

SECTION 3.0

ISSUES IDENTIFIED DURING SUPPLEMENTAL SCOPING

3.1 INTRODUCTION

The Council on Environmental Quality Regulations for implementing the National Environmental Policy Act (NEPA) require a process, referred to as “scoping” for determining the range of issues to be addressed during the environmental review of a proposed action (40 CFR §1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations and individuals. The second Notice of Intent (NOI) comment period began September 29, 2005 and ended on November 4, 2005. The issues that were raised during the NOI comment period have been summarized within this *Graton Rancheria Supplemental EIS Scoping Report*. Copies of the supplemental scoping comment letters appear in **Appendix E**. A transcript of the supplemental scoping meeting appears in **Appendix F**. Issues and scope discussed during the first scoping period are not repeated here but are included in **Appendix A** and will be considered in the EIS. The following issue discussion contains a summary of new public comments received during the EIS supplemental scoping process. These comment summaries are categorized by issue area. A general summary of the expected scope of the EIS for each issue area category is also provided.

3.2 ISSUES IDENTIFIED DURING SUPPLEMENTAL SCOPING

3.2.1 AIR QUALITY

Comments

Construction and Operation

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

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

Health

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

Traffic

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

Documents

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

Scope

To the extent required by NEPA and the Federal Clean Air Act, the EIS will assess potential impacts on air quality due to construction and operation emissions, including traffic. The EIS will include emission estimates for construction and operation activities related to the Project Alternatives. A discussion of indoor air pollution, health effects, and structural damage from pollution will also be included in the document. Relevant studies and plans will be reviewed to assess air quality impacts.

3.2.2 WATER RESOURCES

Comments

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

Groundwater

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

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

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

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

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

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

Municipal and Independent Water Suppliers

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

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

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

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

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

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

Surface Waters

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

Surrounding Community Impact

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

Water Rights

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

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

Documents

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

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

Commenters requested consideration of the following documents:

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

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

Scope

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

3.2.3 WATER QUALITY

Comments

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

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

Runoff

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

Groundwater

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

Regulation and Compliance

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

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

Wastewater Discharge

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

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

Scope

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

3.2.4 DRAINAGE

Comments

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

Flooding

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

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

Scope

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

3.2.5 WASTEWATER DISPOSAL

Comments

Municipal Services

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

Wastewater System Design

Commenters requested the following information in the description of an on-site treatment plant: location, size, capacity, level of filtration, amount of discharge, area of discharge, quality of discharge, method of monitoring, inspection/review methods, life cycle, possible complications, technical attributes, alternatives, manufacturer, specifications, performance charts and problems, Occupational Safety and Health Administration records, power requirements, back-up system, override system, longevity, history of success, replacement plan, expansion plan, air pollution effects, and noise pollution effects.

Commenters also requested the following information on any planned on-site wastewater treatment plant: whether the plant would utilize reverse osmosis, nanofiltration, or UV exposure; how volatiles, pharmaceuticals, viruses, endocrine disruptors, and phthalates would be removed; and how any contaminants not removed would affect human or animal health. Commenters inquired whether wastewater would be injected into any shallow or deep wells and if so what steps would be taken to prevent pollution of groundwater. Commenters inquired as to the effects of the proposed sewage treatment plant on channel maintenance costs and inquired as to who would be responsible for these costs. Commenters requested to know the setbacks of the wastewater treatment facility from the Rancho Verde Mobile Home Park and existing wells, creeks and flood channels. Commenters also requested that the EIS assess the effect of the sewage plant on local residents, particularly residents of the Rancho Verde Mobile Home Park. Commenters also inquired as to whether the sewage treatment plant would be located in the 100-year or 500-year flood zone and inquired as to the problems associated with flooding in the area of the sewage treatment plant. Commenters requested that the EIS address effects of the proposed sewage treatment plant on channel maintenance costs.

Regulation and Programs

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

Scope

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

3.2.6 TRIBAL ISSUES

Comments

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

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

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

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

Scope

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

3.2.7 VISUAL RESOURCES

Comments

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

Scope

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

3.2.8 NOISE

Comments

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

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

Scope

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

3.2.9 TRAFFIC

Comments

Traffic Circulation

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

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

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

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

Methodology

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

Traffic Safety

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

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

Public Transportation

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

Scope

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

3.2.10 BIOLOGICAL RESOURCES

Comments

Wildlife and Habitats

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

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

Waters of the U.S.

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

Documents

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

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

Scope

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

3.2.11 LAND USE PLANNING

Comments

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

Agriculture

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

Land Use Documents

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

Scope

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

3.2.12 COMMUNITY CHARACTER

Comments

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

Scope

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

3.2.13 EMERGENCY RESPONSE

Comments

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

Scope

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

3.2.14 PUBLIC SERVICES

Comments

Law Enforcement

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

Fire Protection Services

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

Recreation

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

Schools

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

Public Health and Safety

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

Other Public Services

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

Scope

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

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

3.2.15 SOCIOECONOMIC CONDITIONS

Comments

Local Economy

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

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

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

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

Employment

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

Social Issues

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

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

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

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

Scope

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

3.2.16 GEOLOGY

Comments

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

Scope

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

3.2.17 HAZARDS

Comments

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

Scope

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

3.2.18 ENVIRONMENTAL JUSTICE

Comments

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

Scope

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

3.2.19 CULTURAL RESOURCES

Comments

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

Scope

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

3.2.20 CUMULATIVE IMPACTS

Comments

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

Air Quality

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

Water Resources

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

Traffic

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

Biological Resources

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

Scope

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

3.2.21 OTHER ISSUES

Comments

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

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

EIS Methodology

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

Project Description

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

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

Alternative Locations

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

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

Scoping and Public Communication

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

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

Political and Legal Issues

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

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

Scope

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

3.2.22 MITIGATION MEASURES

Comments

Wastewater

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

Water Resources

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

Law Enforcement Services

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

Schools

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

Socioeconomic Conditions

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

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

Air Quality

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

Biological Resources

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

Hazards

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

Land Use

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

Community Character

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

Visual Resources

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

Scope

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