errors, and ambiguous language. Attached is a table that provides our complete comments. The table provides further comments on specific resource areas, as well as more general comments on the DEIS.

The DEIS must be revised and recirculated.

Following careful review by County staff and others, it is clear that the DEIS must be extensively revised and recirculated. The DEIS contains inadequacies that prevent the NIGC from fulfilling its statutory requirements to take a "hard look" at the full impacts of the proposed project and "insure that planning and decisions reflect environmental values." (NIGC NEPA Guidance Manual, § 1.2.) The document fails to meet National Environmental Policy Act (NEPA) requirements regarding the analysis of connected actions, the evaluation of potentially significant environmental impacts, the mitigation and monitoring of those impacts, and the full and fair disclosure of all reasonable alternatives.

The DEIS fails to properly understand and convey the unprecedented nature of this project, and its true impact on the community and the environment. Its content demonstrates, at most, a cursory understanding of the circumstances found in the County.

The proposed project would be the single most intensive development project ever undertaken in Sonoma County. It simultaneously proposes both the largest hotel/resort complex in Sonoma County and the introduction of massive new Las Vegas-style casino gaming in an urban setting already experiencing significant traffic congestion, water shortages, and other significant impacts. The project is of such a magnitude that, if implemented as proposed, it would cripple the overburdened transportation system relied upon by the County's residents, visitors and regional commerce, and aggravate demands for health, safety, and other crucial public services.

Once taken into Trust, Tribal lands fall outside the jurisdiction of local government. This places a special burden on NIGC and the Tribe to analyze all impacts in a fair and complete way.

The DEIS improperly ignores connected actions.

NEPA requires an EIS to evaluate and mitigate all the impacts of a proposed federal action, including impacts resulting from actions needed to implement the project. The DEIS repeatedly acknowledges that implementation of the proposed project would require considerable off-site improvements, including new pipelines, roadway expansions, and similar construction. These are "connected actions" under NEPA (40 CFR §1508.25(a)(1); NIGC NEPA Guidance Manual §

2.7.4.1), and the DEIS must therefore analyze, mitigate, and monitor the effects of implementing the improvements with the rest of the proposed project. The DEIS may not simply note that these project elements are necessary and will be built, while leaving proper environmental analysis to some future time and other parties.

The DEIS effectively segments the proposed project by not rigorously analyzing and mitigating the effects of the required off-site improvements. This segmentation masks the proposed project's true environmental costs, and violates NEPA's requirement that an agency evaluate an entire course of action "at the earliest possible time." (40 CFR §§ 1502.4(a), 1502.2(f); NIGC NEPA Guidance Manual § 1.2.) The DEIS must be revised and recirculated to accurately reflect the full scope of the project, and fully disclose, analyze, and mitigate all potential impacts. Without this additional work, neither the public nor decision makers can fully understand the consequences of approving the proposed project.

The DEIS evidences a cursory understanding of local conditions and provides an inadequate, inaccurate, and incomplete analysis of many impacts.

Traffic

The proposed casino alternatives would generate 18,250 vehicle trips per day, traffic equivalent to an entire lane of Highway 101 all by itself. These additional vehicles would travel on already severely congested highway, and on narrow country roads that cannot accommodate them. This traffic would cause significant adverse impacts including sharply increased congestion, vehicle accidents, and roadway deterioration.

The proposed project would have similarly adverse effects even before it opens. Site preparation alone would require delivery of fill material at the rate of one truck every minute, 8 hours a day, for 5 months—nearly 46,000 total trips in all. Construction would then require 600 to 800 workers to arrive and depart from the site all at about the same time, and all during peak traffic hours. This extensive, large-vehicle traffic would cause substantial impacts on Highway 101 and local road congestion, roadway deterioration, and on nearby residents and businesses.

The DEIS fails to properly disclose, analyze, and mitigate these and other significant impacts. The DEIS fails to compare the proposed project's traffic impacts against existing conditions, as required by NEPA, or even to a realistic set of conditions that are likely to exist when the proposed project can reasonably be expected to commence operations. The DEIS instead compares impacts to an improbable "year 2008" set of conditions that incorrectly assumes completed construction of significant traffic improvements that are not fully or even partially funded. This analysis assumes that Highway 101 has been widened to six lanes from the Old Redwood Highway interchange in Petaluma to the existing six-lane section north of Santa Rosa Avenue. It also assumes that the Wilfred Avenue-Golf Links interchange reconstruction is complete. These critical improvements will not be complete by 2008, and are unlikely to be in place by even 2011 or 2012. The DEIS's assumptions lead to a very "project friendly" but irrelevant set of findings that have no basis in reality.

The DEIS compounds this error by using 2008 for background traffic volumes instead of 2010 or 2011, which the County believes is the earliest time that the Project could be completed and operational. This error understates traffic impacts for all alternatives by relying on background traffic volumes that will be two or three years out of date by the time the Project is operational.

The DEIS has thus failed to take a “hard look” at the proposed project’s traffic impacts, and failed to provide decisionmakers and the public with the full and fair information necessary to conduct a meaningful review of the proposed project.

The entire traffic analysis for all alternatives must be redone as follows and included in a recirculated DEIS:

- The DEIS should analyze project impacts against the baseline traffic conditions that existed at the time the NIGC issued the Notice of Preparation.
- The DEIS should further analyze project impacts against a 2011 or 2012 horizon. This analysis should only assume the construction of fully funded roadway improvements. This could also include any improvements that are currently partially funded but that the Tribe will guarantee to supply all remaining funding in a timeframe that will allow improvement completion before the project opens for operation.

The DEIS also fails to explain that its preferred local access to the Wilfred site, Wilfred Avenue, would remain a County road unless and until it is annexed by the City of Rohnert Park, consistent with the City’s general plan. Until such annexation occurs, Wilfred Avenue is the least appropriate access road from level of service (LOS), safety, and growth inducement standpoints. Wilfred Avenue cannot accommodate the proposed project’s traffic, would require major reconstruction and widening, and would deliver traffic to a Highway 101 interchange that will remain complex and confusing even with a future redesign.

The DEIS should instead designate the Rohnert Park Expressway as the major access route to the Wilfred site. The DEIS should require the project proponent to direct traffic to the Rohnert Park Expressway (first priority) and Stony Point Road (second priority), both of which were designed to handle higher traffic volumes than Wilfred Avenue, and which would have dramatically less impact to surrounding rural neighborhoods. This access plan would increase traffic distribution to the fully developed Highway 101/Rohnert Park Expressway interchange, and keep proposed project traffic on improved roads in developed areas, rather than on minor rural roads in close proximity to neighborhoods.

The DEIS also fails to fully address the impacts of improving Wilfred Avenue, should it be used. The DEIS incorrectly presumes “other” development will occur between the Wilfred site and current City limits before the proposed project is constructed, and that that development would bear a significant portion of the cost of improving Wilfred Avenue in the area. In fact, little to no development is planned to occur before the casino begins operations. The DEIS also improperly relies on the Memorandum of Understanding between the City of Rohnert Park and the Tribe, which calls for the Tribe to contribute a fixed amount toward City Wilfred Avenue reconstruction costs. Unless the City annexes this area, most of this road remains under County jurisdiction and the MOU does not affect the county-maintained portion of Wilfred Avenue. The DEIS does not acknowledge this issue, much less squarely address it.

Improving the County portion of Wilfred Avenue would require the project proponent to design roadway improvements, produce CEQA documents and mitigation, acquire permits, acquire right-of-way, and administer construction contracts. The DEIS should be revised and recirculated to assign this work to the project proponent, and to disclose, analyze, and mitigate the significant environmental impacts that would occur.

Socioeconomic and Public Service Impacts

Development of the casino alternatives would create significant adverse effects beyond the physical changes wrought on the community. The proposed project would create a substantial on-going demand for a variety of health and human services provided by Sonoma County, including services addressing addictive and antisocial behaviors associated with gaming and drinking. This increased demand would dramatically increase the County's costs in providing health and social services, decrease the help available to existing County residents and visitors, or both. Socioeconomic impacts thus represent a crucial area of discussion and analysis in this DEIS, especially in light of the magnitude and perpetual nature of the impacts.

Unfortunately, the DEIS presents a fatally flawed analysis of socioeconomic impacts and revenues for all casino alternatives. The DEIS relies entirely on a faulty methodology and set of assumptions. Affected populations are miscounted, costs of services are grossly underestimated, and the anticipated employee housing demand is confused at best. The DEIS's proposed mitigation measures are inadequate even to address its flawed and understated impacts, and wholly insufficient to address the true impacts of the proposed project.

The DEIS's central error is its assumption that the demand for services would be similar to that of any other business in the County. The DEIS sometimes anticipates and acknowledges the significant service demands that would be generated by 28,000 daily patrons of the proposed facility. Yet elsewhere the DEIS assumes only employees would require services, ignoring patron demands completely. Similarly, the DEIS sometimes acknowledges the need for new employee housing; yet elsewhere states that all of the proposed project's 2,600 new employees will come from the local area, and that no new housing would be required.

This analysis is both confusing and deeply flawed. No substantial evidence supports the DEIS's conclusion that 28,000 daily patrons would generate *no* demand for County services. Similarly, no substantial evidence supports the DEIS's conclusion that the creation of 2,600 new jobs would create *no* demand for local housing. The relevant demographic and other evidence instead supports the contrary conclusion, that the proposed project would cause significant impacts to County service providers and increase local housing demand. The DEIS must be revised and recirculated to take a hard look at these issues.

Water Resources

The DEIS's evaluation of water supply and runoff is built on incorrect assumptions and faulty analysis. The DEIS fails to account for flood risk as a result of site alterations and increased runoff, and appears unaware of how management practices on the local drainage system affect the system's ability to transport runoff.

Recent studies performed by SCWA and the U.S. Army Corps of Engineers analyzed hydrologic conditions for the Central Sonoma Watershed Project and concluded that natural waterways and constructed channels within the watershed would experience flows during a 100-year storm event greater than anticipated by the original design for those facilities. Indeed, the Wilfred site is within the "Flood Prone Urban Area" defined in Chapter 7-13 of the County Code (building regulations). Localized flooding is common in the areas of the Wilfred site due to relatively flat topography and slow stormwater percolation into the soil, and even small amounts of fill can dramatically alter drainage patterns and cause flooding of nearby properties. The proposed project would place a massive amount of fill on the site, and engineering calculations are

necessary to demonstrate that the fill would not adversely affect drainage on nearby properties. The DEIS must be revised and recirculated to include these calculations, and to account for the increased flood risk due to both diminished capacity in nearby waterways and channels.

The DEIS should further be revised to acknowledge uncertainty about the SCWA's ability to provide a water supply to its water contractors, including the City of Rohnert Park, for the reasons described in the SCWA's Urban Water Management Plan (UWMP). SCWA based its UWMP analysis on certain reasonable assumptions. Changes in these assumptions could affect SCWA's ability to divert water from the Russian River or to construct and operate the Water Project.

The DEIS thus should not assume that SCWA will be able to deliver to the City the current allocation of 75,000 acre-feet per year as set forth in the Restructured Agreement for Water Supply. First, that allocation was premised upon the assumption that SCWA would construct the Water Supply and Transmission System Project (WSTSP). As noted in SCWA's UWMP, SCWA no longer intends to construct the WSTSP but instead intends to construct and operate the Water Project. Second, that allocation was based on an outdated analysis of the amount of water reasonably needed by the City from SCWA to meet the City's future demands. A new analysis is found in SCWA's UWMP. The DEIS should use the UWMP as the basis for its analysis of this significant issue.

A portion of the City's future water demand is expected to be met by local supply and recycled water projects that the City will develop and implement. To the extent that the proposed project would increase the City's future water demand, the DEIS should identify and analyze the environmental impacts of developing additional local supply and recycled water projects to meet those demands. If any local supply project would rely on groundwater, the analysis should include an evaluation of the project's impacts on the long-term sustainability of any affected groundwater basin.

The DEIS should further evaluate the status of the City's implementation of water conservation programs to offset future demand. SCWA's UWMP assumes that the City will continue to implement existing water conservation programs, and institute aggressive new water conservation programs in the future. To the extent that the proposed project would increase the City's future water demand, the DEIS should evaluate the status of the City's implementation of these programs, and identify others that may be required to offset the proposed project's water consumption.

The reliable capacity of SCWA's transmission system is currently limited to 92 million gallons per day. Summertime demands on SCWA's transmission system may exceed this capacity. To the extent that the proposed project could increase peak summertime demands, the DEIS should discuss ways in which peak summertime demands from both the project specifically and in the City's service area generally could be reduced.

Public Safety

The DEIS misstates or ignores County responsibility for public safety at all of the potential alternative project sites. Rather, it erroneously ascribes public safety responsibility to the City. Consequently, the DEIS fails to identify, adequately analyze, and mitigate impacts of the proposed project on the County's public safety services.

All alternatives including the proposed project are located within unincorporated Sonoma County. The County Sheriff's Department has jurisdictional authority for law enforcement services, and retains its authority under Public Law 280 even if a site goes into trust. The Sheriff has not delegated or ceded its authority to the City of Rohnert Park.

As a result, the DEIS's description and analysis of public safety services is inaccurate and entirely inadequate. The DEIS misrepresents jurisdictional authority, understates level-of-service requirements by using an erroneous service-to-population ratio, and does not propose any measures adequate to address public safety impacts on the County. The DEIS must be revised and recirculated to squarely address jurisdictional issues and the proposed project's significant public safety impacts.

Fire Services

As with Public Safety, the DEIS misstates or ignores the responsibility of County fire districts for providing fire protection to all proposed sites. By failing to accurately describe jurisdictional responsibility for fire protection, the DEIS failed to adequately analyze and mitigate the proposed project's impacts on the County's fire protection services.

The DEIS incorrectly identifies the City as providing fire services to the proposed project when, in fact, the Rincon Valley Fire Protection District provides these services to properties within County jurisdiction. The DEIS must be amended to describe the appropriate service providers, analyze impacts, and put forward suitable and adequate mitigation. The analysis must include service demand impacts on each of the service providers in the area. In the absence of appropriate mitigation, these impacts remain significant.

The fire district relies on property tax revenues. Removing the casino property from the County tax rolls diminishes fire district revenue, further affecting its service levels.

Mitigation measures and corrections to the DEIS mirroring those identified under Public Safety and similar mitigation should be incorporated as appropriate for fire protection services.

Health and Ambulance Services

The casino/hotel project is intended to attract large numbers of people, some of whom suffer from addictive behaviors. Compulsive gamblers and alcoholics wreak havoc on their personal lives and the lives of those around them—financially, emotionally, and, too often, physically. The casino atmosphere will create DUI problems on local streets and Highway 101, increase demands for treatment and counseling programs and diversion programs for arrested patrons, and generate a substantial ripple effect through County-provided services including child welfare, addictive behavior treatment programs, and the judicial system. The DEIS does not address these impacts in a meaningful way, nor propose appropriate and sufficient mitigation.

As with both public safety and fire services, ambulance services would be called upon to respond to actual emergencies and "false alarms" at the casino, as well as respond to an increased number of traffic accidents involving patrons and employees. The proposed project would thus lower the standards for ambulance response throughout the County, and compound the resulting impacts by significantly increasing traffic congestion on Highway 101 and local roads, decreasing response times. The DEIS does not fully analyze these adverse effects, nor identify appropriate mitigation to reduce them to less than significant.

Air Quality

The air quality analysis in the DEIS and its Appendix W contain serious technical errors that dramatically understate the project's construction emissions by as much as ten-fold. The description and assessment of air quality impacts is inadequate, to the point of making an accurate characterization of project air quality impacts impossible. The DEIS grossly understates the number of pieces of equipment that would be operating at the construction site. Although construction impacts (e.g., PM_{2.5} and PM₁₀) would be temporary, given the existing problems meeting these dust standards in northern Sonoma County, even these impacts could result in public health impacts to sensitive receptors.

The Draft Conformity Analysis needed to obtain a Conformity Determination required for project approval by EPA is incomplete with respect to NO_x. The DEIS concedes that a Conformity Determination would have to be made because NO_x emissions exceed the *de minimus* levels, but provides no further analysis and identifies no NO_x emission reductions or offsets. To meet EPA standards, the project must be reduced in scope and scale to fall below emission limits, or it must mitigate by purchasing "offsets" that, when combined with project emissions, effectively bring the project down to emission levels below EPA's limits. The DEIS leads a reviewer to believe that offsets could simply be purchased, but offers no evidence that this strategy has been investigated. The DEIS should provide information of how and where such offsets are to be obtained. It may be infeasible to identify sufficient offsets, in which case the proposed project would need to be reduced in size and scope, or be in violation of EPA emission limits. The DEIS should acknowledge that offsets may be hard or impossible to acquire in this air basin, and the scope of the project may need to be reduced to meet NO_x and other conformity standards.

The DEIS requires only that the project proponent purchase as-yet-unidentified offset credits for VOC and PM emissions "if available." The DEIS must identify the specific credits or other methods that would use to offset project air quality impacts, and delete the "if available" exception. In addition, the offsets should benefit Sonoma County, where much of the project emissions would occur.

Noise

The Wilfred site is rural in character, with corresponding low, rural noise levels. The proposed project would dramatically increase ambient noise levels by imposing substantial additional traffic on neighbors and along principal traffic routes. Unfortunately, the DEIS does not provide enough information to quantify noise impacts to sensitive receptors. The key long-term impacts with the greatest potential to cause harm to public health are those from project traffic and operations noise during evening/nighttime and weekend hours, when receptors are most sensitive. The DEIS should provide verifiable noise level projections, and put forward mitigation measures to address these.

Land Use

The Wilfred site is within Rohnert Park's sphere of influence and shown in the City's general plan as a mix of commercial and residential uses. Unless and until this land is annexed to the City, however, the Wilfred site is subject to the County's General Plan. The General Plan is the County's constitution for all future development, and its ultimate expression of public and official objectives for the orderly development of the community. The proposed project is

inconsistent with the adopted County General plan on many counts. As enumerated in the more detailed comments, the proposed project is inconsistent with the land use designation for the Wilfred site as well as numerous policies and goals enumerated in the General Plan, including those pertaining to development within a Community Separator. Indeed, absent annexation, the project would be the antithesis of the County's plan for this land, which includes only agricultural and scenic open space uses.

The DEIS acknowledges that the proposed casino would be inconsistent with several local land use regulations, while at the same time concluding that conflicts with surrounding land uses "are not expected." This conclusion is an unsupported supposition at best, and at worst an improper dismissal of the thoughtful planning processes employed in the County to avoid or minimize land use conflicts and preserve the agricultural and scenic objectives of the General Plan.

The DEIS also improperly dismisses the loss of agricultural land by stating that the soil at the Wilfred site is not of a superior type. This conclusion ignores the fact that some of the County's most productive and valuable agriculture (i.e. vineyards) occurs on less than ideal soil.

Visual

The visual impacts of the proposed project, including its size, mass, design, lighting and glare, and signage, would dramatically and adversely affect the surrounding community. The project would be visible from local streets and roads and residences over a large area, including from Highway 101. The size of the structure alone would dominate any existing or future development in the surrounding rural and urban communities. The proposed project's scope does not resemble the existing commercial development in the area, nor what is likely to occur in the future without the casino. The simulations provided in the DEIS improperly minimize the proposed project's aesthetic impacts by excluding landscaping, the full definition of the structure and façade, and surface parking.

The DEIS similarly does not provide a reasonable analysis of night lighting and glare, one that discloses the adverse effects on off-site locations. The simulations provide only a mid-day 'view' of the proposed casino, ignoring the significant visual intrusion of a lit-up casino operating through the night. As result, the DEIS fails to explore or provide necessary mitigation measures.

The DEIS thus provides essentially no analysis of visual impacts that would allow a meaningful comparison of the alternatives. The DEIS must be revised and recirculated to adequately describe and mitigate the impacts of the various alternatives.

Biology

The endangered California tiger salamander is likely to be seriously harmed by the project. The Stony Point and Wilfred sites lie within an area midway between the key Santa Rosa and Rohnert Park/Cotati California tiger salamander population areas. Development of the proposed project would create significant barriers to species mobility and migration, putting survival of the local population at risk. The DEIS must be revised and recirculated to identify direct and indirect adverse impacts on the tiger salamander and other special-status animal and plant species. Appropriate protocol surveys must be conducted within the property proposed for development, and in any areas where implementation of project-related mitigation measures, such as road widening, highway improvements, and pipeline installation, have the potential to affect wetlands or special-status species. The recirculated DEIS must identify areas for

biological impact mitigation, and analyze and mitigate any impacts of implementing the proposed measures.

Cumulative Impacts

Understanding cumulative impacts is a crucial part of the NEPA review process. Yet the DEIS relies on the error-filled resource sections of the document to reach conclusions that the proposed project's cumulative impacts would be less than significant. The DEIS misses the unprecedented, transformative impact the proposed project would have on the County and its communities. The DEIS must be revised to correct the individual resource sections and undertake a full, meaningful analysis of cumulative impacts.

The mitigation measures presented in the DEIS are not commitments and include no enforcement mechanisms.

The DEIS correctly notes that NEPA requires the inclusion of means to mitigate adverse environmental impacts, including limitations on the size of the proposed project and its implementation. (40 CFR §§ 1502.14(f), 1502.16(h), 1508.20(b).) NEPA further requires the inclusion of a monitoring and enforcement program to ensure that mitigation measures are implemented. (40 CFR § 1506.2(c), NIGC NEPA Guidance Manual §§ 2.7.3.5, 2.7.4.7.)

The DEIS lists mitigation measures that are "recommended" for the various alternatives. The DEIS does not require that the project proponent actually implement any of the measures, and includes no monitoring or enforcement program of any kind. The DEIS thus includes no commitment or guarantee that the project proponent would mitigate adverse impacts at all, much less reduce them to less-than-significant levels.

Absent an enforceable commitment, the measures set forth in the DEIS do not constitute actual mitigations, and do not support the document's claims that impacts of the proposed project will be less than significant. The DEIS must be revised and recirculated to require actual implementation of all proposed mitigation measures, articulate a monitoring program to verify compliance, and identify enforcement steps that the NIGC would take to ensure compliance.

The analysis of alternatives is inadequate.

The only real way to mitigate many of the proposed project's adverse environmental impacts is to reduce to the size and intensity of its gaming operations. A reduced gaming project is a reasonable alternative that the DEIS must "[r]igorously explore and objectively evaluate" in substantial detail. (40 CFR § 1502.14(a)(b).)

Yet the DEIS includes just one reduced intensity alternative that would not reduce the casino gaming portion of the project, and would not even be located on the Wilfred site. The DEIS concedes that this Alternative D does not actually identify changes to the proposed project, Alternative A, but is rather "a scaled-down version of Alternative B." Alternative D would not be located on the Wilfred site, would not reduce casino gaming in any way, and would make only minimal changes to the rest of the proposed project. The DEIS acknowledges that Alternative D would only remove "the spa and some entertainment venues," 200 hotel rooms, and 200 of the proposed project's 1,615 food and beverage seats.

The DEIS briefly mentions an Alternative H that would consist of Alternative D's project configuration on the Wilfred site. The DEIS does not actually analyze this alternative, but rather states that it will be added to a Final EIS and considered by the NIGC. This approach is

improper. The alternatives section is “an essential part of NEPA” and “the heart of the environmental impact statement.” (40 CFR § 1502.14, NIGC NEPA Guidance Manual § 2.7.3.2.4.) Including Alternative H in a Final EIS would not allow non-NIGC reviewers and the public a proper opportunity to evaluate its comparative merits. The DEIS must be revised and recirculated to fully analyze Alternative H.

The DEIS must also be revised and recirculated to fully address a new Alternative I that would reduce the number of slot machines and other proposed casino gaming. As noted above, the DEIS contains *no* reduced gaming alternative, even though casino gaming is the largest driver of the proposed project’s traffic, socioeconomic, fiscal, and other impacts. This inadequacy must be rectified in a recirculated DEIS.

The DEIS states that the proposed project’s purpose and need is to provide a revenue source to improve the Tribe’s socioeconomic status, strengthen its self-governance, provide employment opportunities, and fund local and Tribal programs. These objectives do not dictate a particular kind of revenue source, nor the size or intensity of that use. Nor should they; the NIGC should instead to examine all reasonable alternatives that would meet the Tribe’s objectives, including non-gaming and reduced gaming alternatives that might be less lucrative.

The DEIS properly evaluates one non-casino project in depth, demonstrating that non-gaming approaches could provide for the Tribe’s economic and other objectives. The DEIS does not provide sufficient evidence to support its conclusion that no other non-gaming alternatives would meet the purpose and need, however. Investment and development partners presumably could have been found for other economic development projects that would meet the Tribe’s objectives. The DEIS should be revised and recirculated to consider additional non-gaming alternatives in greater depth.

Traffic

Reference	Comment
General Comment	<p>The NIGC issued the DEIS in 2007. The proposed project could not be approved, built, and in full operation until 2010 or 2011 at the earliest. The DEIS does not appear to have evaluated traffic impacts in relation to either date, however. The DEIS instead appears to have estimated project traffic impacts in relation to year 2008 traffic volumes. This analysis is arbitrary and unhelpful. NEPA instead compels the NIGC to evaluate the proposed project against actual baseline conditions. NEPA further requires an evaluation of near-term horizon impacts against the year of project completion and full occupancy. Evaluating the proposed project against 2008 traffic conditions that do not exist now, and would occur until two to three years before the earliest project completion, is not standard traffic engineering practice. By using 2008 background volumes, the DEIS presents a more favorable (lower volume/lower impact) traffic analysis scenario than would actually occur. An evaluation of the proposed project against the No Project Alternative would establish the difference in traffic with and without the proposed project both now and at the projected opening date. Under either analysis, comparing impacts to 2008 is arbitrary and unhelpful.</p>
General Comment	<p>The DEIS's traffic analysis incorrectly assumes the construction by 2008 of significant traffic improvements that are not fully, or even partially, funded. The 2008 analyses assume that the U.S. 101 freeway has been widened to six lanes from the Old Redwood Highway interchange in Petaluma to the existing six-lane section north of Santa Rosa Avenue. The DEIS also assumes the completion of the Wilfred Avenue-Golf Links interchange reconstruction, and intersection improvements planned but not necessarily fully funded in Rohnert Park. These improvements will not be complete by 2008, and are unlikely to be in place by even 2011 or 2012. The DEIS's assumptions thus lead to a very "project friendly" but completely irrelevant set of findings for 2008 that have no basis in reality. As a result, the DEIS's analysis of near-term traffic impacts for all Alternatives has been developed against an unrealistically low set of background traffic conditions in conjunction with a unfunded or partially funded set of major roadway improvements that could never be in place by 2008.</p> <p>The entire near term traffic analysis for all Alternatives should be redone as follows.</p> <ul style="list-style-type: none"> • The DEIS should analyze project impacts against the baseline traffic conditions that existed at the time the NIGC issued the Notice of Preparation. • The DEIS should further analyze project impacts against a 2011 or 2012 horizon. This analysis should only assume the construction of only fully funded roadway improvements. This could also include any improvement measures that are currently partially funded that the Tribe will guarantee to supply all remaining funding in a timeframe that will allow improvement completion before the project opens for operation.

Reference	Comment
General Comment	<p>The DEIS projects no project traffic for any Alternative on Stony Point Road to the south of Gravenstein Highway, even though about 70 percent of outbound project traffic is projected to travel south (to Petaluma and beyond) and the southbound U.S. 101 freeway is projected to be operating at total gridlock LOS F conditions in the southbound direction before 2020, even with assumed widening of the freeway to six lanes. This is a blatant underreporting of a potentially significant impact to County roadways, in particular to Stony Point Road. Also, for weekday PM commute conditions, it is highly unlikely that 70 percent of projected inbound traffic (almost 850 vehicles) will be fighting their way northbound from Marin County and the rest of the Bay Area on a U.S. 101 freeway that is already at stop-and-go conditions in many locations.</p>
General Comment	<p>The DEIS provides no AM peak hour analysis. The DEIS incorrectly conducted AM traffic counts during the summer when schools are not in session and colleges are either not in session or at reduced student levels. The DEIS preparers should conduct an entirely new set of AM counts when schools are in session, and analyze AM peak traffic conditions at all locations. Due to differing flow patterns during the AM commute versus the PM commute, the DEIS preparers should find a somewhat different set of impacts and needed mitigations, even with lower project trip generation during this period.</p>
General Comment	<p>The critical capacity controlling locations along the U.S. 101 freeway in the project vicinity are the uphill grades between Rohnert Park and Petaluma. Since about 70 percent of project traffic is projected to use this section of the freeway (about 950 AM peak hour trips and 1,580 PM peak hour trips), the DEIS should analyze this segment of the freeway and impose additional mitigation measures.</p>

Reference	Comment
General Comment	<p>The DEIS attempts to evaluate construction traffic impacts by projecting for Alternative A a haul truck volume of about one truck every minute on local roadways (six days/week, eight hours/day for the five months of site grading), and adding the traffic generated by 600 to 800 construction workers to the evening commute peak traffic hour for the (two-year project construction period. However, the analysis fails to find that any potentially significant impacts would be produced by this traffic. The DEIS instead dismisses all construction traffic impacts as short term in nature and therefore not a substantive issue. This analysis fails. Adding an additional haul truck every minute for six days a week for at least five months would create a variety of significant traffic impacts, including increased congestion, vehicle accidents, and pavement degradation. The DEIS mentions two quarries being able to supply fill material (one of which is along Stony Point Road), but provides no evaluation regarding potential truck routes, or the roadways' ability to accommodate expected truck traffic. The DEIS similarly offers no mitigation to ensure a structurally adequate, wide and safe truck access roadway to the site before any site grading occurs, nor monitoring to replace pavement as it deteriorates due to the project. The DEIS must be revised to include these measures, signalization of the truck access road connection to Stony Point Road (if an improved Wilfred Avenue is selected as the truck route), and others before there is any truck traffic.</p>
General Comment	<p>Table 5-4 provides a list of intersection mitigation measures. All of these measures are suspect given the fatal flaws in the DEIS's 2008 analysis, as detailed above. The list of measures should grow if the DEIS conducts a proper near-term horizon analysis for 2011 or 2012 an AM peak hour analysis.</p> <p>Mitigation for Freeway Segments and Ramps (page 5-46) – All Alternatives. The DEIS uses the word "shall" in all of its recommendations, yet provides no specific cost contribution amounts or percentages. Overall, PM peak hour project traffic (inbound + outbound) uses up almost an entire freeway lane of capacity.</p> <p>Other Mitigation (page 5-50) – All Alternatives. The DEIS lists no construction traffic mitigations other than "construction material shall be scheduled outside of the area wide commute peak hours" and that "prior to construction the Tribe shall work with emergency service providers to avoid obstructing emergency response service." The DEIS must be revised to include a full quantitative analysis of construction traffic impacts and needed mitigation measures. Those measures should include a traffic management plan prepared by the applicant and submitted to each local jurisdiction.</p>

Reference	Comment
General Comment	The DEIS should be revised to require ongoing traffic monitoring and mitigation after the proposed project begins operation. The project's traffic generation would be influenced by a wide variety of factors, and there are few (if any) examples of the impacts of introducing development of this type and magnitude into such a limited population/circulation system context. It is thus difficult to predict the project's peak trip generations with certainty, and imperative that the NIGC require regular, independent monitoring of trip generation and local circulation system operation, and the implementation of additional mitigation measures, if necessary.
General Comment	The revised study states that level of service E (LOS E) operation is acceptable to Caltrans for operation of the U.S. 101 freeway mainline and for all freeway ramps. The Caltrans Guide for the Preparation of Traffic Impact Studies (December 2004) indicates that LOS C is the poorest acceptable operation on state facilities.
General Comment	The DEIS presents no quantitative criteria to determine the significance of impacts for Caltrans facilities that are already operating at unacceptable levels of service.
General Comment	The DEIS does not fully disclose the diversion impacts to County roads that will occur when freeway on-ramp metering is activated. Based upon projected unacceptable operation on the U.S. 101 freeway in the project vicinity before 2020, it is guaranteed that once ramp metering is activated in the Rohnert Park-Cotati area, the demand to access the freeway from on-ramps to be used by project traffic will not be fully met. This will produce a significant travel time inducement for some project traffic to use alternate north-south travel routes, such as Stony Point Road.
General Comment	The DEIS does not fully disclose the diversion impacts to County roads that will occur when freeway on-ramp metering is activated. Based upon projected unacceptable operation on the U.S. 101 freeway in the project vicinity before 2020, it is guaranteed that once ramp metering is activated in the Rohnert Park-Cotati area, the demand to access the freeway from on-ramps to be used by project traffic will not be fully met. This will produce a significant travel time inducement for some project traffic to use alternate north-south travel routes, such as Stony Point Road.

Reference	Comment
General Comment	The DEIS's level of service and queuing analysis for the future Wilfred-Golf Links, Rohnert Park Expressway, and Gravenstein Highway interchanges does not accurately reflect the system impacts of closely spaced intersections on the operation of adjacent intersections. The Traffix analysis software used by the DEIS preparers treats each intersection as if it is isolated and not impacted by signal timing restrictions needed to optimize the system of intersections, vehicle queues backing from one intersection through an adjacent intersection, and the need to clear off-ramp vehicle queues from backing up to the freeway mainline. The NIGC should require the DEIS preparers to use the Synchro and SIM traffic software programs to provide a system evaluation of near- and long-term horizon Base Case and Base Case + Project levels of service and 95th percentile queuing at the four intersections that are (or will be) part of or in close proximity to the three U.S. 101 interchanges serving project traffic.
General Comment	The DEIS should be revised to evaluate each off-ramp diverge at the three interchanges serving project traffic. Caltrans typically requires a second off-ramp lane when off-ramp volume levels are projected to exceed 1,500 vehicles per hour.
3.8-18	The DEIS incorrectly states that Lakeville Road is planned to be widened in the next 20 years. Although Lakeville Road is shown as four lanes in the General Plan, the County does not currently plan to widen it. The County has not included expansion of Lakeville Road in its 5-year Capital Improvement Program, and has not held any long-range discussions regarding a possible expansion.
3.8-20	Table 3.8-6 demonstrates the need for additional lane capacity for Lakeville Hwy (Road) due to levels of service E and Measure of Effectiveness (MOE) of 90.8% (NB) and 86.0% (SB). The DEIS should impose mitigation including but not limited to additional lane capacity, a left turn lane for northbound traffic, a right turn lane designed for PM extended queues based on signalized intersection and full deceleration within turn lane, and a northbound merge lane with full acceleration for traffic exiting the property.
3.8-22	Table 3.8-7 indicates current LOS problems even before adding in project peak hour(s) traffic impacts. The DEIS should therefore require the construction and implementation of all proposed traffic mitigations prior to occupancy to maintain LOS levels after the proposed project begins operation.
3.8-24	Figure 3.8-8 indicates 1123 northbound and 422 southbound vehicles in PM peak hour. If Alternative A traffic of 2287 new trips is added to the proposed driveway entrance, significant improvements to Lakeville Road will be necessary to maintain a satisfactory LOS and to maintain traffic safety. The DEIS should require mitigation including but not limited to additional lane capacity, a left turn lane for northbound traffic, a right turn lane designed for PM extended queues based on signalized intersection and full deceleration within turn lane, and a northbound merge lane with full acceleration for traffic exiting the property.

Reference	Comment
4.8-3	<p>The DEIS refers to Figure 4.8-2, which shows 2008 traffic volumes based on other growth expected in the area. The DEIS and traffic report incorrectly assume this growth will happen in the "near term."</p> <p>Development is not progressing as anticipated, as discussions with local officials would have revealed. Major traffic impacts in the near term will be associated almost entirely with the proposed casino. The NIGC should require the DEIS preparers to analyze traffic impacts in the near-term based on the casino project being the first significant development to occur along the Wilfred Avenue corridor. The DEIS preparers should revise the DEIS accordingly, and impose 2008 traffic mitigations based entirely on casino based-traffic trip generation.</p>
4.8-5	<p>All 2008 Condition-Build-Out Without Project estimated road improvements, whether local roads or Hwy 101, are off by a factor of 3 to 5 years. See comments in Section 4.4-8</p>
4.8-8	<p>The DEIS incorrectly assumes Table 4.8-2 LOS based on build-out that is not scheduled to occur in the "near term." Traffic conditions are based on existing traffic conditions and planned projects that are anticipated to be completed by 2008. Presumably, this means that development of Rohnert Park General Plan, Northwest Specific Plan, and Wilfred-Dowdell Specific Plan areas are moving forward towards construction. The County is not aware of any scheduled improvements to roads in the immediate vicinity within the unincorporated area. The traffic report should address the most likely anticipated annexation and development schedules and not rely on development dates presumed within traffic modeling assumptions for near term traffic implications and mitigations.</p> <p>Targeted Hwy 101 projects have now been identified for future funding by MTC and CTC. Projects that are now funded can be estimated for construction completion with more certainty. It is likely that Highway 101 projects will not be completed until at least 2012. The DEIS should include comments from Sonoma County Transportation Authority and Caltrans on targeted completion dates for Highway 101 projects.</p>

Reference	Comment
4.8-16, 17 & 30	<p data-bbox="492 310 1356 378"><i>Note: The comments below apply to numerous pages in the DEIS with regard to traffic.</i></p> <ul data-bbox="492 388 1412 1690" style="list-style-type: none"> <li data-bbox="492 388 1412 556">• The amount of truck generated to develop the site is equivalent to the annual truck-trips generated by a moderate size Sonoma County quarry. The DEIS needs to assess fully the safety, road damage, and congestion aspects of generating 45,834 truck trips over a 5 month period, 6 days a week, 8 hours a day. <li data-bbox="492 567 1412 724">• Truck routes must be identified and used in the traffic impact analysis. Two analyses are needed. One should assume truck traffic is restricted to Rohnert Park Expressway for construction site access. In this case, the analysis must assume that no truck traffic will be permitted on Wilfred, Labath, Dowdell, Langner, Primrose, or Millbrae Avenues. <li data-bbox="492 735 1412 934">• In the second case, assuming unrestricted use of local roads, the DEIS should provide information on the structural damage that would be sustained by roads due to construction truck traffic, the maintenance efforts needed to maintain a sufficient pavement surface during construction, and the road reconstruction needed at the completion of the hauling operations. <li data-bbox="492 945 1412 1008">• The DEIS also needs to assess the safety aspects of operations under both scenarios. <li data-bbox="492 1018 1412 1123">• The project proponents should be responsible for restoring damaged roadways through reconstruction or other restoration methods agreeable to the County. <li data-bbox="492 1134 1412 1197">• The number of construction vehicle trips could alter the existing peak hour. This should be assessed in the DEIS. <li data-bbox="492 1207 1412 1302">• What are the near-term queue lengths when the casino opens, presuming the casino construction precedes other development and traffic improvements are not in place along Wilfred Avenue? <li data-bbox="492 1312 1412 1438">• What are the queue lengths due to construction truck and worker vehicle traffic? The DEIS should consider that in traffic studies trucks typically are counted as three vehicles and construction workers typically arrive within a very narrow time frame, greatly affecting LOS. <li data-bbox="492 1449 1412 1585">• The DEIS states that importation of construction materials would be scheduled outside of peak hours. The DEIS also indicated that hauling of import fill material to the site would be an 8 hour-a-day operation. Given this, how would the peak hour(s) congestion be avoided? <li data-bbox="492 1596 1412 1690">• Caltrans and the County Sheriff do not provide flagging assistance on county roads. These agencies should not be relied upon for flagging service.
4.8-24	<p data-bbox="492 1701 1412 1959">2008 peak hour performance is based on incorrect traffic assumptions regarding development that will occur in near term. See Appendix O comments. It is likely that the casino will be constructed and in operation prior to any other major development along the Wilfred Avenue corridor. Traffic analyses should include a 2008 peak hour(s) analysis of impacts based on the casino trip generation alone. In the "near term," there is no scheduled development along Wilfred Avenue nor will U.S. 101 projects be completed.</p>

Reference	Comment
4.8-26	<p>The DEIR states that the proposed casino would increase roadway congestion, a factor that could result in an increased number of traffic collisions if left unmitigated. For safety, all traffic mitigations should be in service prior to casino.</p> <p>The DEIR does not address the potential increase and severity of alcohol-related accidents. Appropriate mitigation is needed, including but not limited to funding random CHP DUI checkpoints on weekly basis as a means of deterring drunk driving.</p>
4.8-31 thru 38	See Alternative A and B comments in Appendix O
4.8-42	See Alternative C comments in Appendix O
4.8-52	See Alternative B and C comments in Appendix O
4.8-62	<p>The design of intersections, left turn storage capacity, and structural section capacity need to be reflected in roadway design considerations. Likewise, the DEIS should acknowledge that traffic mitigation fees would be applied based on typical county requirements for development.</p> <p>Even with less traffic impacts due to lower peak hour volumes, roadway impacts still require mitigations outlined in the above alternatives.</p> <p>Widening of Wilfred Avenue due to traffic generated, particularly truck traffic, would have similar roadway impacts as Alternative A. Traffic distribution at Stony Point Road indicated needs for extra turn lane along Stony Point Road frontage with signalization due to the high speed of road, amount of traffic, and truck turning movements.</p> <p>This may require dedicated turning (right turn in and right turn out) along Stony Point Road frontage. This should be considered in the analysis and in project design.</p> <p>Also, see Alternative B Comments.</p>
4.8-73	<p>The “other” access could be developed as an emergency vehicle access (EVA) or employee entrance with dedicated right turns in and out only. Lanes should be developed for full deceleration and acceleration.</p>
4.8-73	<p>The DEIS incorrectly concludes that construction traffic on a high speed, high volume road with 10% existing truck traffic would be less than significant. Although the construction related truck traffic is less than half of Alternative B, the amount of truck traffic entering and exiting the site needs to be addressed from a traffic safety standpoint.</p> <p>A trucking route and signing plan needs to be assembled based on industry standards. Restricting truck turning movements to right turn in and out will be required. Construction of deceleration and acceleration lanes will be required prior to site development.</p>
4.8-85	<p>There is no “other” land development scheduled in the near term. Therefore, Northwest Specific Plan (NWSP) development projects likely will not be constructed until after the casino. Therefore, the project proponent should anticipate constructing the near term traffic mitigations identified in Alternative G.</p>

Reference	Comment
4.11-9	The DEIS states that roadway improvements may require utility relocation within the roadways. Utility franchise rights extend to the county only for public purposes. Right-of way acquisition for utility purposes is the responsibility of the project proponent. Any environmental mitigation caused by utility relocation needs will be responsibility of the project proponent.
4.11-10	Pipeline construction along Wilfred Avenue would require the closure of Wilfred Avenue to public traffic and would be subject to the same encroachment conditions applicable to a recent City of Rohnert Park pipe installation project. Significant environmental restrictions were placed on the City project with regard to construction near the roadway ditches. Similar restrictions and issues should be assumed to apply to the proposed project's improvements, and analyzed in the DEIS
4.12-4	The DEIS must be revised to include a capacity analysis for Lakeville Road to determine whether project traffic would create a need for additional lanes. The DEIS cannot expect that four lanes would be constructed by 2020.
4.12-15	There is no build-out schedule for the Wilfred Dowdell Specific Plan or Northwest Specific Plan areas, per conversation with the City of Rohnert Park. Therefore, the DEIS is flawed in its analysis by including assumed specific plan area traffic trip generation in the "near term." It is most likely that the casino will be the first project constructed along the Wilfred Avenue corridor in the "near term." The DEIS traffic analysis should reflect the traffic impacts based on construction and operation of the proposed project before any other major development in the area.
5-19	The DEIS's proposed road improvement mitigations would require filling of existing roadside ditches along Wilfred Avenue, various intersecting roads, and Stony Point Road. These ditches are likely to support wetlands and CTS habitat. Previous road and pipeline projects in the area were required to mitigate for effects on these sensitive areas. The DEIS should be revised to include these areas and impacts its biological assessment. The DEIS should further identify mitigation areas and confirm their availability. The DEIS should acknowledge that environmental studies, mitigation determinations, and permits would be required before right-of-way could be acquired, and thus could add years to the project's construction schedule.

Reference	Comment
5-28	<p>The DEIS assumes that Wilfred-Dowdell and Northwest Specific Plan development would be in place by 2008, and that this would result in an unacceptable LOS even without the casino project. This scenario is unlikely to occur, based on the lack of progress on these developments to date. The proposed project would likely be constructed and begin operation before any other major development, and it alone would create an unacceptable LOS. Therefore, the project proponent needs to mitigate traffic concerns. The cost burden should be fully the responsibility of the project proponent.</p> <p>There is no cost-sharing partner within the unincorporated area. It is unlikely that the County would bear the cost (or use traffic mitigation funds derived from other projects) to construct improvements necessary to mitigate the proposed project's traffic impacts.</p>
5-29/30 Table 5-4	<p>Alternatives A through E require the widening of Wilfred Avenue between Stony Point Road and the City limit. Under any of these alternatives there would be significant traffic along Wilfred Avenue, creating a need for its widening and reconstruction to address safety, maintenance, and congestion.</p> <p>Any other development of this magnitude along an unimproved roadway such as Wilfred Avenue would be required to widen and reconstruct the road, particularly when there is no likelihood of future development on the opposite side of the road. "Proportional" share would not be acceptable. See also Appendix O comments.</p>
5-31/32 Table 5-4	<p>Any alternative using a driveway on Stony Point Road should include right turn ingress and egress lane construction along the frontage between Rohnert Park Expressway and Wilfred Avenue. The DEIS must be revised to include a queue analysis to determine the capacity adequacy of left turn channelization at Stony Point and Rohnert Park Expressway under full deceleration design.</p>
5-33 Table 5-4	<p>The DEIS needs to identify where non-project proponent proportional cost share funding would come from for improvements in unincorporated areas.</p>
5-33, 43 & 44	<p>The DEIS should discuss interconnecting the signals on Wilfred Avenue to give priority to through traffic movements along Wilfred Avenue. From an overall LOS standpoint, regardless of which alternative is selected, an access to Stony Point Road should be part of the mitigation to redistribute traffic away from Wilfred Avenue.</p>
Table 5-4	<p>"Proportional shares" calculations should follow Caltrans methodologies for both state and local roads.</p>
5-39 & 45 Table 5-5	<p>Caltrans is contemplating a roundabout design for the Hwy 116/121 intersection. Alternative F improvements call for widening Lakeville Hwy (Road) to two lanes in each direction. How far does this extend to the north, presuming two lanes will extend to SP 370?</p>
5-46	<p>The DEIS should be revised to state the proportional share for each freeway mitigation measure in terms of both percentage and dollars.</p>

Reference	Comment
5-47	Does Lakeville Hwy refer to State Hwy 116, presuming Lakeville Road is addressed in Table 5-5?
5-48/49	A comparison of Table 5-9 and 5-10 clearly shows Alternative F as the "after mitigation" traffic superior alternative from a LOS standpoint.
5-50	See Comments for page 4.8-16, 17 & 30
5-50/51	<p>The DEIS states that construction material deliveries to the site would be restricted to non-peak hour traffic periods. Yet, the DEIS also states that material will be delivered over an 8-hour day, which is what is presumed in the traffic report. Neither document reconciles these restrictions. Either there are fewer than 8 hours of delivery or the delivery period extends beyond 8 hours. AM and PM peak hours should be defined so that construction specifications can include peak hour delivery restrictions. Closure of Wilfred Avenue and connecting roads leading to the casino site should be anticipated due to utility undergrounding work and road reconstruction. Additionally, use of Wilfred Avenue as a construction haul route would severely damage the structural capacity of the road. The narrowness of the road and deep roadside ditches would create a safety issue due to the substantial increase in truck traffic. Construction access points to the casino site should be defined in the DEIS to use either Rohnert Park Expressway or Business Park Drive for construction traffic. Construction access from Stony Point Road should not be used due to the high speed and high volume of traffic on Stony Point Road.</p>
5-54	How would off-site parking be controlled by security? The only control for "off-site" (county roads) parking would be "No Parking" zones established through County ordinances. Enforcement would come from CHP ticketing vehicles parked in the zones. CHP does not routinely perform "no parking" surveillance.
Appendix O, O-P2	<p>Traffic conditions are based on existing traffic conditions in addition to planned projects anticipated to be completed by 2008. This presumes that development of Rohnert Park General Plan, Northwest Specific Plan, and Wilfred-Dowdell Specific Plan areas are moving forward towards construction.</p> <p>The County is unaware of any scheduled improvements to roads in the immediate vicinity of the proposed project within the unincorporated area of the county.</p> <p>The traffic report should address the most likely anticipated annexation and development schedules and not rely on development dates presumed within traffic modeling assumptions for near term traffic implications and mitigations.</p>
O-P24	Typically, Warrant #3 is not sufficient justification to construct traffic signals.
O-P27	Targeted Hwy 101 projects have been identified by MTC and CTC for future funding. Construction completion dates for funded projects can be estimated with more certainty. Please use the more accurate information in the DEIS analysis

Reference	Comment
O-P27	The DEIS states that, for analysis, the Wilfred Ave/Hwy 101 interchange would be completed in 2008. The DEIS also states that the completion of the interchange is planned for 2011. Is the 2008 analysis actually a 2011 analysis? The DEIS should be revised to clarify and adjust the analysis as necessary.
O-P28	<p>The traffic report should analyze traffic impacts in the near term based on the casino project being the first significant development to occur in the area.</p> <p>The DEIS cites no specific development in the area by the year 2008. However, the DEIS assumes some projects would be in place before or at approximately the same time as the opening of the proposed project. The DEIS should identify the proposed projects that it assumes will be in place by the proposed opening date. From the information provided, the most likely conclusion is that the casino would be the first project constructed in the area. The DEIS should recognize and analyze that conclusion.</p>
O-P29	Near-term conditions without the proposed project (year 2008) are the same as existing conditions, suggesting that no significant new development is anticipated before 2008. Please confirm what projects, if any, are presumed to be completed before or at the same time as the proposed project.
O-P30	The traffic analysis creates the illusion that significant traffic impacts in the area are due to non-casino development in the near term. Except for the casino itself, there are no projects proposed that would lead to the significant traffic delays along Wilfred Avenue in 2008.
O-P30	The traffic signal analysis is based on Warrant #3 alone and not other traffic warrants that are typically combined to indicate the need for a traffic signal project. The DEIS should re-evaluate the assumptions and conclusions and revise the document as necessary.
O-P32	Table 5 is predicated on development that will not occur by 2008.
O-P36-38	Figures 3, 4, and 5 are predicated on projections that will not occur-by 2008.
O-P42	An opening date of 2008 for the casino is not realistic. The construction schedule referred to on P49 says the casino will take 27 months to construct. In the air quality section of the DEIS the construction period is identified as 12 months. The DEIS should identify the correct duration and adjust analyses as appropriate. This may apply as well to sections other than traffic.

Reference	Comment
O-P47	<p>Although the casino may create “peak” traffic a few hours past traditional commute “peak” hour(s), the graph shown on P47 shows significant contribution to traditional peak hour traffic as well. The impacts to LOS are significant and need to be recognized and addressed.</p> <p>Near-peak hour traffic extends for hours before and after the traditional peak hour(s) resulting in LOS impacts extending for hours past the morning and evening peak hour(s). Combined traditional peak hour traffic with near-peak hour casino must be reflected in the traffic mitigation requirements.</p>
O-49	See Comments for page 4.8-16, 17 & 30
Alt A O-P50	See Comments for page 4.8-16, 17 & 30
O-P53	<p>The DEIS assumes that Wilfred Avenue would be widened before the casino opens. The MOU with the City of Rohnert Park should include this provision and clearly define the limits of improvements along Wilfred Avenue. The MOU should state when improvements would be constructed and open. The project proponent should commit to a requirement that the casino not open until the improvements are constructed and in service. The DEIS should also note that unless the City annexes the project site and Wilfred Avenue, the road remains under County jurisdiction and any widening or improvement would require County approval and cooperation.</p> <p>Without improvements in place along Wilfred Avenue the County would consider closing Wilfred Avenue as an access point within its jurisdiction.</p>
O-P58	See Comments for page 4.8-26
O-P59	See Comments for page 4.8-16, 17 & 30
O-P62	The DEIS states that the mitigations in Table A5 #1 through #5 and #26 are expected to be constructed by 2008. The actual dates for construction of the mitigations are unknown and, most likely, are three to five years later than anticipated. This should be taken into account in all DEIS analyses.
O-P62	Mitigation measures #1, #5, #6, #7, and #12 require acquisition of ROW. Generally, ROW is acquired after environmental approval. The DEIS should analyze how these measures would be impacted given the potentially lengthy time required to obtain environmental approvals in environmentally sensitive areas, such as along Wilfred Avenue.

Reference	Comment
O-P62	<p>Acquiring ROW along the roadside ditch paralleling Wilfred Avenue for road widening will likely require mitigation for impacts to wetlands and/or tiger salamander habitat.</p> <p>How these impacts are addressed will be largely dictated by the responsible resource agencies. If no off-site mitigation would be required, this must be documented by communications with the agencies having jurisdiction over the resources. If off-site mitigation would be required, the mitigation sites must be identified. These sites and related impacts must be considered part of the project and undergo full environmental analysis as well. Because of the lag between studies undertaken as part of the DEIS process and the actual implementation of mitigation measures, the project proponent should commit to undertaking subsequent protocol surveys or other requirements imposed by the resource agencies prior to construction of the mitigation measures.</p>
O-P62	Footnote 1 for Table A5 indicates that Wilfred Avenue needs to be widened between Labath Avenue and Redwood Drive. The DEIS should disclose the road improvements it anticipates between Labath Avenue and Stony Point Road.
O-P62	Mitigation measure #12 requires ROW acquisition and environmental clearance prior to construction. The construction project is complicated (addition of an auxiliary freeway lane, bridge structure, tunnel, demolition of a gas station, etc.) and will require time-consuming construction phasing. The DEIS should be revised to require that this mitigation be completed prior to the project opening. The DEIS should be revised to provide a proposed project schedule showing an actual or reasonable (and supported) timeframe for completion of this mitigation measure.
O-P62	The DEIS should be revised to disclose the project proponent's assumptions with regard to the participation of local government (County and/or City) in ROW acquisition, the environmental and permit processing, and the cost of construction.
O-P62	The DEIS should be revised to explain why Mitigation measure #12 for 2020 has some of the same mitigation measures as the 2008 mitigation measures.
O-P65	The DEIS should revise its assumptions regarding U.S. 101 improvements to reflect recent decisions by MTC and CTC to fund some projects.
O-P67	See Comments for page 4.8-16, 17 & 30
O	The DEIS does not address emergency vehicle access during times of congestion. Please do so. This is of particular concern if the casino were opened prior to construction of the traffic mitigation measures.
O-Fig A4	If the mitigations for #12 are not constructed in the short term, the LOS congestion will cause traffic to use alternative routes. It is very likely that drivers would use Stony Point Road as an alternate route. Therefore, more traffic would use the Wilfred Avenue eastbound casino access from Stony Point than is depicted in the figure. Appropriate revisions need to be made to account for this use of alternate routes.

Reference	Comment
Alt B O-P77	A right-turn only egress on Stony Point will cause significant traffic to use Wilfred Avenue to reach Hwy 101 southbound via the Wilfred Avenue on-ramp.
O-P77	The DEIS should consider locating the entrance on Stony Point to the south so that it does not conflict with the right turn bay at Wilfred Avenue. The DEIS should assess signaling Stony Point Road similar to Alternative D.
O-P78	The project proponent has committed to pay half of the cost of reconstructing Wilfred Avenue up to the sphere of influence boundary. The City of Rohnert Park is committed to completing these improvements prior to "Opening Date." Wilfred Avenue extends 1.42 miles from Stony Point Road eastward to Rohnert Park City limits. As a point of reference, a recent study showed the cost (ROW, environmental mitigation, engineering, and construction) to reconstruct Stony Point Road at roughly \$5MM per mile in 2006 dollars. Given the environmental constraints and ROW acquisition process, assuming no condemnation is necessary, the most optimistic timeframe for construction to be completed would be 3 years. The DEIS should be revised to disclose Rohnert Park's expected schedule for these improvements. See also comment above on O-P53 regarding County jurisdiction absent annexation.
O-P84	Pertaining to safety, see Alternative A comments
O-P85	Pertaining to queue lengths, see Schedule A comments
O-P88, 90 & 93	See Alternative A comments
O-Fig B3 O-Fig B4	The traffic distribution presented in the DEIS demonstrates a need for Stony Point Road and Wilfred Avenue capacity improvements. The DEIS should be revised to address this need.
Alt C O-P103	All Alts A & B comments apply
O-P105	Table 1C (#13) indicates Two Way Stop Control (TWSC) for Stony Point/Project Driveway. Is the DEIS proposing a driveway onto Stony Point Road?
O-P113	See Alt B comments for entrance driveway on Stony Point Road.
O-P128	See Alt B comments
Alt D O-P129	All Alt. B and C comments apply. A reduced project size does not change traffic impacts substantially, particularly in the peak hour.
Alt E O-P154, P157 & P158	See Comments for page 4.8-62, above.

Socioeconomics

Reference	Comment
ES-57 Table ES-1	The DEIS states that the Tribe is to pay the County \$630,662 for treatment and prevention programs related to problem gambling within the County. The DEIS does not show a breakdown of these costs or how it calculated this amount.
ES-79 Table ES-1	The DEIS states that the County is to be compensated for "public service demands caused by the operation." The DEIS does not disclose the amount of compensation, nor the services that would be provided by the County vs. the City.
p. 4.7-9	The DEIS states that Alternative A would cause "an equivalent increase in the County service population of approximately 1,200 persons (since the land will be held in trust, the County service population would not actually increase), which is assumed to be equal to one-half the estimated number of casino employees." The County service population will increase if additional employees move to the area. Whether the proposed site would be in trust is irrelevant.
p. 4.7-18-20	The DEIS repeatedly identifies difficulty in estimating socioeconomic impacts, substitution effects, and other casino-related impacts on social services generated by casinos. Since these impacts will undoubtedly occur, the DEIS should be revised and recirculated to impose long-term mitigation and monitoring to assess the social service impacts after the proposed project begins operation. The DEIS should include provisions for the Tribe to reimburse the County based on measurement data assembled by individual social services' departments and divisions.
App. N, p. 7, Table 18	The DEIS states that "[w]hile it is not possible to estimate the percentage of casino patrons that would be tourists, anecdotal evidence from other Northern California Indian casinos suggests that a significant portion of patrons would fall into this category." The number of non-local patrons is crucial to determining the cost to the County for incremental operating and capital costs and should be calculated.
App. N, p. 7	Appendix N incorrectly states that out-of-County tourists to the proposed project "represent a net addition of dollars to the County." Tourists would not add any dollars to the County because the proposed project would be located on Trust land not subject to local taxes. Tourists instead represent a net <u>reduction</u> of dollars to the County because they would visit the proposed project rather than other forms of local entertainment.
App. N, p. 8	Appendix N correctly acknowledges that the County will suffer adverse "substitution effects" from tourists and residents who would otherwise spend their entertainment or other dollars elsewhere in the County. But the Appendix then claims it cannot reliably quantify these adverse effects, and that accounting for them in any way would be "arbitrary."

Reference	Comment
App. N, p. iv, 18	<p>The DEIS asserts that “there are adequate potential employees already living within the area to fill the new jobs,” and that “the City and County are not expected to increase in population or number of households as a result of the casino.” No substantial information supports these claims. The DEIS has failed to properly acknowledge the region’s low unemployed rates, and failed to analyze the extent to which it consists of individuals who cannot or do not desire to be employed. The DEIS further fails to differentiate between unemployment in the service sector versus other job categories that do not lend themselves to casino, hotel, or restaurant employment. The DEIS should be revised and recirculated to estimate using accepted methodologies the ability of the local employment market to meet the increased demand for employment resulting from the project. If the analysis determines that the local labor market is unable to meet this increased demand, the DEIS should analyze the increased need for housing to accommodate new households established because of the proposed project.</p>
App. N, p. 18	<p>The Appendix concludes that “there are enough current residents who are either unemployed or <u>out of the labor force</u> in each area to fill all new direct jobs associated with the proposed casino.” The Appendix does not actually analyze whether employees out of the labor force are able or willing to enter the labor force, however. Nor does it address whether the proposed project would pay sufficient wages and benefits to attract the unemployed, given Sonoma County’s median home price of \$569,000 in 2006.¹ The DEIS should be revised to analyze whether an actual skill match exists between current residents who are unemployed or out of the labor force and the jobs that would be created by the proposed project. The DEIS’s bare conclusion cannot withstand scrutiny without an appropriate analysis, based on an accepted methodology.</p>

¹ 2006 Sonoma County Annual Real Estate Report.” <http://rereport.com/sonoma/annual/index.html>

Reference	Comment
App. N, p. 24	<p>The DEIS states its calculation of impacts “does not include the patron population because the employment figure captures the patrons’ portion of demand. The rationale is that the number of employees necessary to staff a facility capable of drawing the number of patrons for which the casino is designed, is representative of the demand for services created by the facility.” The DEIS provides no documentation or other support for this rationale. The DEIS’s methodology is perhaps applicable to retail/commercial businesses, but it does not apply to a tourist or entertainment establishment that would draw thousands of patrons. Project visitors would require substantial additional law enforcement, EMS, and other public services over and above those provided to proposed employees. By way of example, AT&T Park can attract several thousand visitors on game days, and thus requires substantial additional law enforcement and EMS technicians on those days. Yet the DEIS would conclude that park employees capture the patrons’ portion of demand, and that the City of San Francisco should encounter no additional costs of hosting a baseball team. No substantial evidence supports this conclusion, which substantially underestimates the proposed project’s costs to Sonoma County. The DEIS must be revised and recirculated to provide a reasonable estimate of daily patrons and a fair calculation of their impacts on County services.</p>
App. N, p. 24	<p>The DEIS further states that “[w]e can anticipate an increase in costs associated with increased visitation . . . for the City as well as the County.” This statement contradicts the assumption quoted above that “the number of employees . . . is representative of the demand for services created by the facility.” It also ignores the fact that the alternative sites are all within the unincorporated County, and that the County will thus suffer the vast majority of cost impacts. Finally, it underestimates the impacts on existing County residents who may have a propensity to gamble, but whose gambling is limited due to lack of access to a nearby casino. Studies indicate that from 1-4% of the population is addicted to gambling. The proposed project will provide close-by, easy access to existing residents that are not fully engaging in their addictive behaviors due to lack of proximity to a casino. The DEIS should be revised and recirculated to evaluate the impacts and costs to the County for providing health and human services to the increased percentage of current residents who will engage in additional problem gambling if the proposed project is constructed.</p>

Reference	Comment
App. N, p. 24	<p>The DEIS states that “[a]lthough the casino is adjacent to the City, technically, there will not be an increase in the local service population for the City, since the proposed casino would be located on land that is held by the federal government in trust for the Tribe.” This statement ignores the fact that the alternative sites are located in the unincorporated County. Further, the issue is not about only about providing County/City services on reservation land, but about providing services to patrons as they travel through the County or City, frequent County or City businesses, and use County or City streets.</p> <p>The DEIS states that “[t]his portion of the analysis uses an average cost per service population method for calculating costs of providing new City and County services to the casino. The number of new employees is multiplied by a factor of <u>one-half</u> to reflect <u>the industry standard assumption</u> that commercial uses demand fewer services than residential uses.” (Emphasis added.) The DEIS fails to cite any source for its claim that one-half factor is the industry standard. The DEIS similarly fails to support its claim that commercial uses are less demanding. As noted elsewhere, if all new employees are existing residents, service demands for these employees are already included in the County budget and no new service demand should be added. Finally, see comment above for page 24 regarding the flawed methodology that omits the costs generated by patrons. To imply that impacts of the project will be limited to employees of the casino grossly understates the issue. The approximately 28,000 daily patrons would generate substantial additional impacts.</p>

Reference	Comment
App. N, p. 24	<p>Appendix N also assumes that the Tribe would contract with the City to provide public safety services because it entered an MOU with the City to construct a new public safety facility and purchase a fire truck. The MOU does not actually state that the Tribe will contract with the City, however. It instead refers to a Mutual Aid Agreement and states at 6(a) and 6(b) that the Tribe shall “make appropriate arrangements with the County or a private contractor or contractors to insure that there is an adequate level of fire protection and emergency medical services available on the Reservation.” The alternative sites are all located in the unincorporated portion of the County, and the proposed project thus would be served by the County. The County’s costs should be calculated and fully reimbursed.</p> <p>The County’s costs will include substantial off-site law enforcement impacts not adequately addressed by the DEIS, including those from DUIs and other moving traffic violations. These violations are adjudicated in the County’s judicial system, and would affect the District Attorney and Public Defender’s offices and the Courts. DUIs also affect treatment and detention programs, and the proposed project’s increased traffic would hinder EMS response times and substantially increase costs. The DEIS should be revised and recirculated to calculate these costs on a department-by-department basis with input from Department representatives, and not on a per capita basis as the DEIS does. The DEIS should be corrected to acknowledge the alternative sites are within the unincorporated County and that the County would be responsible for providing services to the proposed project. Further, the DEIS should include appropriate mitigations to ensure the County is compensated for all increased costs arising from the proposed project.</p>
App. N, p. 25	<p>The DEIS states that the City would be expected to be a first responder to emergency situations at the proposed project “[d]ue to its proximity to the proposed casino hotel and the contribution of a new public safety building as specified in the MOU.” First responder status does not depend on proximity to a location or contribution for buildings. The alternative sites are all located in the unincorporated area and are part of the County’s service district. The DEIS should be corrected to acknowledge the jurisdiction of the County in providing services to the proposed project, and should include appropriate mitigations to ensure the County is compensated for all increased costs arising from the proposed project.</p>

Reference	Comment
App. N, p. 27	<p>The DEIS states that “[s]ince the proposed casino will be located on land that is currently within the County, the analysis projects County service costs using the assumption that the proposed casino would increase the County’s service population, as there is no method for accurately estimating the impacts of a project on trust land versus a project on non-trust land.” The cost impacts to the County do not vary based on whether the proposed project site is in trust. The proposed project would require EMS services, fire services, and law enforcement services regardless of its trust status. In addition, the need for services would extend beyond the proposed project site regardless of its trust status. The DEIS should be corrected to acknowledge the County’s jurisdiction in providing services to the proposed project, and should include appropriate mitigations to ensure the County is compensated for all increased costs arising from the proposed project.</p> <p>“In this case, there will be an increase in the service population of approximately 1,200 persons, which is assumed to be equal to one-half the estimated number of casino employees.” The flaw in this methodology is discussed above, specifically in comments above for pages 24 and 25. This methodology underestimates the cost to the County, as it does not take into account the patrons’ impact on services.</p>
App. N, p. 27, Table 12	<p>Appendix N calculates the Total Service Population by adding half of the County’s employees to County population and dividing that into specific General Fund Revenue to get “non-taxes per service population.” The Appendix then multiplies this amount, \$143, by the estimated new service population (1/2 of estimated project employees). This methodology is flawed because it does not consider patrons, and for the other reasons stated above regarding pages 24 and 25.</p>
App. N, p. 27, Table 12	<p>The DEIS states that “[s]mall increases in revenues may be expected as a result of the proposed casino facility for items such as local fines and forfeitures, to the extent that casino patrons or employees are cited for infractions off the casino premises.” If the employees of the proposed project are assumed to be existing residents of the County (as the DEIS assumes at Table 8), revenues generated by these residents are already included in the County’s budget and cannot be attributed to the proposed project. Table 12 shows the \$143 applied to half the estimated number of the Project’s employees. However, the above quote also states these revenues will be generated by the Project’s patrons, a contradiction. The analysis does not calculate any impact of these patrons on County revenue; see comment below for methodology flaw. Further, the expected increase in fines and forfeitures will not fully recover the cost of providing increased law enforcement services necessitated by the proposed project.</p>

Reference	Comment
App. N, p. 27, Table 12	Appendix N overestimates the revenue that would be generated from Licenses/Permits/Franchises, Fines/Forfeitures/Penalties, Miscellaneous Revenues, Use of Money, and Other Financing Sources. The DEIS should be revised and recirculated to analyze actual sources for each revenue section, and disclose which revenues would be impacted by the additional patrons visiting the area and which would be impacted only by local residents.
App. N, Table 13	Appendix N estimates the Annual Per Service Population Expenditures amount of \$283 by dividing County expenditures by the 2004 Service Population. As mentioned previously, this methodology is flawed because it does not adequately account for patrons' demand for services and because it underestimates costs of several direct service departments.
App. N, p. 27, Table 13	Appendix N assumes that the Tribe would contract with the City to provide public safety services because it entered an MOU with the City to construct a new public safety facility and purchase a fire truck. The MOU does not actually state that the Tribe will contract with the City, however. It instead refers to a Mutual Aid Agreement and states at 6(a) that the Tribe shall "make appropriate arrangements with the County or a private contractor or contractors to insure that there is an adequate level of fire protection and emergency medical services available on the Reservation." The alternative sites are all located in the unincorporated portion of the County, and the proposed project thus would be served by the County. The County's costs should be calculated and fully reimbursed.
App. N, p. 27, Table 13	Table 13 applies the Annual Net Per Service Population Expenditure of \$176 to half the employees of the proposed project. If the employees of the proposed project are assumed to be existing residents of the County (as shown in Table 8), costs generated by these residents are already included in the County's budget and cannot be attributed to the Project. The costs to service the Patrons should be calculated. See comments above for pages 24 and 25. In addition, estimating costs associated with the proposed project based on existing per capita expenditures underestimates County costs. The departments that will be impacted the most should be calculated with specific feedback from department heads and their estimate of service costs-these include, but are not necessarily limited to, law enforcement, fire protection, EMS, district attorney, judicial, public works and social services.

App. N, Table 14 Table 14 estimates the negative fiscal impact on the County at \$36,889 to \$43,596. The preceding Comments discuss the flaws in the methodology used, which can be summarized as follows. Appendix N does not calculate the impact of patrons on service costs and revenue; its per capita method of estimating costs underestimates the costs to specific direct service departments and overestimates revenues; it ignores that the County would be the first responder to calls for service at the site and would provide public safety services to the proposed project; it fails to include public safety costs in the analysis; and it includes many contradictory statements.

Human Services

Reference	Comment
4.7-8, App. N, p. 9, Table 4.7-6	<p>The DEIS represents that the proposed project would generate from 2,000 to 2,600 job openings. It further states there are an adequate number of unemployed workers who could fill these new jobs. Employment Development Department labor market data indicate there are 11,100 unemployed individuals in Sonoma County of which 1,100 live in Rohnert Park.</p> <p>The DEIS provides no analysis to establish that a sufficient number of these people would be willing or able to meet the requirements for employment at the casino and hotel, or that personal circumstances would permit working hours that would meet the employer's needs.</p> <p>The DEIS should be revised to provide a much more detailed and realistic discussion about how the proposed project's labor force would be selected and trained. At a minimum, the revised DEIS should include data on the regional distribution (residence) of labor at other casino projects as compared to the location of the casino.</p>
4.7-18, App. N, page 55	<p>The DEIS indicates that the proposed project would cause a less than significant increase in demand for social services. It bases this conclusion on calls to five social service agencies where casinos were added, all of whom responded that they could not directly attribute increased service demands to casinos. This approach and conclusion are flawed.</p> <p>See: http://www.addictionrecov.org/qandagam.htm.</p>
4.7-19	<p>The DEIS estimates the casino would result in a net increase of approximately 1,290 new problem and pathological gamblers that live in Rohnert Park, double the current estimated number. To only apply a percentage increase to the residents of Rohnert Park appears to artificially limit the scope of the potential problem. The DEIS states that "several studies suggest that these population differentials take effect for residents within a 50 mile radius of a casino." This begs the question of why the DEIS applied only a 10-mile differential. Most of Sonoma County is within 50 miles of the site. The DEIS should use both the 50 mile and 10 mile data applications.</p>
5-26	<p>The project proponent proposes as mitigation annual payments of at least \$43,596 to mitigate socioeconomic fiscal impacts to the county. This amount is completely inadequate, and would not mitigate the significant impacts to the County as a whole. This dollar figure is completely inadequate.</p> <p>Even a 1-4% increase in problem or pathological gamblers in the County could lead to increased social services needs (in areas such as child welfare) that would be substantially higher than the \$43,596 figure.</p> <p>The DEIS should be revised to use the percentage increases referred to in the previous comment to develop a more realistic fiscal impact to the county in the social services area.</p>

Water Resources

Reference	Comment
Section 2.2.7 Figures 2.6 and 2.7	The DEIS indicates that the treatment plant proposed for Alternative A would be placed directly on top of wetlands. The DEIS should be revised to indicate whether permits and mitigation measures would be required from the US Army Corp of Engineers and/or the North Coast Regional Water Quality Control Board.
3.3 Water Resources: General Comment	The DEIS should address potential flow contributions to the Hinebaugh Channel or Labath conduit. The Hinebaugh Channel is located south-east of the Wilfred Site and would likely be affected by the proposed project. The Labath conduit is the connection between the Wilfred site and Hinebaugh Channel. SCWA also owns and maintains the Hinebaugh Channel. SCWA is concerned regarding any additional flow contributions.
3.3 Water Resources: General Comment	The DEIS's proposed water quality monitoring on site appear inadequate and likely would not sufficiently control impacts to the SCWA/City of Santa Rosa NPDES permits covering both the SCWA Bellevue-Wilfred and Hinebaugh Channels. The DEIS should be revised to require that the proposed project operate in compliance with the Basin Plan requirements.
3.3 Water Resources: General Comment	The DEIS should address the following information regarding flood control protection and capacity. SCWA performs flood control activities on many natural creek waterways and constructed flood control channels. Since 1991, SCWA has modified stream maintenance practices due to changing environmental regulations including the federal Endangered Species Act (ESA). ESA-protected species within SCWA's flood control areas include but are not limited to three salmonid species (coho salmon, Chinook salmon, and steelhead). In addition, some of SCWA's channels have been designated critical habitat by NOAA Fisheries and/or the U.S. Fish and Wildlife Service. Current maintenance practices are limited primarily to vegetation control along channel bottoms and periodic sediment removal. The result of these changed maintenance practices for both natural waterways and constructed channels is a large-scale regeneration of riparian habitat in these areas. Consequently, the drainage's original capacity has diminished, and the potential for flooding has increased. A hydraulic capacity assessment conducted by SCWA suggested that capacity in constructed channels has decreased. SCWA is working with National Marine Fisheries Service and other regulatory agencies to develop a stream maintenance program that would maximize the habitat and flood protection values of the channels maintained by SCWA. Based on this information, the proposed project should account for increased flood risk. The DEIS should include a hydraulic capacity assessment that addresses the risks of flooding due to diminished channel capacity in channels that affect, or are affected by, the proposed project, including proposed fill on the project site, and an analysis of the impact of the project on flood risks.

Reference	Comment
3.3 Water Resources: General Comment	The DEIS does not adequately describe the existing SCWA drainage system within the area, nor does the DEIS describe the existing Flood Protection Zones that encompasses the proposed project sites. The Wilfred site is located within the Zone 1A Laguna de Santa Rosa-Mark West Creek flood protection zone. The Tribe should become a member of the Zone 1A Drainage area.
3.3 Water Resources: General Comment	The site is within the "Flood Prone Urban Area" as defined in Chapter 7-13 of the County Code (building regulations). This is an area where localized flooding is common due to relatively flat topography and slow stormwater percolation into the soil. In this area, even small amounts of fill can dramatically alter drainage patterns and cause flooding of nearby properties. The Project proposes placement of a massive amount of fill on the project site and County regulations would require engineering calculations to demonstrate that such fill would not adversely affect drainage on nearby properties. These calculations should be provided in the DEIS.
3.3 Water Resources: General Comment	The County of Sonoma has conducted public outreach to the design community on the proper methods to address post construction hydrologic impacts, and has developed a document entitled "Guidelines for the Standard Urban Storm Water Mitigation Plan." The DEIS should be revised to acknowledge and use this guidance to assist in addressing post construction impacts.
Page 3.3-1: Paragraph 3	The DEIS indicates the SCWA 'maintains' the Bellevue-Wilfred Channel. SCWA owns and maintains the Bellevue-Wilfred Channel. The DEIS should explain the legal basis for the assumption that the Project has a right to cause increased artificial, unnatural wastewater flows to occur across the SCWA's downstream property without first obtaining SCWA's consent.
Page 3.3-1: Paragraph 3	"North Branch of the Laguna de Santa Rosa" is not the name of the SCWA channel; Bellevue-Wilfred Channel is the official name of the channel. Please remove any reference to the North Branch of the Laguna de Santa Rosa and replace any other references to the "North Branch of the Laguna de Santa Rosa" within the DEIS with Bellevue-Wilfred Channel.
Page 3.3-1: Paragraph 4	Water levels within the Bellevue-Wilfred Channel fluctuate throughout the year. The DEIS erroneously states levels are constant year round. If this affects storm or wastewater flow analyses, those should be corrected accordingly.

Reference	Comment
Page 3.3-2 Figure 3.3-2	<p>Section 3.3.1 of the DEIS and Figure 3.3-2 incorrectly suggest that the Wilfred Site is outside the 100 year floodplain. In fact, approximately one third of the Wilfred Site is located in an Other Flood Areas Zone X (shaded zone x). This designation is defined as "Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than one square mile; and areas protected by levees from 100-year flood." Shaded zone x areas are thus within the 100-year floodplain, even though they may receive less than 1 foot of depth. The County considers shaded zone x areas to be within the 100-year floodplain, and subject to Chapter 7B of the Sonoma County Code. The DEIS must be revised to address the Wilfred Site with regard to floodplain management, rather than incorrectly assume the site is outside the 100-year floodplain.</p>
3.3-2: Paragraph 2	<p>The DEIS uses the SCS method to determine the proposed project's hydrologic impacts. The County has not approved or accepted that method. The County has approved a modified rational method for hydrology, detailed in SCWA's <i>Flood Control Design Criteria</i> (FCDC). The DEIS should be revised to use this methodology.</p> <p>The DEIS should also be revised to disclose that the FCDC is being updated, and require the proposed project to use the then-current FCDC. SCWA anticipates that the FCDC will be updated in Fall 2007. For all site-specific improvements for the proposed project, the DEIS should be revised to require that drainage design for the proposed project comply with the FCDC.</p> <p>Compliance with FCDC does not provide assurance that flooding will not occur and would not, by itself, mitigate all flooding risks. Additionally, incremental increases in fill material within the 100-year floodplain would reduce the flood capacity and/or obstruct the flow of floodwaters of the creeks within the proposed project area watershed and may cause a significant cumulative increase in flood risk. Incremental increases in runoff due to paving or surfacing from new development may similarly cause a significant cumulative increase in flood risk within the project area and in areas upstream and downstream from the project area.</p> <p>The DEIS should be revised to specifically identify (1) waterways affecting or affected by the proposed project, (2) runoff expected to be generated by development in the area; (3) capacity of waterways affecting, or affected by, development in the project area (taking into account increased flows and diminished waterway capacity); (4) the 100-year floodplain and any anticipated development or fill to be located in the floodplain; and (5) cumulative impacts on flooding and exposure to flood hazards due to the project and other reasonably foreseeable projects.</p>

Reference	Comment
3.3-2: Paragraph 2	Recent studies performed by SCWA and the U.S. Army Corps of Engineers analyzed hydrologic conditions for the Central Sonoma Watershed Project and concluded that natural waterways and constructed channels within the watershed would experience flows during a 100-year storm event greater than anticipated by the original design for those facilities. Consequently, the area's existing flood control facilities may provide a lower level of flood control protection than originally anticipated. The DEIS should calculate the design capacity of waterways within the project area, or affected by the Project, and describe the portions of the project area subject to a 100-year flood, taking into account the lowered levels of flood protection due to increased flows and diminished channel capacity and the proposed importation of substantial amounts of fill for project construction.
3.3-5: Paragraph 6	Water quality baseline data for the Bellevue-Wilfred Channel at the Wilfred Site may not be a reliable indicator of the water quality conditions within the Laguna de Santa Rosa.
Page 3.3-10; 3.9-4	SCWA does not provide surface water. Please remove references throughout the DEIS
3.9 Public Services General Comment	SCWA staff recommends that the project commit to 100% reuse of recycled water via urban or agricultural reuse of treated wastewater from either connection to the Subregional System or through construction and operation of an onsite wastewater treatment facility.
Page 3.9-4: Paragraph 3	SCWA does not provide nor treat surface water. Please remove references throughout the DEIS.
Page 3.9-4: Paragraph 3	SCWA also provides potable water via groundwater wells within the Santa Rosa Plain. The DEIS describes only the Russian River System. This needs to be corrected in the DEIS.
Page 3.9-4: Paragraph 3	The City of Rohnert Park receives water from SCWA under terms of the Final Restructured Agreement for Water Supply effective June 23, 2006.

Reference	Comment
Page 3.9-4: Paragraph 4	<p>SCWA adopted its 2005 Urban Water Management Plan (UWMP) on December 12, 2006. The UWMP contains information about the amount of water expected to be available to the City of Rohnert Park from the SCWA through 2030. The DEIS should reflect the UWMP analysis, as discussed in more detail below. If the City of Rohnert Park's UWMP is finalized before the final EIS, the EIS should reflect the analysis contained in the City's UWMP.</p> <p>The DEIS should acknowledge that there is some uncertainty about the SCWA's ability to provide a water supply to its water contractors, including the City of Rohnert Park, for the reasons described in SCWA's UWMP. SCWA's UWMP analysis was premised on certain reasonable assumptions, including (1) that the listing of three salmonid species as threatened or endangered under the federal Endangered Species Act (ESA) will not reduce the amount of water SCWA can supply; (2) that PG&E's existing Federal Energy Regulatory Commission (FERC) license for the Potter Valley Project (PVP) will not be modified, or that any license modifications (and the terms of any new license) will not reduce the amount of water available for diversion by SCWA; and (3) that SCWA will construct and operate the facilities described in its Notice of Preparation of the environmental impact report (EIR) for the Water Supply, Transmission, and Reliability Project (Water Project), and will obtain the approval of the State Water Resources Control Board to increase the amount of water SCWA can divert from the Russian River beyond the current limit of 75,000 acre-feet per year.</p> <p>Changes in these assumptions could affect the ability of SCWA to divert water from the Russian River or to construct and operate the Water Project. If delays occur in the construction and operation of the Water Project or an alternative project to meet the demands of water contractors, or if there is a delay in the expected date by which SCWA obtains water rights allowing SCWA to divert additional water from the Russian River, then deliveries by SCWA to its water contractors would be limited by any then-existing constraints on the capacity of the transmission system and by SCWA's current Russian River diversion limit of 75,000 acre-feet per year.</p>

Reference	Comment
(cont'd)	<p>The DEIS should not assume that SCWA will be able to deliver to City the current allocation of 75,000 acre-feet per year as set forth in the Restructured Agreement for Water Supply for two reasons. First, that allocation was premised upon the assumption that SCWA would construct the Water Supply and Transmission System Project (WSTSP). As noted in SCWA's UWMP, SCWA no longer intends to construct the WSTSP, but instead intends to construct and operate the Water Project. Second, that allocation was premised on an outdated analysis of the amount of water reasonably needed by the City from SCWA to meet the City's future demands. A new analysis is provided in SCWA's UWMP. The DEIS should use the UWMP.</p> <p>As reflected in SCWA's UWMP, a portion of the City's future water demands is expected to be met by local supply and recycled water projects developed and implemented by the City. To the extent that local supply and recycled water projects result for increases in future demands caused by the proposed project, these water projects should be identified and any environmental impacts of developing and implementing the projects analyzed. If any local supply project relies on groundwater, the analysis should include an evaluation of the project's impacts on the long-term sustainability of any affected groundwater basin.</p> <p>SCWA's UWMP assumes that the City will continue to implement existing water conservation programs and institute aggressive new water conservation programs in the future. The DEIS should evaluate the status of the City's implementation of these programs and standards and identify others that may be required to offset the water consumption of the proposed project.</p> <p>The reliable capacity of SCWA's transmission system is currently limited to 92 million gallons per day. Summertime demands on SCWA's transmission system may exceed this capacity. To the extent that the project could increase peak summertime demands, the DEIS should discuss ways in which peak summertime demands both of the project specifically and in the City's service area can be reduced.</p>
Page 3.9-4: Paragraph 4	<p>Under the Memorandum of Understanding Regarding Water Transmission System Capacity Allocations During Temporary Impairment effective October 16, 2006, the City of Rohnert Park has agreed to use its best efforts to limit its demand on the Transmission System during Periods of Temporary Impairment to 5.4 mgd for the Summers of 2006-2008. The DEIS uses old allocation numbers on the last sentence of the page.</p>
4.3-1: Paragraph 1	<p>The description of the proposed detention basin is inadequate. The DEIS should be revised to provide detailed plans of the proposed detention basin, including storm frequency calculations and anticipated percent detention within the detention basin. This lack of information contributes to the inadequacy of the DEIS, necessitating recirculation of the document.</p>

Reference	Comment
4.3-1: Paragraph 2	In regards to the NPDES permit, the DEIS does not define the anticipated "flood event." The DEIS should be revised to define the event as a 10-year flood, a 100-year flood, or other event.
4.3-1: Paragraph 2	The DEIS should require that treated wastewater discharge comply with the Basin Plan regardless of whether discharge occurs on trust lands. The Tribe should commit to operating in compliance with the Basin Plan for the North Coast in order to provide the greatest protection to waters within the North Coast Basin. Also, see comments for 3.3 Water Resources.
4.3-1: Paragraph 2	The DEIS fails to define significance criteria in regards to "operation of on-site wastewater treatment facilities would not significantly impact flooding." The significance criteria throughout this chapter are ill-defined.
4.3-2 to -3	The DEIS incorrectly concludes that adequate disposal capacity exists for the 100% reclamation proposal. Based on 260,000 gpd, the proposed project would annually generate approximately 94 MG (0.26 MGD* 364 days) of treated effluent. This equates to roughly 287 acre-ft of treated effluent.
4.3-3: Paragraph 4	The DEIS fails to describe anticipated impacts to surrounding surface water quality as a result of wastewater discharges under Alternative A. The DEIS should be revised to describe how the proposed project would monitor wastewater discharges, including the location of monitoring sites and frequency of sampling, to assess impacts to surrounding surface water quality associated with the proposed project. The DEIS should further be revised to describe how the Tribe would respond to identified problems, and to include an affirmative commitment to providing monitoring data to the County and SCWA in a timely fashion and to maintaining surface water quality.
Page 4.9-2: Table 4.9-1	The DEIS estimates total wastewater generated to be 218,000 gpd weekday and 354,400 gpd weekend. However, the totals calculated were determined based on number of seats, or square feet of the area identified and not actual numbers of customers per day or total use per room per day. Generating estimates based on number of seats or square feet or area may not accurately reflect actual wastewater generated. Reevaluate water consumption and wastewater based on the number of patrons and other known significant water uses.
Page 4.9-3: Paragraph 2	The DEIS does not adequately address the impact to surrounding drainage systems with regard to additional infiltration to the system and reduced capacity of the existing drainage system as a result of wet season spraying. The DEIS should be revised to account for this impact.

Reference	Comment
Page 4.9-3: Paragraph 2	<p>The DEIS refers to discharge of treated wastewater through the Bellevue Wilfred Channel. Access to the Bellevue-Wilfred Channel is at the sole discretion of SCWA. The DEIS should discuss whether any "Right of Way" or other agreements would be necessary to permit treated wastewater discharge to non-trust lands. Discharge of treated wastewater onto or through non-trust land would not be possible absent signed agreements with affected landowners.</p> <p>SCWA owns and maintains the Bellevue-Wilfred Channel; any discharge within SCWA property is subject to a revocable license. A revocable license is required for access or construction work within the SCWA Bellevue Wilfred Channel.</p>
Page 4.9-3: Paragraph 2	<p>The DEIS does not adequately describe the use of spray fields for discharge of treated wastewater. The DEIS does not identify whether the onsite spray fields are currently being irrigated at agronomic rates and how any potential changes to the application rates would affect the surrounding ephemeral streams and managed channels in the project vicinity.</p>
Page 5.3 5.2.2 Water Resources	<p>The DEIS does not include mitigation measures to reduce impacts associated with using the existing drainage system to convey additional flows contributing to the drainage channels adjacent to the Wilfred Site. The DEIS should be revised to identify these measures and provide a mechanism to ensure they are developed or enforced.</p>
Page 5.3	<p>Please see Page 4.9-3: Paragraph 2. A Revocable License would be necessary for construction or access to the Bellevue-Wilfred Channel.</p>
Page 5.3 Mitigation C	<p>Mitigation Measure 5.2.2 C describes an agricultural ditch as an offset for construction impacts. The DEIS should be revised to identify the specific ditch referenced.</p>
Page 5.4 Mitigation H	<p>The DEIS does not define "pre-project levels." The DEIS should be revised to disclose how it determined this level, and whether it is the actual level or the designed level.</p>
Page 5.4 Mitigation J-L	<p>Mitigation Measure 5.2.2 J-L does not address the linkage between the Tribal NPDES and the SCWA/City of Santa Rosa/County of Sonoma NPDES permits, nor how to address the linkage between the two permits.</p>

Reference	Comment
<p>Page 5.9 Mitigation P</p>	<p>In addition to mitigation measures proposed in Mitigation Measure 5.2.2 P, the DEIS should be revised to consider:</p> <p>Indoor measures:</p> <ol style="list-style-type: none"> 1. No single-pass water use 2. Water features should have recirculation systems 3. Air-cooled ice-makers 4. Conductivity meters on cooling towers 5. High Efficiency Toilets (1.28 gpf or less) 6. Showerheads at 2.0 gpm, faucets at 1.5 gpm, self-closing faucets in public bathrooms. 7. Connectionless Steamers in restaurants/buffet 8. Re-circulating hot-water systems 9. 1.3 gpm pre-rinse spray nozzles 10. High temperature dishwashers 11. Low water use clothes washing machines 12. Pool cover <p>Outdoor measures:</p> <ol style="list-style-type: none"> 1. Swimming pool cover 2. Landscape to be designed and installed following Xeriscape Principles 3. Use low to moderate water-use plants that do well on reclaimed water 4. Install drip irrigation systems, SMART Controllers (to water based on plant needs and current weather conditions) and rain sensor/shut-off devices
<p>Page 5.9 Mitigation BB</p>	<p>The DEIS should be revised to define the portion of the storm water runoff that would be retained, and the criteria used to determine what storm events would be retained. The revised DEIS should also identify the "primary stormwater flow control objectives" as described in Mitigation Measure 5.2.2 BB.</p>
<p>Appendix C General Comment</p>	<p>The DEIS does not include the calculations used to support its pre- and post runoff values. The DEIS does not discuss hydrology methodology except in Appendix C, but even that appendix presents only the factors used to calculate the pre- and post runoff and the final results. Neither the DEIS itself nor Appendix C present the actual calculations necessary to review and verify the DEIS's conclusions. The DEIS should be revised to include the supporting calculations for all engineering analysis. The DEIS should further be revised to include the coefficients, parameters, and all other factors used in those calculations. This comment applies to all calculations regardless of the methodology utilized.</p>

Reference	Comment
Appendix D Table 2-7 Appendix B of Appendix D, Table 2	Alternative A of Appendix D, Table 2-7, assumes discharge to 111 acres of grassland and an additional 7 acres of landscaping irrigation. Appendix B of Appendix D, Table 2, Alternative A No Seasonal Discharge, assumes 118 acres of sprayfields on page 1 and 95 acres of grassland and 118 acres of landscape irrigation with a total of 118 acres. Appendix B of Appendix D, Table 2, Alternative A Seasonal Discharge, page 1, indicates 53 acres of sprayfields, while page 2 indicates 95 acres for grassland and 53 acres of landscape irrigation. The DEIS should be revised to provide consistent irrigation areas for each alternative.
Appendix D, Table 2-8	Table 2-8 appears to have a fundamental flaw. Under its own formula, $ID = (ET - P * e_p) * I_r / e_i$, the irrigation demand (ID) would be a negative number if the ET is less than $P * e$. This is an intuitive conclusion; the irrigation demand should be negative when rainfall (P) is greater than the evapotranspiration (ET). Yet in Table 2-8, the ID column presents a positive ID when the ET is less than $P * e$, in April and May.
Appendix D, Table 2-8	Table 2-8 incorrectly calculates the ID for July as 8.71 inches. Under the DEIS's own formula, the ID should equally 4.48 inches ($(4.44 - 1.58 * 0.75) * 1.1 / 0.8 = 4.48$ inches), not the 8.71 reported. The only variable that was assumed was $e_i = 0.8$. Best case scenario would be an $e_i = 0.6$, in which the ID would be 5.97 inches. The DEIS should be revised to verify its results, and present the actual calculations used to reach them.
Appendix D, Table 2-8	The actual irrigation demand appears to be 25 inches, much less than the 37 inches presented in the DEIS. Using this revised irrigation demand with the land area of 111 acres results in a total irrigation volume demand of 230 acre-ft. Having a total irrigation volume demand (230 acre-ft) less than the total volume of effluent to be irrigated (287 acre-ft) decreases the probability of a 100% reclamation project.
Appendix D, Table 2-8	Table 2-8 is not consistent with Table 2 with regard to the irrigation demand. Table 2-8 indicates a total irrigation demand of 37 inches, whereas Table 2 seems to indicate an irrigation demand of 29.53 inches. Table 2 also presents an irrigation demand of 236 acre-ft. The total treated effluent volume is 287 acre-ft. Again, a 100% reclamation system seems unlikely.
Appendix D, Table 2-8	Table 2-8 assumes an average precipitation year to determine the irrigation demand. The DEIS should be revised to use a 100-year rainfall year, to ensure that the reclamation plan will function in the worst case scenario.
Appendix D, Appendix B Table 2	Table 2 in Appendix B of Appendix D depicts average and 100-year precipitation. This data is not consistent with the precipitation data presented in Table 2-8, column P, average precipitation. The figures appear to be shifted by two months. This comment applies to all the columns in Table 2-8.

Reference	Comment
Appendix D, Appendix B, Table 2	Appendix B of Appendix D, Table 2, Alternative A No Seasonal Discharge, page 2 appears to have an error in the calculations. This is reflected in the "#DIV/0!" notation in the calculations. This table could not be evaluated due to the error in the spreadsheet.
Appendix D, Appendix B, Table 2 pp. 1-2	Appendix B of Appendix D, Table 2, Alternative A Seasonal Discharge, page 1, indicates a -30.4 ac-ft landscaping disposal demand for September, whereas page 2 indicates an irrigation demand of 23.43 ac-ft for September.
Appendix D, Appendix B, Table 2 p. 2	Appendix B of Appendix D, Table 2, Alternative A No Seasonal Discharge, page 2, utilizes an irrigation efficiency factor for Landscape Irrigation calculations but not for Grass calculations. The DEIS should be revised to explain the discrepancy. The DEIS should further be revised to include the grass irrigation demand on page one, as part of the overall disposal, or explain why it has been separated.

Public Safety

Reference	Comment
Appendix N, p. 25 (and referenced throughout on: ES 55, ES 76, ES 79, ES 80, ES 81, ES 83, 4.7-9, 4.9-9, 4.9-11, 4.9-16, 4.9-18)	<p>The DEIS calculates that the proposed project's on-going public safety service needs would cost the City of Rohnert Park between \$265,000 and \$313,000 annually (and \$241,000 for Alternative E). This is based on the per capita cost of public safety services in Rohnert Park, multiplied by between 1,100 and 1,300 employees.</p> <p>This calculation does not match the expectations of the Sonoma County Sheriff's Department for a number of reasons. It does not take into account the number of visitors to the proposed project, and it assumes that the casino will require the same type and level of services that are required by residents. The DEIS should be revised to state: "On-going public safety costs incurred by the Sheriff's Department will be set forth in an MOU between the Tribe and the County of Sonoma. Such costs shall be determined by a calculation methodology that is developed by or acceptable to the Sonoma County Sheriff's Department."</p>
ES 79	<p>The mitigation measures requires the Tribe to "negotiate an MOU to provide the City of Rohnert Park at least \$313,000 annually for public safety services or the Tribe shall compensate Sonoma County for additional public safety demands caused by the operation of the development where deemed necessary by the parties." The phrase "where deemed necessary by the parties" does not explain how the determination of necessity would be made, or what would occur if there is disagreement. This measure does not clearly account for the impact to the Sheriff's Department, and the \$313,000 figure is not based on an acceptable formula (see comment above). The DEIS should be revised to state: "Prior to operation, the Tribe shall enter into an agreement for law enforcement services with all law enforcement agencies that have jurisdiction over the proposed development site and adjacent areas."</p>
ES 138	<p>The environmental effect states that "Alternative A would generate a need for additional law enforcement resources, and through the anticipated MOU with the City of Rohnert Park, the Tribe would provide funding for impacts to law enforcement services." This does not reflect law enforcement impacts on unincorporated areas. Therefore, this statement should be amended to state: "All alternatives would generate a need for additional law enforcement resources. The Tribe would provide funding through appropriate agreements for impacts to law enforcement agencies with jurisdiction in and around the proposed project." This should be noted in the narrative for all alternative locations.</p>

Reference	Comment
5-55 (referenced throughout on: ES138, 4.9-9, 4.9-10, 4.9-16, 4.9-17, 4.9-21, 4.9-22, 4.9-27, 4.9-33, 4.9-36, 4.9-37, 4.12-44, 4.12-56, 4.12-63, 4.12-69, 4.12-76, 4.12-88)	The DEIS states in a number of places that "with mitigations measures listed in Section 5.2.8, [the impact on law enforcement] would be reduced to a less than significant level." The Sonoma County Sheriff's Department does not agree with this statement given current wording in Section 5.2.8. The DEIS should be revised to state: "Prior to operation, the Tribe shall enter into an agreement for law enforcement services with all law enforcement agencies that have jurisdiction in and around the proposed development site." If this item is not modified, law enforcement impacts would not less than significant, and the text at each location referencing section 5.2.8 (listed at left) must be changed to reflect this.
2-23	The Tribe has agreed to contribute funding toward the construction of a new public safety building that is "at a location mutually agreed upon by the City and the Tribe." Given that the proposed project would be on and surrounded by unincorporated land under the jurisdiction of the County Sheriff, it is inappropriate to infer that this public safety building would adequately mitigate law enforcement needs that arise in the Sheriff's jurisdiction.
2-26	In 2003, the City and Tribe entered into a Mutual Aid Agreement for fire and law enforcement. The weight of this Agreement is unclear given that all alternative locations are in the Sheriff Department's jurisdiction, and it has not relinquished jurisdictional control to the City. This jurisdictional issue is true for fire protection services as well.
3.9-12	<p>There are a number of factual errors in the first complete paragraph. Corrections are as follows:</p> <ul style="list-style-type: none"> • The Sheriff's Department employs 900 people (not 638) • The Administrative Division (capitalization needed) does not include the patrol captain. • The list of substations is incorrect. Amend to say, "The Sheriff's Department has substations in multiple locations throughout the County, none of which are currently in close proximity to any of the proposed development sites."
3.9-12	The DEIS should indicate that zone 5 is 182 square miles and the fifth largest of the Sheriff's Department's 7 patrol zones
3.9-12	The DEIS should indicate that Zone 5 is staffed with two deputies twenty-four hours per day, seven days per week.
4.9-8; 4.9-15	The DEIS states that it assumes "Sonoma County would have jurisdiction to provide primary services to the hotel/casino resort under Public Law 280." This statement is correct, but all other references throughout the document indicate that the City of Rohnert Park would provide public safety services. There is no agreement between the City and County relinquishing jurisdictional control in any of the alternative locations (which are all on unincorporated land). All references regarding which agencies will provide services to the proposed project must accurately reflect jurisdictional authority.

Reference	Comment
4.7-8; 4.7-9; 4.7-10 4.9-8 to 9; 4.9-16 4.9-21; 4.9-27; 4.9-32 4.9-36; 4.9-39; 4.12-44	The DEIS states that the Tribe plans to enter into an agreement with Rohnert Park Public Safety for the provision of primary public safety services. The Sheriff's Department responds to this assertion each time it is mentioned as follows: "All alternative locations in the DEIS are on and surrounded by unincorporated County property. Therefore, the Sonoma County Sheriff's Department has law enforcement jurisdiction over all alternative locations. The DEIS fails to address the public safety impacts and provide mitigating measures for unincorporated areas of the County. The Sonoma County Sheriff's Department asserts that public safety impacts will not be mitigated until the Tribe enters into an agreement with the Sheriff's Department."
4.9-8 to 9; 4.9-16; 4.9-27; 4.9-32	<p>In addition to stating that Rohnert Park Public Safety would provide primary public safety services to the casino, the DEIS states that the Sheriff's Department may provide secondary public safety services to Rohnert Park and notes that such backup support is typically provided free of charge under mutual aid. All alternative locations in the DEIS are on and surrounded by unincorporated County land. Therefore, the Sonoma County Sheriff's Department has law enforcement jurisdiction over all alternative locations and is the primary public safety responder in all unincorporated areas of the County. All alternative proposals would over-extend the current resources of the Sheriff's Department. Without additional resources and funding, public safety in the surrounding areas will be compromised.</p> <p>The DEIS presents an incorrect assumption regarding mutual aid and backup services. Mutual aid and cross-jurisdictional backup are provided under extraordinary circumstances only, and not for routine operational assistance.</p>
4.7-10 and 4.7-11 (Table 4.7-8) and Appendix N (throughout)	The DEIS calculated the County's per service population cost using an incorrect methodology. This may also be an issue for other County Departments. Please consult with the Sheriff's Department for the correct methodology.
4.7-14	<p>The DEIS includes a brief analysis of crime rates in five jurisdictions that have casinos. The DEIS concludes that "[w]ith three local jurisdictions experiencing lower crime rates, one experiencing comparable crime rates, and one jurisdiction experiencing greater crime rates, these data does not show a definitive link between crime rates and the presence of casinos." This conclusion is incomplete because the analysis does not include an evaluation of level of law enforcement in each jurisdiction. The DEIS should be revised and recirculated to further analyze and disclose the role of law enforcement in preventing or mitigating criminal activities in each of these jurisdictions.</p> <p>The DEIS also fails to evaluate the impact of the proposed casino specifically, given that it would be the largest casino of all included in the comparison.</p>
4.9-8	The DEIS states that a portion of the Wilfred site is planned for annexation into the City. What is the estimated date for this annexation?

Reference	Comment
4.12-44	The ratio of sworn to 1,000 population is not correct; it should be changed to 1.17. Please provide information on who developed the projected service ratio for 2020.
General (Omission)	The DEIS fails to consider specialized law enforcement services that are provided by the Sheriff's Department rather than Rohnert Park. These services include the Bomb Squad (which is partially funded by the County General Fund and partially funded through contributions made by all of the cities in Sonoma County), the Helicopter Unit, and SWAT (which is deployed to respond to hostage situations and other critical incidents).
General (Omission)	The DEIS fails to address the proposed project's impact on the Sheriff's Detention Division or Coroner Unit from increased traffic accidents involving patrons, and crimes exacerbated by the proposed project (including gang activity, narcotics, extortion, prostitution, identity theft, and domestic violence).
General (Omission)	The traffic impact associated with all alternative locations would adversely impact the ability of the Sheriff's Department to provide law enforcement services. Given worsened traffic conditions, it is even more important to provide adequate funding to the Sheriff's Department for increased staffing dedicated to the areas near the development site. Without such additional resources, community residents will be adversely affected, and public safety issues will not be mitigated.
General	The DEIS should disclose that there are no site agreements between the County and the Rohnert Park Department of Public Safety (RPDPS) that would allow the RPDPS to provide services in the unincorporated area near the Wilfred site.
General	The DEIS should acknowledge that the proposed project would cause significant adverse crime impacts. The Tribe has already agreed to mitigate impacts in the City by contributing to the construction of a public safety building, purchase of public safety vehicles, and establishment of a neighborhood enforcement team. It appears that the Tribe, City, and County all believe the proposed project would create crime impacts sufficient to warrant mitigation. The DEIS should concur in this conclusion, and identify additional measures to mitigate crime outside the City.

Reference	Comment
General	The DEIS should provide substantial additional information regarding the Thunder Valley Casino, which the preparers have relied upon to estimate project traffic impacts. The DEIS should disclose that the Thunder Valley facility is located in Lincoln, California, which has just one-fourth the population of Rohnert Park, and which is not immediately adjacent to a major population center like Santa Rosa. The DEIS should further disclose that the Thunder Valley facility is located off of State Route 65 (rather than Highway 80), and should compare State Route 65 with Highway 101, which is the primary artery for Northern California coastal counties and already suffers from significant congestion and other traffic impacts. The DEIS should provide the exact trip count information for the Thunder Valley facility collected by Kimley-Horn and referenced in Appendix O, page 39.
General	The DEIS's discussion of law enforcement issues is limited to first-level impacts to the Sheriff's Department. The DEIS should also disclose that increased crime will require substantial additional resources from the Sonoma County District Attorney, Sonoma County Public Defender, and the Sonoma County court system. The DEIS preparers should contact the County to determine the extent of likely impacts, and analyze and mitigate them in the DEIS.

Health and Ambulance

Reference	Comment
ES-81	The DEIS repeatedly refers to the "Rincon Valley Fire District." The District is actually the Rincon Valley Fire Protection District.
ES-82	The DEIS references the UFC and California Building Code. The DEIS should be revised to disclose that these codes will be replaced with the IFC and IBC in January 2008.
ES-82	The DEIS would require the Tribe to negotiate a formal agreement with "a" fire service provider to provide primary fire protection services. The DEIS should be revised to recognize that the proposed project would adversely impact all fire protection agencies that have jurisdiction in and adjacent to the proposed development site. The revised DEIS should require the Tribe to negotiate formal agreements with all fire service providers that would be impacted by the proposed project.
ES-138	The DEIS incorrectly states that AMR provides emergency medical services throughout the County. AMR in fact provides ambulance transport services only to the core area of Santa Rosa and Rohnert Park, not to the entire County. The DEIS should not assume that the proposed project's cumulative impact would touch on AMR alone.
ES-138 to -139	The DEIS states that the proposed project's significant contribution to cumulative fire and emergency services impacts could be mitigated by an anticipated MOU with the City of Rohnert Park. The Wilfred site is not located in the City of Rohnert Park, but in the unincorporated County under the jurisdiction of the Rincon Valley Fire Protection District. Moreover, the proposed project's cumulative impacts would stretch far beyond both the Wilfred site and the City, and impact multiple fire and emergency service providers. The DEIS should be revised to conduct an independent study of cumulative impacts on a regional basis. This independent analysis, commonly called a "Standards of Cover" study, should then form the basis for region-wide mitigation measures, including the negotiation of formal agreements with all service providers that would be impacted by the proposed project.
2-23	The Tribe has agreed to contribute funding toward the construction of a new public safety building that is "at a location mutually agreed upon by the City and the Tribe." Given that the proposed project would be on and surrounded by unincorporated land under the jurisdiction of the Rincon Valley Fire Protection District, it is inappropriate to infer that this public safety building would adequately mitigate fire protection needs that arise in the district's jurisdiction.
3.9-14	The DEIS incorrectly states that the Sonoma County Fire Services Division provides fire service management services to the majority of the Wilfred site. The Wilfred site is actually under the jurisdiction of the Rincon Valley Fire Protection District.

Reference	Comment
3.9-16	Table 3.9-3 only identifies common calls to the Rohnert Park Fire Services Division. The Wilfred site is located in the unincorporated County under the jurisdiction of the Rincon Valley Fire Protection District. The table should be revised to show calls to the District, and to other fire stations in the region.
3.9-19	The DEIS references emergency medical facilities includes Sutter Warrack Hospital. This facility is no longer operating as a receiving hospital/emergency department in the County. The DEIS should be revised to remove reference to this facility.
3.9-19	The DEIS does not mention Petaluma Valley Hospital, which is probably the destination of preference for patients originating from the casino site. The DEIS should be revised to identify the facility.
4.7-14	The DEIS correctly acknowledges that the proposed project would increase driving under the influence (DUI) offenses, but does not identify effective mitigation. In addition to public safety services and judicial system requirements, increased DUIs will affect diversion and treatment programs. The DEIS should be revised to identify methods to support these programs and alleviate the increased demands on the County.
4.7-16, -17, -18	The DEIS identifies several studies that find that casinos generate additional crimes, including rapes, but the DEIS does not address the cost of Sexual Assault Response Team (SART) deployment, forensic examinations, and County law enforcement, health, and court services. The DEIS should be revised to require funding to reimburse the County for emergency care of victims and the costs of forensic services.
4.7-19	The DEIS understates the number of projected problem and pathological gamblers. The DEIS further understates the cost of treatment by relying on artificially low estimates. The DEIS analyzes only the cost of a six-week treatment program, which the DEIS describes as "typical." In fact, the length of a program is as a key indicator of how successful it will be in the treatment of addiction disorders. A six-week program is insufficient and would result in a high rate of relapse and recidivism. The DEIS should be revised to require the applicant to support longer, more effective treatment programs.
4.7-19	The DEIS fails to apply the 10 mile and 50 mile radius in its calculation of the number of problem and pathological gamblers and crime rates. Using these radius determinants, there would be no lag time in the development of pathological gambling. An existing casino within Sonoma County reduces the proposed lag time. The DEIS should be revised to address the impact of two casinos overlapping a 50-mile radius of high density population areas, and to correct the assumption that there would be a 1-3 year lag in the development of pathological gambling and increased crime.

Reference	Comment
4.9-7	The DEIS repeatedly acknowledges that the Tribe's existing MOU with the City of Rohnert Park is insufficient, and would be renegotiated to apply to the Wilfred site. Given that the MOU requires renegotiation in any case, the DEIS should require that the Tribe address the proposed project's impacts on all affected service providers.
4.9-10	The DEIS concludes without benefit of analysis that the adoption of a "Reasonable Alcoholic Beverage Policy" would mitigate all alcohol-related impacts to less than significant. The DEIS should objectively analyze the efficacy of similar policies adopted by other gaming facilities, impose additional mitigation measures if necessary, and only then determine whether impacts would be significant.
4.9-11	The DEIS does not appear to require the Tribe to mitigate the proposed project's impacts on districts providing back-up or emergency mutual aid services because such services "are not normally compensated." This analysis fails. Regardless of what "normally" occurs, this proposed project would plainly impact service providers beyond the Rohnert Park Public Safety Department. The DEIS should be revised to mitigate those project impacts.
4.9-11	Taking the Wilfred site into trust would reduce the tax revenues available to the Rincon Valley Fire Protection District, potentially resulting in service reductions and other impacts. The DEIS should be revised to address these potential impacts.
4.9-11	The DEIS includes no analysis of the proposed project's traffic impact on fire service providers. The proposed project would significantly increase vehicle trips and traffic congestion on both local roads and Highway 101, causing potentially significant impacts on regional response time. The DEIS should be revised to analyze these impacts, and require the applicant to provide funding sufficient to ensure that the proposed project would not decrease response times nor adversely impact existing residents.
4.9-11	The DEIS states that mitigation measures included in Section 5.2.8 would reduce impacts to a less than significant level. Section 5.2.8 does not identify the exact measures to be undertaken, however, and states only that "[t]he Tribe shall make reasonable provisions for adequate emergency, fire, medical, and disaster services for patrons and employees." This statement is inadequate. The DEIS must be revised and recirculated to disclose exactly what "reasonable provisions" it would require the applicant to undertake, and independently analyze whether those measures would adequately address impacts on regional EMS services.

Reference	Comment
4.9-11 to -12	<p>The DEIS offers just two paragraphs on the proposed project's impacts on emergency medical services. This is insufficient. The failings include:</p> <ul style="list-style-type: none"><li data-bbox="545 415 1333 514">• The DEIS does not address potential impacts to emergency response providers off the project site. The DEIS appears to incorrectly limit its analysis to on-site impacts alone.<li data-bbox="545 520 1386 919">• The DEIS includes no analysis of the proposed project's "draw down" effects on all providers responsible for emergency services. The DEIS does not provide a complete picture of all fire services provided in the region, and does not disclose or analyze the ways in which calls from the proposed project would impact regional service levels. The DEIS should be revised to conduct an independent study of the proposed project's cumulative impacts on service providers. This independent analysis, commonly called a "Standards of Cover" study, should then form the basis for region-wide mitigation measures, including the negotiation of formal agreements with all service providers that would be impacted by the proposed project.<li data-bbox="545 926 1386 1213">• The DEIS includes no analysis of the proposed project's traffic impact on emergency service providers. The proposed project would significantly increase vehicle trips and traffic congestion on both local roads and Highway 101, causing potentially significant impacts on regional response time. The DEIS should be revised to analyze these impacts, and require the applicant to provide funding sufficient to ensure that the proposed project would not decrease response times nor adversely impact existing residents.

Reference	Comment
4.9-12, -18, -22, -28	<p>The DEIS does not recognize project effects associated with the provision of EMS/ambulance services, and does not propose funding to mitigate these impacts.</p> <p>The DEIS acknowledges that AMR would provide ambulance transportation and states that such services are “primarily funded by the individual requiring transport. The impact to a private company receiving compensation for such services is considered less than significant.”</p> <p>The DEIS thus only address instances in which a patient is transported, and does not consider the costs associated with “dry run” incidents in which an individual does not require transport and does not fund the ambulance service. As a result, the DEIS understates the average compensation rate per call that the proposed project would generate, and incorrectly assumes that transport rates would suffice to fund all required ambulance resources.</p> <p>The proposed project would generate at least 175 EMS calls per year for medical responses and motor vehicle injuries related to project traffic. The current ambulance system for the central Sonoma County and Rohnert Park area operates near maximum capacity (based on unit hour workload). The volume of calls generated by the proposed project would require the addition of another ambulance to the EMS system. The operation of another ambulance would cost approximately \$490,000 per year for the current ambulance provider.</p> <p>The DEIS does not disclose or adequately mitigate this cost. The DEIS should be revised to require the applicant to fund at least one additional paramedic ambulance on a 24- hr/day basis.</p>
4.12-4	<p>The DEIS should revise its discussion of the Sutter Hospital Project to accurately reflect the hospital’s current situation and potentially uncertain future.</p>
4.12-45	<p>The DEIS states that “[e]mergency medical services are . . . primarily funded by individuals receiving service. Alternative A would generate a need for additional fire protection and emergency medical services, and through the anticipated MOU with the City of Rohnert Park, the Tribe would provide funding for impacts to these services.”</p> <p>This analysis is deficient for the reasons stated above. The Wilfred site is on and surrounded by unincorporated land under the jurisdiction of the Rincon Valley Fire District, and it is inappropriate to an MOU with the City would adequately mitigate fire protection needs that arise in the district’s jurisdiction. The MOU also focuses only on fire services and does not appear to address the increased costs associated with the need for additional ambulance resources. In addition, the DEIS does not consider the costs associated with “dry run” incidents in which a patient is not transported, and thus understates the funding that would be necessary to provide ambulance services to the proposed project.</p>

Reference	Comment
5-26 to -28	The DEIS should consider requiring the proposed project to fund local law enforcement to conduct regular and frequent decoy operations (underage "stings" and "shoulder-tap" operations) to maintain enhanced enforcement levels relative to sales to minors and intoxicated patrons
5-53 L	The DEIS states that the Tribe shall make an agreement with the applicable City or County to address inspection, maintenance, and operation of any swimming pools available to patrons. The agreement should include standards for design, maintenance, and operation similar to those followed by other public pools in the City or County.
5-53 M	<p>The DEIS states that for Alternative E the Tribe shall make an agreement with the applicable City or County to address building inspection, and food safety inspection prior to public use of facilities. The terms will include that one design inspection occur prior to public use and that ongoing inspections occur, with similar frequency to other businesses and that the buildings adhere to either the UFC or CFC, depending on the inspection agency.</p> <p>The DEIS should be revised to require for all alternatives that include retail food facilities that certified and experienced staff evaluate food construction plans, conduct routine inspections and food-borne illness investigations, and collaborate with the Sonoma County Health Officer on reports of food-borne illness.</p>
5-55	This section is silent as to the exact measures to be undertaken other than a general comment stating "[t]he Tribe shall make reasonable provisions for adequate emergency, fire, medical, and disaster services for patrons and employees." This response is inadequate as written and needs to provide specific information in order to satisfactorily address impacts.
5-55 to -56	The DEIS should be revised to require the applicant to contribute to the development of a seamless and integrated emergency response system, including a common dispatch system, to address project impacts on the multiple service providers in the area.
Appendix Y	<p>The DEIS identifies groundwater issues as significant and Appendix Y addresses the potential water quality impacts related to selected fuel leak incidents near the proposed project site (Alternative A). The evaluation shows that an induced vertical gradient is possible, which could threaten the proposed Casino water supply.</p> <p>The induced vertical gradient could either elongate or detach from existing contaminant plumes and put the casino well(s) in danger of contamination. In addition, plume detachment/elongation could degrade remediation efforts or cause additional financial expenditures for plume definition at nearby contaminated sites undergoing remediation.</p> <p>The DEIS needs to include mitigation to protect the proposed wells from this threat and mitigation to be undertaken in the event the induced vertical gradient from the proposed wells affects the contaminant plumes.</p>

Air Quality

Reference	Comment
4.4-1, Table 4.4-2 & App. W	<p>The DEIS is internally inconsistent. The DEIS and Appendix W contain serious technical errors that dramatically understate the project's construction emissions. Construction emissions reported in the URBEMIS2002 modeling are not based on URBEMIS defaults as reported at page 4.4-1. For example, the URBEMIS modeling used for Alternative A indicates that the total land use to be developed would be 25.6 acres, while elsewhere the document indicates the site would occupy about 66 acres. In addition, the DEIS model indicates that there would be 5 pieces of equipment plus one water truck during grading. This seems quite low for a project with a 60+ acre footprint. During the building construction phase, the DEIS URBEMIS modeling assumes 1 concrete/industrial saw and 2 pieces of equipment rated at 190 hp. It will take much longer than 12 months to construct the project using this quantity of equipment. Elsewhere in the DEIS it says construction would be over 27 months. In addition, the DEIS URBEMIS model inputs indicate only one paver and 1 roller could lay all the asphalt in 0.5 months. Even a cursory modeling of Alternative A using URBEMIS defaults shows construction emissions about 10 times greater than those reported in the DEIS. The EIS must provide a reanalysis of the construction emissions using reasonable estimates of projected construction activity.</p>
4.4-10, 4.4-15, 4.4-18, 4.4-20, 4.4-26, and App. W	<p>The Draft Conformity Determination is incomplete with respect to NOx. The DEIS concedes that a Conformity Determination would have to be made because NOx emissions exceed the <i>de minimus</i> levels, but provides no further analysis and identifies no NOx emission reductions or offsets. The DEIS leads the reader to believe that these could simply be purchased, but shows no evidence that this strategy has been investigated. The DEIS should provide examples of how and where such offsets are to be obtained. The DEIS should also acknowledge that offsets may be hard or impossible to come by in this air basin, which would require that the scope of the project be reduced to meet NOx conformity standards.</p> <p>The DEIS must also be revised and recirculated to address project effects on greenhouse gasses and, thereby, global warming per State requirements (AB32).</p>
4.4-10, 4.4-15, 4.4-18, 4.4-20, 4.4-26, and App. W – Conformity Determination, Section 4.0, 1 st Pa.	<p>Modeling supporting the Conformity Determination for CO was not provided as stated in the DEIS and Draft Conformity Determination. This information must be provided in order to assess the significance of project CO emissions.</p>

Reference	Comment
4.4-9, 4.4-14, 4.4-17, 4.4-19, 4.4-20, 4.4-22, 4.4-26, 4.4-28, and 5-9	There is not adequate evidence to show that uncontrolled construction emissions would be less than significant, and that these emissions would not result in a violation of ambient air quality standards. Such intensive construction activity without adequate control measures would likely violate ambient air quality standards. Most importantly, these activities could lead to exceedances of both California and national ambient air quality standards for PM ₁₀ and PM _{2.5} . Particulate matter is the most problematic air quality issue affecting Sonoma County. That would be a significant impact. The DEIS only analyzed the annual emissions associated with construction activity, which does not address localized impacts. It should be noted that the DEIS analysis of those emissions is understated, as described in comments above. Although emissions may be less than 100 tons per year, the BAAQMD considers construction projects that do not implement appropriate control measures to have a significant impact on air quality. The BAAQMD's threshold should apply to this project and the DEIS should acknowledge the potential impacts from uncontrolled construction emissions.
5-12 (H)	It is inappropriate to characterize compliance with Title 24 standards as "mitigation." Compliance with standards is assumed as part of the description of any project; compliance never represents a mitigation measure. Rather, the project should propose measures that would exceed Title 24 building standards by at least 10%. This would indirectly reduce significant air pollutant emissions and reduce green house gas emissions. The DEIS should also include additional mitigation measures to reduce energy usage from the project such as requiring low-wattage bulbs, use of natural light, and other 'green' strategies.
5-12 (I)	The DEIS requires only that the Tribe purchase as-yet-unidentified offset credits for VOC and PM emissions "if available." The EIS must identify the specific credits or other methods the Tribe would use to offset its project's air quality impacts, and delete the "if available" exception. In addition, the offsets should benefit Sonoma County where much of the project emissions would occur. An example of such an offset program could include a program to retrofit residential fireplaces that do not meet EPA certification standards. The project could also fund programs the retrofit older diesel mobile sources that are routinely used in Sonoma County.
5-15 (W)	The DEIS requires only that spray field irrigation cease when winds exceed 30 miles per hour. Spray drift can occur at wind speeds far below 30 mph. The DEIS should additionally require irrigation to cease whenever spray is dispersed beyond the site, regardless of the wind speed. The DEIS should also describe how monitoring of spray drift would be performed to ensure that irrigation spray drift to offsite areas does not occur.

Noise

Reference	Comment
3.10-4	The DEIS does not connect ambient noise measurements to specific, knowable locations of sensitive receptors. The DEIS should specifically identify the representative locations of the most affected residential receptors north and east of the Stony Point and Wilfred sites that are referenced in the text, and the mobile home park located southeast of the Stony Point site and Wilfred site. The DEIS must be revised to identify these locations on Figure 3.10-1.
3.10-5	The DEIS should apply the results of the baseline noise survey and baseline traffic noise modeling to establish existing ambient noise levels at the representative sensitive receptors identified in the comment above. The rationale for the ambient noise measurement locations and noise modeling is unsupported. From information provided, it is impossible to determine ambient noise levels at sensitive noise receptor locations. General site noise data are provided. However, it is not known whether ambient levels are based on actual field measurements at these particular locations or are estimated from other data. Where estimated, these calculations must be presented in the document.
4.10-1,2	The DEIS correctly discloses that nighttime operations or equipment use could annoy or cause sleep disturbances for nearby rural residences along Wilfred Avenue and, to a lesser extent, at the mobile home park located along Rohnert Park Expressway. The DEIS fails to estimate construction noise levels at the most affected receptors, however, and fails to compare the levels to existing ambient levels and other appropriate criteria for speech, activity, or sleep disturbance. The EIS must be revised to include this information and analysis.
4.10-3	The DEIS improperly fails to disclose and employ the stationary noise source standards set forth in Table NE-2 of the County of Sonoma General Plan to assess the effects of non-transportation sources. The DEIS similarly fails to identify the equipment that would be used to construct the project, and the noise levels caused by each machine. The DEIS further fails to estimate noise levels at the nearest potentially affected receptors. Without this information and analysis, the EIS cannot support its claims that impacts will be less than significant. The DEIS must be revised to properly analyze project noise impacts against General Plan standards, disclose the project's likely significant impacts, and impose additional mitigation measures.
4.10-3	The EIS should state the distance from the wastewater treatment plant to the nearest sensitive receptor.

Reference	Comment
4.10-4, Alternatives B-F	The DEIS's traffic noise impact analysis only evaluates changes in the 24-hour day/night average noise level (L_{dn}). The DEIS fails to recognize the potential for traffic during the middle of the night (particularly buses) to cause an impact on the rural residents located along the access roads to the project site. The EIS must be revised to analyze nighttime traffic noise impacts for all alternatives using hourly average noise levels and L_{max} levels. The EIS must disclose the hours in which the greatest effects would occur based on the expected distribution of project-generated nighttime traffic.
5.56-57	There are no quantitative goals established for noise levels from HVAC equipment or other stationary sources. The recommended measures to mitigate noise are vague and inconclusive. The absence of appropriate significance thresholds in the assessment leads to these vague findings. The County General Plan noise policies for stationary equipment must be used. It is not possible to determine whether implementing mitigation measures mitigate indoor or outdoor noise, or both. Without knowing the specifics of mitigation measures with respect to building sound insulation treatments and the construction of berms or walls, it is impossible to know whether these are feasible mitigation measures that would result in a substantial reduction in noise, or whether they are reasonable to implement.

Land Resources

Reference	Comment
Page ES-3/4	The DEIS should be revised to identify as Areas of Controversy land use issues, impacts on agriculture, and visual impacts.
Page ES-6 Page 2-83	<p>The DEIS improperly asserts that Alternative A would “take the place of development that would otherwise occur.” That claim is not relevant to the impacts of this alternative and should be deleted. The NIGC has a duty to disclose fully the impacts of the proposed project with regard to the <i>existing</i> environment. Alternative G represents the alternative wherein the future development would occur under the City General Plan.</p> <p>The DEIS fails to include analysis of the most obvious alternative, a Reduced Intensity project on the Wilfred Site (Alternative H). Alternative H offers the best opportunity to reduce land use, agricultural, and visual impacts. Its absence precludes a meaningful comparison of project alternatives. The DEIS must be revised to include this alternative, and recirculated.</p>
Page ES-7	The DEIS incorrectly concludes that impacts to land use and agriculture would be similar among all of the alternatives. This conclusion is not supported by any factual analysis. The soils, water availability, current agricultural production, surrounding land uses, distance to residences, and the nature and extent of the project itself are different at each location. The DEIS should be revised to provide a comparison using these types of criteria.
Table ES-1 Page ES-61	<p>The DEIS states that Alternative A would be inconsistent with several local land use regulations, but that “conflicts with surrounding land uses are not expected.” The DEIS thus appears to suggest that the County’s policies are not intended to prevent land use conflicts, or that a project can fundamentally conflict with our general plan without causing any physical impacts.</p> <p>This is an unsupported supposition and not an impact determination under NEPA, and it is irrelevant to the requirement for disclosure of the impacts of the proposed project. Apparently, this conclusion is also the basis for the DEIS’s conclusion that land use impact mitigation measures are “not recommended.” This entire line of analysis fails to provide the information about each of the sites, the impacts of the project alternatives, reasonable mitigation measures to reduce the impacts, and the comparison of impacts among the alternatives.</p>
Table ES-1 Page ES-61/62	The DEIS correctly identifies Alternative A as inconsistent with local land use regulations, but it includes no similar disclosure for the other alternatives. For example, Alternative G is consistent with local land use regulations. The DEIS must be revised to provide a clear statement of lands use consistency so the public and decisionmakers can properly compare alternatives.

Reference	Comment
Table ES-1 Page ES 62,63 & 130; page 3.2-10	<p>The DEIS suggests that the loss of agricultural lands would not be significant because the lands are not considered "prime," "unique," or "of statewide importance" according to NRCS. The DEIS implies that because the agricultural lands are not considered important, there would be no significant effect on other agricultural resources. These statements ignore the local significance of these agricultural lands, including the loss of agriculture on the Wilfred site as well as the pressure on surrounding agricultural land resulting from development of a huge project.</p> <p>The DEIS incorrectly concludes that soils are severely limited for agricultural use because they have an NRCS classification of III and IV. Some of the best vineyard class soils in Sonoma County are classified by NRCS as III, IV, and even VI. The misunderstanding of local agriculture presented in the DEIS is a serious flaw, and undermines the document's conclusion that agricultural impacts would be less than significant. The DEIS must acknowledge the significance of agriculture in this area and compare alternatives based a proper understanding of the value of local agricultural lands. Local agricultural organizations and/or the UC Extension could offer a better perspective on the value of local agricultural lands that goes beyond mere generalizations the arise of limiting discussion to soil class. Value, climate, moisture conditions, and other characteristics make up economically viable agricultural land in the County.</p>
Table ES-1 Page 92-93	Mitigation measures presented for addressing light and glare are inadequate and vague. The DEIS should be revised to provide specific and enforceable measures.
Page 4.2-1	As noted site in the DEIS, the geotechnical consultant did not analyze Alternative A, but relied on other studies that overlapped portions of the Wilfred site, but apparently do not coincide with the entire project. It is not made clear what portions of the project have and have not been analyzed. The DEIS should be revised to provide a full analysis and fair assessment of baseline and future conditions.
Page 4.2-3	The DEIS's discussion of seismicity neither discloses nor analyzes groundshaking impacts. The Association of Bay Area Governments (ABAG) has published maps showing areas subject to groundshaking. Much of Sonoma County, including the Wilfred site, may be impacted shaking during an earthquake. The DEIS must be revised to analyze this impact and its consequences for all of the alternatives.
Table 4.8-3 Page 4.8-11	Table 4.8-3 purports to analyze the alternatives with respect to consistency with the Sonoma County General Plan. The table correctly states that each of the alternatives would be inconsistent with Policy LU-5c, which calls for avoiding commercial land uses in community separators. The table nevertheless states that Alternative A would be consistent with Objective LU-5.1, which requires the retention of low intensities of use in those same community separators. The DEIS must be revised to acknowledge this significant inconsistency.

Reference	Comment
Same page	The DEIS incorrectly claims Alternative A is consistent with Goal LU-8, which calls for the protection of agricultural lands (such as the Wilfred site) from non-agricultural uses. The Wilfred site consists of agricultural lands in County jurisdiction.
Page 4.8-12	The DEIS incorrectly claims Alternative A would be consistent with Goal LU-9, which calls for development consistent with scenic features. The General Plan designates the Wilfred site as a Community Separator to preserve its scenic features. Alternative A is inconsistent with the Community Separator designation, and is thus inconsistent with Goal LU-9 as well.
Table 4.8-3 General	The DEIS fails to address all the relevant goals, objectives, and policies of the General Plan Land Use Element. The EIS must be revised to analyze project consistency with sections 2.1.2, 2.1.3, 2.1.4, 2.1.5, 2.1.8, and 2.1.9 and the Land Use Map.
Table 4.8-3 Page 4.8-13	The DEIS does not explain why Alternative A would be inconsistent with Objective OS-1.4, which calls for the preservation of specimen trees and tree strands. The EIS must be revised to identify the specimen trees or tree stands that Alternative A would remove.
Page 4.8-28	<p>The DEIS states that Alternative A is consistent with the Rohnert Park General Plan. This statement is misleading and irrelevant. The property is not in the City of Rohnert Park, and consistency with the City's general plan is immaterial. The Wilfred site is in the unincorporated County, and the only relevant consistency determination is with respect to the County General Plan. The project is inconsistent with the County General Plan agricultural land use designation.</p> <p>The DEIS also incorrectly states that the proposed project would not result in any conflicts or preclusion of allowable uses. The proposed project would preclude the use of the site for agriculture and would inevitably result in conflicts between the people using the casino/hotel and surrounding agricultural and residential uses, particularly when the winds blow from the local dairies and cattle operations. These conflicts would be a significant impact of the proposed project. Furthermore, the dollars being given to the City for Open Space do nothing for the County where the open space would be lost.</p>
Page 4.8-29	The DEIS fails to properly describe the project's impacts on agriculture. The DEIS claims that the proposed project would have a less than significant impact on agriculture because the land is not classified as important farmland. This conclusion ignores the fact that it is locally important farmland. In addition, the site's Williamson Act contract may not allow a wastewater storage pond for the hotel and casino. The State Department of Conservation should be consulted on this point, and its response included in a revised DEIS.

Reference	Comment
Page 4.8-29	<p>The measure identified in Section 5.2.7 is not sufficient to mitigate the proposed project's agricultural impacts. The DEIS states that the Sonoma County Right to Farm Ordinance, which provides that agricultural operations shall not be considered a nuisance to proposed development, would not apply to the proposed project because the land would be in trust. The DEIS states that buffering would "minimize the likelihood that the Tribe would seek to curtail nearby agricultural activities due to nuisance concerns." The DEIS should disclose whether it means that the Tribe would not complain to the County or other authorities about neighboring agricultural practices. Odors associated with agricultural practices are noticeable at a considerable distance. The DEIS should further disclose how complaints from hotel/casino patrons would be addressed by the Tribe. The project proponent should agree to abide by the Right to Farm Ordinance.</p> <p>The DEIS should be revised to require the project applicant to mitigate the loss of locally important farmland and open space. Mitigation could include the acquisition and/or protection of open space and agricultural lands around the project.</p>
Page 4.8-40 etc	The DEIS does not clearly state, for any hotel/casino alternative, whether the hotel/casino would be located on lands under Williamson Act contract
Page 4.8-40 etc	The DEIS should be revised to include an assessment of the proposed project's compatibility with surrounding residential uses.
Page 4.10-21	The DEIS uses the term "Open Space-Agriculture and Resource Management Area." This category is unknown to the County.
Page 4.11-5	The DEIS fails to assess the growth-inducing effects of roadway capacity improvements to Wilfred Avenue and other rural roads in the project vicinity.
Page 4.11-5	The DEIS fails to identify and address the indirect growth-inducing impacts of the project and the alternatives on surrounding agricultural and low-density residential lands from speculative investment associated with uses ancillary to the hotel/casino.
Page 4.12-40	The DEIS fails to identify and address the cumulative loss of agricultural land resulting from each of the alternatives in combination with all of the cumulative development identified in this chapter.

Visual

Reference	Comment
General	<p>The DEIS does not provide a reasonable analysis of lighting and glare that discloses the impacts on off-site locations. As result, the DEIS fails explore or provide necessary mitigation measures.</p> <p>The visual impacts of the proposed project, including its size, mass, design, lighting and glare, and signage, are major problems that will affect the surrounding community for some distance. The project would be visible from local streets and roads and residential uses over a large area, as well as from Hwy 101. The size of the structure alone will dominate any existing or future development in both the rural and urban communities around it. It will not even remotely resemble the existing commercial development in the area or what is likely to occur in the future without the casino.</p> <p>In some photographs provided in the DEIS, the project appears relatively small and at a considerable distance from the viewpoint. In others, the project is very dominant and overshadows everything else in the vicinity. Yet, the DEIS fails to even describe these differences in a way that allows alternatives to be compared.</p> <p>Since the building design in the photographs lacks any design sensitivity, it would be appropriate for the Tribe to agree to submit its building plans to the County Design Review Committee, or to the City if the property is annexed to Rohnert Park.</p>
Table ES-1 Pages ES 92-94	<p>The DEIS provides essentially no analysis of visual impacts that would allow a meaningful comparison of the alternatives. The EIS must provide a better description of the differences of the various alternatives, rather than make overly broad statements about significance. For example, the view of Alternative A from Wilfred Avenue depicts a large and dominant structure that overwhelms the view. The same alternative, when viewed from the Southwest, is entirely different. Similarly, the smaller structures in the business park alternative result in a different visual impact than the alternatives with taller structures when compared from the same viewpoints. Accurate simulations from key viewpoints off site should be provided, showing with and without project conditions.</p>
Table ES-1 Page 93	<p>Mitigation measures offered for lighting and glare and visual impacts are inadequate. For analysis, the DEIS should include simulations showing nighttime views from offsite. To offset impacts, a specific lighting plan should be prepared that shows light intensity at the site perimeter. It should identify lighting in parking areas and explain how the site would be designed to minimize off site light spillage. A palate of allowable colors for exterior surfaces should be developed and presented as a means of reducing visual intrusions. Type of signage, signage and building lighting, and the types of illumination devices should be specified. Use of flashing or intermittent lighting and signs should be prohibited. Mobile signage should be prohibited.</p>

Reference	Comment
Table ES-1 Page ES-100	The DEIS briefly discloses that modification and expansion of existing roadways would create visual effects, but neither describes nor analyzes those impacts. The DEIS should be revised to specify the impacts and describe required mitigation measures.
Table ES-1 Page ES-143-151	The DEIS claims Alternative A would be consistent with the visual goals of local land use regulations. This statement is false and without foundation. The height and bulk of the proposed project far exceeds anything that has been or would likely be built in the area. The proposed project is completely inconsistent with the County's land use regulations (which allow agricultural use, not major commercial development), including any visual regulations that might apply.
Table ES-1 Page ES-143-151	The DEIS falsely states that the Alternative A is not an area of high aesthetic value. To the contrary, the County General Plan designates the site as a significant Scenic Resource. The DEIS makes similar incorrect statements regarding the other alternatives. These failures preclude a meaningful analysis and comparison of the visual impacts among the alternatives.
Page 4.10-8 etc	<p>The DEIS's visual resource analysis identifies four criteria for use in assessing the impact of the project and its alternatives, but then fails to apply these criteria in the analyses. Each alternative should be described in terms of its visual impact based upon the criteria and then compared to each of the alternatives using the same criteria</p> <p>The DEIS provides no assessment of the lighting and glare impacts at night, when the most significant light intrusion will occur for any of the alternatives. The use of light and glare measurements does not provide the public or decisionmakers with an understanding of the magnitude of the changes in light and glare that would be caused by the illumination of an eight-story building all night, every night of the year. Mitigation measures to address light and glare impacts are woefully inadequate and lack the specific commitment necessary to assure that all offsite light is minimized, including the signs advertising the use. A plan drawing showing light intensity levels at the edge of the property should be included to demonstrate that off-property light and glare would be at acceptable levels. The lighting conditions described in the plan should be the minimum standard to which the project proponent commits. Photographs of similar hotel/casinos should be provided that show how the project lighting will look and how mitigation measures would reduce the impact.</p>
General	The DEIS is virtually devoid of any cumulative visual impact analysis. This is particularly important given the location of alternatives that are in close proximity to other existing and likely future commercial development in the City. This is a problem that runs throughout the visual section there is no meaningful analysis

Biological Resources

Reference	Comment
General	The proposed project is likely to seriously harm the protected California tiger salamander. The Stony Point and Wilfred sites lie within an area midway between the key Santa Rosa and Rohnert Park/Cotati California tiger salamander population areas. Development of the project as envisioned would create significant barriers to species mobility and migration, risking the survival of these local salamander populations. The DEIS must be revised and recirculated to identify direct and indirect adverse impacts on this and other special-status animal and plant species. Appropriate protocol surveys must be conducted within the property proposed for development and in any areas where project-related mitigation measures would be implemented, such as road widening, highway improvements, and pipeline installation. These have the potential to affect wetlands or special-status species. Areas for biological impact mitigation must be identified and any impacts of implementing the mitigation itself evaluated.
4.5-5 paragraphs 1&2.	The EIR fails to identify the potential impacts to steelhead, northwestern pond turtles, and other aquatic species during peak storm events. The EIR must conduct a hydraulic study analyzing these impacts, and identify measures to reduce or eliminate discharges during peak storm events.
4.5-10 CTS	Alternatives B and E would shift CTS impacts westerly, where there appears to be a likely dispersal bottleneck due to the Laguna and past development (see Figure 3 of the SR Plains Strategy). The DEIS only addresses direct impacts to CTS, and fails to address Alternative B's potential indirect impacts to CTS as a result of project-related physical barriers to CTS migration and dispersal. The EIS should disclose, analyze, and mitigate the proposed project's impacts to the metapopulation dynamics and genetic heterozygosity of the Sonoma population of CTS.
4.5-17 and 5-19	The EIS should disclose whether the proposed project has undergone a programmatic Section 7 consultation, as stated under section C 5-19. If so, the EIS should fully disclose the results of the consultation. If not, page 5-19 should be revised.
4.5-20	The EIS provides just one sentence of analysis regarding Alternative C's potential impacts on plant species within wastewater drainage structures. This sentence does not provide sufficient detail or analysis to support the EIS's conclusion that the alternative would benefit these species.
4.5-35 CRLF	The DEIS fails to disclose or analyze Alternative F's potential indirect impacts to CRLF through the use of herbicides for vegetation control. The DEIS should disclose and analyze these impacts.
4.5-35 and 5.24 A-P	The proposed measures would not reduce Alternative F's impacts to active migratory bird nests to less than significant. The DEIS should be revised to explain why it has not required preconstruction surveys for all nesting birds on the MBTA list, nor required other measures to avoid impacts to active nests.

Reference	Comment
4.11-7, 4.11-8, and 4.11-11	The proposed water supply pipeline and road improvements do not adequately address potential impacts to CTS and sensitive plant species in roadside ditches.
5-19	Road improvements would require filling of existing roadside ditches. These ditches likely will be considered wetlands and CTS habitat. These areas should be included in any biological assessments and mitigation, as the disruption of these areas is a direct consequence of the proposed project. The DEIS should identify mitigation areas and confirm their availability. Generally, the studies, mitigations, and permits would have to be obtained before right-of-way could be acquired. The DEIS should be revised to discuss these factors and appropriately analyze all project impacts.
5-22 (E) and Appendix J, pp. 58 & 60	This mitigation measure would relocate active nests. However, the biologist's mitigation measures referenced in this measure list only preconstruction surveys and avoidance guidelines (i.e., timing window or appropriate spatial buffers, as illustrated in F.), not nest relocation. Proposed mitigation is also inconsistent with measure F on pp. 5-24. Both temporal and spatial restrictions should be included for all alternatives.
5-22 (E) and Appendix J, pp. 58 & 60	The DEIS references and relies upon a 1995 "Staff Report on Burrowing Owl Mitigation" that does not appear to have been included in the text or appendices of the document. The DEIS should be revised and recirculated to include this report.
5-22 (E)	The DEIS appears to state that the applicant shall create "biologically unsuitable" burrows for burrowing owls. The DEIS should clarify this language.
5-24 (D)	The DEIS should be revised to specifically require surveys for known silverspot host plants, <i>Viola</i> sp.