

SECTION 3.0

RESPONSE TO COMMENTS

SECTION 3.0

RESPONSE TO COMMENTS

This section contains responses to comments that were received during the public comment period on the Draft Environmental Impact Statement/Tribal Project Environmental Document (EIS). Comments shown in **Section 2.0** are responded to in this section. Comments may be addressed with a general response in **Section 3.1**, individually in **Section 3.2**, or by reference to a specific individual response. This format eliminates redundancy where multiple comments have been submitted on the same issue.

Based on the comments received on the Draft EIS, revisions have been made in the Final EIS (Volume II) to improve language, enhance data, and provide clarification. The changes made to the Draft EIS are consistent with the President's Council on Environmental Quality (CEQ) Regulation 40 CFR § 1503.4 and the BIA NEPA Guidebook (59 IAM 3-H), Section 8.5.3.

3.1 GENERAL RESPONSE TO COMMENTS

GENERAL RESPONSE 1 – NON-SUBSTANTIVE ISSUES

Summary of Comments: A number of Commenters expressed an opinion either for or against one or more of the six action alternatives discussed in the Draft EIS or did not raise a substantive environmental issue.

Response: The CEQ's National Environmental Policy Act (NEPA) Regulations (40 CFR [Code of Federal Regulations] §1500) and BIA NEPA Guidebook (59 IAM 3-H) provide guidance on responding to Draft EIS comments. Section 1503.4 of the CEQ NEPA Regulations states that all substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement. CEQ provides further guidance that comments be addressed if they are: 1) substantive and relate to inadequacies or inaccuracies in the applied environmental analysis or methodologies; 2) identify new impacts or recommend reasonable new alternatives or mitigation measures; or 3) involve substantive disagreements on interpretations of significance and scientific or technical conclusions (40 CFR 1503.3). According to 40 CFR § 1500, the goal of NEPA is to improve decision-making by providing decision makers and the public with pertinent and accessible information on potential project impacts on the environment. Comments received that further NEPA's purposes are addressed in the Final EIS. Responses are not required for comments that do not raise a substantive issue regarding the content of the EIS, such as comments merely expressing an opinion. However, such comments are part of the administrative record

and thus will be considered by the U.S. Department of the Interior Bureau of Indian Affairs (BIA) in its decision to identify which alternative will become the agency's Preferred Alternative. See General Response 2 below and **Volume II, Section 2.11** of this EIS.

The CEQ regulations for agency implementation of NEPA at 40 CFR § 1505.2 state that the record of decision shall: [i]dentify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions.

The CEQ policy set forth in section 6b of Forty Most Asked Questions Concerning CEQ's *NEPA Regulations* states that the agency EIS staff is encouraged to make recommendations of the environmentally preferable alternative(s) during EIS preparation. In any case, the lead agency official responsible for the EIS is encouraged to identify the environmentally preferable alternative(s) in the EIS. In all cases, commenters from other agencies and the public are also encouraged to address this question. The agency must identify the environmentally preferable alternative in the ROD.

The USEPA in its February 25, 2016 comments on the Draft EIS states that "of all the action alternatives, Alternative F at the Elk Grove Mall site would result in the least adverse environmental impact, overall. For this reason, we recommend that it be designated the environmentally preferable alternative and that BIA and the Tribe strongly consider this site for the project."

Consistent with the CEQ NEPA Regulations (40 C.F.R. § 1505.2), sections 6a and 6b of the CEQ NEPA *Forty Most Asked Questions* guidance document (46 FR 18026 (1981)), and EPA's February 25, 2016 recommendation, the BIA considers Alternative F (the Mall site) to be the environmentally preferable alternative. See **Volume II, Section 2.11** of the Final EIS.

GENERAL RESPONSE 2 – ALTERNATIVE F AS PREFERRED ALTERNATIVE

Summary of Comments: A number of Commenters expressed a preference for placement of the proposed casino at the Mall site in Elk Grove (Alternative F) over placement at the Twin Cities site (Alternatives A and B).

Response: The purpose of identifying a Preferred Alternative is to let the public know which alternative the Lead Agency, this case the BIA, is inclined to select at the time that the Final EIS is released (40 CFR §1502.14(e); CEQ's *NEPA's Forty Most Asked Questions*). Identification of a Preferred Alternative does not indicate that final action has been taken or the Lead Agency's opinion may not change based on additional input from the public and governmental agencies prior to adopting the Record of Decision (ROD). Nevertheless, common elements factoring into selection of the Preferred Alternative include: which alternative best meets the purpose and need for the Proposed Action; which best meets the Lead

Agency statutory mission and responsibility; which causes fewer environmental impacts; and which is most feasibly implemented.

However, the Tribe and BIA acknowledge that the Mall site in Elk Grove (Alternative F) presents several obvious advantages over the Twin Cities site, specifically that it is currently partially developed and prepared for implementation of a large-scale commercial project. In addition, the City of Galt has expressed extensive concerns about locating the proposed facility on the Twin Cities site. Therefore, Alternative F is now identified as the Preferred Alternative in **Section 2.10.2** of the Final EIS, “[o]f the alternatives evaluated in this EIS, Alternative F would best meet the purposes and needs of the BIA in promoting the long-term economic vitality and self-governance of the Tribe as the casino-resort facility described under Alternative F would provide the Tribe with the best opportunity for securing a viable means of attracting and maintaining a long-term, sustainable revenue stream.”

GENERAL RESPONSE 3 – WATER SUPPLY

Summary of Comments: A number of Commenters expressed concern regarding water supply (availability and rights) for the proposed casino at the Twin Cities site (Alternatives A and B), the Historic Rancheria site (Alternatives D and E), as well as the Mall site in Elk Grove (Alternative F).

Response: As discussed in **Section 4.3 and 4.10** of the Draft EIS and based on detailed water analyses (Draft EIS, **Appendices I and K**) and subsequent assessment, it was determined that, with the incorporation of mitigation measures to implement existing municipal programs for capacity expansion, there would be adequate water supply to serve any of the project alternatives. Should the proposed casino be built at the Twin Cities site (Alternative A), water demands would be met by either development of an on-site water system (Option 1) or through connection to the City of Galt water supply system (Option 2, Draft EIS, **Section 2.2.5**). For Option 1, the Tribe would develop two on-site wells (Draft EIS, **Section 2.2.5**). The two wells would have adequate capacity, including fire flow and redundancy, to meet the water demands of the alternatives. Furthermore, investigations of the groundwater table indicate that pumping to meet the needs of the alternatives would not significantly affect groundwater levels of those wells surrounding the Twin Cities site (Draft EIS, **Section 4.3.1**). For Option 2, the selected alternative would connect to the City’s water supply system (Option 2, Draft EIS, **Section 4.10.1**). Because the system is currently near capacity, implementation of Phase 4 of the City of Galt’s 2010 Water Distribution System Master Plan would be required to ensure adequate capacity would be available to meet the demands of the project alternatives at the site. Because such improvements have yet to be implemented, the impact to the municipal system was considered significant. Accordingly, mitigation for project alternatives at the Twin Cities site would require the Tribe enter into a service agreement with the City of Galt and make funding contributions toward the implementation of Phase 4 (Draft EIS, **Section 5.10.1, Mitigation Measure A**). For the casino build out at the historic Wilton Rancheria site (Alternatives D and E), the only option for water would be installation of two on-site wells. As stated in **Section 4.3** of the **Draft EIS** “pumping for Alternative D is not expected to cause localized overdraft of

the aquifer,” and although “[g]roundwater use for Alternative D may lower the water table in the immediate area and affect a limited number of neighboring wells ... [m]itigation measures in Section 5.3.2 would reduce these impacts to a less than significant level.” Mitigation measures, consisting of “water conservation measures” and “groundwater recharge,” (Section 5.3.2 of the Draft EIS) would be the same as with Alternative A.

For the Mall site in Elk Grove (Alternative F), the only option for water would be through the Sacramento County Water Agency (SCWA). Similar to the City of Galt alternatives, a significant effect would occur to water supply distribution facilities as a result of the need to provide service to Alternative F. As discussed in Section 2.7.2 of the Draft EIS, SCWA has capacity to meet anticipated demand for domestic water use under Alternative F; however, the Tribe would resubmit water improvement plans to SCWA and pay the remaining water development fees (refer to Appendix I). Mitigation measures are provided in Section 5.10.1 to ensure that an adequate water supply is available for the operation of Alternative F, and for the necessary fire flows. With mitigation measures, the impact would be less than significant. Furthermore, all casino-development alternatives would require implementation of water conservation measures (Draft EIS, Section 5.3.2, Mitigation Measure I), such as the use of low flow faucets and showerheads and recycled water for toilets, to further reduce impacts to water supplies and ground water levels. Therefore, with mitigation, sufficient water is available for any of the alternatives.

GENERAL RESPONSE 4 – HABITAT AND SPECIES

Summary of Comments: A number of Commenters expressed concern regarding a disturbance or loss of habitat for specific biological species (tri-colored blackbird, Swainson’s hawk, and greater sandhill crane), and migratory birds in general, due to implementation of project alternatives at the Twin Cities site (Alternatives A, B, and C), as well as general disturbance to those species from increased noise, light, and traffic resulting from the proposed casino.

Response: As discussed in Section 4.5 of the Draft EIS, no U.S. Fish and Wildlife Service (USFWS) designated critical habitat occurs within the Twin Cities site and no federally listed species were observed on-site. The biological setting for the Draft EIS was determined by using industry standard methodology, inclusive of conducting four field surveys, agency consultation (with USFWS), and a review of known federal and State literature and data: USFWS list of federally listed species; a California Native Plant Society query; a California Natural Diversity Database (CNDDDB) query; a review of the CNDDDB map of State and federally listed species known to occur within five miles of the site; and a USFWS National Wetlands Inventory map review (refer to Section 3.5.2 of the Draft EIS and Appendix L, Section 4.0). Both federal and State-listed special-status species were included in Draft EIS analysis to determine “which of these special-status species have the potential to occur within the Twin Cities site” (Section 3.5.2). Indirect effects to biological species resulting from construction of traffic improvement measures that are recommended in Section 5.8 were assessed in Section 4.14.1 of the Draft EIS and, though it was determined that little or no habitat existed in these improvement areas, measures were recommended for

all alternative sites to mitigate potential impacts to a less-than-significant level (measures in **Sections 5.5.2, 5.5, and 5.8**). Likewise, indirect effects to biological species resulting from off-site utility/infrastructure improvements were assessed in **Section 4.14.2** of the Draft EIS, wherein it was similarly determined that little or no habitat existed in these improvement areas and measures were recommended to mitigate potential impacts to a less-than-significant level (measures in **Section 5.5**).

Only marginally suitable foraging and/or nesting habitat exists on the Twin Cities site for migratory bird species in general and specifically for State-listed species Swainson's hawk, greater sandhill crane, and tri-colored blackbird in wetland areas: Drainage 1, Drainage 3, and the 1.79-acre southern wetland (see Draft EIS, **Figure 3.5-1**). This habitat is considered marginally suitable because it is on agricultural land located between a busy highway and railroad tracks. Better habitat exists within the region immediately west of the Twin Cities project site, as shown in **Figure 1-2** of the Draft EIS. Under Alternatives A, B, and C, this marginally suitable potential habitat would be largely avoided by project design, so there would be minimal loss of habitat on-site. Additionally, mitigation measures have been specified to avoid disturbance of these and other bird species during project construction and operation, such as conducting pre-construction surveys and maintaining buffer zones around nesting birds (Draft EIS, **Section 5.5.1, Mitigation Measures T and U**). Mitigation is also presented to alleviate potential impacts to bird species from lighting, including the installation of lighting designed to minimize the effects of lighting and glare on birds and other wildlife (Draft EIS, **Section 5.5.1, Mitigation Measure V**). Regional wildlife preserve areas, the Cosumnes River Preserve and Stone Lakes National Wildlife Refuge, are located more than 6.5 miles and 9 miles, respectively, from the Twin Cities site—significant distances that would ensure no conflicts between the habitat/species present at both preserve areas and construction/operation of Alternatives A, B, and C. Additionally, the development footprint for Alternatives A, B, and C would encompass approximately 27 percent of the site or less, with the remaining 73 percent continuing in agricultural use thereby further minimizing potential impacts to species that may utilize the site.

Section 2.9 of the Draft EIS discusses alternatives that were eliminated from consideration. Of the six eliminated alternatives, two were removed due to the presence of several special-status species and habitat and other biological constraints (the Seven Mile site, **Section 2.9.1**, and the Mingo site, **Section 2.9.3**), including their closer proximity to the Cosumnes River Preserve. As evidenced by the elimination of potential project sites with more sensitive biological habitats, and the analysis present in **EIS Sections 3.5 and 4.5**, impacts to sensitive biological resources have either been avoided or mitigated.

Moreover, under the 2016 MOU between the Tribe and Sacramento County that will apply if the Tribe builds Alternative A at the Twin Cities site, the Tribe will make a one-time \$3.5 million payment to the County for habitat conservation and agricultural land conservation. This payment will be used by Sacramento County to purchase additional habitat that will more than offset possible impacts of Alternative A on Swainson's hawk and other state-listed species, as well as on County agricultural land.

GENERAL RESPONSE 5 – PROPERTY VALUES

Summary of Comments: A number of Commenters expressed concern regarding a potential decrease in property values of homes surrounding the project site in both Galt and Elk Grove.

Response: Section 4.7 of the Draft EIS addresses the impact that casino development has on surrounding property values. A 2013 meta-analysis of eight independent studies (NAR, 2013) concluded that casino development has a negative effect on surrounding property values. However, that overall conclusion conflicts with data present in five out of the eight studies included in the meta-analysis, the most comparable to the project being a 2005 nationwide study on property values in proximity to Indian casinos that indicated a slight positive effect. Of the three studies that indicate a negative effect on property values in proximity to casinos, one involves a bedroom community of Las Vegas, arguably a unique region, and one was situated in Canada, a country with a different housing market than the United States. The 2013 NAR meta-analysis appears to lack objectivity in that it contains subjective assumptions regarding the studies that cite a positive effect on property values resulting from casino operation (e.g., *“the level of negative ambience around a casino...would seem to imply a negative price impact of a casino on nearby properties”*) while presenting only support for the three studies stating negative effects; in one case obfuscating property value increases that occurred after initial decreases. This apparent lack of objectivity brings its overall findings further into question. And, as stated in the Draft EIS, the NAR meta-analysis was intended for applicability to a very specific region (Springfield, Massachusetts).

Original research on property values (Draft EIS, **Table 4.7-10**) shows that counties in California with significant gaming venues (e.g., Contra Costa and Placer) experienced an increase in property value comparable to those from counties with no significant gaming venue (e.g., San Joaquin and Sacramento) from 1999 through 2004 as well as comparable decrease in value from 2004 through 2014, likely largely attributable to the national recession. This data, while not specific to neighborhoods immediately surrounding casinos, trends toward regional casinos having no significant impact on property values, which will increase or decrease based on other market influences. Compounded with the results of data from previous studies that find a positive effect, the EIS concludes that the development of a casino would have no significant effect (or a slight positive effect) on regional property values. Therefore, concerns regarding a decrease in property values, while understandable given the nature of the real estate market in recent years combined with a somewhat negative perception of tribal casinos by some people, are unfounded. To be conservative, the Draft EIS concluded that the proposed casino would have a less-than-significant or neutral impact on surrounding property values at all alternative sites, except at the Historic Rancheria, where there may be a neutral to slightly negative effect.

GENERAL RESPONSE 6 – CRIME/LAW ENFORCEMENT

Summary of Comments: A number of Commenters expressed concern regarding a potential increase in local crime resulting from operation of the Proposed Project, as well as a potential impact to local law enforcement in Galt under Alternatives A, B, and C.

Response: As discussed in **Section 4.7** of the Draft EIS, while no definitive studies exists that correlate casinos to increased crime, several studies indicate that there is no discernible causal relationship between casino operation and an increase in local or regional crime. In fact, some studies show an eventual decrease in demands on police departments in regions containing casinos. Therefore, concerns regarding an increase in crime stemming from the operation of the proposed casino, while understandable given the increase in visitation caused by casinos and the somewhat negative perception of tribal casinos by some people, are unfounded. However, development of any public gathering space increases the potential for crime and associate law enforcement responses just by inviting a gathering of people. As discussed in **Section 4.10** of the Final EIS, there will be an adequate tribal security force included as part of the development alternatives and the payments required by the 2016 MOU between the Tribe and Sacramento County to address potential crime impacts and an expansion of police services. With the incorporation of specified mitigation (**Section 5.10.3, Mitigation Measures N, O, and P**), there would be an overall less-than-significant impact to local law enforcement. These mitigation measures would ensure local law enforcement has all necessary personnel, equipment, and supplies to supplement their existing resources due to implementation of any of the development alternatives. The specified mitigation measures would require the Tribe to enter into reimbursement agreements with City of Galt Police Department, the Sacramento County Sheriff’s Department, and/or the City of Elk Grove Police Department (as applicable) depending on the actual project site chosen, to compensate the affected agency(ies) for actual impacts.

GENERAL RESPONSE 7 – TRAFFIC

Summary of Comments: A number of Commenters expressed concern regarding an increase in traffic along roadways surrounding the Twin Cities site (Alternatives A and B) as well as the Mall site in Elk Grove (Alternative F), including specific comments on traffic congestion on Highway 99.

Response: Because the development alternatives would result in the introduction of new vehicle trips to the project site roadway transportation networks of the two project sites, and traffic was a known concern based on scoping and initial assessments of the project sites, a Traffic Impact Analysis (TIA) was prepared for the project alternatives and was provided as **Appendix O** of the Draft EIS. The TIA “*was prepared based on discussions with, and criteria set forth by, the City of Galt, the City of Elk Grove, County of Sacramento and the California Department of Transportation (Caltrans)*” (**Section 3.8.2** of the Draft EIS). As explained in **Section 3.8.2** of the Draft EIS, traffic congestion is generally measured in terms of level of service (LOS), with an LOS A rating representing free flowing traffic and an LOS F rating representing over-capacity conditions (i.e., longer wait times for drivers). Within the Cities of Galt and Elk Grove and the County of Sacramento, LOS D is the acceptable LOS for streets and intersections, except for LOS E on Galt roadways and intersections within a quarter-mile of State Routes and LOS E on urban roadways in the County. For highways, the Caltrans considers LOS D and E to be acceptable along portions of State Route (SR) 104 and Highway 99 studied for the Draft EIS (Draft EIS, **Section 4.8.1**). Currently, the majority of intersections and roadway segments studied under all project alternatives operate at LOS D or better with the exception of the intersection at Grant Line Road and Sheldon Road

and five segments along Grant Line Road, all located within Elk Grove or Sacramento County (Draft EIS, **Section 4.8.1**).

Alternative A would generate additional vehicle trips in the area surrounding the project site. The number of trips were determined by assigning trip generation rates to the various planned uses of the property using professional standards including published trip generation rates by the Institute of Traffic Engineers (ITE). The generated trips were then “assigned” to the roadway network based on a trip distribution that assigned trips to the major roadway networks based on regional population centers. Accordingly the Traffic Impact Analysis (**Appendix O**) assumed that most of the project-generated trips are anticipated to use Highway 99 from Elk Grove and Sacramento to the north, and Lodi and Stockton to the south. These additional trips would result in exceedances of the LOS criteria at various intersections and along certain roadway segments. New exceedances would occur at three intersections during some PM and/or Saturday peak hours (West Stockton Boulevard/Twin Cities Road, East Stockton Boulevard/Twin Cities Road, Grant Line Road/East Stockton Boulevard), one roadway segment (Twin Cities Road [SR 104]: Fermoy Way to Marengo Road), one Highway 99 segment (Between Mingo Road and Arno Road), and four Highway 99 ramps during some peak hours (West Stockton Boulevard/Highway 99 southbound off-Ramp at Twin Cities Road, West Stockton Boulevard/Highway 99 southbound off-ramp and on-ramp at Mingo Road, East Stockton Boulevard/ Highway 99 northbound on-ramp at Mingo Road) (Draft EIS, **Section 4.8.2**). For the Final EIS, seven additional roadway segments were analyzed to provide supplemental cumulative (2035) traffic projections, all segments operated at LOS A or B under project conditions with construction of the Mingo Road interchange, which is **Mitigation Measure G** in **Section 5.8.2** of the Draft EIS (see **Appendix O** supplement in the Final EIS).

Alternative F would generate additional vehicle trips in the area surrounding the Mall site in Elk Grove. These additional trips would result in the exceedance of the LOS criteria at various intersections and along certain roadway segments. New exceedances would occur at two intersections during PM and/or Saturday peak hours (Promenade Parkway/Bilby Road, Grant Line Road/East Stockton Boulevard), one roadway segment (Twin Cities Road [SR 104]: Fermoy Way to Marengo Road), and three Highway 99 ramps during M and/or Saturday peak hours (West Stockton Boulevard/Highway 99 southbound off-ramp and on-ramp at Mingo Road, East Stockton Boulevard/ Highway 99 northbound on-ramp at Mingo Road) (Draft EIS, **Section 4.8.7**).

Therefore, Alternatives A and F (full build-out scenarios) would create additional vehicle trips in the region, but only a few specific locations would, during some peak hours, violate LOS criteria due to the operation of the proposed casino. It should be noted that congestion on Highway 99 would only reach unacceptable LOS standards in one segment under Alternative A (Draft EIS, **Section 4.8.1**).

Implementation of mitigation measures included in the Draft EIS (Draft EIS, **Section 5.8.2, Mitigation Measures G** through **HH**) would ensure acceptable LOS ratings prevailed at intersections and roadway segments impacted by Alternatives A and F. To further alleviate congestion, **Mitigation Measures II** and **JJ** have been added to **Section 5.8.4** of the Final EIS to promote multiple-rider transportation.

Additionally, three recent MOUs included in Supplemental **Appendix B** (one with Sacramento County applicable to Alternative A, and two applicable to Alternative F with Sacramento County and the City of Elk Grove, individually) include provisions requiring the Tribe to make payments for roadway improvements. These agreements provide an enforcement mechanism for the mitigation included in **Section 5.8**.

GENERAL RESPONSE 8 – QUANTIFICATION OF SOCIOECONOMIC EFFECTS AND MITIGATION

Summary of Comments: A number of Commenters requested that certain socioeconomic effects be further quantified in the EIS and that mitigation to be proposed to offset such effects.

Response: There are various reasons that some socioeconomic effects identified in the EIS are not quantified to a precise level or do not include mitigation. Firstly, some of the potential issues identified in the EIS have a possible effect, but precise quantification of the effect is infeasible. For example, the EIS identifies certain effects for which there are multiple methods available to arrive at a quantifiable estimate. One such circumstance is estimating the costs of increased law enforcement utilization associated with EIS alternatives. There is sometimes no apparent method to reconcile the difference in results produced by different methodologies. In these cases, the most appropriate methodology and result have been presented in the EIS, and where uncertainty exists, a range of results is presented in the EIS. Secondly, in some cases effects do exist but can be reasonably concluded to be less than significant without performing a quantitative estimate.

Lastly, in some cases, Commenters may identify issues that are relevant to them and their constituents but which are not considered environmental impacts under NEPA. This EIS may include such analysis because they are requested by commenters or for the general information of the reader, even though this analysis is not required by NEPA. There have been a number of legal actions that have clarified what constitutes an impact under NEPA. One such decision determined that competition is not considered an impact under NEPA (*Citizens for a Better Way, et al. v. United States Department of the Interior* [E.D. Cal., 2015]). Another such decision is the *Metropolitan Edison Co. v. People Against Nuclear Energy (PANE)* case (U.S. Supreme Court, 1983). In its decision, the U.S. Supreme Court held that unless an effect to the nonphysical environment is closely tied to changes in the physical environment, such effects are not addressed in NEPA. The Court stated:

“To paraphrase the statutory language in light of the facts of this case, where an agency action significantly affects the quality of the human environment, the agency must evaluate the "environmental impact" and any unavoidable adverse environmental effects of its proposal. The theme of 102 is sounded by the adjective "environmental": NEPA does not require the agency to assess every impact or effect of its proposed action, but only the impact or effect on the environment. If we were to seize the word "environmental" out of its context and give it the broadest possible definition, the words "adverse environmental effects" might embrace virtually any consequence of a governmental action that someone

thought "adverse." But we think the context of the statute shows that Congress was talking about the physical environment - the world around us, so to speak."

The Court also cited an example of a socioeconomic effect that would not be addressed by NEPA:

"For example, if the Department of Health and Human Services were to implement extremely stringent requirements for hospitals and nursing homes receiving federal funds, many perfectly adequate hospitals and homes might be forced out of existence. The remaining facilities might be so limited or so expensive that many ill people would be unable to afford medical care and would suffer severe health damage. Nonetheless, NEPA would not require the Department to prepare an EIS evaluating that health damage because it would not be proximately related to a change in the physical environment."

The Court also provided guidance to distinguish between those types of effects that are covered under NEPA and types that are not covered:

"Our understanding of the congressional concerns that led to the enactment of NEPA suggests that the terms "environmental effect" and "environmental impact" in 102 be read to include a requirement of a reasonably close causal relationship between a change in the physical environment and the effect at issue. This requirement is like the familiar doctrine of proximate cause from tort law."

The implication of the PANE decision is that only those effects linked to a primary impact to the physical environment are addressed by NEPA. Consequently, the PANE decision suggests that only direct socioeconomic effects are addressed by NEPA.

It is acknowledged that decision makers, including local governments, may seek to obtain as much information as possible to assist them in their decision making process. Wherever feasible, and to the extent that data was obtainable, this EIS seeks to quantify issues that are relevant to stakeholders, even when these analyses are not required under NEPA. However, to the extent that socioeconomic effects are not reasonably estimable, are less than significant, or are not required to be analyzed by NEPA, quantitative estimates related thereto are beyond the scope of this EIS.

3.2 RESPONSES TO WRITTEN COMMENTS FROM GOVERNMENT AGENCIES

COMMENT LETTER A1: WILTON RANCHERIA, DEPARTMENT OF EDUCATION

Response to Comment A1-01

The Commenter indicates support for the Proposed Project and suggests that it will allow the Tribe to better financially support itself and contribute to the community. As stated in **Section 1.3** of the Draft EIS, the "*purpose of the Proposed Action is to promote the economic development, self-sufficiency, and government programs for the Tribe and its members. This purpose, which is consistent with the BIA's*

Self-Determination policy, the IGRA, and the Tribe’s application, would allow the Tribe to meet its significant unmet needs.” Specifically, the Proposed Action would “[i]ncrease funding for housing, health care, senior services, social services, educational support and cultural preservation. These services will significantly improve the quality of life of tribal members by strengthening families, reducing poverty and providing housing assistance in a state with significantly higher housing costs than the national average.”

As well, per the Draft EIS (**Section 1.3**), the Proposed Action would improve “local communities through tribal payments to local governments to offset increased use of public and social services, and to fund environmental mitigation” and improve “employment and economic development opportunities for employees and businesses in local communities.” **Section 4.7** of the Draft EIS shows the economic benefits to local communities from implementation of the development alternatives, such as “substantial temporary and ongoing employment opportunities.”

COMMENT LETTER A2: WILTON RANCHERIA, HOUSING DEPARTMENT

Response to Comment A2-01

The Commenter suggests the Proposed Project will allow the Tribe to better house its members. Refer to Response to Comment A1-01.

COMMENT LETTER A3: SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Response to Comment A3-01

The Commenter states that stationary source emission should be included in the air quality analysis. Based on the comments received, Sacramento Metropolitan Air Quality Management District (SMAQMD) was consulted to address comments on the methodology utilized to assess air quality impacts within the Draft EIS. Accordingly, based on that consultation, minor stationary source (boilers and emergency generators) operational criteria air pollutant emissions have been added to operation emissions tables presented in **Sections 4.4** and **4.15** of the Final EIS and in the Conformity Determination (**Appendix T**). **Appendix S** has been updated to include the results, which were calculated using California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) emission factors, where appropriate. The addition of the stationary source emissions does not result in the identification of new significant adverse impacts nor do the results significantly increase an impact identified in the Draft EIS.

Response to Comment A3-02

The Commenter notes that it may not be technically feasible to require diesel particulate filters on every engine at a project site. The Commenter is correct that it may not be feasible to readily affix all engines on a project site, such as those in personal vehicles, with particulate filters. Furthermore, not every

engine on a project site would require such filtration in order to mitigate construction emissions. The intent of the mitigation measure was to ensure the larger engines that will be the major emitters, such as bulldozers and cranes, are fitted with particulate filters to reduce emissions during construction. Accordingly, the mitigation measure in **Section 5.4.1** has been revised in the Final EIS to reflect this intent. Mitigation in **Section 5.4.1** requires all engines with a horsepower rating of greater than 50 be equipped with at least CARB rated Tier 3 engine, and if practical and available, Tier 4 engines. Further, the corresponding Tier 3 engines shall also be required to be fitted with a diesel particulate filter. Because Tier 4 engines includes particulate filtration, no additional mitigation is required for Tier 4 engines to reduce emissions levels from construction activities. Revisions to the mitigation measure in **Section 5.4.1** of the Final EIS do not alter the conclusions of the Draft EIS and, accordingly, the emissions from construction activities for all alternatives after the implementation of mitigation would still remain below General Conformity *de minimis* thresholds. No further mitigation is required.

Response to Comment A3-03

The Commenter states that the Draft EIS does not demonstrate that proposed air quality mitigation would reduce emissions to the SMAQMD air quality thresholds. The Commenter also offers assistance regarding construction mitigation. In accordance with BIA's NEPA Guidebook, compliance with statutes, regulations, and executive orders that apply to any of the development alternatives should be addressed in the EIS. The SMAQMD construction threshold of significance for nitrogen oxide (NO_x) emissions does not apply as any of the development alternatives would result in the selected project site being outside of local and state jurisdiction, including SMAQMD jurisdiction. However, as stated in **Section 4.4.2** of the Draft EIS, "*construction emissions of NO_x are significantly below the applicable [federal] levels.*" The SMAQMD construction threshold of significance was provided in the EIS at the request of SMAQMD based on a comment received during Scoping and is only for reference purposes only. The Final EIS clarifies this distinction in **Section 4.4.1**. Furthermore, as discussed in **Section 4.4.1**, the purpose of the General Conformity Rule is to determine if a Federal action will conform to an applicable, federally-approved State Implementation Plan (SIP) and to ensure that federal actions do not prevent efforts of local jurisdictions to meet National Ambient Air Quality Standards (NAAQS) through implementation of SIPs in accordance with the Clean Air Act. Accordingly, completion of the General Conformity Review process and General Conformity Determination (refer to **Appendix T** of the Final EIS) ensures that the Preferred Alternative (Alternative F) does not prevent or inhibit SMAQMD implementing SIP provisions such as the implementation of its significance thresholds on other local projects that are under SMAQMD jurisdiction.

Response to Comment A3-04

The Commenter states that some operational emission elements are missing from air quality modeling. The Draft EIS air quality analysis in fact omitted minor emissions from energy, water, and wastewater resulting from proposed casino operation. Energy source emissions were included in the Draft EIS (Table 4.4-4); however, the table has been updated in the Final EIS based on new modeling results. In

accordance with the meeting held with SMAQMD (refer to Response to Comment A3-01), air quality analysis in the Final EIS, **Section 4.4**, has been updated to include operational stationary source emissions (such as on-site boilers and generators), as well as waste and water source emissions (which were negligible and rounded to zero), from the casino for Alternatives A, B, D, E, and F and updated CalEEMod modeling output files have been included in **Appendix S** of the Final EIS. The updates were provided to account for limitations of the CalEEMod, especially its initial overcalculations of ROG/VOC emissions as identified by SMAQMD. The addition of the stationary source modelling results do not result in the identification of new significant adverse impacts nor do the results significantly increase an impact identified in the Draft EIS.

Response to Comment A3-05

The Commenter would like a commitment from the BIA to implement air quality mitigation measures and estimate reductions in emissions after implementation. Refer to the Response to Comment A16-152 regarding implementation and enforceability of mitigation measures. As requested, emission reduction estimates have been included in **Section 5.4.2** of the Final EIS, where methodologies to determine such reductions are available. Accordingly, quantification of these emission reductions resulted in a reduction in credits required to reduce emissions impacts to below the *de minimis* threshold for NO_x.

Response to Comment A3-06

The Commenter encourages the BIA to incorporate multiple modes of transit into the Proposed Project. As shown in **Section 4.4** of the Draft EIS, the proposed alternatives would not adversely impact pedestrian, bicycle, or transit facilities or plans. As discussed in **Section 5.4.2** of the Draft EIS, the selected alternative would incorporate preferential parking for vanpools and carpools, which would promote sustainable modes of transportation and reduce criteria pollutant emissions. The Tribe has expressed interest in implementing other sustainable methods of transportation (such as employee shuttle service, providing bicycle parking, etc.) and working with local transportation agencies to provide transit service and reduce the amount of vehicle trips. The Tribe has indicated a desire to implement programs that will have a high rate of use and success, which require an understanding of where employees live along with where the patrons are originating from; therefore, specific details of these programs are not available at this time. However, **Mitigation Measures II** and **JJ** have been added to **Section 5.8.4** of the Final EIS to ensure the promotion of multiple-rider transportation that would further reduce traffic congestion and related air quality impacts.

Response to Comment A3-07

The Commenter suggests the Draft Conformity Determination requires revisions. The Draft Conformity Determination has been revised to reflect the selection of Alternative F as the Preferred Alternative (refer to General Response 2 – Alternative F as Preferred Alternative) as well as (1) updated air emission modeling data; and (2) a change in emission reduction credits (ERCs) purchasing. Accordingly, the

Updated Draft Conformity Determination will be recirculated for comment (See **Appendix T – Updated Draft Conformity Determination**).

When the CalEEMod air emission model was run using site-specific and default input values in a manner noted by SMAQMD, ROG emissions were reduced by approximately 57 tons per year (79 percent reduction). This more recent model run corrected for an error in the previous model run. The revised CalEEMod output is provided in **Appendix S** of the Final EIS and corresponding changes have been made in **Sections 4.4** and **4.15** of the Final EIS. Appropriate changes have also been made to the Draft Conformity Determination mitigation requirements outlined in Section 93.160 of the Clean Air Act, as referenced by SMAQMD.

Although there are particulate matter (PM10) and carbon monoxide (CO) federal maintenance areas in Sacramento County, the Twin Cities site is not within the maintenance areas. However, some project-related vehicle emissions may occur with the maintenance areas. These emissions were anticipated, with great level of confidence based on experience with modelling CAP (cap-and-trade) emissions, to be below *de minimis* levels. An analysis of PM10 and CO is included in Section 4.0 of the revised Draft Conformity Determination. As anticipated, the results of the CO and PM10 analysis indicated that project-related emissions in the maintenance areas would not exceed *de minimis* thresholds; therefore, no Conformity Determination is required for CO or PM10.

The Draft Conformity Determination identifies the purchase of ERCs as the method to mitigate project emissions to zero. Recognizing that an adequate amount of NO_x ERCs may not be available in the Sacramento Nonattainment Area, which includes the SMAQMD, El Dorado Air Quality Management District (EDAQMD), Feather River Air Quality Management District (FRAQMD), Yolo-Solano Air Quality Management District (YSAQMD), and Placer County Air Pollution Control District (PCAPCD) (refer to **Section 3.4.2** of the Final EIS for more detail), the Tribe is working on securing an agreement to either purchase ERCs (1) in the Sacramento Nonattainment Area; (2) in the San Joaquin Valley Air Basin (SJVAB); and/or (3) in another adjacent district with an equal or higher nonattainment classification (severe or extreme) meeting the requirements outlined in 40 CFR 93.158(a)(2), with credits available within 50 miles of the project site given priority. ERCs purchased from the SJVAB meet the requirements to show conformity outlined in 40 CFR 93.158(a)(2), in that the San Joaquin Valley Air Basin contributes and has contributed to the past to violations of the Broader Sacramento Area (which includes the Proposed Project site) for ozone levels. The California Clean Air Act of 1988 required the ARB to assess the relative contributions of upwind emissions to downwind State ozone standard exceedances. The initial Transport Assessment was approved by ARB in 1990. The first triennial updates to the 1990 ozone transport report were approved by the ARB in August 1993, November 1996, and April 2001. The ARB determined that “(t)he analyses done over the last decade have given us a good understanding of pollutant transport statewide – including the fundamental transport relationships between air basins” (ARB, 2001). According to the April 2001 update, the San Joaquin Valley is classified as having various levels of impact to the greater Sacramento air basin (which includes the

project site) ranging from significant to inconsequential depending on the day of the year. Accordingly, the results of these assessments indicates that the San Joaquin valley contributes to the violations within the Broader Sacramento Area. The updated Draft Conformity Determination (**Appendix T** of the Final EIS) and EIS **Mitigation Measure 5.4.2(C)(9)** have been revised to reflect this information. A resolution from the Tribe to purchase ERCs will be submitted to the BIA and included as part of the Final Conformity Determination, which will be released prior to the ROD.

Response to Comment A3-08

The Commenter summarizes their previous comments. Refer to Responses to Comments A3-01 through A3-07.

COMMENT LETTER A4: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Response to Comment A4-01

The Commenter expresses concern over declining agricultural land and Swainson's hawk foraging habitat. Refer to General Response 4 – Habitat and Species.

Response to Comment A4-02

The Commenter expresses concern over loss of Swainson's hawk foraging habitat due to development of Alternative A. Refer to General Response 4 – Habitat and Species.

Response to Comment A4-03

The Commenter gives historical information on tricolored blackbirds. Refer to General Response 4 – Habitat and Species.

Response to Comment A4-04

The Commenter notes that some alternative sites contain tricolored blackbird habitat. Refer to General Response 4 – Habitat and Species.

Response to Comment A4-05

The Commenter notes that the tricolored blackbird is a candidate for State protection. Refer to General Response 4 – Habitat and Species. Additionally, it should be noted that once land is taken into trust by the BIA for use by an Indian tribe, the state no longer has jurisdiction concerning special status species and the provisions of the California Endangered Species Act (CESA) are no longer applicable. Jurisdiction concerning endangered species transfers to the USFWS along with the applicable provisions of the federal Endangered Species Act. Therefore, the Tribe would not be required to obtain an Incidental Take permit under CESA from the California Department of Fish and Wildlife (CDFW) for species

protected solely under state law to implement the selected alternative. However, in addition to mitigation measure present in the EIS to protect bird species, the Tribe has stated its commitment to the protection and preservation of the environment and natural resources as well as a desire to conduct “*government to government consultation*” regarding natural resources (Comment Letter A6).

Response to Comment A4-06

Refer to Response to Comment A4-05.

Response to Comment A4-07

Refer to Response to Comment A4-05.

Response to Comment A4-08

The Commenter states that specific compensatory mitigation for loss of foraging habitat for the Swainson’s hawk and tricolored blackbird is not proposed in the Draft EIS; however, mitigation for other impacts to biological resources (Draft EIS, **Section 5.5.1, Mitigation Measures T, U, and V**) will serve to benefit Swainson’s hawk and tricolored blackbirds. Refer to General Response 4 – Habitat and Species.

Response to Comment A4-09

The Commenter requests written notification of actions and decisions regarding the Proposed Project. As requested, the Commenter has been added to the list of those receiving written notification of decisions relating to the project.

COMMENT LETTER A5: CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response to Comment A5-01

The Commenter states that some improvements may occur in the State’s right-of-way and may require encroachment permits. As listed in **Table 1-1, Section 1.8** of the Draft EIS, California Department of Transportation (Caltrans) encroachment permits “*for the construction of interchange/intersection/roadway and utility improvements*” resulting from implementation of the development alternatives would be obtained as required.

Response to Comment A5-02

The Commenter requests the planned construction of the State Route 104/Highway 99 interchange be considered in EIS analysis. Extensive coordination has occurred with all of the project alternatives’ area roadway jurisdictions, one of which is Caltrans. Through multiple discussions and face-to-face meetings, both the existing and envisioned geometrics along this segment of SR-99 have been thoroughly

considered. While the current Twin Cities Road interchange is described by both the City of Galt and Caltrans as an “interim” improvement, the City of Galt has indicated that it has not been, nor does it anticipate, collecting funds for the construction of an ultimate interchange which would be built just north of the existing interchange. As such, while this is appropriate project background information, no additional analyses or documentation is required at this time.

Response to Comment A5-03

The Commenter states that transportation improvements and related activities must be coordinated with applicable agencies. Intersection and roadway improvements constructed as mitigation for the development alternatives (**Section 5.8** of the Draft EIS) would occur off-site and therefore would require applicable jurisdictions (Cities of Galt or Elk Grove, County of Sacramento, or the Caltrans) to act as lead agency and procure necessary approvals and permits, ensure coordination with stakeholders, and be consistent with regulations. As stated in **Section 5.8** of the Draft EIS, the Tribe shall pay either full share or fair share “*of the cost of implementing recommended mitigation measures*” depending on whether LOS becomes unacceptable due fully to increased trips resulting from the implementation of a development alternative or due partially to project trips. The Tribe would coordinate closely with Caltrans and other lead agencies for all transportation improvements.

Response to Comment A5-04

Refer to Response to Comment A5-03.

Response to Comment A5-05

Refer to Response to Comment A5-03.

Response to Comment A5-06

Refer to Response to Comment A5-03.

Response to Comment A5-07

Refer to Response to Comment A5-03.

Response to Comment A5-08

The Commenter requests written notification of actions and decisions regarding the Proposed Project. As requested, the Commenter has been added to the list of those receiving written notification of decisions relating to the project.

COMMENT LETTER A6: WILTON RANCHERIA ENVIRONMENTAL RESOURCES DEPARTMENT

Response to Comment A6-01

The Commenter indicates support for the Proposed Project and suggests that the Draft EIS is adequate. As stated in in **Section 1.4** of the Draft EIS, the EIS was completed in accordance with “*the requirements set forth in NEPA (42 U.S.C. §4321 et seq.); the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR. §§ 1500-1508); the BIA’s NEPA handbook (59 IAM 3); the NEPA procedures of the U.S. Department of the Interior (516 DM Ch. 1-7 and 10); and the NEPA Procedures of the National Indian Gaming Commission (NIGC)*” to ensure “*significant prospective environmental impacts*” have been identified, discussed, and mitigated.

Response to Comment A6-02

The Commenter indicates a need for the Proposed Project to properly fund the Tribe’s Environmental Resources Department. Refer to Response to Comment A1-01. Also as stated in in **Section 1.3** of the Draft EIS, the Proposed Action would “[*d*]ecrease the Tribe’s and tribal members’ dependence on federal and state grants and assistance programs” and “[*p*]rovide capital for other tribal economic development and investment opportunities,” which would in turn allow the Tribe to better staff and fund its Environmental Resources Department thus allowing for increased protection and preservation of natural resources, as desired by the Tribe.

COMMENT LETTER A7: COUNTY OF SACRAMENTO

Response to Comment A7-01

The Commenter requests a 10-day comment period extension. A ten-day comment period extension, ending on March 10, 2016, was granted to the County of Sacramento for its review of the Draft EIS.

COMMENT LETTER A8: CITY OF ELK GROVE

Response to Comment A8-01

The Commenter states its intent to comment primarily on Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment A8-02

The Commenter requests specific timing details regarding what should be addressed in an agreement between the Tribe and the City of Elk Grove relating to mitigation for extra City police services that will be needed for Alternative F. Refer to General Response 6 – Crime/Law Enforcement and Supplemental Appendix B to the Final EIS, which contains the 2016 MOU between the Tribe and the City of Elk Grove, which provides for payments from the Tribe to the City to ensure proper support exists for public services, including law enforcement (Final EIS, **Section 5.7, Mitigation Measure B**).

Response to Comment A8-03

The Commenter states that if the Tribe desires to implement Alternative F at the Elk Grove Mall site additional analysis would be necessary to estimate fiscal impacts to the City of Elk Grove of both Alternative F and Alternative G. The Commenter points out that the Elk Grove Mall site is zoned for commercial development. The Commenter requests that the amount of appropriate mitigation be agreed upon soon. As described in Final EIS **Section 2.8**, in the absence of the development alternatives analyzed herein, the Elk Grove Mall site would likely be developed into retail/commercial space. Impacts under the Alternative G (No Action) are analyzed in **Section 4.7.6** and Supplemental **Appendix H** provided in the Final EIS. These effects and corresponding mitigation measures were documented in the Lent Ranch Marketplace Environmental Impact Report (City of Elk Grove, 2001) and were updated in a City Council Staff Report presented to the Elk Grove City Council on October 8, 2014 (City of Elk Grove, 2014). Supplemental **Appendix H** includes additional information to assist the Commenter and the Tribe in determining the precise terms of mitigation. Also refer to Response to Comment A8-02 regarding the need for appropriate mitigation.

Response to Comment A8-04

The Commenter states that the EIS's conclusion that Alternative F would not have an impact on parks and libraries is inconsistent with the estimated 2,914 operational jobs that would occur as a result its implementation. An economic study prepared for the Draft EIS (**Appendix H**) determined that approximately 75 percent of operational jobs under Alternative A would accrue from Sacramento County residents and 25 percent to San Joaquin County residents. The reason that a significant percentage of employees are assumed to reside in San Joaquin County is because the Twin Cities site is located approximately 4 miles north of the Sacramento/San Joaquin County line. These percentages were estimated based on drive times to the Twin Cities site and regional unemployment rates. These percentages do not apply to Alternatives F and G. Although **Appendix H** identifies the economic study area as Sacramento and San Joaquin Counties, it is assumed that approximately 100 percent of economic activity and local fiscal effects under Alternatives F and G would occur in Sacramento County due to the more centralized location of the Elk Grove Mall site within the County.

As stated in **Appendix H** and in Draft EIS **Section 4.7.1**, it is assumed that because most potential employees are persons who currently reside in the Counties, plus the creation of additional housing stock prior to the commencement of operations, there would be sufficient housing. Therefore, no new housing would be required to accommodate Alternative F employees, and, accordingly, as stated in **Section 4.7.6** of the EIS, "*it is expected that these effects [to area libraries and parks] would be negligible.*" Likewise, as stated in **Section 4.7.6**, "*it is not anticipated that patrons would frequent local libraries or parks.*" See General Response 8 – Quantification of Socioeconomic Effects and Mitigation regarding the appropriateness of quantitative estimates, impacts that are less than significant, and appropriate levels of mitigation under such circumstances.

Response to Comment A8-05

The Commenter requests discussion of City of Elk Grove building codes in the EIS. Should any of the development alternatives be approved and the land taken into trust by the BIA for use by the Tribe, local and state government regulations, codes, and ordinances would generally not apply. However, discussions of Elk Grove City codes, ordinances, and criteria are included in the Draft EIS in **Sections 3.8.2** (transportation), **3.9.3/4.9.6** (land use), **3.11.2** (noise), and **3.13.4/4.13.6** (aesthetics). Some updates have been made in the Final EIS in accordance with City of Elk Grove requests, including the addition of a new City of Elk Grove General Plan land use policy (**Table 4.9-4**). Should Alternative F be implemented, the Tribe would enter into a cooperative agreement with the City of Elk Grove to ensure the City's satisfaction with project construction and operation.

Response to Comment A8-06

The Commenter notes an error in an EIS figure. **Figure 1-5** has been revised to reflect the correct Accessor's Parcel Number (APN). Thank you for the correction.

Response to Comment A8-07

The Commenter requests a correction of groundwater level and supply information in the EIS. **Section 3.3.3** has been clarified to state that SCWA is the water provider and information on groundwater level and supply has been revised to properly reflect that groundwater elevation is measured as "below mean sea level" instead of "below ground level." Thank you for the correction. This clarification does not impact the conclusions of the analysis.

Response to Comment A8-08

The Commenter requests a discussion of approved residential development project Sterling Meadows be included in the EIS as a sensitive receptor for Alternative F. **Section 3.4.2** has been revised to include a discussion of future sensitive receptors at the approved Sterling Meadows and Hampton Oaks residential developments. The Sterling Meadows and Hampton Oaks developments would be located greater than 1,000 feet from the project site, which is above the CARB screening distance set forth in the CARB Air Quality and Land Use Handbook (CARB, 2005). Therefore, the inclusion of this information in **Section 3.4.2** of the Final EIS does not require a change in the analysis and does not change the air quality impacts shown in **Section 4.4** of the Final EIS.

Response to Comment A8-09

The Commenter requests a correction and updated information be included in the EIS. **Section 3.6.2** has been revised to accurately reflect the approximate locations of nearby existing and approved residential developments. Inclusion of this information does not impact the conclusions of the analysis.

Response to Comment A8-10

The Commenter requests a correction of information in the EIS. **Section 3.9.3** has been revised to incorporate the majority of City of Elk Grove’s suggested clarifications. Thank you for the corrections. These clarifications do not impact the conclusions of the analysis.

Response to Comment A8-11

The Commenter requests a correction of information in the EIS. **Section 3.9.3** has been revised to incorporate this information. This clarification does not impact the conclusions of the analysis.

Response to Comment A8-12

The Commenter requests a correction of information in the EIS. **Section 3.9.3** has been revised to incorporate this suggested clarification. This clarification does not impact the conclusions of the analysis.

Response to Comment A8-13

The Commenter requests a correction of information in the EIS. **Figure 3.9-3** has been revised to reflect this suggested clarification. This clarification does not impact the conclusions of the analysis.

Response to Comment A8-14

The Commenter requests updated information be included in the EIS. **Section 3.10.2** has been revised to include mention of the planned fire station in the approved Sterling Meadows residential development. Thank you for the updated information. Inclusion of this information does not impact the conclusions of the analysis.

Response to Comment A8-15

The Commenter requests additional information be included in the EIS. **Section 3.10.2** has been revised to include mention of the trauma center at the Kaiser Permanente South Sacramento Medical Center. Thank you for the updated information. Inclusion of this information does not impact the conclusions of the analysis.

Response to Comment A8-16

The Commenter requests its General Plan Noise Element be referenced in the EIS. Because land taken into trust by the BIA for use by an Indian tribe is no longer under local and state government jurisdiction, Federal Highway Administration (FHWA) criteria is used for noise impact analysis. Some local jurisdictional General Plan noise element and threshold information is included in **Section 3.11** of the Draft EIS for background information only and does not impact the conclusions of the analysis.

Comparable information for the City of Elk Grove has been included in **Section 3.11**. Inclusion of this information does not impact the conclusions of the analysis.

Response to Comment A8-17

The Commenter requests additional information be included in the EIS. **Section 3.13.4** has been revised to include the City of Elk Grove Tree Preservation and Protection code (Chapter 19.12). Inclusion of this information does not impact the conclusions of the analysis.

Response to Comment A8-18

The Commenter requests updated information be included in the EIS. **Section 3.13.4** has been revised to include mention of existing Mall site weeding and security efforts. Inclusion of this information does not impact the conclusions of the analysis.

Response to Comment A8-19

The Commenter requests additional explanation be provided in the EIS regarding the potential aesthetic impact of the Proposed Project, specifically regarding viewsheds and the hotel building. **Section 3.13.4** of the Draft EIS asserts that views “*from vehicles passing on the highway to the west of the site are mostly unobstructed*” (i.e., Viewshed D). A photograph of Viewshed D from within the Mall site boundaries is shown in **Figure 3.13-6b**. This viewshed is discussed in **Section 4.13.6** of the Draft EIS as Viewshed D. A photograph of Viewshed D shown from Highway 99 westbound has been included in the Final EIS as **Figure 3.13-6c**. **Section 4.13.6** has been revised to include an enhanced discussion of potential aesthetic impacts related to Alternative F. Inclusion of this information does not impact the conclusions of the EIS. The City of Elk Grove’s zoning codes allow a variety of building heights for commercial development under certain conditions. Aside from the hotel building, Alternative F would be largely compatible with Lent Ranch Special Planning Area building regulations, and, as stated in **Section 2.7** of the Final EIS and shown in **Figure 2-9**, “[b]uildings would be architecturally compatible with the adjacent retail facility.”

Response to Comment A8-20

The Commenter encourages further analysis of measures to mitigate impacts resulting from Alternatives D and E. Comparable levels of environmental analysis have been conducted for each project alternative, pursuant to CEQ guidelines (40 CFR Section 1502.14). **Section 4.0** of the Draft EIS includes extensive environmental analysis of 12 environmental issue areas for Alternatives D and E, as well as analysis of indirect impacts, growth inducement, and cumulative impacts, as required by NEPA. When impacts were determined to be significant, or sometimes even when impacts were already less-than-significant (such as in **Section 4.10.4** of the Draft EIS regarding solid waste services), mitigation measures were recommended in **Section 5.0** of the Draft EIS. **Section 5.0** of the Final EIS presents approximately 35 pages of mitigation measures designed to eliminate or reduce impacts to the environment from the project alternatives to less-than-significant levels.

Response to Comment A8-21

The Commenter requests a correction of information in the EIS. **Section 4.8.6** has been corrected with the accurate alternative site location name.

Response to Comment A8-22

The Commenter suggests the city-level socioeconomic analysis presented in Draft EIS is only applicable to Alternatives A, B, and C. The Commenter states that the analysis should be supplemented to address Alternatives D, E, and F. The Commenter is correct that the Draft EIS includes city-level effects for Alternatives A, B, and C only. City-level analysis was not performed for Alternatives D and E because the Historic Rancheria site is not located in, or contiguous to, a city. EIS **Sections 4.7.4** and **4.7.5** have been updated to explain this distinction. The Commenter is correct that a more detailed city-level socioeconomic analysis for Alternative F would provide a greater level of detail to facilitate input from local governmental decision makers. Please see Response to Comment A8-03 and **Supplemental Appendix H** for this additional information. As well, **Section 4.7.7** has been updated to include additional detailed information for Alternative G (No Action) for the Elk Grove Mall site. **Supplemental Appendix H** includes more detailed information regarding fiscal effects for the State of California, Sacramento and San Joaquin Counties, the City of Elk Grove, and the City of Galt. The additional information does not impact the conclusions of the EIS analysis.

Response to Comment A8-23

The Commenter requests additional information be included in the EIS. City of Elk Grove General Plan Land Use Policy LU-1 has been added to **Table 4.9-4** in **Section 4.9.6**. Inclusion of this information does not impact the conclusions of the analysis.

Response to Comment A8-24

The Commenter requests additional information be included in the EIS. **Section 4.9.6** has been revised to discuss Alternative F's consistency with the Lent Ranch Special Planning Area (LRSPA) and better describe its consistency with existing retail land uses and the site's Elk Grove General Plan Land Use designation. Inclusion of this information does not impact the conclusions of the analysis.

Response to Comment A8-25

The Commenter suggests additional noise analysis may be required if pile driving is anticipated to occur. Pile driving is not being considered for construction of Alternative F.

Response to Comment A8-26

The Commenter would like the City of Elk Grove's noise thresholds be used for analysis in the EIS. Because land taken into trust by the federal government for use by an Indian tribe would no longer be

under local and state government jurisdiction, Federal Highway Administration (FHWA) criteria is used for impact analysis in **Section 4.11** of the EIS. Comparison in **Section 4.11** to County of Sacramento thresholds is for reference only as the County is the jurisdictional entity for the majority of the potentially impacted off-site areas. Upon request and because the Mall site currently is within the City of Elk Grove's boundaries, comparable noise threshold information for the City of Elk Grove has been included in the Final EIS and summarized here.

Under Alternative F, operational noise levels related to increased traffic would not exceed the City of Elk Grove's 60 dB threshold for transportation-related noise for residential receptors (52.4 dBA Leq from highway traffic, 55.2 for Promenade Parkway traffic, and 60 dBA for parking lot noise), as presented in the City's General Plan Noise Element. Other non-transportation operational noise, such as that from roof-mounted HVAC equipment, would be inaudible at the nearest existing sensitive noise receptors (residences) and, therefore, would not exceed the City's thresholds.

Response to Comment A8-27

The Commenter suggests that aesthetics analysis does not include enough viewsheds. The viewshed from the Kaiser Permanente Medical Building are discussed in **Sections 3.13.4** and **4.13.6** of the EIS. As well, refer to Response to Comment A8-19 for detail on an added viewshed for the Mall site.

Response to Comment A8-28

The Commenter requests clarification on applicable noise regulations regarding Alternative F and indirect offsite impacts. Refer to Response to Comment A8-26. **Section 4.14.1** discusses indirect effects related to off-site traffic mitigation improvements. Unlike Alternative F elements that would occur on trust land (i.e., not subject to local ordinances and codes), traffic mitigation improvements would occur on land that would be subject to these regulations, which is why these regulations are discussed as applicable in **Section 4.14.1** but not in **Section 4.11**.

Response to Comment A8-29

The Commenter requests off-site impacts to water and wastewater facilities be discussed in the EIS. As discussed in **Section 4.10.6** of the Final EIS, mitigation measures would be implemented to ensure a less-than-significant impact on off-site wastewater and water purveyors, services, and facilities. Mitigation measures include service agreements with applicable agencies and fair share compensation for new or expanded facilities "*to maintain existing public services at existing levels*" (Final EIS, **Section 5.10.1, Mitigation Measure A**) and state that improvements shall be sized to maintain existing public services at existing levels; therefore, mitigating any direct or indirect impacts of utility connections.

Response to Comment A8-30

The Commenter requests a correction of information in the EIS. **Table 4.15-2** in **Section 4.15.3** has been corrected and revised to reflect all potential known cumulative development in the City of Elk Grove. Inclusion of this information does not impact the conclusions of the analysis.

Response to Comment A8-31

The Commenter requests a clarification of information in the EIS. **Section 4.15.8**, “**Land Use**,” has been revised to state “While Alternative F would not be subject to local land use policies, as discussed in **Section 4.9**, the Tribe has agreed to work cooperatively with local governments on matters relating to land use and consistency with local codes.” This clarification does not impact the conclusions of the analysis.

Response to Comment A8-32

Refer to Response to Comment A8-19.

Response to Comment A8-33

The Commenter requests mitigation for GHG reduction include specific building standards and measures included in the City of Elk Grove’s 2013 Climate Action Plan. **Section 5.4.2** of the Draft EIS includes several GHG reduction mitigation measures based on California Air Pollution Control Officers Association (CAPCOA) and California Office of the Governor GHG reduction directives. Mitigation measures include using clean fuel vehicles on-site, preferential parking for carpools/vanpools, installation of low-flow appliances and use of recycled water, use of energy efficient lighting and appliances, obvious placement of recycling bins, planting of trees, and potentially implementing ride-sharing programs for staff, use of 100 percent electric vehicles on-site, and implementation of renewable energy projects. **Sections 5.3.2, 5.4.2, and 5.10** includes mitigation measures to reduce waste and use environmentally preferable materials for construction of facilities. These mitigation measures are relatively consistent with several measures presented in the City of Elk Grove’s 2013 Climate Action Plan for GHG reduction, including: BE-7 (Building Stock: Appliances and Equipment in New Development); BE-8 (Community Forestry); Measure BE-10 (On-Site Renewable Energy Installations); RC-1 (Waste Reduction); RC-2 (Water Conservation); RC-3 (Recycled Water); TACM-7 (Jobs/Housing Balance); TACM-9 (Efficient and Alternative Vehicles); and TACM-10 (Car Sharing). However, specific revisions and additions have been made to mitigation measures in **Section 5.0** of the Final EIS to increase consistency with some of these City of Elk Gove Climate Action Plan GHG reduction measures. These revisions are shown below in ~~strikeout~~ and underline for convenience.

Elk Grove Climate Action Plan Measure	EIS Mitigation Measure	Revision
BE-7	5.4.2(C)(8)	“The Tribe shall use energy-efficient appliances and equipment in the hotel and casino.”
BE-8	5.4.2(C)(7)	“The Tribe shall plant trees and vegetation in <u>appropriate densities to maximize air quality benefits on-site or fund such plantings off-site.</u> ”
RC-1	5.10.2(E)	“A solid waste management plan shall be developed and adopted by the Tribe that addresses recycling, and <u>solid waste reduction, and reuse of materials on site to reduce solid waste sent to landfills.</u> ”
RC-2	5.3.2(I)	“The Tribe shall implement water conservation measures <u>to reduce the amount of water used...</u> ”
TACM-9	5.4.2(C)(1)	“The Tribe shall use <u>efficient</u> clean fuel vehicles <u>that use alternative fuel...</u> ”
TACM-9	5.4.2(C)(2)	The Tribe shall provide preferential parking for vanpools and carpools, which would reduce criteria pollutants <u>by promoting the use of transportation options other than single-occupant vehicles.</u>
TACM-9	5.8.4(II)	The Tribe shall institute a shuttle service or comparable private multi-rider transportation system to provide alternative transportation options other than single-occupant vehicles for casino patrons and/or employees.

Also, as stated in **Section 2.7.1** of the Final EIS, “*Alternative F would be constructed to meet the International Building Code,*” which requires implementation of energy efficiency standards present in the International Energy Conservation Code that established regulations for energy efficient buildings by using new materials and energy efficiency designs (International Code Council, 2012).

Response to Comment A8-34

The Commenter requests a clarification of the dollar amount cited for mitigation to fund a local program that treats problem gamblers. **Mitigation Measure C** in **Section 5.7** of the Draft EIS guarantees a contribution from the Tribe to an applicable Sacramento County organization “*no less than \$50,000 annually to a program that treats problem gamblers.*” This amount was derived from known data obtained from other comparable tribal casino operations and is a minimum amount, meaning additional funds could be made available. As well, money paid from the Tribe into the State Special Distribution Fund, as would be required under a typical gaming compact with the State, may be used to address problem gambling.

Response to Comment A8-35

The Commenter requests specific mitigation measures be added to the EIS regarding landscape design and the “purple pipe” system. **Section 5.3.1, Mitigation Measures B,** of the Final EIS states that recycled water “*shall be used beneficially to the extent practical, including, but not limited to, landscape*

irrigation, toilet flushing, and cooling towers, as applicable.” The Tribe would enter into a cooperative agreement with applicable local jurisdictions (under Alternative F that would be the City of Elk Grove) to ensure the jurisdiction’s satisfaction with project construction and operation, including connectivity to a “purple pipe” treated wastewater system if available and feasible.

Response to Comment A8-36

Refer to Response to Comment A8-10.

Response to Comment A8-37

The Commenter requests updated information be included in the EIS. Thank you for the updated law enforcement information; it has been included in the Final EIS **Section 3.10.4**. Reasonable effort was made at the time of Draft EIS preparation to obtain current information. This updated information does not alter the conclusions of the analysis.

Response to Comment A8-38

The Commenter requests further information prior to the Elk Grove Police Department entering into an agreement with the Tribe. In September 2016, the City of Elk Grove and the Tribe entered into an MOU to reimburse the City “*for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services*” (Final EIS, **Section 5.10.3, Mitigation Measure P**). The 2016 MOU contains provisions for a one-time police equipment contribution and recurring annual payments for police and code enforcement services (see Supplemental Appendix B to the Final EIS).

Estimated incremental costs to local police departments for Alternative A are listed in EIS **Table 4.7-16** and **Table 4.7-17**. The Commenter states that further information would be needed to determine a projected annual increase in calls for service and arrests specific to the Elk Grove alternative, based on the City of Elk Grove Police Department data provided by the Commenter. Supplemental **Appendix H** includes an analysis that estimates the fiscal impacts to the City of Elk Grove Police Department. Also see General Response 6 – Crime/Law Enforcement, General Response 8 – Quantification of Socioeconomic Effects and Mitigation and Response to Comment A16-23.

Response to Comment A8-39

The Commenter notes that absent an agreement with the Tribe, law enforcement requests for Alternative F would be handled by the City of Elk Grove Police Department and that extended time may be required by the Police Department to hire and train necessary additional staff. Refer to Response to Comment A8-38 regarding the 2016 MOU between the Tribe and the City of Elk Grove (Supplemental Appendix B to the Final EIS)

Response to Comment A8-40

The Commenter states that several roadway descriptions are either incorrect or missing. As discussed in responses to subsequent comments, several study facility conditions are understood to have changed since the subject traffic study (**Appendix O** of the Draft EIS) was prepared. Consistent with standard traffic engineering practice, actual on-the-ground conditions at the time traffic counts were conducted and were reflected in the Draft EIS. However, since that time, Grant Line Road has been widened from East Stockton Boulevard to Waterman Road, including the railroad overcrossing. This change is reflected in subsequent analysis scenarios shown in **Supplemental Appendix O** (Table 1) of the Final EIS. Updated descriptions of Grant Line Road, Kammerer Road, Promenade Parkway, and Elk Grove Boulevard have been provided in the Final EIS in **Section 3.8.1**. This updated information does not impact the conclusions of the analysis.

Response to Comment A8-41

The Commenter appears to question the baseline conditions used in the existing conditions analysis for the Grant Line Road intersection with Sheldon Road and Grant Line Road, between East Stockton Boulevard and Waterman Road. As mentioned in Response to Comment A8-40, consistent with standard traffic engineering practice, actual on-the-ground conditions at the time traffic counts were conducted and were reflected in the Draft EIS. Since that time, this intersection and roadway segment have been improved, and those improvements are appropriately reflected in subsequent analysis scenarios shown Table 1 of the memorandum (dated March 15, 2016) that is attached to **Supplemental Appendix O** of the Final EIS.

Response to Comment A8-42

The Commenter requests specific timing for implementation of fair-share payments included as part of transportation-related mitigate measures. As stated in **Section 5.8.2** of the Draft EIS, the Tribe would enter into agreements with applicable lead agencies (City of Elk Grove, City of Galt, County of Sacramento, or Caltrans) to fund “*fair-share contribution toward future vicinity roadway maintenance and improvements.*” The timing of this funding would be determined by the cooperative agreements with individual agencies, but would occur prior to project operation. Timing of payments for roadway mitigation is addressed within the 2016 MOU with Sacramento County for Alternative A, and within the individual 2016 MOUs with Sacramento County and the City of Elk Grove for Alternative F (refer to Supplemental Appendix B of the Final EIS). Additionally, language has been added in **Section 5.8** of the Final EIS to clarify the timing of mitigation implementation.

Response to Comment A8-43

The Commenter requests a correction of information in the EIS. **Section 5.8.2, Mitigation Measure F**, has been revised to include the City of Elk Grove.

Response to Comment A8-44

The Commenter indicates that the traffic study's mitigation for the Grant Line Road intersection with Wilton Road should be further analyzed and indicates that the City of Elk Grove has had discussions with the Capital Southeast Connector (Connector) Joint Power Authority (JPA) regarding realignment of Wilton Road with Pleasant Grove School road to create a common four-way intersection, rather than the existing offset. The intersection above may be modified as part of the Connector project. It is currently in the planning stage and is not scheduled for construction until mid-2022 (Minnema, 2016). **Mitigation Measure 5.8.2.O** has been modified accordingly.

Response to Comment A8-45

The Commenter suggests that water supply information provided in the EIS for Alternative F is unclear regarding impacts to SCWA's system. Alternative F would use approximately 260,000 gallons per day (or 291 acre feet per year) of water on average (**Section 2.7.2** of the Draft EIS). Alternative F is within SCWA's Zone 40; an area that SCWA assumes will steadily increase its water demand through 2024 buildout of Sacramento County's General Plan (SCWA, 2005). The existing planned commercial use at the Mall site is included in Sacramento County's General Plan and is comparable to the use under Alternative F. Because water demands at the Mall site are accounted for in SCWA's master planning for Zone 40, SCWA has, therefore, accounted for Alternative F water demands within its 2030 projected water demands of 113,064 acre feet per year (SCWA, 2005).

As stated in **Section 4.10.6** of the Draft EIS, "[a] significant effect would occur to water supply distribution facilities as a result of the need to provide service to Alternative F," though, as stated in **Section 2.7.2** of the Draft EIS and demonstrated above, "SCWA has capacity to meet anticipated demand for domestic water use under Alternative F." However, the existing conveyance system at the Mall site may need to be modified. **Appendix I** (Section 3.0) of the Draft EIS states that coordination with SCWA has occurred through "discussions with SCWA's Department of Community Development," and it was determined that "most of the water system acreage and impact fees have been paid and construction is mostly complete, but the system installation has not been finalized;" an action that would occur prior to implementation of Alternative F ("the Tribe would resubmit water improvement plans to SCWA and pay the remaining water development fees," **Section 4.10.6** of the Draft EIS). Accordingly, **Section 5.10.1** of the Draft EIS recommends **Mitigation Measure A** that details service agreements that the Tribe will enter into prior to project operation, including "fair share compensation for *new, upgraded, and/or expanded water supply...conveyance facilities necessary* to serve development of the selected site, including development of appropriately sized infrastructure to meet anticipated flows. Such improvements shall be sized to maintain existing public services at existing levels. The service agreement shall also include provisions for monthly services charges consistent with rates paid by other commercial users."

Response to Comment A8-46

The Commenter suggests that water supply mitigation measures included in the EIS for Alternative F are too broad. Refer to Response to Comment A8-45

Response to Comment A8-47

The Commenter requests more supporting details be included in **Appendix I** of the EIS. The distribution capacity of the City’s distribution lines is discussed on page 24 of **Appendix I** of the Draft EIS. The previously installed water distribution system is served by four connection points to 12-inch diameter water mains located adjacent to the Mall site access driveways. With water flows at approximately 2 feet per second, each 12-inch pipe would deliver roughly 700 gallons per minute, which in total exceeds the peak demand estimated for the facility. Therefore, existing water distribution infrastructure appears to have adequate capacity for Alternative F, subject to final confirmation by the City of Elk Grove and SCWA.

Response to Comment A8-48

The Commenter suggests that wastewater information provided in the EIS for Alternative F is unclear regarding impacts to Sacramento Regional County Sanitation District’s (SRCSD) system. The Draft EIS and **Appendix I** are meant to investigate potential environmental impacts related to wastewater treatment and are not detailed design documents. However, as stated in **Section 4.10.6** of the Draft EIS, the *“projected average daily wastewater flow for Alternative F would be approximately 232,000 gpd, with peak day flows estimated at 309,000 gpd”* and *“[t]he 40 MGD of current available capacity at the Sacramento Regional WWTP would accommodate the wastewater demands of Alternative F.”* **Appendix I** discusses potential wastewater impacts and mitigation for Alternative F (Mall site) (page 16), where it states that a public sewer connection is already installed at this site, and that impact fees and monthly usage fees would be paid to SRCSD and Sacramento Area Sewer District (SASD). SRCSD’s WWTP already has permitted capacity available to accept the wastewater from Alternative F. The project would require installation of a new sewer line connecting the casino to the existing Promenade Parkway trunk sewer line, at the expense of the developer. Coordination with SASD would occur prior to and during construction of Alternative F, as stated in **Appendix I** of the Draft EIS (page 16). Accordingly, **Section 5.10.1** of the Draft EIS recommends Mitigation Measure A that details service agreements that the Tribe would enter into prior to project operation, including for *“fair share compensation for new, upgraded, and/or expanded...wastewater conveyance facilities necessary to serve development of the selected site, including development of appropriately sized infrastructure to meet anticipated flows. Such improvements shall be sized to maintain existing public services at existing levels. The service agreement shall also include provisions for monthly services charges consistent with rates paid by other commercial users.”*

Response to Comment A8-49

The Commenter suggests that wastewater mitigation measures included in the EIS for Alternative F are too broad. Refer to Response to Comment A8-48.

Response to Comment A8-50

The Commenter requests more supporting detail be included in **Appendix I** of the EIS. Because infrastructure was previously constructed and/or installed in the vicinity of the Mall site in anticipation of the mall commercial development, it is anticipated that this infrastructure will be adequate to service Alternative F. SASD would confirm this prior to providing service by completing a capacity study to confirm that the existing trunk sewer or associated collection and pumping system components are adequate. A service agreement with SASD would specify if any system upgrades are required and fee arrangement between the Tribe and SASD. Also as stated in **Appendix I**, for a more detailed discussion of the reimbursement processes for trunk sewer lines, see Section 8.1 of SASD's Sewer Ordinance, which was included in Appendix C of **Appendix I** in the Draft EIS.

Response to Comment A8-51

The Commenter requests updated information be included in the EIS regarding e-Tran services. Thank you for the transportation information; it has been added to **Section 3.8.3** the Final EIS, but does not change the conclusions of the analysis. Reasonable effort was made at the time of Draft EIS preparation to obtain current information. Transportation analysis in the Draft EIS is conservative and trip assumptions do not take into account reductions due to public transit services that may be available at or near the Mall site as the details of such future services are not known at this time (**Section 3.8.3**). Use of public transit or casino shuttle services (refer to Response to Comment A3-06) by casino patrons and employees would reduce traffic impacts. **Mitigation Measures II** and **JJ** have been added to **Section 5.8.4** of the Final EIS to ensure the promotion of multiple-rider transportation that would further reduce traffic congestion.

Response to Comment A8-52

The Commenter states that the traffic study did not include an analysis on the number of transit trips (transit ridership) that are anticipated. Refer to Responses to Comments A3-06 and A8-51.

Response to Comment A8-53

The Commenter suggests a mitigation measure pertaining to public transportation for Alternative F be included in the EIS. Refer to Responses to Comments A3-06 and A8-51. **Mitigation Measure JJ** have been added to **Section 5.8.4** of the Final EIS to ensure coordination with the City of Elk Grove to promote the operation of public transportation to the Elk Grove Mall site so as to further reduce traffic congestion.

Response to Comment A8-54

The Commenter provides background information regarding commercial and residential solid waste in the City of Elk Grove and requests clarification of solid waste information provided for Alternative F in the EIS. Thank you for the background information. **Sections 3.10.3, 4.10.6, and 4.15.8** have been updated to more accurately describe commercial waste hauling and disposal in the City of Elk Grove. **Section 4.10.6** provides a conservative analysis, therefore, only Kiefer Landfill was evaluated. This clarification does not alter the conclusions of the analysis.

Response to Comment A8-55

The Commenter provides background information regarding commercial solid waste in the City of Elk Grove. Refer to Response to Comment A8-54.

Response to Comment A8-56

The Commenter requests consideration of additional landfills regarding solid waste disposal for Alternative F. Refer to Response to Comment A8-54.

Response to Comment A8-57

The Commenter requests that Alternative F comply with City of Elk Grove codes regulating debris reduction and business recycling. Because land taken into trust by the BIA for use by an Indian tribe is no longer under local and state government jurisdiction, the City's debris reduction and business recycling requirements would not apply. However, several mitigation measures are included in **Sections 5.4.2 and 5.10.2** of the Draft EIS as part of Alternative F that include recycling enhancement measures, such as obvious placement of recycling bins and recycling as much construction debris as possible, and the use of recycled materials in construction, as well as the best management practices (BMPs) contained in the Storm Water Pollution Prevention Plan (SWPPP) required by USEPA (**Section 5.2** of the Draft EIS). BMPs include proper handling and disposal of material during construction to protect from environmental damage. These mitigation measures are consistent with the spirit of the City's debris reduction and business recycling requirements.

COMMENT LETTER A9: WILTON RANCHERIA CULTURAL RESOURCES OFFICER

Response to Comment A9-01

The Commenter states support for the Proposed Project as it would enable predictable funding for cultural enrichment of tribal members and the surrounding community. Refer to Response to Comment A1-01. It is noted in **Section 1.3** of the Draft EIS the many "*residual effects of the Tribe's 45-year termination period from 1964 to 2009*" and that "*the Tribe and its members were economically disadvantaged for a period of two generations.*" **Section 3.6.2** of the Draft EIS acknowledges the ethnography of the Tribe as

direct decedents of the Eastern Miwok, who had occupied the region since pre-historic times and have been known to continuously inhabit the region since European contact in the early 1800s.

COMMENT LETTER A10: U.S. ENVIRONMENTAL PROTECTION AGENCY

Response to Comment A10-01

The Commenter states that it would like to work with the lead agency to reduce any environmental impacts. Comment noted. As stated in **Section 1.4** of the Draft EIS, USEPA is a Cooperating Agency for the EIS. All potential physical environmental impacts that may not be avoided by the development alternatives have been addressed by project design features described in **Section 2.0** of the EIS; BMPs (EIS, **Sections 2.0 and 5.0**), and mitigation measures (EIS, **Section 5.0**).

Response to Comment A10-02

The Commenter expresses concern that SMAQMD may not have enough NO_x and VOC emission reduction credits to fully offset the Proposed Project's emissions and requests that the General Conformity Determination explain how emission offsets would originate from an area that contributes, or has contributed in the past, to violations in the project area. Additionally, the Commenter requests a clarification of potentially imported fill to the Twin Cities site during project construction. Refer to Response to Comment A3-07.

Response to Comment A10-03

The Commenter recommends that Alternative F be considered the Environmentally Preferred Alternative. Refer to **Section 2.10.2** of the Final EIS and also, refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment A10-04

The Commenter recommends against selecting Alternatives D and E due to environmental concerns. All potential physical environmental impacts that might occur under Alternatives D and E could be mitigated to a less-than-significant level; however, as stated in the Final EIS, **Section 2.10.2**, Alternative F now is the Preferred Alternative. Also, refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment A10-05

The Commenter requests that one copy of the Final EIS be sent to a specific address. The indicated branch of your agency is on the list of those receiving written notification of decisions and documentation relating to the project.

Response to Comment A10-06

The Commenter recommends that Alternative F be considered the Environmentally Preferred Alternative. Refer to Response to Comment A10-03.

Response to Comment A10-07

The Commenter makes several recommendations regarding the General Conformity Determination. The Draft General Conformity Determination has been revised based on updated emission model runs and the change in the Tribe's Preferred Alternative and will be re-issued (see updated **Appendix T** of the Final EIS). During the development of the revised Draft Conformity Determination, the BIA took into consideration the comments received on the initial draft and made appropriate revisions.

The Draft EIS indicated that the fill required for the Twin Cities site would be taken from other areas of the site (Draft EIS, **Section 2.2.5**, "...additional material would need to be excavated from other locations on the property"). Based on comments received, the Final EIS (see Methodology, **Section 4.4.1**) has been updated to clarify that for the project alternatives, all fill would be obtained from on-site locations. Accordingly, without the generation of construction trips associated with fill import, construction emissions would still be below the 25 tons per year (tpy) *de minimis* thresholds for ozone precursors (ROG and NO_x) and the 100 tpy *de minimis* threshold for PM_{2.5}. Therefore, revising the Draft General Conformity Determination to address fill importation is unwarranted.

The Draft EIS referred to the General Conformity *de minimis* thresholds for criteria pollutants as "*Council on Environmental Quality (CEQ) Reference Points (RP)*." The Final EIS uses the more conventional terminology of "General Conformity *de minimis* threshold" for criteria pollutants. The terminology has been revised throughout **Sections 4.4, 4.15, and 5.0** of the Final EIS. For more detail on the purchase of ERCs (emission reduction credits) as outlined in the Draft Conformity Determination, refer to Response to Comment A3-07. A resolution from the Tribe to purchase ERCs will be submitted to the BIA and included as part of the Final Conformity Determination, which will be released prior to the ROD.

Response to Comment A10-08

The Commenter assert that language in the Draft EIS regarding the application of a minor New Source Review permit is not correct. The Draft EIS stated that the Tribe would only be required to apply for a permit under the newly implemented minor New Source Review (NSR) requirements of the Clean Air Act if USEPA promulgates both class-specific guidelines for casino resorts and regulations that require the Tribe to obtain a minor NSR permit. The Final EIS clarifies the discussion of Tribal NSR permitting (**Section 4.4**) as it relates to the project alternatives. As stated in the Final EIS, a minor NSR permit would be required prior to construction if the aggregate emissions from stationary emission units at the facility would exceed the minor NSR thresholds for CO and PM_{2.5}. In addition, **Table 4.4-1** has been revised to remove the incorrect nitrogen dioxide (NO₂) threshold and include the PM threshold of 10 tons per year. These changes do not create new impacts or significantly impact the severity of impacts.

Response to Comment A10-09

The Commenter recommends that all mitigation measure related to air quality in **Section 5.4.2** of the Draft EIS be implemented. All mitigation measures would be implemented, as appropriate. Refer to the Response to Comment A16-152 regarding implementation and enforceability of mitigation measures. The purchase of GHG ERCs would be from a program that has been validated using rigorous protocols and guidance to ensure the credits are real, additional, and surplus, such as credits from the Climate Action Registry, American Carbon Registry, or CARB, as described in **Mitigation Measure 5.4.3(D)**.

Response to Comment A10-10

The Commenter notes that the City of Galt's wastewater treatment plant (WWTP) is located on the parcel adjacent to the Twin Cities site, which could be advantageous for an off-site connection. Comment noted.

Response to Comment A10-11

The Commenter expresses concern regarding absorption capacity of soils for treated effluent at the Twin Cities site and the potential for runoff. The Twin Cities site would have an ample area of undeveloped land under Alternatives A, B, and C for land dispersal of treated effluent via surface (spray fields) and subsurface disposal, as shown in **Figure 2-1** of the Draft EIS. At its maximum buildout (Alternative A), up to 22.8 acres are required (6.2 for spray fields and 16.6 for subsurface disposal) and more than 80 are available (Draft EIS, **Appendix I**, Table 5-1 and page 34). Calculations were based on soils consisting of silt loam, which have an application rate of 0.4 gpd/ft² (gallons per day per square-foot) per Sacramento County design guidelines (Draft EIS, **Appendix I**, page 34). However, to be conservative, application rates for a far less absorptive soil type (e.g., clay soils, 0.2 gpd/ft²) were also calculated and would require 36.2 acres of land for surface disposal (**Section 4.3.1** of the Draft EIS), still far less than the more than 80 acres available at the Twin Cities site, thus ensuring sufficient area is available for treated effluent disposal. As stated in **Section 4.3.1** of the Draft EIS, "*effluent would be applied at agronomic rates throughout the year, except during rain events constraints.*" Therefore, due to the large amount of land available for disposal of treated effluent; agronomic application; and implementation of mitigation measures included in **Section 5.3.1** of the Draft EIS, surface water or groundwater quality would not be adversely impacted and no violations of the Clean Water Act (CWA) would occur. Since no surface water discharge would occur under Alternatives A, B, or C, a USEPA National Pollutant Discharge Elimination System (NPDES) permit for wastewater discharges is not required for proposed activity at the Twin Cities site.

Response to Comment A10-12

The Commenter requests clarification of statements made in the EIS regarding the USEPA's role in an on-site WWTP. **Mitigation Measures A** and **C** in **Section 5.3.1** in the Draft EIS have been revised to better reflect that a USEPA permit may not be applicable and/or required, and **Section 4.3.1** has been

modified to specify which USEPA wastewater disposal criteria are being referenced (namely the USEPA Underground Injection Control (UIC) program for Tribal land).

Response to Comment A10-13

The Commenter states appreciation for inclusion in the EIS of a mitigation measure recommended by their agency and summarizes their previous recommendations. Thank you for your previous mitigation recommendation. Refer to Responses to Comments A10-10, A10-11, and A10-12.

Response to Comment A10-14

The Commenter requests a commitment for early consultation by the Tribe with the USEPA regarding the installation of an on-site public drinking water system and for the Tribe to conduct baseline monitoring. As stated in **Section 3.3.1** of the Draft EIS, *“under the mandate of the Safe Drinking Water Act, the USEPA sets legally enforceable National Primary Drinking Water Regulations (primary standards) that apply to public water systems...[t]he USEPA does not oversee the construction and permitting of groundwater wells, but requires that public health standards...are in place.”* It goes on to state that the *“USEPA will also primarily establish monitoring and operational requirements, which will typically be specific to the project area.”* Therefore, USEPA will be the regulatory agency overseeing an on-site potable water operation. The Tribe will work closely and cooperatively with USEPA to ensure that appropriate monitoring is conducted pursuant to USEPA guidelines and that all USEPA drinking water standards are met.

COMMENT LETTER A11: CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment A11-01

The Commenter states that project alternatives have the potential to create significant water quality impacts to waters of the U.S. without proper mitigation. Mitigation to avoid significant water quality impacts is included in the Draft EIS in **Sections 5.2** (all), **5.3** (all), **5.4** (A), **5.5** (A, E, F, G, K, N, S, W, X, Y, Z, BB, and CC), **5.10** (D), and **5.12** (A, C, and E).

Response to Comment A11-02

The Commenter recommends mitigation for Alternatives A through F include construction BMPs identified in several local and State agency plans and documents. Both construction and post-construction stormwater BMPs were described and addressed in Draft EIS **Section 5.2** as well in **Appendix J** of the Draft EIS (Grading and Drainage Feasibility Study). If the Tribe were to move forward with any of the alternatives, a Construction Stormwater Pollution Prevention Plan would be prepared as required by the USEPA (**Section 5.2, Mitigation Measure A**, of the Draft EIS). Post-Construction Stormwater BMPs will follow the jurisdictional requirements described in Draft EIS **Section 5.2** and **Appendix J**.

Response to Comment A11-03

The Commenter requests that the Proposed Project either avoid all impacts to wetlands or comply with the State of California Wetlands Conservation Policy. **Section 5.5.2, Mitigation Measure W**, ensures that a “*formal Jurisdictional Delineation shall be conducted*” and verified by the U.S. Army Corps of Engineers and that existing wetlands shall be “*avoided, fenced, and excluded from activity.*” Several other mitigation measures are suggested to protect and avoid wetlands for project alternatives. Land taken into trust by the BIA for use by an Indian tribe is no longer under local and state government jurisdiction; however, the spirit of the State of California Wetlands Conservation Policy is being met by specified mitigation.

Response to Comment A11-04

The Commenter requests that wastewater generated by the Proposed Project be conveyed to existing wastewater treatment facilities in lieu of treated on-site. Request noted. Alternatives A, B, C, and F possess an option (or requirement, as with Alternative F) to use existing off-site wastewater conveyance and treatment facilities. The final selection of the wastewater system will be made based on the project alternative chosen, environmental and economic considerations and agreements reached with applicable agencies.

Response to Comment A11-05

The Commenter makes a specific request relating to on-site wastewater treatment facilities that could occur at the Twin Cities and Historic Rancheria sites. The recommendations for primary, secondary (including nitrogen removal) and tertiary treatment for the purpose of meeting the standards of Title 22 recycled water are duly noted. As discussed in the Draft EIS, **Sections 4.3 and 5.3** and Section 2 of **Appendix I** of the Draft EIS, subheading “Recycled Water,” the use of on-site tertiary treated water for toilet flushing and satisfying irrigation demand was considered, and estimated recycled water supply and demand was presented in Tables 2-7 and 2-8 for peak daily and annual flows. Draft EIS, **Section 4.3** and **5.3**, and **Appendix I** (page 14) state that where an on-site WWTP is utilized, tertiary treated effluent will be available for re-use. The use of on-site tertiary treated wastewater will help to minimize the potential for groundwater and surface water impacts, as noted in the comment. In addition, the Draft EIS states in **Section 2.2** that “[a]ll water used for reclamation would meet the equivalent of State standards governing the use of recycled water as described in Title 22 of the California Code of Regulations.” The subsequent sections of the Draft EIS for Alternatives B through E also include references to the recycled water reclamation proposed under Alternative A.

Response to Comment A11-06

The Commenter recommends that wastewater be recycled to the maximum practical extent by applying it to land (via spray and drip irrigation) rather than by discharging it to surface waters. As detailed in **Section 2.0** of the Draft EIS, Alternatives D and E would require an on-site WWTP. Alternatives A, B,

and C may include an on-site WWTP, or may connect directly to the local wastewater conveyance system. In all instances where on-site wastewater collection and treatment may occur, recycled wastewater would be employed to the extent feasible for non-potable uses such as in toilets and urinals and for landscape irrigation. For the Twin Cities site, non-recycled wastewater would be discharged to the land in the manner described by the Commenter (at agronomic rates in spray or drip fields). At the Historic Rancheria site, spray field(s) may be utilized for disposal of non-recycled treated water but primary discharge would be to the Consumes River. This would be necessary because the Historic Rancheria site “*has limited area for land disposal and wastewater*” (Draft EIS, **Appendix I**, page 35). It is acknowledged that this may not be the environmental preferred choice; however, this discharge would occur “*in compliance with the National Pollutant Discharge Elimination System (NPDES) waste discharge permit issued by the [US]EPA*” Draft EIS, **Section 2.5.2**).

Response to Comment A11-07

The Commenter suggests consideration of salinity levels when selecting a water supply for the Proposed Project. The recommendation to use the highest quality groundwater available for the project site selected is noted. As discussed in **Section 4.10** of the Draft EIS and Section 4 of **Appendix I** of the Draft EIS, the selection of a water supply source will be based on the availability of municipal connections at each project site, available groundwater quality and quantity, and the associated impacts to cost and system maintenance. Specific efforts to manage the salinity of disposed wastewater, as necessary, will be considered and implemented at the time of on-site wastewater system design.

Response to Comment A11-08

The Commenter states that wastewater and stormwater discharges resulting from Alternative A through E may have a cumulative effect on local and regional water quality (specifically in regards to Cosumnes River and its tributaries). Potential water quality impacts in a cumulative setting are analyzed throughout **Section 4.15** of the Draft EIS (specifically refer to **Section 4.15.3: Water Resources**). With the implementation of measures identified in **Section 5.2** of the Draft EIS (erosion control measures, construction BMPs compliant with State of California General Permit for Discharges of Storm Water Associated with Construction Activity, and compliance with USEPA stormwater regulations), it was determined that there would be no adverse cumulative effects to water quality.

Response to Comment A11-09

The Commenter encourages the use of alternative stormwater mitigation and treatment measures for hydromodification mitigation. As stated in **Section 4.3.1** of the Draft EIS and **Appendix J** of the Draft EIS (page 7), the Twin Cities and Historic Rancheria sites fall “*outside of Sacramento County’s MS4 permit boundary...[t]herefore, hydromodification mitigation parameters were selected using the State Water Resources Control Board’s (SWRCB) Post-Construction Standards to offset the impacts of the*

development.” These standards are deemed adequate by the California Environmental Protection Agency State Water Resources Control Board and are appropriately applied to project alternatives.

Response to Comment A11-10

The Commenter recommends that the Final EIS clearly identify all surface waters that receive direct or indirect stormwater discharges from the Proposed Project. **Section 3.3.1** (Site Drainage) of the Draft EIS and **Appendix J** of the Draft EIS describe the adjacent receiving water bodies for each alternative both within the text and on the plans shown in Appendix D of **Appendix J**.

COMMENT LETTER A12: U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT Response to Comment A12-01

The Commenter explains the U.S. Army Corps of Engineers’ jurisdiction. Thank you for the background information. Comment noted.

Response to Comment A12-02

The Commenter states the requirement for the preparation of a wetland delineation for the Proposed Project. **Mitigation Measure W** in **Section 5.5.2** of the Final EIS prescribes the requirement for a formal jurisdictional delineation with results to be verified by the U.S. Army Corps of Engineers.

Response to Comment A12-03

The Commenter asserts that an alternative should be included that avoids impacts to wetlands or other waters of the United States or that proper compensatory mitigation be included if this is not possible. All project alternatives are designed to avoid on-site wetlands, as verified by the U.S. Army Corps of Engineers, should they exist on-site. However, if complete avoidance is infeasible then several mitigation measure would be implemented to reduce impacts and/or properly compensate to ensure no net loss occurs, as presented in **Section 5.5.2 (Mitigation Measures X–CC)**.

COMMENT LETTER A13: WILTON RANCHERIA

Response to Comment A13-01

The Commenter requested commensurate modification of **Table ES-1** of the Draft EIS pursuant to changes made throughout the EIS. Any changes made to impacts and mitigation measures in **Sections 4** and **5** have been reflected in **Table ES-1**.

Response to Comment A13-02

The Commenter requests insertion of language in **Section 5.4.2, Mitigation Measure C** to expand sources from which GHG emission reduction credits can be purchased. **Mitigation Measure 5.4.2(D)** has been added to clarify the purchasing of ERCs.

Response to Comment A13-03

The Commenter suggests a text correction in the EIS. Thank you for the suggestion. Text in **Section 1.1** has been revised to specify that the restored lands exception in the Indian Gaming Regulatory Act (IGRA) is the applicable exception. This change does not alter the conclusions of the analysis.

Response to Comment A13-04

The Commenter requests the distance from the Mall site in Elk Grove to the Tribe's former Rancheria be stated in the EIS for consistency. Request noted. That information has been added to **Section 1.2.3**. The inclusion of this information does not alter the conclusions of the analysis.

Response to Comment A13-05

The Commenter requests patron estimates for Alternative C be included in the EIS. Alternative C would “*create less of a regional draw compared to the casino project alternatives*” (Draft EIS, **Appendix O**, page 126); the least of which (Alternative B) estimates “*approximately 8,100 – 9,000 patrons would visit the facility on weekdays, while the number of anticipated on weekends is 12,900-14,200 (Boyd, 2014)*” (Draft EIS, **Section 2.3.1**). Furthermore, on Alternative C patronage, **Appendix H** of the Draft EIS (page 34) states that there would be “*a lack of latent demand for this type of shopping opportunity in the area.*”

Response to Comment A13-06

The Commenter requests patron estimates for Alternative D be included in the EIS, to be consistent. As stated in **Section 2.5.1** of the Draft EIS, Alternative D “*would be the same scope and size as Alternative A*” so the patron numbers would be comparable (as stated in **Section 2.2.5** of the Draft EIS, “*number of patrons per weekday is 8,100-9,000, while the number of anticipated daily weekend patrons is 12,900-14,200*”), though may be lower given that a lower revenue stream is anticipated with Alternative D (Draft EIS, **Section 2.10.2**).

Response to Comment A13-07

The Commenter notes that a retail alternative for the Mall site was eliminated partially because it would be in direct competition with the retail stores planned for development on the adjacent property. Comment noted.

Response to Comment A13-08

The Commenter suggests language it considers more accurate regarding revenue generated by Alternative D. Note that **Section 2.10.2** of the Draft EIS states that “[i]n comparison to Alternative A, Alternative D is less attractive because of its lower revenue stream....”

Response to Comment A13-09

The Commenter requests an explanation of language and suggests updated information. The first sentence of the sixth bulleted item in **Section 2.10.2** of the Draft EIS was intended to state an effect from the increase in employment and economic growth resulting from implementation of Alternative F. Text in **Section 2.10.2** has been revised to better reflect this sentiment and be more consistent with other sections of the EIS. Text has been revised to reflect the Tribe’s relationship with other governmental jurisdictions. Also, refer to General Response 2 – Alternative F as Preferred Alternative. This information update does not alter the conclusions of the analysis.

Response to Comment A13-10

The Commenter notes a typographical error in the EIS. Thank you for this information. Text in **Section 3.3** has been corrected. This correction does not alter the conclusions of the analysis.

Response to Comment A13-11

The Commenter requests a status update of the Limited Phase II Environmental Site Assessment (ESA) mentioned in **Appendix R** of the Draft EIS. This analysis has not yet been conducted but “*shall be implemented prior to land being taken into trust,*” as stated in **Section 5.12** of the Draft EIS, **Mitigation Measure B**.

Response to Comment A13-12

The Commenter notes a confusing presentation of information in the EIS. Text has been updated in **Section 4.3.6** to clarify impact analysis on groundwater supply. This clarification does not alter the conclusions of the analysis. Because water for Alternative F would be supplied by SCWA in a manner that was contemplated under a previous City development approval for the Elk Grove Mall site, groundwater impact analysis is not applicable. As stated in **Section 4.10.6**, “*SCWA has capacity to meet anticipated demand for domestic water use under Alternative F; however, the Tribe would resubmit water improvement plans to SCWA and pay the remaining water development fees*” (**Mitigation Measure 5.10.1.A** provided in **Section 5.10.1**) thereby ensuring a less-than-significant impact to water supply.

Response to Comment A13-13

The Commenter suggests that the EIS contains incorrect information. **Table 4.8-5** in **Section 4.8.2** of the Draft EIS contains the appropriate trip generation data for Alternative A, as presented in Table 17 of **Appendix O** (Traffic Impact Study) of the Draft EIS.

Response to Comment A13-14

The Commenter would like references to CEQ Reference Points in the EIS to be limited. Refer to Response to Comment A10-07 regarding the use of Reference Points within the Draft EIS.

Response to Comment A13-15

The Commenter would like substitution effects applied to air quality modeling. Impacts associated with air quality were determined utilizing the trip generation rate, among other model inputs, for the project alternatives. The trip generation rate provides the estimated number of trips, and associated potential for vehicular emissions. The trip generation rate does not take into account the substitution effect of other regional casinos. While the Commenter is correct that reductions in trips at other businesses would reduce emission, disregarding these potential reductions leads to a more conservative environmental analysis. Furthermore, trip reductions including diverted-linked trips and pass-by trips (similarly, trips that are already accounted for on the roadway network) were incorporated into the trip generation rates of the project alternatives and, therefore, corresponding air quality emission reductions have been considered. Further reducing the air quality emissions rate assumptions by incorporating substitution affects may result in underreporting the air quality emissions of the selected alternative. Therefore, no associated revisions to the methodologies for determining the air quality emissions of the project alternatives have been made.

Response to Comment A13-16

The Commenter would like the use of the term “indirect emissions” for customer vehicle emissions associated with the Proposed Project revisited. Pursuant to Section 93.152 of the General Conformity Rule, indirect emissions means those emissions of a criteria pollutant or its precursors:

- (1) That are caused or initiated by the Federal action and originate in the same nonattainment or maintenance area but occur at a different time or place as the action;
- (2) That are reasonably foreseeable;
- (3) That the agency can practically control; and
- (4) For which the agency has continuing program responsibility.

In accordance with the definition, the emissions are initiated by the Federal action and originate in the same nonattainment area and occur at a different time and place as the action (aka trips generated by residents within the nonattainment area). As shown in **Section 4.4** of the Draft EIS, emissions of CAPs

are reasonably foreseeable and the BIA can practically control these emissions through the ROD and mitigation process and through trust responsibilities.

Response to Comment A13-17

The Commenter is questioning the recommendation, pursuant to NEPA, to purchase GHG emission reduction credits for vehicular traffic associated with the Proposed Project. Motor vehicle use is the highest contributor to GHG emission rates associated with the project, and accordingly, the credits would offset emissions from vehicles driven to casino by patrons and employees. The emission rates utilized to calculate GHG emissions take into account future technologies and requirements that will reduce such emissions. Therefore, the GHG emissions estimates presented in **Section 4.15** of the Draft EIS already take into account the programs that California has implemented to reduce statewide GHG emissions. Also, refer to the Response to Comment A13-16 regarding the substitution effect.

Response to Comment A13-18

The Commenter notes a typographical error in the EIS. Thank you for this information. Text in **Section 5.13** has been corrected. This correction does not alter the conclusions of the analysis.

Response to Comment A13-19

The Commenter requests language be added to the GHG emission reduction mitigation measure found in the EIS. Refer to Response to Comment A13-02.

Response to Comment A13-20

The Commenter states that the Tribe should determine what archaeological sites are to be tested, how wide a buffer should be placed around cultural resources, what cultural resources could be removed from the field, and whether any documentation would be required. Mitigation related to cultural resources is identified in **Section 5.6** of the EIS. Additionally the commenter recommends that preconstruction cultural awareness training be provided to contractors and that, in advance of construction, a cultural resources testing, treatment, and disposition plan (or plans) should be developed. As the federal Lead Agency, the BIA is required to consult with the Tribe and is required to complete the Section 106 process in accordance with the National Historic Preservation Act. The BIA cannot relinquish its Section 106 obligations to the Tribe. Rather, the BIA and the Tribe, in consultation, would determine what archaeological sites should be tested to answer questions of National Register eligibility.

Response to Comment A13-21

The Commenter recommends several changes to cultural and paleontological resources mitigation measures in **Section 5.6** of the Draft EIS. Refer to Response to Comment A13-20.

Response to Comment A13-22

The Commenter states that if human remains are found, their identity is to be confirmed by an osteologist, that Native American remains would fall under the provisions of NAGPRA, that California laws regarding human remains are not applicable, and that a burial treatment plan should be in place prior to construction. In 1953, Congress passed Public Law 280, giving six states, including California, criminal jurisdiction over tribal members and other people on reservations. Therefore, remains found during project construction could, potentially, be those of a crime victim rather than Native American. Pursuant to Section 7050.5 (b) of the California Health and Safety Code, if human remains are uncovered during construction, the County Coroner shall be notified and shall make a determination regarding the origin of the remains; a Tribal representative and human osteologist should be present when the determination is made. If the remains are Native American, then The Native American Graves Protection and Repatriation Act (NAGPRA) provisions would apply. Development of protocols for the treatment of human remains in advance of construction would help avoid construction delays, and should be prepared in consultation with the Tribe, BIA, and an osteologist. Clarification to **Section 5.6** of the EIS have been made regarding this matter.

Response to Comment A13-23

The Commenter is concerned with protocols related to cultural resources in the event that off-site traffic mitigation improvements are implemented. If any such improvements are implemented, then the provisions provided in **Section 5.6, Mitigation Measure D**, shall be implemented by the applicable lead agency to ensure compliance with CEQA. Additional CEQA requirements resulting from Assembly Bill (AB) 52 would also be implemented to ensure that Native American tribes that are understood to be traditionally, culturally, and/or geographically affiliated with the project area, including Wilton Rancheria, are properly notified and consulted.

Response to Comment A13-24

The Commenter disagrees with wastewater production quantities show in **Appendix I** of the Draft EIS. The estimated wastewater quantities are meant to be a conservative estimate of the total facility wastewater production. The use of a conservative total in the EIS ensures that if actual operating conditions do lead to higher flows, no unanticipated impacts will be encountered. **Sections 4.3** and **4.10** of the Draft EIS and **Appendix I** demonstrate the various possible environmental impacts related to treatment and disposal. It may be true that 100 percent occupancy is not the norm, however, it probably will occur occasionally. Therefore, the capacity to meet these occasions without violation of treatment quality requirements is an important consideration. Prudent design requires consideration of peak events such as opening day and special events, as well as the ability to maintain some reserve capacity for loading variations. With respect to anticipated wastewater flows, several methods of determination were considered such as plumbing codes, fixture counts, and seating capacity estimates. These were compared to actual data collected from operating casino projects in Northern California. All these factors were taken into consideration. **Section 5.10.1** of the Draft EIS states that “*monthly services charges consistent*

with rates paid by other commercial users,” and **Appendix I** states that actual flow data shall be used to determine monthly fees rather than estimates based on anticipated use. The additional request that fixture counts be used in determining connection fees to off-site facilities is noted; however, it is likely that the specific agency with jurisdiction over the off-site facilities will determine what parameters are used in calculating connection fees. The fee schedules for the relevant agencies were provided in Appendix F of **Appendix I** for reference, but any future negotiations with water and wastewater utilities will likely be based on the policies of that agency at the time of the implementation of a development alternative.

Response to Comment A13-25

The Commenter agrees with information in the EIS that states the need for a detailed hydrology and hydraulic study for the Twin Cities site. More detailed design level grading and drainage plans based on detailed topography may result in less fill material being required for project construction.

Response to Comment A13-26

The Commenter request that air quality emissions be modeled using updated USEPA vehicle emission factors and using USEPA’s MOVES model (motor vehicle emission simulator). The CalEEMod model that was used to assess CAP emissions and General Conformity provides the most accurate avenue to assess potential environmental impacts of the project, considering the model takes into account specific settings within California. As part of the Final EIS, refinements were made to the methodology used to calculate potential emissions from the project alternatives (see Response to Comment A3-07).

Response to Comment A13-27

The Commenter presents further discussion of impact of substitution effects on air emissions. Refer to Response to Comment A13-15.

Response to Comment A13-28

The Commenter presents further discussion on the potential lack of necessity of a conformity determination. Refer to Response to Comment A13-16.

Response to Comment A13-29

The Commenter presents further discussion on the potential lack of necessity of a conformity determination. Refer to Response to Comment A13-16.

Response to Comment A13-30 to A13-35

The Commenter presents further discussion on the project alternatives wastewater production. Refer to Response to Comment A13-24.

COMMENT LETTER A14: SHINGLE SPRINGS BAND OF MIWOK INDIANS

Response to Comment A14-01

The Commenter expresses support for Alternatives D and E and questions the legitimacy of the Tribe's efforts to procure land for gaming at the Twin Cities site and Elk Grove Mall site in relation to the results of Proposition 48. Refer to General Response 1 – Non-Substantive Issues.

Response to Comment A14-02

The Commenter expresses support for Alternatives D and E and concern for traffic and crime/safety impacts resulting from implementation of project alternatives at the Twin Cities site and Mall site. The level of traffic anticipated to be created by constructing project alternatives along Highway 99 (Alternatives A to C, and F) is fully documented in **Sections 4.8.2, 4.8.4, and 4.8.7** of the Draft EIS. These sites' close proximity to Highway 99 and the associated infrastructure are perceived as beneficial. Because the majority of the site trips are projected to arrive via Highway 99, these alternatives result in more convenient access and less travel than would be required to reach the Historic Rancheria site. As documented in the Draft EIS traffic study (**Appendix O**), Alternatives D and E result in nearly twice as many intersection and roadway segment impacts than the other alternatives.

One purpose of the Draft EIS traffic study (**Appendix O**) is to document transportation facility deficiencies associated with the addition of project alternatives and suggest mitigation. The significant impacts and related mitigation measures identified in the traffic study are considered to be an appropriate analysis of the potential safety and operational issues that are reasonably anticipated to result from the addition of project traffic to the surrounding roadways. As is common for any public roadway, the respective jurisdictions monitor all roadways in their areas to identify traffic accident patterns and facility safety in general. Refer to General Response 1 – Non-Substantive Issues; General Response 7 – Traffic; and General Response 6 – Crime/Law Enforcement.

Response to Comment A14-03

The Commenter expresses the opinion that Alternative D would have the least impacts on traffic. Refer to Response to Comment A14-02.

Response to Comment A14-04

The Commenter would like the EIS to address the loss of property tax revenue to the City of Galt under Alternatives A, B, and C. As stated in **Section 2.2.1** of the Draft EIS, the Twin Cities project site is located within "*unincorporated Sacramento County*" inside the "*City of Galt sphere of influence*" area but not within City limits. Therefore, there would be a loss of County property tax revenue resulting from the implementation of Alternatives A, B, or C, which was analyzed in **Section 4.7.1** of the Draft EIS.

Data presented in **Tables 4.7-8** and **4.7-9** of the Draft EIS showed that “lost property taxes would be more than offset by tax revenues generated for state and local governments from economic activity associated with construction and operation of Alternative A.” For additional information, refer to Response to Comment A16-02.

Response to Comment A14-05

The Commenter supports a comment period extension for the City of Galt on the Draft EIS. A comment period extension was granted to the City of Galt to March 10, 2016.

Response to Comment A14-06

The Commenter states the belief that Alternatives D and E are preferred for reasons previously stated. Refer to Responses to Comment A14-03.

COMMENT LETTER A15: COUNTY OF SACRAMENTO, DEPARTMENT OF COMMUNITY DEVELOPMENT

Response to Comment A15-01

The Commenter thanks the BIA for including the County in the EIS process, asserts its lack of a position on the Proposed Project, and states its recent collaborative work with the Tribe to address County needs. Comment noted.

Response to Comment A15-02

The Commenter discusses the potential Memorandum of Understanding (MOU) between the County and the Tribe, the time investment of both governments, and the desire for the County to have State and local standards applied toward the Proposed Project. The potential MOU, now in the form of one MOU for the Alternative A (located on the Twin Cities site) and one for Alternative F (the Elk Grove Mall site), has been finalized, signed by both parties, and included within Supplemental Appendix B in the Final EIS.

Response to Comment A15-03

The Commenter states the understanding that the MOU framework addresses County needs for all proposed alternative sites. Refer to Response to Comment A15-02.

COMMENT LETTER A16: CITY OF GALT

Response to Comment A16-01

The Commenter (1) thanks the BIA for the comment period extension and expresses concerns about the adequacy of the Draft EIS; (2) notes their belief that comments made by the City of Galt on the Administrative Draft EIS were not adequately addressed in the Draft EIS and states its expectation that

the BIA will respond appropriately to all comments in the Final EIS; and (3) asserts the Draft EIS does not meet the requirements of a Tribal Environmental Impact Report (TEIR) or a Tribal Project Environmental Document (TPED)

(1) Significant efforts were made to ensure the adequacy of the Draft EIS. None of the changes that were made to the Final EIS changed the conclusions of the analysis in the Draft EIS.

(2) As stated in **Section 1.1** of the Draft EIS, “NEPA requires that the BIA and the Cooperating Agencies review and analyze the environmental impacts associated with the Proposed Action.” As a Cooperating Agency, the City of Galt reviewed the Administrative Draft EIS and submitted its comments to the BIA on April 13, 2015. All comments submitted by Cooperating Agencies were thoroughly reviewed and used to make appropriate revisions to the publicly released Draft EIS. When reviewing the comments received from Cooperating Agencies, the BIA assessed the “environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise...consistent with its responsibility as lead agency” (40 C.F.R. 1501.6(a)). More specifically, the BIA’s responsibility is to maximize the incorporation of substantive comments from Cooperating Agencies that are within the scope of scientific and analytical reasoning and applicable regulatory requirements. In accordance with 40 C.F.R. Part 1500 all “substantive disagreements on interpretations of significance and scientific or technical conclusions” have been discussed in these response to comments and the Final EIS. While the City may have special expertise on a certain resource issue, if a request is made that would conflict with a federal requirement or the trust responsibilities of the BIA, the BIA can, at its discretion, decide not to incorporate the information provided by the Cooperating Agency. Accordingly, of the approximately 135 substantive comments submitted by the City of Galt on the Administrative Draft EIS, approximately 100 of them resulted in document changes.

Other actions of the City of Galt as a Cooperating Agency that have been documented in the administrative record for this project include:

- Commenting on the Notice of Intent (NOI) for the EIS on January 2, 2014;
- Signing an MOU with the Tribe on May 5, 2015 (**Appendix F** of the Draft EIS);
- Attending and speaking at the public hearing for the Draft EIS held in the City of Galt on January 29, 2016 (two City of Galt legal representatives spoke);
- Extensively reviewing the Draft EIS and submitting a comment letter on March 10, 2016;
- Phone communication between the City’s legal representative and the BIA;
- Ongoing written communication between the City and the BIA from 2014; and
- Ongoing communication between the City and the Tribe.

(3) Firstly, a TEIR may be prepared to comply with a gaming compact between the State of California and an Indian tribe to assess off-reservation impacts of gaming-related projects (as defined within each compact). Because the gaming alternatives would result in the development of a new gaming

establishment, a recent TEIR checklist is included in the EIS (**Appendix G** of the Draft EIS), and all the issues in the checklist are fully analyzed in the corresponding EIS sections. The Draft EIS states that the “*EIS had been prepared to address all relevant [TEIR] checklist items*” and that a gaming compact would be “*anticipated to acknowledge this EIS and the 2011 MOU as adequately addressing potential off-reservation impacts*” (**Section 1.7** of the Draft EIS). The Draft EIS is intended to meet the requirements of a TEIR, and also satisfies the requirements of “*NEPA and its implementing regulations and guidance, as well as the guidance for [the TPED] provided in the [MOU] between the County of Sacramento, City of Elk Grove, and the Wilton Rancheria*” (Draft EIS, **Section 1.1**).

Specifically, in anticipation of a tribal-State compact, the Draft EIS contains the following: (1) **Section 3.0**, where existing conditions of the project sites and vicinity are detailed; (2) **Section 4.0** and **Table ES-1**, where all potential impacts are presented, and in particular **Section 4.14** where the indirect impacts of the project are addressed including potential “off-site” (e.g., off-reservation) impacts of the project alternatives; (3) **Section 5.0**, where mitigation measures are presented, including several related to energy efficiency, such as **Section 5.4.2, Mitigation Measure C**, and **Section 5.1.5, Mitigation Measures T and U**; (4) **Section 2.0**, where seven project alternatives are presented; (5) **Section 4.14**, where growth-inducing impacts are delineated; and (6) **Section 4.0** and **Table ES-1**, where impacts and mitigation measures are listed and discussed and impact ratings are explained and applied. By inclusion of the information and analysis noted above, the Draft EIS meets standards of a TEIR in regards to potential off-reservation impacts.

Secondly, the Draft EIS serves as the TPED required under the MOU between the County of Sacramento/City of Elk Grove and the Tribe (**Appendix B** of the Draft EIS), as explained in Draft EIS **Section 1.1**. The MOU requires the TPED comply with NEPA, discuss potential physical environmental impacts to off-reservation land (as would be required in a TEIR), and include specific content such as a description of the proposed project, environmental setting, mitigation measures, cumulative analysis, et al. The Draft EIS meets the TPED/TEIR requirements set forth in tribal-State compacts and the 2011 MOU.

Response to Comment A16-02

The Commenter asserts the Twin Cities site will be incorporated into the City of Galt and designated for commercial development within 2016. Refer to Response to Comment A14-04 and additional detail below. In order for the City of Galt to annex the Twin Cities site into its City boundaries, it must do the following (not necessarily in this order):

1. Engage in a “pre-zone” process in coordination with the Sacramento Local Agency Formation Commission (LAFCo);
2. Prepare a CEQA document for the annexation, presumably an EIR (Lockhart [LAFCo], 2016);
3. Complete the CEQA process;

4. Take actions detailed in the 2010 City of Galt Sphere of Influence Amendment EIR (see below for more detail);
5. Submit an application to LAFCo; and
6. Ensure application approval.

Statements made in the City’s March 10, 2016, comment letter (Comment A16-02) on the Draft EIS provide an indicator of the City’s imminent intent and assumed timeline for annexation, re-designation, and/or development of the site. Prior to this comment letter, the City of Galt has stated that annexation only “*would be considered*” (2010 Draft Environmental Impact Report [EIR] for the City of Galt Sphere of Influence Amendment, page 3). Another public City of Galt document, the City’s 2010 Water Distribution System Master Plan (City of Galt, 2010), indicates that development, should it occur, would not occur until at least 2026 (Figure 6.4 of the Plan shows that the Twin Cities site would not receive water pipeline infrastructure necessary for development until 2026, at the earliest). Thus, at the time of preparation of the Draft EIS, annexation was not considered a predictable reasonably foreseeable action (46 Federal Register 18026) in the near-term. Therefore, as stated in **Section 2.8** of the Draft EIS, it was appropriately assumed “*that existing uses on the Twin Cities site would not change in the near term, but may change in the longer term if the site is annexed into the City of Galt for development. In the short-term, it is assumed that no development would occur on any of the alternative sites*” and “*future possible development outcomes of the Twin Cities site are not reasonably foreseeable.*”

On April 14, 2016, the City of Galt held a public hearing where it expressed its intent to engage in a “prezone” process for the potential annexation of the Twin Cities site (and surrounding property) and prepare a CEQA document (April 14, 2016, City of Galt Planning Commission Agenda, Item #6B). Also on April 14, 2016, the City of Galt submitted to the California State Clearinghouse a Notice of Preparation to prepare a Mitigated Negative Declaration for the proposed annexation of 1,003 acres (116 parcels), possibly including the Twin Cities site. However, at the time of preparation of this Final EIS (May 2016), there was no pending annexation application that has been submitted to LAFCo (Lockhart, 2016).

As stated above, prior to submission of a successful annexation application to LAFCo, the City of Galt must take several actions, detailed in the 2010 City of Galt Sphere of Influence Amendment EIR (pages 22–24), that would impact the timing and outcome of the annexation process. These actions include:

1. Demonstrated participation with the South Sacramento Habitat Conservation Plan (or compensatory mitigation);
2. Demonstrated compliance with the Central Valley Flood Protection Plan;
3. Consultation with the Sacramento Area Council of Governments;
4. Compliance with specific GHG reduction criteria;
5. Creation of a plan for providing water, wastewater, solid waste and other public services to the site;

6. Confirmed consistency with Galt’s 2030 General Plan Housing Element; and
7. Implementation of air quality mitigation measures.

Also impacting the timing and outcome of the annexation process would be any existing community conflict (Lockhart pers. Comm., 2016). And, as evidenced by comment letters and public hearing sentiments received from community residents on the Wilton Rancheria Fee-to-Trust and Casino Project and Draft EIS, there is community concern over removing the Twin Cities site from its current agricultural use (see Comments CO2-02, CO2-03, CO2-05, CO3-04, CO3-05, CO6-05, CO8-03, CO8-5, CO9-05, CO9-4, I1-01, I20-03, I28-01, I36-04, I37-01I38-02, I45-02, I47-05, I52-02, I49-01, I53-02, I60-01, PH-30, PH-26, PH-31, and PH-44). This community concern may also apply to the City’s proposed change in land use and may result in opposition to the proposed annexation.

Therefore, given the circumstances surrounding the potential annexation of the Twin Cities site, it cannot be concluded at this time that annexation and commercial development of the site is reasonably foreseeable in the near-term if the land is not taken into trust by the BIA, and any future potential development at the site is speculative and not predictable (46 Federal Register 18026).

Response to Comment A16-03

The Commenter questions the project need for the entirety of the 282 acres of the Twin Cities site and suggests only the acres slated for development be considered as potential trust property. As stated in **Section 2.2.1**, “[a]t 282 acres, the site may be sufficiently large and environmentally diverse so as to provide the Tribe with the opportunity to use portions of it to mitigate environmental impacts.” These on-site mitigation measures and uses may include one or all of the following: creation of construction zones for minimization of land disturbance (**Section 5.2, Mitigation Measure A[5]**); surface and subsurface fields for wastewater disposal (**Section 5.3.1, Mitigation Measure D** and **Figure 2-1**); tree and vegetation planting for GHG reduction (**Section 5.4.2, Mitigation Measure C[7]**); creation of replacement wetlands (**Section 5.5.2, Mitigation Measure AA**); preservation of a “*a very small amount of prime farmland* (**Section 4.9.1** of the Draft EIS);” and “*the majority of the site (73 percent)*” remaining in agriculture (**Section 4.9.1** of the Draft EIS). Development that is proposed for the Twin Cities site under Alternatives A, B, and C is commercial development, which would be consistent with the City of Galt’s proposed future land use of the site.

Response to Comment A16-04

The Commenter suggests that water and wastewater analysis in the EIS is incomplete. **Section 4.10** of the Draft EIS presents a robust water and wastewater analysis for all project alternatives and **Section 5.3** presents multiple mitigation measures to reduce all potential impacts to less-than-significant levels. The level of analysis presented in the EIS constitutes the ‘hard look’ required by NEPA (*Robertson v. Methow Valley Citizens Council* [1989]).

Response to Comment A16-05

The Commenter states that the socioeconomic analysis regarding the impact of the casino alternatives on crime are inadequate and uses a methodology that does not conform to generally established social science research principles. The subject of crime and its impact on the casino alternatives are thoroughly analyzed in EIS **Sections 4.7** and **4.10**. There is no single universally accepted method to estimate the effects of casinos on crime and law enforcement utilization. Consequently, the EIS draws upon a combination of a review of previous studies, as well as a survey of local law enforcement agencies. The results of this survey are presented in **Appendix N** and were used as a basis to quantitatively evaluate effects to local law enforcement, as shown in **Tables 4.7-16** and **4.7-17**. Also see General Response 6 – Crime/Law Enforcement and General Response 8 – Quantification of Socioeconomic Effects and Mitigation.

Response to Comment A16-06

The Commenter states that the EIS fails to quantify non-casino substitution effects, overstates operational revenues and tax revenues, and fails to disaggregate fiscal impacts. The Commenter makes these same statements in Comments A16-89, A16-217, A16-92, respectively. Refer to Responses to Comments A16-89, A16-217, and A16-92. The Commenter also states that the EIS references only gross fiscal effects instead of net figures; refer to Responses to Comments A16-89 and A16-92.

Response to Comment A16-07

The Commenter asserts the Draft EIS does not meet the requirements of a TEIR or a TPED. Refer to Response to Comment A16-01(3).

Response to Comment A16-08

The Commenter notes that **Table ES-1** of the Draft EIS should be updated as necessary and that most impacts identified as less-than-significant prior to mitigation, but that also have mitigation measures, should be re-identified as significant impacts prior to mitigation. **Table ES-1** has been updated in the Final EIS to reflect any changes made throughout the document. Several minor changes were made to impacts and mitigation measures in the Final EIS, but no impact levels have been re-characterized in the Final EIS.

Response to Comment A16-09

The Commenter requests that **Table ES-1** be modified to state that Alternative A is expected to result in a decline in business for local restaurant and entertainment businesses. Such a change would be inconsistent with the analyses included in EIS **Section 4.7**. The issue of substitution effects to non-gaming local businesses is addressed in Response to Comment A16-89. Also see revised **Section 4.7.1** in the Final EIS, which addresses studies on the subject of non-gaming substitution effects.

Response to Comment A16-10

The Commenter requests specific changes to **Table ES-1, Section 4.7**, Socioeconomic Conditions: Fiscal Effects. There is a distinction between environmental impacts of the project alternatives (i.e., Alternatives A through F) and Alternative G (No Action). These issues are addressed in Responses to Comments A16-92 and A16-93. However, the Commenter is correct that the language in **Table ES-1** is not completely consistent with the analysis included in Draft EIS **Section 4.7**. Please see revised language in Final EIS **Table ES-1** and **Section 5.7**.

Response to Comment A16-11

The Commenter requests specific changes to **Table ES-1, Section 4.7**, Socioeconomic Conditions: Fiscal Effects, and mitigation measures to conform to the Commenter's suggested changes described in Comment A16-10. Some of the language suggested by the Commenter has been incorporated into **Table ES-1**. See revised **Table ES-1**.

Response to Comment A16-12

The Commenter questions the project need for the entirety of the Twin Cities site and suggests only the acres included for development be considered as potential trust property and identifies the site as slated for planned development in the City of Galt. Refer to Responses to Comments A16-02 and A16-03.

Response to Comment A16-13

The Commenter questions the characterization of the role of Cooperating Agencies in drafting the EIS. Refer to Response to Comment A16-01(2).

Response to Comment A16-14

The Commenter states that the MOU between the City of Galt and the Tribe is mischaracterized in the EIS. A stated purpose in Section 1 of the MOU entered into between the City of Galt and the Tribe on May 5, 2015, is that “[t]he City and the Tribe intend to establish a cooperative government-to-government relationship regarding potential off-trust impacts of development of the proposed project on the trust site...” (**Appendix F** of the Draft EIS). The Letter of Intent (LOI) between the City and the Tribe also explicitly refers to off-reservation impacts, “the parties desire to address the impacts of the gaming facilities to the City and the mitigation that will be offered by the Tribe to address those impacts” (**Appendix F** of the Draft EIS). As a clearly stated purpose of the MOU, the addressing of off-reservation impacts is a primary focus of the EIS, as it is presented in the text of **Section 1.6** of the Draft EIS. Nowhere in the MOU or the Draft EIS is the term “substantive agreement” used in regards to the MOU, however, it is a document entered into in good faith in the State of California signed by the City Manager Jason Behrmann, attested to by the City Clerk Donna Settles, and approved by the City Attorney Steven

Rudolph. In this framework, the MOU is a substantive agreement, though no longer in effect as the Wilton Rancheria sent notice of termination of the MOU on June 9, 2016.

Response to Comment A16-15

The Commenter asserts the Draft EIS does not meet the requirements of a TEIR. Refer to Response to Comment A16-01(3).

Response to Comment A16-16

The Commenter requests changes to **Table 1-1** of the EIS. Service agreements entered into between the Tribe and governmental agencies are not characterized as required “*federal, state, and local permits and approvals*” as listed in **Table 1-1** of the Draft EIS. The approval of water/wastewater connections is already listed in Table 1-1. Neither an off-site mitigation agreement with the City of Galt nor a law enforcement services agreement with the Galt Police Department is listed in Table 1-1 because the Tribe currently does not have a Compact with the State. When one is entered into, it is unlikely to include a requirement for an agreement with either the City of Galt or the Galt Police Department since Alternative F, the Elk Grove Mall Site, is now the Tribe’s Preferred Alternative. Service agreements are included as appendices to the EIS and identified as mitigation in **Section 5.10, Mitigation Measures A, N, P, and R** of the Draft EIS.

Response to Comment A16-17

The Commenter requests a re-characterization of site scope/boundaries and changes to circulation components of the Twin Cities project site description (Alternative A), as well as a re-characterization of mitigation measures. Refer to Responses to Comments A16-02 and A16-03. The proposed driveway included as part of Alternative A is an on-site component, separate from the off-site Highway 99/Mingo Road interchange reconstruction included in **Section 5.8.2** of the Draft EIS as **Mitigation Measure G**. Refer to **Figure 2-1** for a visual representation of this driveway component. The closure of West Stockton Boulevard is included in **Section 5.8.2** of the Draft EIS as **Mitigation Measure I**. These two traffic improvement mitigation measures (Highway 99/Mingo Road interchange reconstruction and closure of West Stockton Boulevard) would not be located on trust land, and their implementation would require local and/or State approvals that are outside of the Tribe’s jurisdiction. Therefore, they are not part of the Proposed Project; they are mitigation measures.

Response to Comment A16-18

The Commenter requests an additional provision be added to **Section 2.2.4** of the EIS. A reference to enforceable mitigation agreements has been added to **Section 2.2.4**.

Response to Comment A16-19

The Commenter requests clarification of a statement made in **Section 2.2.5** of the EIS. Refer to Response to Comment A16-03. The statement “[n]o development is proposed on the southern part of the site” is straightforward. The Tribe has no plans to develop this portion of the site or use it for reasons other than those presented in the EIS, such as for a source of fill material. Any other potential future development at the site is unforeseeable.

Response to Comment A16-20

The Commenter requests clarification of a statement made in **Section 2.2.5** of the EIS. Construction on land taken into trust by the federal government for an Indian tribe is not subject to local and state regulations and codes. The federal government has various regulations to protect public safety. Also, there are recognized organizations, such as the International Code Council, that develop codes and standards, such as the International Building Code, that are adopted by state or local governments as well as by Indian tribes. Government entities may modify these codes to meet their specific needs. The codes and standards gain their enforcement authority through the government adoption processes. In this case, under Alternative A, the International Building Code is anticipated to be adopted and followed by the Tribe as it is an internationally recognized building standard upon which many local and state jurisdictions base their own building codes and includes nationally and internationally recognized safety features and standards, such as best building materials and fire resistance measures. However, codes may be modified to reflect agreements made with applicable agencies. However, as stated in **Section 2.7.1**, “*Alternative F would be constructed to meet the International Building Code.*”

Response to Comment A16-21

The Commenter questions the construction timeframe stated in the EIS for Alternative A. It is feasible for construction to begin in 2017. The Tribe no longer intends to keep to the 2017 schedule for Alternative A, and instead intends to keep to the 2017 schedule for Alternative F (the Preferred Alternative), although delays are possible. The environmental review process is anticipated to be completed in 2016 and most permits, approvals, and agreements can be obtained simultaneously. Construction and permitting schedules are subject to change pending future agreements between the Tribe and applicable agencies.

Response to Comment A16-22

The Commenter requests clarification on the number of parking spaces provided in **Table 2-1** of the EIS. The number of parking spaces suggested as part of Alternative A and included in **Table 2-1** of the Draft EIS were established in consultation with Boyd Gaming, casino operator and proposed management company for gaming project alternatives. Boyd Gaming’s extensive experience operating casinos throughout the U.S. gives it unique insight into project components of gaming operations. As noted by the City of Galt in Comment A16-41, there is no City equation for parking; however, the number of

parking spaces to be provided under Alternative A exceeds the City’s unofficial conservative standard of one per 200 square feet of developed square footage.

Response to Comment A16-23

The Commenter requests additional analysis of the sign component of Alternatives A, B, and C. As stated previously, land taken into trust by the federal government for an Indian tribe is not subject to local codes. As noted in **Section 4.13.1** in the Draft EIS, “*development of Alternative A on the Twin Cities site would not be visually incompatible with urban development currently existing in the immediate vicinity along the Hwy 99 corridor.*” No sensitive receptors would be included among those Highway 99 travelers who might view the signage included as part of development at the Twin Cities site and it “*would not affect any designated scenic resources*” (**Section 4.13.1** of the Draft EIS). The sign component of Alternative A is further discussed in **Section 4.13**: “[e]xterior signage would enhance the buildings’ architecture and the natural characteristics of the site by incorporating natural materials in combination with architectural trim. Illuminated signs would be designed to blend with the light levels of the building and landscape lighting in both illumination levels and color characteristics.” Mitigation Measures in **Section 5.13** of the Draft EIS specify other design elements that would apply to all project components including signage, such as the use “*of earth tones in paints and coatings, and native building materials such as stone*” and downcast lighting. Additional mitigation is included to minimize “*the effects of lighting and glare on birds and other wildlife,*” such as the use of downcast lighting and the extinguishing of lights as practical “*during the peak bird migration hours of midnight to dawn*” (**Section 5.5.1, Mitigation Measure V**). Therefore, even though there are currently no design-level specifications for a sign, potential impacts from a large, illuminated sign are analyzed throughout the Draft EIS. Refer to Response to Comment A16-01(3) for a discussion on the TEIR process.

Response to Comment A16-24

The Commenter asserts that the EIS uses inconsistent numbers for the projected water demand of Alternative A. The estimated average daily water consumption used in **Section 2.2.6** and throughout the Draft EIS for Alternative A (including landscape and irrigation) is correct and was derived using data present in Table 2-2 and 2-3 of **Appendix I** of the Draft EIS. Table 2-2 shows the estimated average demand for potable water in gallons per day (gpd) and Table 2-3 shows the average annual demand for landscape and irrigation in million gallons per year (Mgal/yr). The average daily water consumption of “*approximately 295,000*” was calculated by dividing the landscape and irrigation demand (15 million gallons per year) by 365 and adding potable water demand (254,000 gpd). The use of an estimated average daily water consumption number for water analysis is an acceptable industry standard for an environmental impact study. **Appendix I** presents more detailed information.

Water required for fire protection would come either directly from the City of Galt’s municipal public water system (Option 2) or from on-site wells (Option 1). In the case of Option 1, on-site fire protection storage would be required for approximately 720,000 gallons of water. Fire protection water is not

accounted for in the estimated average daily water consumption as its procurement would not occur daily and is a non-consumptive water use. As stated in **Section 4.3.1** of the Draft EIS, “[t]his demand may be met with either potable or recycled water; if recycled water is to be used, fire protection storage must be separate from potable water storage.”

Response to Comment A16-25

The Commenter requests clarification on the potential use of existing on-site wells at the Twin Cities site. As stated in **Section 2.2.5** of the Draft EIS, the “existing on-site wells, currently for farm irrigation, would either be abandoned, would be used as monitoring wells, or would remain in agricultural use.” Thus, it is unknown at this time if existing on-site wells would continue to be used for agricultural purposes on the Twin Cities site should Alternative A be implemented; however, continuation of existing agricultural uses is anticipated though at a reduced rate due to development of Alternative A. See Response to Comment A16-75. Any abandonment of existing wells would be conducted using USEPA guidelines.

As evaluated in **Section 4.3.1** of the Draft EIS “compared to existing agricultural operations, the construction and operation of Alternative A would significantly reduce the volume of groundwater extracted from the aquifer during the dry season, when aquifer recharge is typically lowest.” Therefore, “a minimal and less than significant effect” to groundwater supplies is anticipated with Alternative A in comparison to existing conditions (**Section 4.3.1** and **Appendix K** of the Draft EIS).

Response to Comment A16-26

The Commenter requests clarification on water storage for fire protection at the Twin Cities site. The water storage tank for Option 1 for Alternative A would be located near the back (western edge) of the property, and would be shorter than the proposed casino and hotel. Tank dimensions presented in Appendix I of the Draft EIS (page 13) are “approximate” and, as stated in Response to Comment A16-24, fire protection water storage may be combined with potable water storage or storage of treated effluent. Given this placement, the storage tanks would be consistent with the existing setting, not be readily visible from most viewpoints, and would have a negligible aesthetic impact.

Response to Comment A16-27

The Commenter requests additional description of infrastructure that would be required for off-site water supply to the Twin Cities site under Alternative A, Option 2. Regarding Alternative A, Water Supply Option 2, **Section 2.2.5** of the Draft EIS states that “the City of Galt’s municipal public water system...would be extended to the Twin Cities site to serve the Proposed Action.” The Draft EIS goes on to state that “[e]xtending the City of Galt’s water system connection would require construction of approximately 9,750 linear feet of piping along Bergeron Road crossing Mingo Road and Highway 99 to connect to the southeast corner of the Twin Cities site.” This extension is shown in **Figure 2-3. Section**

4.10.1 goes on to state that “[t]he expanded water system that would serve the area is consistent with Phase 4 of the City of Galt’s 2010 Water Distribution System Master Plan, and includes three wells, a water treatment system, and a storage tank on Bergeron Road, located north of Twin Cities Road” and “[p]lanned city water system improvements are identified in the 2010 Urban Water Management Plan.” **Appendix I** of the Draft EIS also shows the approximate alignment of the connection on Figure 4-2 (page 22) and assumes “a 6 inch building water supply line and a 6 inch irrigation water supply line for the facility are sufficient to supply the anticipated maximum daily building and irrigation demands” for estimating connection fees (page 23). The City of Galt’s 2010 Water Distribution System Master Plan (City of Galt, 2010) presents detailed information on existing and planned water supply connectivity. Figure 6.4 of the City’s 2010 Report shows the planned pipelines for water conveyance to the Twin Cities site.

The Draft EIS acknowledges that a significant effect to the City’s water supply distribution facilities would occur, and mitigation is provided in **Section 5.10.1** to ensure the impact is reduced to a less-than-significant level. Additionally, **Section 4.14.2** of the Draft EIS considers the indirect environmental effects that may result from off-site utility improvements.

If for any reason a connection to the City of Galt municipal water system is not made available, the Tribe may choose to implement On-site Supply (Option 1), as described in Draft EIS **Section 2.2.5**, which involves utilizing on-site water wells.

Response to Comment A16-28

The Commenter questions potential undisclosed development on the Twin Cities site. Refer to Response to Comment A16-03.

Response to Comment A16-29

The Commenter questions the inclusion of a discussion of the MOU between the Tribe, the County of Sacramento, and the City of Elk Grove. The discussion of the MOU is included in **Section 2.2.5** of the Draft EIS as it is relevant to such issues as consistency with general plans, environmental constraints, and mitigation measures. The May 2015 MOU with the City of Galt addresses specific elements of the government-to-government relationship between the Tribe and the City but does not dictate the requirements of this EIS. Also, refer to Response to Comment A16-14.

Response to Comment A16-30

The Commenter asserts that BMPs included in the EIS do not meet industry standards and that City of Galt BMPs would meet industry standards and should be included in the EIS. Land taken into trust by the BIA for use by an Indian tribe falls under federal and tribal jurisdiction and local and state government standards typically do not apply. As such, several industry standard construction BMPs are included as

on-site mitigation measures in **Section 5.2** of the Draft EIS. However, as stated in **Section 5.2** of the Draft EIS: “*BMPs shall include, but are not limited to...*,” i.e., additional BMPs may be employed pending site-specific circumstances and cooperative agreements with local jurisdictions.

Response to Comment A16-31

The Commenter states that their previous comments on Alternative A should be applied to Alternatives B and C. Refer to Responses to Comments A16-17 to 30.

Response to Comment A16-32

The Commenter asserts that analysis in Appendix G is insufficient as it does not account for the City of Galt’s plan for annexation and commercial development of the Twin Cities site. Refer to Response to Comment A16-02.

Response to Comment A16-33

The Commenter asserts that the biological resources analysis in the EIS is incomplete in regards to the Swainson’s hawk and greater sandhill crane. Refer to General Response 4 – Habitat and Species.

Response to Comment A16-34

The Commenter states that **Section 3.7** of the EIS is missing an analysis of tribal gaming in the vicinity of the Twin Cities site. The Commenter states that such analysis should include certain competitive data for each area casino, such as casino revenues per slot per day, etc. Although no federal regulation dictates the definition of ‘vicinity’ for purposes of analysis (refer to Response to Comment A16-131 for a broader discussion on ‘vicinity’), there are no tribal casinos located within Sacramento County. The tribal gaming market environment, as well as competitive effects, are described and analyzed in the Draft EIS **Section 4.7**. Both topics are addressed in a single EIS section because the subjects are interconnected. An analysis of tribal gaming is also included in **Appendix U** of the Draft EIS. Much, but not all, of the data requested by the Commenter are included in these analyses. Some of the data requested by the Commenter are proprietary or not publically available and thus are not included.

Response to Comment A16-35

The Commenter suggests changes to LOS ratings of specific intersections in the EIS. Thank you for the information. This correction was made to **Table 3.8-4**; however, it does not change the conclusions of the analysis.

Response to Comment A16-36

The Commenter notes that a City of Galt new development code is not reflected in **Section 3.9** of the EIS. NEPA does not require adoption of local building and development codes. The Draft EIS has been prepared pursuant to 40 CFR §1502.16 to discuss possible conflicts with local land use plans and policies (**Section 4.9** of the Draft EIS). The Twin Cities site is not currently located within City of Galt limits and therefore is currently subject primarily to Sacramento County land use policies. Local codes would not apply to the Twin Cities site once the land is taken into trust. The City of Galt's April 13, 2015 request to include this new development code was given consideration but determined to be unnecessary.

Response to Comment A16-37

The Commenter discusses how City of Galt zoning designations are inapplicable to the Twin Cities site. It is agreed that the Twin Cities site is not currently subject to City of Galt zoning designations. Refer to Response to Comment A16-36.

Response to Comment A16-38

The Commenter states why development on the Twin Cities site cannot be compared to the Galt City Development Code. Refer to Response to Comment A16-36.

Response to Comment A16-39

The Commenter remarks that the height of the proposed hotel would be incompatible with City of Galt zoning and other development in the vicinity. Refer to Response to Comment A16-36. **Section 4.13.1** of the Draft EIS appropriately states that *“the visual change is inconsistent with the current County Agricultural zoning designation of the Twin Cities site; however...the commercial nature of the casino resort proposed under Alternative A is not inconsistent with long-range plans for the Twin Cities site.”*

Inconsistency with local land use plans and policies is relevant for NEPA in as much as it does not impair a local government from implementing its *“land use control mechanisms”* outside the project boundaries, such as on neighboring parcels (46 Federal Register 18026), which is effectively discussed throughout the Draft EIS in regards to both the City of Galt and the County of Sacramento, which are the currently the local regulating agencies in the area. Specific places in the Draft EIS where consistency with local government plans and policies are discussed include: **Section 4.8.1** regarding transportation level of service; **Section 4.9.1** regarding neighboring land uses; **Section 4.10.1** regarding water distribution; **Section 4.11.1** regarding noise; **Section 4.13.1** regarding visual cohesiveness; **Section 4.14** regarding indirect and growth inducing impacts; and **Section 4.15** regarding cumulative effects. **Section 5.0** of the Draft EIS contains several mitigation measures that are recommended to assist in reducing or eliminating potential impacts to local jurisdictions.

Response to Comment A16-40

The Commenter remarks that Alternative A appears to have adequate parking as assessed by the City of Galt's informal calculation. Comment noted.

Response to Comment A16-41

The Commenter remarks that Alternative B appears to have too much parking as assessed by the City of Galt's informal calculation. Comment noted.

Response to Comment A16-42

The Commenter remarks that Alternative C may have too much, too little, or adequate parking as assessed by the City of Galt's informal calculation. Comment noted.

Response to Comment A16-43

The Commenter requests additional City of Galt General Plan Policies be included in the EIS. NEPA requires early solicitation of input with officials from affected areas regarding potential conflict with local land use policies and goals (46 Federal Register 18026). On March 16, 2015, the City of Galt received the Administrative Draft EIS and responded with comments on April 13, 2015. In its April 13th letter, the City requested several additional General Plan policies be included in the Draft EIS, only some of which directly related to land use but all of which were included in **Table 3.9-2** of the Draft EIS. Upon request, additional suggested City of Galt General Plan policies have been added to **Section 3.9** of the Final EIS and subsequently assessed for consistency in **Section 4.9** of the Final EIS; please see revised sections. Suggested policies that were not added to the Final EIS were either inapplicable to Alternatives A, B, and C because: (1) they would be out of the Tribe's jurisdiction for implementation such as enforcement of City standards and amendments to specific plans (C-1.2, ED-3.3, ED-3.4, PFS-2.5, PFS-2.13, PFS-3.8); or (2) include actions that are not required once land is taken into trust such as amending general plans or procuring City permits (PFS-1.11, PFS-2.7); or (3) they were already included in the Draft EIS (LU-1.1). Inclusion of additional local land use policies does not change the severity of the potential impact to land use. Refer to Response to Comment A16-39 for more detail on land use impact assessment and Response to Comment A16-115 for a discussion on land use impact conclusions.

Response to Comment A16-44

The Commenter notes that the Farmland Conversation Impact Rating (FCIR) score for the Twin Cities site is not included in **Section 3.9** of the EIS. An agricultural assessment of the Twin Cities site is discussed in **Section 4.9.1** of the Draft EIS, in which the FCIR score is stated: “[t]he Twin Cities site assessment rating has been computed at 100 out of 160.”

Response to Comment A16-45

The Commenter requests a correction in the EIS regarding City of Galt well information. **Section 3.10.1** has been revised with the appropriate information on wells in the City of Galt. This correction does not alter the conclusions of the EIS.

Response to Comment A16-46

The Commenter requests a clarification in the EIS regarding City of Galt wastewater collection systems. **Section 3.10.2** of the Draft EIS regarding sanitary sewer collection system components associated with projects in the City of Galt has been revised. This revision does not alter the conclusions of the EIS.

Response to Comment A16-47

The Commenter requests information be added in the EIS regarding City of Galt solid waste services. **Section 3.10.3** of the Draft EIS regarding solid waste service in the City of Galt is appropriate has been revised. This addition does not alter the conclusions of the EIS.

Response to Comment A16-48

The Commenter requests information be added in the EIS regarding County of Sacramento law enforcement services. At the time of preparation of the Draft EIS, information of response call times for the Sacramento County Sheriff's Department was not made available. Again, several attempts were made in April and May, 2016, to obtain this information from the Sacramento County Sheriff's Department for inclusion in **Section 3.10.4**; however, they were non-responsive. The lack of inclusion of this information does not change the conclusions of the EIS. As requested by the Commenter, information regarding the closest Sacramento County Sheriff's Department substation to the Twin Cities site was added to **Section 3.10.4**.

Response to Comment A16-49

The Commenter requests information be added in the EIS regarding City of Galt amenities. Some of this information has been added to **Section 3.10.8**. This addition does not alter the conclusions of the EIS.

Response to Comment A16-50

The Commenter requests a change to the EIS in **Table 3.11-7** to better reflect the origin of information (from the City of Galt General Plan Noise Element). **Table 3.11-7** of the Draft EIS has the term "*City of Galt Noise Element*" stated in the title, which is the same as the wording in **Table 3.11-6** for the County of Sacramento General Plan, also with "*County of Sacramento Noise Element*" in the title.

Response to Comment A16-51

The Commenter suggests an additional City of Galt General Plan Policy be included in the EIS. Policy CC-1.10 has been added to **Section 3.13.2**. This addition does not alter the conclusions of the EIS.

Response to Comment A16-52

The Commenter suggests that the Draft EIS is problematic because it only analyzes Alternative A at its full projected build out and does not analyze potential annexation and commercial development by the City of Galt of the Twin Cities site. Refer to Responses to Comments A16-02, A16-03, and A16-09.

Response to Comment A16-53

The Commenter asserts that the EIS does not make clear its impact assessment methodology. Significance criteria have been provided where available and applicable. As stated in **Section 4.1** of the Draft EIS “*direct and indirect impacts*” to resource areas are analyzed in the document against the “*existing environment of the area affected by the project Alternatives*” (**Section 3.1** of the Draft EIS). As stated in multiple issue area introductory paragraphs in **Section 4.0** of the Draft EIS, “[*effects are measured against the environmental baseline presented in Section [3.0].*”

In discussing environmental consequences NEPA requires inclusion of “environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented” inclusive of direct and indirect effects and their significance, among other attributes (40 C.F.R. §1502.16). Section 102 of CEQ Guidelines directs preparers to “utilize a systematic, interdisciplinary approach” that will assist in the assessment of “unquantified environmental amenities and values” (42 U.S.C. §4332). Thus, woven into the fabric of NEPA is the fact that not all environmental issues are quantifiable using known significance criteria.

Response to Comment A16-54

The Commenter suggests corrections to the EIS and requests additional analysis for geology and soils in regards to proposed grading at the Twin Cities site. **Section 4.2.1** has been revised to better reflect fill quantities discussed in **Appendix J** of the Draft EIS. Grading and drainage plans in **Appendix J** are preliminary, “*represent the worst case scenario,*” and would be finalized to include “[*detailed calculations of earthwork quantities... determined by the contractor based on detailed grading design*” and potentially other options aside from soil relocation (**Appendix J**, page 8). Fill would come from on-site and a sufficient amount is available to meet even the “worst case scenario” needs of the project alternatives. This potential relocating of on-site soil was analyzed for Alternatives A, B, and C, and, as appropriately noted in **Section 4.2.1** of the Draft EIS “*is not anticipated to result in significant impacts to geology, air quality, biological resources, or other areas.*” Grading has already occurred at the Twin Cities site historically, as it is agricultural land, and future grading would avoid any 100-year flood plain areas (as shown on Figures 1, 2, and 3 in **Appendix J** of the Draft EIS). Any potential impacts resulting

from grading, such as those associated with air quality, biological resources, or surface water quality, would be mitigated to a less-than-significant level with measures present in **Section 5.0** of the Draft EIS (e.g., **Section 5.2, Mitigation Measure A, Section 5.4.1, Mitigation Measures A and B, Section 5.5.1, Mitigation Measures A to Z**).

Response to Comment A16-55

The Commenter suggests corrections to the EIS and requests additional analysis for geology and soils. Refer to Response to Comment A16-54.

Response to Comment A16-56

The Commenter asserts that the evaluation of wastewater disposal Option 1 for Alternative A is inadequate. Refer to Response to Comment A10-11.

Response to Comment A16-57

The Commenter requests changes to the EIS to include a discussion of water demands in the evaluation of wastewater disposal Option 1 for Alternative A. The Commenter did not clarify why this information would be beneficial for a wastewater discussion, and its usefulness is not apparent. This change has not been made.

Response to Comment A16-58

The Commenter asserts the impossibility of evaluation of wastewater disposal Option 1 for Alternative A. Refer to Responses to Comments A10-11 and A16-03.

Response to Comment A16-59

The Commenter requests more analysis of wastewater disposal Option 1 for Alternative A in regards to the City of Galt's requirements. The membrane bioreactor proposed for the on-site WWTP would provide high quality treated effluent that would meet the treatment standards of Title 22 of the CCR for recycled water. **Appendix I** of the Draft EIS (page 17) discusses the surface and subsurface disposal of wastewater and states that surface disposal wastewater effluent limits would be determined based on local groundwater quality. **Appendix I** also states that subsurface disposal would be regulated by USEPA and that likewise subsurface wastewater quality effluent limits would be determined based on local groundwater quality. The Draft EIS discusses the existing groundwater elevation contours and predominant groundwater flow direction at the Twin Cities site in **Section 3.3-1**, and states that groundwater flow has been shown to be generally from the northwest to southeast and from the west to east, in both cases generally away from the City of Galt WWTP. This flow direction will reduce the possibility for any impact on the existing groundwater monitoring wells surrounding the WWTP.

Review of the existing NPDES permit at the City of Galt WWTP shows ongoing treatment and effluent concerns, including violations for arsenic, cyanide, and copper. These existing treatment concerns are unrelated to Alternative A at the Twin Cities site. However, any impacts on the current Galt WWTP operations that are related to off-site wastewater treatment from the Twin Cities site would be addressed via a service agreement and payment of impact mitigation and fair share fees, as outlined in the Draft EIS (**Section 5.10.1, Mitigation Measure A**).

Response to Comment A16-60

The Commenter requests clarification on waste and wastewater storage for wastewater disposal Option 1 for Alternative A. As stated in **Section 2.2.2** of the Draft EIS “a 160,000-gallon recycled water storage tank” would be required for the reuse of recycled water as landscape irrigation and other non-potable uses (e.g., toilets). More detail is available in **Appendix I** of the Draft EIS, which states additional storage may be needed depending on final project design, such as whether only subsurface or a combination of surface and subsurface disposal would occur. Also discussed in **Appendix I** is a “solids tank” that would be required for short-term storage of dried waste solids prior to it being “hailed off to a permitted landfill approved to handle biosolids” (**Appendix I** of Draft EIS, page 32).

The exact size and placement of these storage tank(s) would depend on final project design and some may be combined with each other and water storage needs (such as that for fire protection; refer to Response to Comment A16-26). Refer also to Response to Comment A16-26 for a discussion on the potential aesthetic impact of these tanks.

Response to Comment A16-61

The Commenter suggests the EIS does not address regulatory oversight of a potential WWTP that may be developed as part of Alternative A. Once land is taken into trust for use by an Indian tribe, federal and tribal oversight applies to wastewater systems. USEPA would provide federal regulatory oversight for the proposed potential on-site WWTP and associated treated effluent disposal as applicable (as indicated in **Mitigation Measures A** and **C** in **Section 5.3.1** in the Draft EIS; see also Response to Comment A10-12). As stated in **Section 5.3.1** of the Draft EIS, **Mitigation Measures C** and **D**, WWTP “operators shall have qualifications similar to those required by the State Water Resources Control Board Operator Certification Program for municipal wastewater treatment plants” and “subsurface disposal shall be closely monitored by a responsible engineer.”

Response to Comment A16-62

The Commenter suggests that the EIS does not adequately analyze off-site environmental impacts related to off-site Wastewater Disposal Option 2 for Alternative A. Off-site connections to City of Galt wastewater system that would be required for implementation of Alternative A Wastewater Option 2 would be outside the jurisdiction and control of the Tribe. However, they are discussed and assessed in

detail throughout the EIS. **Section 4.3.1** of the Draft EIS states “[w]astewater at the City WWTP is treated and discharged in compliance with a Regional Water Quality Control Board (RWQCB) NPDES permit to ensure that water quality is adequately protected. No adverse effects to surface water or groundwater quality would occur through connection to the existing City system and continued compliance with the NPDES discharge permit.” Furthermore, **Section 4.10.1** of the Draft EIS states that “[t]he City of Galt’s WWTP currently treats an average of approximately 2.3 million gallons per day (MGD) of wastewater, with existing capacity at 3.0 MGD, with a planned expansion to the WWTP increasing capacity to 4.5 MGD by 2020. The 0.7 MGD of available capacity at the City of Galt’s WWTP would accommodate the wastewater demands of Alternative A.” Therefore, there would be no significant adverse effect; however, the Draft EIS goes on to offer mitigation to further reduce the less-than-significant impacts (**Section 5.10.1**). Mitigation recommended in **Section 5.10.1** of the Draft EIS ensures that adequate funding for wastewater facilities are made prior to the operation of Alternative A for “necessary new, upgraded, and/or expanded water and/or wastewater collection, distribution, or treatment facilities.” The Tribe would also “pay the current capital connection charges and monthly service fees, consistent with any other commercial development” (**Section 4.10.1** of the Draft EIS).

Appendix I of the Draft EIS provides more detail on its Figure 5-1 (page 38) and refers to the City of Galt’s “Collection System Master Plan (CSMP) Phase 3 and 4 expansions” that “provide options for connecting to proposed sewer lines” (page 35). Appendix I then proceeds to discuss in numerical detail two proposed options for this off-site wastewater connection, included anticipated sewer main sizes, wastewater directional flow, and a potential plant increase (pages 35 and 36). In addition, **Section 2.2.5** of the Draft EIS states that “[t]here are two possibilities for this connection. Connection to the existing treatment system would be provided either by a new 4,200 foot long pipeline extending through the central part of the Twin Cities site, or by a 3,600 foot long pipeline connection to the City of Galt’s WWTP extending in a westerly direction from the southwest corner of the Twin Cities site.” These possibilities are shown in **Figure 2-3**. Furthermore, **Section 4.14.2** of the Draft EIS considers the indirect environmental effects that may result from off-site utility improvements. All of the detail summarized in this response and provided in the EIS fulfills the ‘hard look’ required under NEPA.

Response to Comment A16-63

The Commenter questions impacts associated with on-site pipeline infrastructure that would be required for off-site wastewater collection to the Twin Cities site under Alternative A (Option 2). Refer to Response to Comment A16-62 and **Section 4.14.2** of the Draft EIS. As stated in Response to Comment A16-62, **Appendix I** shows two possibilities for on-site pipelines that would be used to connect the City of Galt’s wastewater system. Installation of either pipeline option is part of project proposed under Alternative A and is analyzed throughout the EIS as such, including the potential for drainage issues and soil erosion resulting from construction (**Section 4.2.1**), and the potential presence of wetlands and waters of the U.S. (**Section 4.5.1**). All on-site infrastructure required to facilitate a connection to the City of Galt’s wastewater system would be constructed in accordance with BMPs required under the USEPA’s

NPDES permit and included in the EIS **Section 5.2** as mitigation measures to minimize potential impacts. Other mitigation measures that would ensure on-site wetlands and waters of the U.S. would incur less-than-significant impacts due to on-site infrastructure installation are included in **Section 5.5.2** of the EIS to “ensure no adverse effects, wetlands and jurisdictional drainage features shall be avoided, fenced, and excluded from activity.”

Response to Comment A16-64

The Commenter expresses concerns regarding potential expansion of the City of Galt WWTP resulting from wastewater collection to the Twin Cities site under Alternative A (Option 2) in a cumulative setting. Refer to Response to Comment A16-62. **Section 4.15.3** of the EIS discusses potential impacts to the City of Galt’s WWTP from cumulative effects in combination with Alternative A. As stated in **Section 4.15.3**, the current capacity of the City of Galt’s WWTP “would accommodate the wastewater demands of Alternative A;” however, with implementation of mitigation in Section 5.2, “the adverse cumulative effects to the City’s wastewater system would be reduced to a minimal level.”

Response to Comment A16-65

The Commenter questions if the EIS adequately estimates costs regarding off-site wastewater collection to the Twin Cities site under Alternative A (Option 2). Refer to Response to Comment A16-62.

Response to Comment A16-66

The Commenter asserts that additional analysis is required for potential impacts relating to off-site wastewater collection at the Twin Cities site under Alternative A (Option 2). Refer to Responses to Comments A16-62 and A16-01(2).

Response to Comment A16-67

The Commenter asserts that the water supply analysis in the EIS is inadequate by not including data for water needs and the water supply source for construction of Alternative A. The Draft EIS was prepared using extensive scientific data and analysis regarding water supply and analysis, as represented in **Sections 2.0, 3.10, 4.10**, and **Appendices I and K** of the Draft EIS. Water required for construction would be supplied via existing on-site agricultural wells; this use would not be a long-term consumptive water use and would have a negligible effect on water availability (refer to Response to Comment A16-25 for more detail on existing wells). Language has been revised in **Sections 2.0** and **4.3** of the Final EIS to reflect this construction water use.

Response to Comment A16-68

The Commenter questions the conclusion that there would be no adverse impact to groundwater as a result of Alternative A because the comparison of project water demand versus existing agricultural

demand is not appropriately characterized. Existing water use for the current agricultural operation at the Twin Cities site is presented in the Draft EIS **Section 3.3.1**. Capacities of the various existing wells on the property are provided in gallons per minute (gpm). In Draft EIS **Appendix I**, water use data is presented on acre feet per year (AFY). As stated in **Appendix I** of the Draft EIS, the existing agricultural operations on the Twin Cities site currently utilize approximately 747 acre-feet per year of water (450 gallons per minute), if averaged over the year of groundwater to meet the crop water demands. The Twin Cities site would experience a 23 percent reduction in water use under Alternative A. Water demands have been revised in the Final EIS (**Sections 2.1** and **3.3.1**) to match demands presented in **Appendix I**, and the water demands for the project alternatives have been revised to include acre-feet per year where necessary to allow for a comparison with the existing agricultural water demand on the Twin Cities site. The updated information does not alter the conclusions of the Draft EIS.

Response to Comment A16-69

The Commenter asserts that the EIS uses inconsistent numbers for projected water demand of Alternative A. Refer to Response to Comment A16-24.

Response to Comment A16-70

The Commenter states the EIS does not adequately discuss water required for fire protection needs for Alternative A. Refer to Response to Comment A16-24.

Response to Comment A16-71

The Commenter questions the representation of water required to continue existing agricultural uses on undeveloped acreage of the Twin Cities site under Alternative A. Refer to Response to Comment A16-68 and General Response 3 – Water Supply. See response to Comment A16-75, which specifies how much of the remaining land will remain in irrigated agriculture. The remainder of the undeveloped southern portion of the site will be dry-farmed.

Response to Comment A16-72

The Commenter requests additional technical detail regarding the water supply to the Twin Cities site under Alternative A (Option 1). **Sections 2.2.5** and **4.10.1** of the EIS include approximate water demand (in gallons per day) of Alternative A, applicable to both Option 1 and Option 2. Additional water demand details, including peak, average, and maximum daily demand, are available in **Appendix I** (pages 11 to 13) of the EIS. Mitigation measures related to groundwater and water supply are included in **Sections 5.3.2** and **5.10.1** of the EIS. The level of technical detail and analysis presented in the Draft and Final EIS in regards to water demand and groundwater quantity constitutes the ‘hard look’ required by NEPA.

Response to Comment A16-73

The Commenter asserts that the EIS fails to acknowledge the impact to the City of Galt’s WWTP under Alternative A (Option 1) and requests additional technical detail. **Section 2.2.1** of the Draft EIS states that “[t]reated effluent that is not used as reclaimed water may be discharged through sub-surface disposal, or a combination of spray disposal and sub-surface disposal,” and **Figure 2-1** shows the proposed locations this disposal. **Section 2.2.1** of the Draft EIS also gives the estimated required acres of land for disposal under both disposal options (sub-surface only or a combination of sub-surface and surface). The proposed disposal locations shown in **Figure 2-1** are located along the central western edge of the project site boundary and also inward in an easterly direction. The disposal area closest to the City of Galt WWTP is located across railroad tracks and, as stated in **Section 3.10.2** of the Draft EIS, is “located approximately 0.5 miles west of the Twin Cities site.” As stated in **Section 3.3.1** of the Draft EIS, “groundwater flow in the vicinity of the Twin Cities site to be generally from northwest to southeast,” which means that treated effluent that is disposed of in the proposed disposal sites would flow, underground, away from the City of Galt WWTP and cause no impact. Therefore, “a comprehensive study to identify groundwater impacts of on-site treatment/disposal and its effect on City’s continued WWTP operation under its permits” is not warranted.

Response to Comment A16-74

The Commenter asserts that a more formal water supply analysis in compliance with State code is required for the Twin Cities site. The implementation of Alternative A would use less groundwater than is currently used on-site (refer to Response to Comment A16-25). As stated in **Appendix K** of the Draft EIS, “...the construction of the proposed EIS alternatives on the [Twin Cities site] would not only cause no additional negative impacts to the groundwater resources, but would lessen the impact the existing land use has on groundwater resources...” Due to this, implementation of Alternative A plus existing and planned future use would result in less groundwater demand than existing and planned future uses. Based on this information, a more formal water supply assessment is not warranted. Regarding SB 610 and 221 requirements (and similarly the California Water Code Section 10910-10915), as Alternative A would not be subject to local jurisdictional approval, SB 610 does not apply. And, as Alternative A would not include a subdivision (consisting of 500 or more dwelling units), SB 221 would not apply even if Alternative A were not constructed on federal trust land.

Response to Comment A16-75

The Commenter requests a more direct comparison of water use from existing conditions. Refer to Response to Comment A16-68. The combined water demand for Alternative A uses, including landscape irrigation, is 295,000 gallons per day (gpd), or 331 acre-feet per year, as presented in **Section 2.0** of the Draft EIS. This demand consists of 254,000 gpd of use within buildings and 41,000 gpd for landscape irrigation. Existing agricultural operations on the Twin Cities site are estimated to use 747 acre-feet per year (see Response to Comments A16-68) and up to one-third of the existing agricultural lands may remain in irrigated agriculture after implementation of Alternatives A or B (this would require an

estimated 249 acre-feet per year of water). Accordingly, the resulting total water demand for Alternative A would be 580 acre-feet per year (331 for Alternative A and 249 for continuing irrigated agricultural operations), which is an approximate 22.4 percent annual decrease compared to the existing agricultural operation on the Twin Cities site. Furthermore, as explained in Response to Comment A16-24, fire suppression water is not a consumptive demand under normal circumstances and, therefore, is not factored into annual or average day estimates.

Response to Comment A16-76

The Commenter claims that water supply analysis under Alternative A (Option 2) is speculative. Refer to Response to Comment A16-27.

Response to Comment A16-77

The Commenter requests more information in the EIS on groundwater recharge. As stated in **Section 4.3.1** of the Draft EIS, “*two stormwater detention basins are included in the project design for Alternative A*” to ensure adequate storage volume is available during storms. As stated in **Section 4.3.1**, these detention basins would be unlined and would allow percolation of the stormwater into the soils and groundwater table. The concern regarding conversion of 63 acres (22 percent of the total site) to hardscape is minimized by the 23 percent reduction in groundwater use that would result from the implementation of Alternative A. Language has been revised in **Section 4.3.1** of the Final EIS to clarify this data. The runoff generated by the impervious surface would be directed to the detention basins, thereby in part or whole offsetting any reduction in groundwater recharge. Also refer to Response to Comment A16-227.

Response to Comment A16-78

The Commenter states the EIS needs to address impacts to City of Galt air quality associated with Alternative A, as have been reported with other casino communities. Refer to Response to Comment A3-03.

Response to Comment A16-79

The Commenter asserts that the biological resources analysis in the EIS does not recognize impacts to Swainson’s hawk and greater sandhill crane. Refer to General Response 4 – Habitat and Species and Response to Comment A16-33.

Response to Comment A16-80

The Commenter asserts that the EIS does not reduce effects to Swainson’s hawk to a less-than-significant level. Refer to General Response 4 – Habitat and Species and Response to Comment A16-33.

Response to Comment A16-81

The Commenter states that the EIS does not adequately assess impacts to sensitive species. Refer to General Response 4 – Habitat and Species and Responses to Comments A16-23, A16-33, and A16-54.

Response to Comment A16-82

The Commenter asserts that the EIS does not effectively mitigate potential impacts to Swainson’s hawk habitat. Refer to General Response 4 – Habitat and Species and Response to Comment A16-33.

Response to Comment A16-83

The Commenter indicates that future development at the Twin Cities site beyond Alternative A could impact sensitive species. Refer to Responses to Comments A16-03 and A16-19.

Response to Comment A16-84

The Commenter states that the Draft EIS does not adequately represent Alternative G (No Action) in regards to annexation of the Twin Cities site into the City of Galt. Refer to Responses to Comments A14-04 and A16-02. See Response to Comment A16-03 for a discussion of the development plans for the Twin Cities site.

Response to Comment A16-85

The Commenter states the need for a more concise discussion on fiscal effects under Alternative A. The Draft EIS presented fiscal effects analyses on local jurisdictions for each alternative. Final EIS **Section 4.7** includes updated tables that provide a greater level of detail than the textual descriptions. See the tables in **Section 4.7** of the Final EIS that describe the estimated fiscal effects.

Response to Comment A16-86

The Commenter requests clarification on statements made in the Alternative A fiscal effects analysis regarding evaluation by Sacramento County and San Joaquin County (the Counties) and City of Galt. The language on the Draft EIS, pages 4.7-9 and 4.7-10, that is referenced by the Commenter states that both the Counties and the City of Galt may use both internal resources (i.e., personnel) and external resources (i.e., third-party experts) to facilitate their review of the EIS. There is a cost related to the use of such resources and such cost, to the extent not reimbursed by the Tribe, will be borne by the Counties and the City of Galt.

Response to Comment A16-87

The Commenter states that the last sentence of Draft EIS **Section 4.7**, page 4.7-16, titled *Summary of Economic Effects*, is not supported by the analyses included in the Draft EIS. This last sentence

concludes that Alternative A would result in a beneficial impact to the local economy in Sacramento and San Joaquin counties. This conclusion is generally supported by the analyses which precede it in Draft **EIS Section 4.7**. However, Draft **EIS Section 4.7-1 Fiscal Effects** concludes by stating that the mitigation measures outlined in **Section 5.7** and **5.10** would adequately fund the increase in demand for public services caused by project alternatives. The sentence referenced by the Commenter has been modified in the Final EIS to include the concept of mitigation.

Response to Comment A16-88

The Commenter states that the EIS does not analyze whether adding another casino would result in market saturation or siphoning off of patrons from existing casinos. Draft EIS **Appendix U** analyzes substitution effects, also known as competitive effects. Most of **Appendix U** is devoted to substitution effects to existing casinos that may be impacted by the various gaming alternatives analyzed throughout the EIS. **Appendix U** also includes a quantitative analysis in which the total estimated revenue under the various alternatives is separated into categories of new market growth versus revenue that is estimated to come from substitution/competitive effects. These analyses are summarized in **EIS Section 4.7.1**, including **Table 4.7-5** and **4.7-6**. As described in **Appendix U** and **Section 4.7.1**, the majority of revenue of the gaming alternatives is projected to come from new market growth, not substitution effects. Consequently, the gaming alternatives described in the EIS are not projected to result in market saturation.

Response to Comment A16-89

The Commenter states that the EIS does not adequately address substitution effects to non-casino businesses or how such effects would impact fiscal revenues and expenses. Draft EIS **Sections 4.7.1**, **4.7.2** and **4.7.3** include analyses of the potential of substitution effects of Alternatives A, B, and C on local businesses. Because potential retail substitution effects are greatest under Alternative C, **EIS Section 4.7.3** includes a discussion of the potential for urban blight **EIS Section 4.7**, the studies, when analyzed in the aggregate, indicate that the opening of casinos do not have a discernable effect (either positive, neutral, or negative) on the sales at surrounding non-gaming businesses. The studies that were reviewed on this topic include:

- Williams and Rehm (2011) *The Social and Economic Impacts of Gambling*: Meta study that identified a net decrease in retail sales following casino openings.
- Wiley and Walker (2010) *Casino Revenues and Retail Property Values: The Detroit Case*: Casino openings had positive effect on retail property values. Retail sales was not the focus of the study.
- Barrow, Clyde and Hirschy (2008) *The Persistence of Pseudo-Facts in the U.S. Casino Debate: The Case of Massachusetts*: Positive effect on retail sales.
- University of Massachusetts at Dartmouth (2004) *Economic and Fiscal Analysis for a West Warwick Casino Resort*: Positive effect on retail sales.

- Thomas A. Garrett (2003) *Casino Gambling in America and Its Economic Impacts* that included an analysis of employment in certain counties in Mississippi, Illinois, Iowa and Missouri: Employment effects are situation specific, although retail employment declined in most of the counties analyzed, while local service employment tended to increase. Net local employment most positive in urban areas. Rural areas are more likely to experience a decrease in local retail sales.
- Taylor, Krepps and Wang (2000) *The National Evidence on the Socioeconomic Impacts of American Indian Gaming on Non-Indian Communities*: Casino openings cause sales of local retailers to decline by an average of 3%.
- Terance J. Rephann et al (1997) *Casino Gambling as an Economic Development Strategy*: No discernable effect on the growth in retail sector, but positive effect on services sector.

Many of these studies do state that idiosyncratic factors, such as the population density of the project area and the mix of non-gaming amenities at a new casino, can be a determinant of substitution effects (either positive, neutral, or negative) observed in the studies' data. It should be noted that the non-gaming amenities that comprise Alternatives A and B are designed to complement, not supplement, gaming activities. For example, the hotel and food and beverage elements of Alternative A are designed to provide a more pleasant and convenient gaming experience to Alternative A patrons. Consequently, these non-gaming elements are not intended to compete with local businesses. In summary, the results of these studies are consistent with the conclusions stated in the EIS.

An analysis of lost property taxes is included in Draft EIS **Section 4.7.1**, **Section 4.7.3** and **Table 4.7-8**. Because the figures are rounded to the nearest \$100,000, most of the lost property taxes are listed as "\$0.0" in **Table 4.7-8**.

Response to Comment A16-90

The Commenter states that Alternative C requires mitigation to offset the reduced tax revenues that would result from the construction of a retail development on the Twin Cities site. As described in Draft EIS **Section 4.7.3**, Alternative C would likely result in a decrease in certain retail categories, such as food/grocery stores. Such effects could be substantial to the competing food/grocery stores, but the effects should diminish over time. However, such effects would not cause a physical effect to the environment, such as urban blight. NEPA requires mitigation for significant effects to the physical environment.

The Commenter is correct that the competitive effects would cause a decline in tax revenues to the City of Galt and Draft EIS **Section 5.0** included appropriate mitigation. As described in EIS **Section 4.7.3** subsection titled *Non-Gaming Substitution Effects - City of Galt Retailers* section, Alternative C is anticipated to have a substitution effect of approximately \$40.5 million in annual sales, although such effect is anticipated to dissipate over time. Food/grocery stores typically sell a mix of goods, some of

which are exempt from sales taxes. The 2009 Walmart Draft EIR estimated that 30 percent of the then proposed Walmart food/grocery products would be subject to sales tax. This 30 percent is a reasonable assumption for the food/grocery component of Alternative C sales. The impact to the City of Galt would be approximately \$40.5 million multiplied by the percent allocable to the City (assumed to equal 1.0 percent for this analysis) and further multiplied by 30 percent, or approximately \$122,000. In addition there could be short to medium-term diminution in value of competing food/grocery stores due to lower sales, which could be reflected in reduced property values and property taxes. Because some such stores would re-tenant to an alternative retail use, such effects would be temporary and also would not have a significant impact on property tax revenues. Under such a worst case scenario, only a portion of the existing food/grocery establishments would need to re-tenant in order to absorb the substitution effect.

Also see General Response 8 – Quantification of Socioeconomic Effects and Mitigation regarding those impacts that NEPA is required to address.

Response to Comment A16-91

The Commenter requests more detail on use of undeveloped portion of the Twin Cities site and requests additional mitigation measures, including one that precludes additional development on the site. Refer to Responses to Comments A16-02, A16-03, and A16-19. Mitigation precluding further development on the Twin Cities site is not required by NEPA.

Response to Comment A16-92

The Commenter makes a number of statements: 1) fiscal effects of Alternatives A, B, and C are not adequately identified and disaggregated; 2) lost property taxes are not quantified; and 3) the baseline for determining lost property taxes should be the amount of property tax revenues that would be received by the City of Galt should the Twin Cities site be developed in fee.

Fiscal effects at the local level for the project alternatives are thoroughly analyzed in EIS **Section 4.7**, including **Table 4.7-6b** and **Table 4.7-7** that illustrate how local sales and property taxes are apportioned among the various local governmental agencies. This data was not incorporated into disaggregation tables in the EIS because the resulting level of detail is substantial if shown for each project alternative. This detailed level of disaggregation analysis is now included in the supplemental **Appendix H** that is included in the Final EIS.

See Response to Comment A16-89 regarding lost property taxes.

The Commenter's statement that the baseline for Alternatives A, B and C should be the Twin Cities site developed in fee is inaccurate. Rather, impacts are defined as the difference between the consequences of development in comparison to the baseline described in EIS **Section 3.7**, which is what is in existence as of the time the EIS is published. However, the Commenter is correct that the impacts of the Twin Cities

site under Alternative G (No Action) should be discussed, and this information is included for Alternative G in EIS **Section 4.7.7**. The distinction between impacts under the various project alternatives and impacts under Alternative G are summarized in CEQ's *NEPA's Forty Most Asked Questions*. As described for Question 3, Alternative G:

"The second interpretation of 'no action' is illustrated in instances involving federal decisions on proposals for projects. 'No action' in such cases would mean the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward.

Where a choice of "no action" by the agency would result in predictable actions by others, this consequence of the "no action" alternative should be included in the analysis. For example, if denial of permission to build a railroad to a facility would lead to construction of a road and increased truck traffic, the EIS should analyze this consequence of the "no action" alternative."

Evaluating the fiscal effects of developing the Twin Cities site in fee under Alternative G (No Action) produces the same estimates as if these effects were considered indirect effects of Alternatives A, B, and C (which they are not). The exception is that such effects under Alternative G are impacts of Alternative G, not Alternatives A, B, and C. As described above, the EIS classifies these as effects of Alternative G, which is appropriate.

See Response to Comment A16-02 regarding why the EIS **Section 4.7.7** description of Alternative G (No Action) does not include quantitative analyses for the Twin Cities site.

Response to Comment A16-93

The Commenter states that Alternative G (No Action) should include mitigation. The Commenter also states that the mitigation measures listed in the Draft EIS **Table ES-1** should state that payments made pursuant to intergovernmental agreements are legal obligations. Alternative G does not include mitigation because Alternative G does not involve an action by the Tribe or by the BIA. Rather, Alternative G is presented for comparative purposes. The Commenter is correct that the environmental impacts of Alternative G should be evaluated in the EIS. These impacts are included in EIS **Section 4.0**. Socioeconomic effects are described in EIS **Section 4.7-7**. EIS **Section 4.7-7** does not include quantitative estimates of socioeconomic effects on the City of Galt because Alternative G (No Action) at the Twin Cities site does not involve a change in the current land use. See Response to Comment A16-02 for more information regarding how the EIS defines Alternative G. The mitigation in **Table ES-1** does not state that payments made pursuant to intergovernmental agreements are legal requirements because that is implied. The Commenter is correct that payments made pursuant to intergovernmental agreements are legal obligations.

Response to Comment A16-94

The Commenter requests additional compensatory mitigation for the City of Galt regarding potential future annexation and clarification of the mitigation measure language. Refer to Responses to Comments A16-02. Mitigation measures listed in **Section 5.7** and **5.10** would result in appropriate compensatory payments for applicable public services that would be impacted by the EIS alternatives. See Response to Comment A16-92 regarding why potential future tax revenues under Alternative G (No Action) at the Twin Cities site are not impacts under Alternatives A, B, and C. Rather, these are impacts under Alternative G.

The Commenter's statement that additional detail regarding fiscal effects would facilitate better decision making is acknowledged. See Response to Comment A8-22 and A16-92 regarding this level of detail. See updated tables in Final EIS **Section 4.7** that include greater detail of fiscal effects.

Response to Comment A16-95

The Commenter asserts that Alternatives A, B and C would have fiscal impacts on the City of Galt that are not accounted for in the Draft EIS. The Commenter states that a new casino will attract gambling-linked businesses such as payday lenders, pawn shops, etc. See Response to Comment A16-89 regarding potential competitive impacts to local area businesses. There is no evidence that Alternatives A, B or C would result in an influx of undesirable businesses. Furthermore, new business entrants into the vicinity of the site would be subject to local ordinances, including zoning ordinances. Existing zoning designed to facilitate orderly growth and positive economic activity would remain in effect in adjacent areas. Provided that they adhere to zoning regulations and operate legally, new businesses formed as a result of Alternatives A, B or C would make positive contributions to the local economy and to local governments.

The Commenter's statement regarding mitigation is acknowledged. Mitigation for law enforcement is provided in EIS **Sections 5.7** and **5.10**. Traffic mitigation is proposed in EIS **Sections 5.8** and **5.10.3**. As described in EIS **Section 4.7**, impacts to parks and recreation are less than significant. Consequently, there is no proposed mitigation for these services. EIS **Section 4.7** does not propose specific mitigation for purposes of reimbursing local governments for the monitoring of mitigation programs because such funding can be included in mitigation that would be negotiated between the Tribe and local governments pursuant to mitigation measures already identified in the EIS. Also see General Response 8 – Quantification of Socioeconomic Effects and Mitigation regarding the appropriateness of quantitative estimates, impacts that are less than significant and appropriate levels of mitigation under such circumstances.

Response to Comment A16-96

The Commenter asserts that the significance findings regarding the fiscal impacts to the City of Galt under Alternatives B and C are misstated in the EIS. See Response to Comments A16-94 and A16-95.

Response to Comment A16-97

The Commenter questions the cumulative effects analysis for socioeconomic impacts under Alternative A, B, and C. As stated in EIS **Section 4.7**, there will likely be impacts under Alternatives A, B and C to local governmental agencies fiscal affairs and to law enforcement. Mitigation is proposed in EIS **Sections 4.7, 5.7** and **5.10** for these effects. EIS **Section 4.7** also thoroughly analyzes impacts on the local labor market, property values, and housing. See General Response to Comment 8 – Quantification of Socioeconomic Effects and Mitigation.

Response to Comment A16-98

The Commenter states that Draft EIS **Section 4.7** is incomplete because there is no estimation of employment under Alternative G (No Action). See Response to Comment A16-02 regarding why EIS **Section 4.7-7** does not include this information.

Response to Comment A16-99

The Commenter states that the law enforcement analysis included as part of the Graton Final EIS is more balanced than that included in the Wilton EIS. As an example, the Commenter states that the Graton crime analysis indicates that certain types of crimes tend to increase following the opening of a casino. This crime analysis is contained in Appendix N, Socio-Economic Impact Study for the Proposed Graton Rancheria Hotel/Casino Project, to the Graton Final EIS. Appendix N of the Graton Final EIS made a number of findings that address the Commenter's statements, which are: 1) similar to other commercial developments, the opening of casinos tend to lead to increased crime; 2) data and studies on whether casino developments lead to an increase in crime rates, or to indirect increases in crime, are inconclusive; 3) casino openings can lead to increases in pathological gambling, and the amount of such effect depends, among other things, on the availability of other gaming venues within the primary market area ; and 4) young persons may have a different level of susceptibility to problem and pathological gambling of a newly opened casino. Although the Graton Final EIS relies upon its own Socio-Economic Impact Study in Appendix N, the findings in the Graton Final EIS Appendix N are generally consistent with those of the Wilton EIS **Appendix N** and Wilton EIS **Section 4.7.1**. However, it should be noted that the studies analyzed in these appendices are different, and that the Graton and Wilton circumstances are different. Thus one would not expect the socioeconomic study conducted for the Graton development to come to identical conclusions as the Wilton EIS **Appendix N** study. See also **Mitigation Measures 5.8.A** through **5.8.H**, which address these concerns.

Pathological and problem gaming for Alternative A are analyzed in EIS **Section 4.7.1**. As stated in that section, although the effects of pathological and problem gaming are not anticipated to be significant, the 2011 MOU established a framework for the Tribe, the City of Elk Grove, and Sacramento County to negotiate payment by the Tribe to mitigate impacts, including problem gaming. See General Response 8 – Quantification of Socioeconomic Effects and Mitigation regarding issues involved in estimating impacts.

The Commenter also references a report requested by the California Attorney General. EIS **Section 4.7** and **Appendix N** acknowledges that crime will likely increase as a result of Alternative A. EIS **Section 4.7** also describes the composition of crime types that are likely to occur as a result of Alternative A, and that mix is consistent with the Graton report cited by the Commenter. The report requested by the California Attorney General, *Gambling in the Golden State: 1998 Forward* does contain a substantive amount of data on crime and problem gambling. The report is a compilation of previous studies as well as information reported by local law enforcement agencies. For example, page 83 of the reports states:

“The Riverside District Attorney’s office received \$700,000 from the Special Distribution Fund to form an Indian gaming prosecution unit for casino-related crime in 2005. The county has eight gaming tribes and nine casinos. As of October 2005, the unit had prosecuted 104 felonies and 264 misdemeanor crimes in the previous nine months. Driving Under Intoxication (DUI) was the most common felony crime, followed by ID thefts (credit cards and fake checks), and auto theft and violent crimes (ten percent). Misdemeanors included petty theft, drunk in public, and trespassing (people who have been barred from the casinos but keep going back).”

Crime at the casinos may not be disproportionate given the large numbers of people who visit, although DUI is a particular concern, according to the Riverside prosecutor. Prosecution of crimes committed inside a casino is fairly straightforward, given that they are captured on surveillance cameras.”

These findings are consistent with the crime effects described in EIS **Section 4.7**. Also see General Response 6 – Crime/Law Enforcement.

Response to Comment A16-100

The Commenter request more detail on potential additional law enforcement services that may be required due to Alternative A. **Section 4.10.1** of the Draft EIS states that the City of Galt Police Department and Sacramento County Sheriff’s Department “*may require additional facilities, equipment, and staffing to meet the increased need for services under Alternative A,*” however, it is unknown as to what specific additional items may be required. Therefore, mitigation measures are included in **Section 5.10.3** of the Draft EIS that ensure appropriate reimbursement agreements will be reached between the Tribe and local law enforcement agencies for “*quantifiable direct and indirect costs.*” Also, refer to General Response 6 – Crime/Law Enforcement.

Response to Comment A16-101

The Commenter states that the EIS does not properly address secondary impacts of crime on the City of Galt. As described in the Final EIS **Section 4.7.1**, studies indicated that there is no discernable relationship between the opening of a casino and indirect crime levels. Consequently, there is no evidence that Alternatives A, B or C will result in an indirect increase in crime. As stated in the Final EIS **Section 4.7**, Alternatives A, B and C are anticipated to increase the utilization of law enforcement personnel related directly to the operation of the casino/resort. The Commenter’s statement is

acknowledged that the Graton Mitigation Program Budget includes payments for items that are not listed as mitigation items in this Draft EIS. As stated in the Graton EIS Section 5, governmental agencies (including Indian tribes) may enter into agreements that provide for payments that exceed levels of financial mitigation listed in an EIS. See General Response 6 – Crime/Law Enforcement. Also see Response to Comment A16-95 regarding potential indirect effects of a casino opening. Also see General Response 8 - Quantification of Socioeconomic Effects and Mitigation regarding the appropriateness of quantitative estimates, impacts that are less than significant and appropriate levels of mitigation under such circumstances.

Response to Comment A16-102

The Commenter suggests additional mitigation is required for any potential increase in crime within the City of Galt resulting from implementation of Alternative A. Refer to General Response 6 – Crime/Law Enforcement and General Response 8 - Quantification of Socioeconomic Effects and Mitigation. The Commenter is correct that under certain intergovernmental agreements, other tribes make payments to mitigate for crime impacts that are in addition to direct impacts to law enforcement utilization. EIS **Section 5.7** and **5.10** clearly state that mitigation measures shall be structured so as to adequately fund the increase in demand for public services. In addition, governmental agencies (including Indian tribes) may enter into agreements that provide for payments that exceed levels of financial mitigation listed in an EIS.

Response to Comment A16-103

The Commenter requests additional detail regarding problem gaming rates under Alternatives A and B. The Twin Cities site is located in Sacramento County. Within Sacramento County and the contiguous counties, there are five gaming venues each with at least 1,000 electronic gaming devices, including Cache Creek Casino Resort (Yolo County), Jackson Rancheria (Amador County), Red Hawk Casino (El Dorado County), San Pablo Lytton (Contra Costa County) and Thunder Valley Resort (Placer County). This density of relatively large gaming venues is higher than the average U.S. county. The Commenter's statement that the City of Galt does not currently have a gaming venue is correct. The Commenter's statement that a development of a casino at the Twin Cities site would create an increase in problem gambling in the immediate (Galt) area may be accurate, but the impact would be less than significant. The Commenter's statement that EIS **Section 4.7** conclusion should be quantified in great detail is acknowledged. Please see revised EIS **Section 4.7** analysis regarding problem gambling. Please see General Response 6 – Crime/Law Enforcement, and General Response 8 – Quantification of Socioeconomic Effects and Mitigation regarding issues of quantifying results.

Response to Comment A16-104

The Commenter concludes the EIS does not fully assess crime associated with Alternative A because it does not take into account potential future development at the site. Refer to Responses to Comments

A16-03 and A16-19. For further detail on crime as it relates to Alternative A, refer to Responses to Comments A16-99 and A16-107.

Response to Comment A16-105

The Commenter questions the legitimacy of claims that decreases in crime are associated with a lower unemployment level. The study used by the City of Galt for its assertions (contained in The American Society of Criminology’s journal, 2013) relies largely on data from European countries focused only on young males—not exactly comparable to existing populations in the vicinity of Alternative A. However, this study still indicates a positive causal relationship between increases in employment and decreases in property crime, which effectively corresponds to the general assumptions made in the Draft EIS. As well, several studies conducted in the U.S. using available American data have linked an overall lower unemployment rate with a lower crime rate¹.

As stated in **Appendix N** of the Draft EIS (page 23) “[a]ccording to a PricewaterhouseCoopers survey titled, ‘Gaming Industry Employee Impact Survey,’ the introduction of casino gaming eliminated the need for specific social services offered to local residents,” such as reduction in unemployment benefits. As well, local residents experienced an increase in access to health care benefits (63 percent) and day care for their children (43 percent) and development of new job skills (65 percent). These beneficial social impacts are directly attributed to increased employment resulting from local casino operation and can shed light on reasons why local crime may decrease when employment increases.

Response to Comment A16-106

The Commenter requests additional information on assumptions made in the EIS. As stated in **Table 4.7-16** in the Draft EIS, “assumptions in this calculation were sourced from the City of Galt Walmart Draft Environmental Impact Report, Appendix F - Police Services Report Dated June 20, 2008 prepared by Robert Olson Associates, Inc.” The footnotes to **Table 4.7-16** have been updated to provide greater detail regarding the underlying assumptions, and how such assumptions compare to those in the City of Galt Walmart Draft Environmental Impact Report.

Response to Comment A16-107

The Commenter asserts the EIS lacks a discussion on growth-induced crime and resulting fiscal impacts. As stated in **Section 4.14.3** of the Draft EIS, it was determined that “*a majority of positions would be filled with people already residing within the region*” and “*Alternative A is not expected to significantly stimulate regional housing development.*” Refer to Response to Comment A8-04 for information on the

¹ A select list of studies indicating a positive relationship between unemployment rates and reduced crime rates include: “The Effects of Unemployment on Crime Rates in the U.S.” by Sandra Ajimotokin, Alexandra Haskins, and Zach Wade at Georgia Institute of Technology, April 14, 2015; “The Relationship between Crime and Unemployment” by Mathew D. Melick of Illinois Wesleyan University, 2003; “Identifying the Effect of Unemployment on Crime” by Steven Raphael and Rudolph Winter-Ebmer of University of Chicago, April 2001.

population distribution of new employees. The primary indicator of growth is the development of new housing, which could be encouraged by an influx of new employees into a region. However, the majority of employees required for Alternative A would come from within the region, and the small percentage of new employees who might relocate from another region would have ample housing to accommodate them (Sacramento County has a vacancy rate of approximately 7.6 percent with “*approximately 8,000 vacant residential units*” **Section 4.7.1** of the Draft EIS). Therefore, Alternative A would not induce significant population growth in the area that would lead to growth-induced crime.

Response to Comment A16-108

The Commenter would like development impact fees paid to the school districts that will serve the Twin Cities site. As appropriately stated in **Section 4.7.1** of the Draft EIS, “*any potential increased enrollment would have a nominal effect on the ability of Galt school districts to provide education services at existing levels...[s]ome employees who may relocate to the area will choose to reside in unincorporated Sacramento County, and in nearby cities such as Elk Grove and Lodi. This will further dissipate effects on Galt schools. Alternative A would not result in adverse impacts to the schools of Galt or other nearby communities. No mitigation is required.*” Mitigation for development impacts fees are not necessary where no significant impact would occur.

Response to Comment A16-109

The Commenter states that EIS **Section 4.7-3** should include an assessment of possible urban blight and effects on local retailers. The Commenter also states that an analysis of lost taxes should be included. See Responses to Comments A16-89 and A16-90. Also, note that there is a distinction between taxes that would be “lost” under Alternatives A through F and future tax revenues that would occur under Alternative G (No Action). See Response to Comment A16-02 regarding why EIS **Section 4.7-7**, which describes the impacts under Alternative G, does not include this information for the Twin Cities site.

Response to Comment A16-110

The Commenter suggests the data used to establish existing traffic conditions is incorrect. Consistent with NEPA requirements, the traffic study (**Appendix O** of the Draft EIS) considered reasonably foreseeable project development rather than unrealistic and instantaneous development. Because the approval process and construction timeline is understood to take several years, it was determined through consultation with the project development team that the year 2018 was a reasonable timeframe at which Alternative A would begin contributing traffic to the surrounding transportation network.

Response to Comment A16-111

The Commenter questions the applicability of a Grant Line Road discussion under Alternative A. While Grant Line Road is in the City of Elk Grove, project trip distribution figures (shown in **Appendix O** of the Draft EIS) depict the regional assignment of project trips. As such, even though Alternatives A and B

are located within the City of Galt's sphere of influence, a small portion of project trips are anticipated to use the Grant Line Road corridor to access the site (approximately 15 to 20 percent). Accordingly, it is reasonable to include the Grant Line Road discussion within the Alternative A and B report sections in **Sections 3.8** and **4.8**.

Response to Comment A16-112

The Commenter states the City of Galt's lack of support for a closure of West Stockton Boulevard from Mingo Road to Twin Cities Road as proposed mitigation for Alternative A. While the Tribe is understood to be in on-going discussions with Sacramento County on this topic, it can be reasonably concluded from the Draft EIS traffic study (**Appendix O**) that this closure would have a nominal effect on the area's traffic operations due to the low background traffic volumes. As currently envisioned by the Tribe, secondary access to the project site would be achieved from East Stockton Boulevard and/or Mingo Road, east of Highway 99. Furthermore, it is likely that the construction of a Mingo Road interchange would also include adequate freeway auxiliary lanes thereby minimizing the effect of this low level of "local trips" that would have otherwise used West Stockton Boulevard, southbound between Mingo Road and Twin Cities Road.

Response to Comment A16-113

The Commenter contends the EIS does not sufficiently analyze potential land use impacts or reconcile land use inconsistencies. NEPA does not require that all land use inconsistencies be reconciled, but rather "*any possibilities of resolving the conflicts*" be addressed. Throughout **Section 5.0** mitigation is recommended to address potential land use incompatibilities. NEPA requires that a project not impair a local government from implementing its "*land use control mechanisms*" outside the project boundaries, such as on neighboring parcels (46 Federal Register 18026). The local government currently with land use control over the Twin Cities site is the County of Sacramento, with whom the Tribe has entered into an MOU as described in **Section 1.6**. Inconsistency with local land use plans and policies are discussed and analyzed throughout the Draft EIS. Also, refer to Response to Comment A16-39.

Response to Comment A16-114

The Commenter states the EIS does not include land use impact significance criteria. Refer to Responses to Comments A16-39 and A16-113.

Response to Comment A16-115

The Commenter requests a revision to a conclusion made in the land use analysis of the EIS. Refer to Response to Comments A16-02, A16-03, and A16-19, A16-36, A16-39, and A16-43. The conclusion made in **Section 4.9.1** is accurate in that Alternative A would be consistent with most, but not all, applicable City of Galt General Plan goals; thus presenting minimal conflict. The proposed commercial use of the site would be largely consistent with the City's intended future land use for that site, even

though that future land use may not occur in the near-term or at all (refer to Response to Comment A16-02). **Section 4.9.1** has been revised in the Final EIS to include additional City of Galt General Plan policies requested by the City.

Response to Comment A16-116

The Commenter asserts that Alternative A is inconsistent with several City of Galt General Plan policies and goals. Refer to Response to Comment A16-115.

Response to Comment A16-117

The Commenter requests additional analysis of land use impacts and mitigation measures in the EIS. Refer to Response to Comment A16-39 and A16-115. As stated in Response to Comment A16-39, **Section 5.0** of the Draft EIS contains several mitigation measures that are recommended to assist in reducing or eliminating potential impacts to local jurisdictions. As well, these mitigation measures have been revised and enhanced in the Final EIS.

Response to Comment A16-118

The Commenter requests additional City of Galt General Plan Policies be included in the EIS. Refer to Response to Comment A16-43.

Response to Comment A16-119

The Commenter recommends alternate analysis and additional mitigation for the agricultural land that would be converted on the Twin Cities site. **Section 4.9.1** of the Draft EIS accurately states that the farmland that would be converted to other uses does not meet the U.S. Department of Agriculture (USDA) protection threshold. Therefore, conversion does not violate the applicable federal regulation—the Farmland Protection Policy Act (FPPA)—and “*no significant impact from farmland conversion would occur.*” **Section 4.9.1** also accurately states that “*county land use regulations would not apply to the Twin Cities site once the land is taken into trust;*” but that the Tribe “*desires to work cooperatively with local and State authorities on matters related to land use.*” NEPA does not require mitigation measure for project impacts considered less than significant. Note that the Twin Cities site is in the City of Galt SOI and the City has recently initiated a process that, if successful, could lead to the Twin Cities site and surrounding areas being converted from agricultural land to commercial land uses.

Response to Comment A16-120

The Commenter questions that a portion of the undeveloped land on the Twin Cities site would remain in agricultural use. Refer to Response to Comment A16-19.

Response to Comment A16-121

The Commenter extends its previous comments on land use under Alternative A to Alternative B. Refer to Responses to Comments A16-19, and A16-113 to A16-120.

Response to Comment A16-122

The Commenter would like the land use analysis for Alternative C revised. The land use discussion for Alternative C presented in **Section 4.9.3** of the Draft EIS is appropriate. An expanded discussion of consistency between Alternative C and the potential annexation of the Twin Cities site into the City of Galt would be speculative and is not required under NEPA. Refer to Responses to Comments A16-02 and A16-119.

Response to Comment A16-123

The Commenter suggests a correction to the EIS and extends its previous comments on agriculture under Alternative A to Alternative C. Thank you for your suggested correction. **Section 4.9.3** has been updated with the correct information. This correction does not change the conclusions of the EIS. Refer to Responses to Comments A16-19, A16-119, and A16-120.

Response to Comment A16-124

The Commenter suggests there would be additional impacts to City of Galt public services that are not fully addressed in the EIS. Patrons of the proposed businesses at the Twin Cities site would be temporary visitors with the intent of spending time at the on-site facilities. **Section 4.7.1** of the Draft EIS accurately states “*it is not anticipated that patrons would frequent local libraries or parks,*” and the *Housing* subsection states that, “*it is not anticipated that many employees of the project would require relocation in order to accept a position.*” Therefore, there would be little impact on other recreational amenities and public services in the City of Galt not explicitly discussed in the **Section 4.10** of the Draft EIS. Given the location of the Twin Cities site, outside the City of Galt boundaries and nearby multiple urban and suburban regions, any impacts to parks, libraries, and other recreational amenities would be distributed throughout the region.

Response to Comment A16-125

The Commenter suggests analysis regarding off-site water supply to the Twin Cities site under Alternative A (Option 2) is inadequate. Refer to Response to Comment A16-27.

Response to Comment A16-126

The Commenter suggests analysis regarding off-site wastewater collection at the Twin Cities site under Alternative A (Option 2) is inadequate. Refer to Response to Comment A16-62.

Response to Comment A16-127

The Commenter suggests analysis regarding law enforcement under Alternative A is inadequate. Refer to Response to Comment A16-100 and General Response 6 – Crime/Law Enforcement.

Response to Comment A16-128

The Commenter extends its previous comments on public services under Alternative A to Alternatives B and C. Refer to Responses to Comments A16-124 to A16-127.

Response to Comment A16-129

The Commenter states that additional City of Galt noise level thresholds should be included in the EIS. Refer to Response to Comment A8-16 for a discussion on why County of Sacramento noise thresholds were included in the Draft EIS.

Response to Comment A16-130

The Commenter states that City of Galt noise level thresholds should be referenced analytically in the EIS. Refer to Response to Comment A8-16 for a discussion on why County of Sacramento noise thresholds were included analysis in the Draft EIS and A8-26 for information of why federal criteria was used.

Response to Comment A16-131

The Commenter disagrees with the less-than-significant impact finding to aesthetics under Alternative A in the Draft EIS. **Section 4.13.1** of the Draft EIS states accurately that “*Alternative A would transform the current agricultural property to one more urban in appearance. However, the development of Alternative A on the Twin Cities site would not be visually incompatible with urban development currently existing in the immediate vicinity along the Hwy 99 corridor.*” “Vicinity” is used to reference the Highway 99 corridor as shown in **Figure 1-1**, Regional Location, of the Draft EIS. “Immediate vicinity” standardly refers to a more succinct region, such as Highway 99 within the City of Galt.

Highway corridors are often zoned for commercial/industrial development, as is the case with Highway 99. Highway 99 in the City of Galt/Galt Sphere of Influence immediately across the highway (east) from the Twin Cities site contains commercial development, then again approximately 1/3 mile south of the Twin Cities site, and again approximately 3/4 mile south, and again 1 mile south, and so on.

Commercial/industrial development exists alongside Highway 99 in the County of Sacramento approximately 2/3 mile north of the Twin Cities site, then again approximately 4 miles north in the City of Elk Grove, and so on. Essentially, motorists traveling on Highway 99 from either direction are visually exposed to a multitude of commercial and industrial development adjacent the highway prior to the Twin Cities site.

Response to Comment A16-132

The Commenter also disagrees with the less-than-significant impact finding to aesthetics under Alternative A due to an alleged lack of assessment of views from Twin Cities Road. Visual impact to the Twin Cities Site are addressed in Draft EIS **Section 4.13.1** and an architectural rendition of Alternative A as seen from Highway 99 is provided in **Figure 2-2**. The approximately 1/3-mile portion of Twin Cities Road that passes by the Twin Cities site currently is visually impacted by commercial development immediately adjacent to the north, Highway 99 to the northeast, and the City of Galt WWTP slightly further to the northwest. This is in addition to commercial development immediate adjacent and south of Twin Cities Road at this location and further eastward toward the City of Galt. Essentially, the views of “*rich farm lands*” from Twin Cities Road discussed in Sacramento County’s General Plan Circulation Element do not exist unobstructed at this location. Therefore, due to the shortness of length of the stretch of Twin Cities Road that passes by the Twin Cities site in conjunction with the existing nature of obstructed view from this stretch, it was not considered a viewshed from which there could be a significant aesthetic impact resulting from Alternative A.

Response to Comment A16-133

The Commenter suggests that the assessment of the Alternative A’s consistency with the City of Galt General Plan is inaccurate. **Section 4.13.1** of the Draft EIS accurately states that “*the commercial nature of the casino resort proposed under Alternative A is not inconsistent with long-range plans for the Twin Cities site.*” As asserted by the City of Galt, this location is slated for future commercial/industrial development. The potential impact of the hotel is discussed in this **Section 4.13.1** of the Draft EIS. Refer to Response to Comment A16-131.

Response to Comment A16-134

The Commenter states that the EIS does not discuss potential incompatibility between Alternative A and proposed future zoning of the Twin Cities site. Pursuant to 40 CFR 1506.2, consistency with pertinent “*local plans and laws*” is assessed in **Section 4.9** of the Draft EIS, including City of Galt land use policies even though the Twin Cities site is currently under the jurisdiction of the County of Sacramento. Also, refer to Response to Comment A16-02.

Response to Comment A16-135

The Commenter states additional analysis is required for the sign component of Alternative A. Refer to Response to Comment A16-23.

Response to Comment A16-136

The Commenter expresses concerns regarding the sign component of Alternative A. Refer to Response to Comment A16-23. As stated in **Section 4.13.1** of the Draft EIS, “[*i*]lluminated signs would be designed

to blend with the light levels of the building and landscape lighting in both illumination levels and color characteristics.”

Response to Comment A16-137

The Commenter notes that the height of the proposed hotel is inconsistent with development in the vicinity and City of Galt codes. Refer to Responses to Comments A16-02, A16-39, and A16-134.

Response to Comment A16-138

The Commenter asserts that impacts to aesthetic resources under Alternatives A, B, and C would be significant and unavoidable. Refer to Responses to Comments A16-131 and A16-134. **Section 4.13.1** of the Draft EIS states that Alternative A “*may be*” considered more aesthetically pleasing than other regional strip development. A combination of elements were employed for the assessment of visual resources, including “*local and regional aesthetic values*” and if the project implementation would “*degrade or diminish aesthetics of visual resources such as scenic vistas, or introduce lighting that would increase glare or substantially affect nighttime view of dark skies*” (**Section 4.13** of the Draft EIS).

The City of Galt General Plan Update 2030 Draft EIR (July 2008) suggested the future conversion of a much larger portion of land within the Galt Sphere of Influence from agricultural uses to commercial/office/industrial uses (representing approximately 1,540 acres, page 1-24) than is proposed here, which likely accounts for the “significant and unavoidable” impact finding in that document (Impact 3.2-1 of Chapter 3 of the 2030 Draft EIR). Alternative A at the Twin Cities site would, at most, develop approximately 76 acres. This much smaller proposed development is not unlike other roadside development along Hwy 99, and is therefore not considered to be a significant visual impact. This is evaluated in detail, and artistic renditions are provided, in **Section 4.13**.

Response to Comment A16-139

The Commenter asserts motorist traveling on Highway 99 would view Alternative A for a longer period of time than indicated in the EIS and that aesthetics analysis should be conducted from Twin Cities Road. Refer to Responses to Comments A16-131 and A16-132.

Response to Comment A16-140

The Commenter states that the EIS contains no mitigation relating to the sign element of Alternative A and that landscape cannot minimize the height of the hotel. Refer to Response to Comment A16-23. **Section 4.13.1** of the Draft EIS appropriately discusses and assess the height of the hotel that is included as part of Alternative A, including this use of “*native building materials such as stone and the use of earth tones in paints and coatings*” to best blend with the existing visual setting. Given that the site has been identified by the City of Galt for eventual commercial development, is located between a freeway

and a major rail line, and is surrounded by land uses including a WWTP and shooting range, the aesthetic impact of Alternatives A, B, and C are correctly determined to be less than significant.

Response to Comment A16-141

The Commenter asserts that visual representations of Alternatives D and F viewpoints are not provided in the Draft EIS. Viewpoints for all alternative sites are thoroughly discussed in **Section 4.13** of the Draft EIS and represented visually in **Figures 3.13-1** through **3.13-6**.

Response to Comment A16-142

The Commenter states that an additional growth inducing assessment should be included in the EIS. The reconstruction of Highway 99/Mingo Road, recommended in the Draft EIS as a mitigation measure (**Section 5.8.2, Mitigation Measure G**), is not considered growth inducing. Growth inducement can occur mostly when new or greatly increased access to an area is created, not when adequate existing access is improved (FHWA, 2012). The FHWA states that “*other factors*” such as an increase in public services and development costs are greater factors in growth (FHWA, 2012).

Furthermore, all regional roadway improvements “would be subject to appropriate project-level environmental analysis” and “to the constraints of their general plans, local ordinances, and other planning policies and documents,” many of which include them specific plans for growth (**Section 4.14.3** of the Draft EIS).

Response to Comment A16-143

The Commenter suggests the EIS does not reflect the actual full build-out of Alternative A at the Twin Cities site in the cumulative effects discussion. Refer to Response to Comments A16-19. As no development other than that described for the 76 acres is proposed, development of the remainder of the site should not be analyzed as requested by the Commenter.

Response to Comment A16-144

The Commenter suggests corrections to the EIS. Thank you for the updated information. Corrections have been made to **Table 4.15-1**, with the exception of the Commenter’s suggested deletion of The Village at Lexington Heights, as cumulative development can include past, present, and reasonably foreseeable actions. These corrections do not change the conclusions of the EIS.

Response to Comment A16-145

The Commenter states that Alternative A would result in an adverse cumulative effect to land use planning in the City of Galt. Refer to Responses to Comments A16-36, A16-39, and A16-113. As accurately stated in **Section 4.15.3** of the Draft EIS, “*the Tribe has agreed to develop tribal projects on*

the trust land in a manner that is generally consistent with the County and the City municipal codes” and “would not result in adverse cumulative effects to land use planning.”

Response to Comment A16-146

The Commenter suggests a clarification to the EIS. Thank you for the suggested clarification. A change has been made to **Section 4.15.3**. This clarification does not change the conclusions of the EIS.

Response to Comment A16-147

The Commenter asserts that the proposed hotel under Alternative A is not consistent with City of Galt codes and would result in significant and unavoidable aesthetic cumulative impacts. Refer to Responses to Comments A16-39, A16-134, and A16-138.

Response to Comment A16-148

The Commenter states that further discussion of the reduced cumulative aesthetic effect relating to Alternative B should be included in the EIS. A reduction in impacts relating to Alternatives B and C are discussed in **Sections 4.15.4** and **4.15.5** of the Draft EIS, which accurately states “[c]umulative effects to...aesthetics as a result of Alternative B would be similar to those of Alternative A” but “slightly less due to the reduced size of development” and “[c]umulative effects under Alternative C would be similar to, but not greater than, those under Alternative A.”

Response to Comment A16-149

The Commenter states that further discussion of the reduced cumulative aesthetic effect relating to Alternative C should be included in the EIS. Refer to Response to Comment A16-148.

Response to Comment A16-150

The Commenter asserts further socioeconomic discussion relating to Alternative C should be included in the EIS in the Cumulative Effects section. The Socioeconomic Conditions subsection of **Section 4.15.5** of the Draft EIS discusses the alternatives under cumulative conditions consisting of “[m]ajor development projects proposed and/or currently being constructed in the vicinity of the Twin Cities site.” These projects do not include existing operating businesses, such as those mentioned by the Commenter, nor do they include undeveloped commercially zoned properties that have no known plans for future development as potential development in these areas would be far too speculative. The socioeconomic cumulative effects analysis conducted for Alternative C in **Section 4.15.5** of the Draft EIS meets the NEPA-required ‘hard look’.

Response to Comment A16-151

The Commenter suggests that mitigation measures cannot be properly assessed because Alternative A is misrepresented in the EIS. Refer to Responses to Comments A16-03 and A16-19.

Response to Comment A16-152

The Commenter asks what agency is responsible for implementing and overseeing mitigation. CEQ guidance states that each agency should establish its own mitigation implementation and monitoring procedures and methodologies (CEQ, 2011). As well, mitigation of all adverse environmental effects is not required to implement a proposed action, so long as impacts are disclosed to the public (59 IAM 3-H, p. 34). Once land is taken into trust by the federal government for an Indian tribe, that land is no longer subject to local and state oversight and is governed by the Tribe and the federal government. The BIA would oversee implementation of any prescribed monitoring programs for mitigation activities under its discretion (40 CFR 1502.2(c)), along with the Tribe through tribal environmental laws that would be developed for trust land, and/or the National Indian Gaming Commission (NIGC) (25 CFR Parts 522, 571, 573, 575, 577, and 559).

Pursuant to the Record of Decision (ROD), the Tribe would be committed to implementing all mitigation measures contained within the ROD. The ROD would state “*whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not*” (40 CFR 1505.2(c)). Off-site mitigation measures may need to be coordinated with the applicable local or state governmental agencies.

NEPA defines criteria for mitigation when a significant impact cannot be avoided, including: minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or compensating for the impact by replacing or providing substitute resources or environments (40 CFR 1508.20). Mitigation presented in an EIS should also be enforceable, in that it can be feasibly implemented. Mitigation measures recommended in **Section 5.0** of the Draft EIS were guided by these criteria. An enforceable mitigation monitoring and reporting plan for the chosen alternative will be included as part of the ROD.

Response to Comment A16-153

The Commenter questions the quantification of and overseeing entity for implementation of mitigation measures for Alternative A. Refer to Response to Comment A16-152.

Response to Comment A16-154

The Commenter states that an impact and mitigation measure summary should be provided in the EIS. **Table ES-1** of the Draft EIS presents each impact along with level of significance, accompanying

mitigation measure (if any), and level of impact after implementation of mitigation. 40 CFR 1505.2 identifies information that must be present in the ROD at the time of an agency's decision and gives each agency authority over implementation and monitoring of mitigation. Also, refer to Response to Comment A16-152.

Response to Comment A16-155

The Commenter proposes additional mitigation measures and revisions to mitigation measures and asserts that that an explanation is required from the BIA if they are not incorporated. Additional mitigation measures and revisions suggested by the City of Galt in Comments A16-155 through A16-214 have been reviewed. These suggested measures and revisions rely on local and state preferences and criteria; involve off-site actions that are not within the jurisdiction of the Tribe and are therefore potentially infeasible; and/or duplicate existing measures (counter to criteria set forth in 40 CFR 1506.2). Mitigation measures presented in **Section 5.0** of the Draft EIS derive from industry standards using applicable federal guidelines pursuant to NEPA (40 CFR 1508.20) as a "*practicable means to avoid or minimize environmental harm*" that may result from implementation of Alternative A (40 CFR 1505.2(c)). Mitigation measures in **Section 5.0** of the EIS are thorough and appropriate; however, where feasible, revisions have been made to mitigation measures in **Section 5.0** of the Final EIS in response to the City's requests. These revisions are noted below in individual responses. Also, refer to Response to Comment A16-152.

Response to Comment A16-156

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 2.2.5** and **Appendix J** of the Draft EIS for grading and drainage preliminary design.

Response to Comment A16-157

The Commenter asserts that new mitigation measures should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 2.2.5** and **Appendix J** of the Draft EIS for grading and drainage preliminary design and for detail on applicable building codes. **Mitigation Measure 5.2(A)(5)** has been revised in the Final EIS as suggested by the City of Galt.

Response to Comment A16-158

The Commenter requests a revision to a mitigation measures in the EIS. The revision has not been made. Local and state permits and approvals would not be required for on-site activities once the Twin Cities site has been taken into trust status for the Tribe by the BIA.

Response to Comment A16-159

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.10, Mitigation Measure A** for a relevant measure.

Response to Comment A16-160

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.10, Mitigation Measure A** for a relevant measure. **Mitigation Measure 5.10.1(A)** has been revised in the Final EIS as suggested by the City of Galt.

Response to Comment A16-161

The Commenter demands additional local government agreement stipulations be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.10, Mitigation Measure A** for a relevant measure.

Response to Comment A16-162

The Commenter questions the use of existing wells and requests a new mitigation measure be added to the EIS. Refer to Responses to Comments A16-25 and A16-155. Also refer to **Section 5.3.2, Mitigation Measure J** for a relevant measure. **Mitigation Measure 5.3.2(J)** has been revised in the Final EIS as suggested by the City of Galt.

Response to Comment A16-163

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.3.2, Mitigation Measures I and J** for relevant measures and **Section 4.3.1** and **Appendix K** for detailed groundwater analysis leading to a less-than-significant impact finding.

Response to Comment A16-164

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.3.2 Mitigation Measure H** for a relevant measure.

Response to Comment A16-165

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.10, Mitigation Measure A** for a relevant measure.

Response to Comment A16-166

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A8-35 and A16-155. Also refer to **Section 5.3.1, Mitigation Measure B** for a relevant measure as well as **Section 2.2.5** for detail on the use of recycled water.

Response to Comment A16-167

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.10, Mitigation Measure A** for a relevant measure. **Mitigation Measure 5.10.1(A)** has been revised in the Final EIS as suggested by the City of Galt.

Response to Comment A16-168

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.10, Mitigation Measure A** for a relevant measure and **Section 2.2.5** and **Appendix I** for detail on a proposed on-site water treatment plant.

Response to Comment A16-169

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-25 and A16-155.

Response to Comment A16-170

The Commenter asserts that the Tribe should comply with specific water conservation measures. Refer to **Section 5.3.2, Mitigation Measure I** for a relevant measure. **Mitigation Measure 5.3.2(I)** has been revised in the Final EIS as suggested by the City of Galt.

Response to Comment A16-171

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.2, Mitigation Measure A** for a relevant measure.

Response to Comment A16-172

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.2, Mitigation Measure A** and **Section 5.5.2, Mitigation Measures W to AA** for relevant measures.

Response to Comment A16-173

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.2, Mitigation Measure A** and **Section 5.12, Mitigation Measures A, D, and E** for relevant measures. **Mitigation Measure 5.3.3(K)** has been added in the Final EIS as suggested by the City of Galt for Alternatives A, B, and C.

Response to Comment A16-174

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.4.2, Mitigation Measure C** for a relevant measure.

Response to Comment A16-175

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.3.1, Mitigation Measures A, C, and D** for relevant measures. As stated in Appendix I of the Draft EIS, the Tribe “*would use best management practices for monitoring and reporting set by California Title 22 treatment and use standards for recycled water to ensure the health and safety of the public...[u]npleasant odors generated by the treatment system shall not be noticeable outside the designated treatment and disposal areas*” (page 17). **Mitigation Measure 5.4.4(D)** has been added in the Final EIS as suggested by the City of Galt for Alternatives A, B, and C.

Response to Comment A16-176

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155 and General Response 4 – Habitat and Species. Also refer to **Section 5.5.1, Mitigation Measures T to V** for relevant measures.

Response to Comment A16-177

The Commenter states that a revision should be made to a mitigation measure in the EIS. **Mitigation Measure C** in **Section 5.5.1** of the Draft EIS is an industry standard measure for giant garter snake relocation. “Encouraging” a species to leave an area includes actions such as fencing off of areas of potential habitat while leaving an escape route for the species that diverts them to other comparable habitat, then prohibiting them from returning to the original habitat. Language has been added to **Mitigation Measure 5.5.1(C)** for clarification.

Response to Comment A16-178

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.5.1, Mitigation Measure V** for a near exact measure.

Response to Comment A16-179

The Commenter states that a revision should be made to a mitigation measure in the EIS. This revision has not been made. Refer to Responses to Comments A16-02 and A16-155.

Response to Comment A16-180

The Commenter states that a revision should be made to a mitigation measure in the EIS. Refer to Responses to Comments A16-100 and A16-155 and General Response 6 – Crime/Law Enforcement. **Mitigation Measure 5.7(B)** has been revised in the Final EIS as suggested by the City of Galt.

Response to Comment A16-181

The Commenter states that a revision should be made to a mitigation measure in the EIS. Refer to Response to Comment A8-34. As stated in **Appendix N** of the Draft EIS, it is infeasible to precisely measure the costs of problem and pathological gaming, in part due to inconclusive data and co-morbidity (page 16). **Mitigation Measure 5.7(C)** states that “*no less than \$50,000*” shall be contributed annually to a program that treats problem gamblers—additional funds may be made available.

Response to Comment A16-182

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-100 and A16-155 and General Response 6 – Crime/Law Enforcement.

Response to Comment A16-183

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-100 and A16-155 and General Response 6 – Crime/Law Enforcement. Also refer to **Section 5.7, Mitigation Measure B to H** and **Section 5.10.3, Mitigation Measures I, J, M, N, and O** for relevant measures.

Response to Comment A16-184

The Commenter states that a revision should be made to a mitigation measure in the EIS. This revision has not been made. For a discussion on future annexation, refer to Response to Comment A16-02.

Response to Comment A16-185

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. The Tribe cannot implement off-site transportation mitigation measures and must rely on the governing jurisdictions to act as lead agencies and implement improvements.

Response to Comment A16-186

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-155 and A16-185.

Response to Comment A16-187

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-155 and A16-185.

Response to Comment A16-188

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.8.2, Mitigation Measure F** for a relevant measure.

Response to Comment A16-189

The Commenter asserts that a mitigation measure should be deleted from the EIS. Refer to Response to Comment A16-17.

Response to Comment A16-190

The Commenter asserts that a mitigation measure should be deleted from the EIS. Refer to Response to Comment A16-112.

Response to Comment A16-191

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.8.2, Mitigation Measure F** for a relevant measure.

Response to Comment A16-192

The Commenter suggests expanding a mitigation measure. **Mitigation Measure J** in **Section 5.8.2** of the Draft EIS would be needed only for Alternative C (retail only) because of different trip origin and distribution pattern than what has been projected for Alternatives A and B. As such, the additional Alternative C mitigation measures are considered reasonable due to the heavier influence of local traffic with the retail use than what would be expected with the casino use on the same site (refer to **Table 4.8-15** of the Draft EIS). Accordingly, no further analysis is required.

Response to Comment A16-193

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also, as stated in **Section 4.8.2**, the *“Twin Cities site is not expected to be served by transit routes with the implementation of the Alternative A; therefore, no significant impact to the existing*

transit services within the region would occur.” However, **Mitigation Measure 5.8.4(II)** has been added to **Section 5.0** of the Final EIS that ensures the Tribe will institute a shuttle service or comparable private transportation system for patrons and/or employees. This measure would help to minimize potential impacts on local public transportation systems.

Response to Comment A16-194

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-155 and A16-193. Also refer to **Section 5.4.2, Mitigation Measure C(9)(b)** for a relevant measure.

Response to Comment A16-195

The Commenter asserts that mitigation addressing land use impacts are inadequate. Operational impacts that could potentially affect neighboring land uses are mitigated in several environmental areas, including air quality and climate change (**Sections 5.4.2 and 5.4.3**), on-site wastewater collection and treatment (**Section 5.3.1**), groundwater (**Section 5.3.2**), socioeconomic community benefits (**Section 5.7**), transportation and circulation (**Section 5.8.2**), noise (**Section 5.11.2**), and hazardous materials (**Section 5.12**). As well, an odor mitigation measure has been included in the Final EIS. Refer to Response to Comment A16-175.

Response to Comment A16-196

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-39, A16-113, and A16-155.

Response to Comment A16-197

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-188.

Response to Comment A16-198

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-119 and A16-155.

Response to Comment A16-199

The Commenter references previous comments made. Refer to Responses to Comments A16-158 to A16-173.

Response to Comment A16-200

The Commenter would like a mitigation measure in the EIS expanded. The Tribe cannot directly implement off-site mitigation measures to wastewater facilities owned and operated by another jurisdiction—it must rely on the governing jurisdictions to implement such improvements.

Response to Comment A16-201

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-27, A16-65, and A16-155.

Response to Comment A16-202

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A8-33 for a discussion on environmentally sound construction and operation and also A16-155. Also refer to **Section 5.4.2, Mitigation Measure C(6)** and **Section 5.10.2, Mitigation Measures B, C, E, F, and G** for relevant measures.

Response to Comment A16-203

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A8-33 for a discussion environmentally sound construction and operation and also A16-155. Also refer to **Section 5.4.2, Mitigation Measure C(6)** and **Section 5.10.2, Mitigation Measures B, C, E, F, and G** for relevant measures.

Response to Comment A16-204

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.10.1, Mitigation Measure A** for a relevant measure. As stated in **Section 4.10.1** of the Draft EIS, “*the Twin Cities site is located within the service boundaries of the County Municipal Services Agency, Department of Waste Management and Recycling (County DWMR), but service is mostly provided by private hauling companies.*” The Tribe would contract with a hauling company and pay all applicable fees for the service.

Response to Comment A16-205

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-152 and A16-155.

Response to Comment A16-206

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155 and General Response 6 – Crime/Law Enforcement. Also refer to **Section 5.10.3, Mitigation Measures I to O** for relevant measures.

Response to Comment A16-207

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155 and General Response 6 – Crime/Law Enforcement. Also refer to **Section 5.10.3, Mitigation Measures I to O** for relevant measures. Also, **Mitigation Measure 5.10.3(M)** has been revised in the Final EIS as suggested by the City of Galt.

Response to Comment A16-208

The Commenter asserts that a revision to a mitigation measure should be made. Refer to Response to Comment A16-155. Prior to operation of Alternative A, fire hazards would be minimized by several best management practices, refer to **Section 5.12, Mitigation Measures A and D** and **Section 5.10.4, Mitigation Measure Q** for relevant measures.

Response to Comment A16-209

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-20 and A16-155.

Response to Comment A16-210

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A8-33 and A16-155. Also refer to **Section 5.10.5, Mitigation Measures T and U** for relevant measures.

Response to Comment A16-211

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Response to Comment A16-155. Also refer to **Section 5.2, Mitigation Measure A** and **Section 5.12, Mitigation Measures A to E** for relevant measures. Also, **Mitigation Measure 5.12.3(D)** has been revised in the Final EIS as suggested by the City of Galt.

Response to Comment A16-212

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A 16-61 and A16-155. Also refer to **Section 5.3.1, Mitigation Measure A, C, and D** for relevant measures.

Response to Comment A16-213

The Commenter states that mitigation measures for aesthetics in the EIS are inadequate. Refer to Responses to Comments A16-131 and A16-132.

Response to Comment A16-214

The Commenter asserts that a new mitigation measure should be added to the EIS. Refer to Responses to Comments A16-23 and A16-155.

Response to Comment A16-215

The Commenter points out an incorrect boundary on a map located in **Appendix G** in the Draft EIS. It is assumed that the Commenter meant **Appendix J**, not Appendix G. This correction would not alter the analysis or conclusions of the EIS and therefore was not made.

Response to Comment A16-216

The Commenter states that the EIS fails to quantify the non-casino substitution effects. See Response to Comment A16-89 regarding substitution effects to non-casino businesses. Also see revised EIS **Section 4.7.1** regarding an analysis of studies on the subject of retail substitution effects.

Response to Comment A16-217

The Commenter states that operating revenue under both Alternative A and Alternative B are estimated at \$449 million and \$349 million, respectively. The Commenter states that Graton's revenue for 2014 is estimated at \$380 million, which is exclusive of hotel revenue. The Commenter states that, based on a comparison between the EIS alternatives and the Graton casino results, the revenue estimates in the EIS are overstated. The revenue projections for Alternative A and Alternative B were estimated by the Tribe and its financial experts. Alternative B estimated revenue is comprised of gaming revenues only, and thus represents an appropriate comparison to the 2014 Graton revenue. The Graton gaming floor is estimated at 127,100 square feet (Graton Final EIS, Table 2-1) versus the Alternatives A and B gaming area of 110,260 square feet (Wilton EIS **Table 2-1**). Adjusted for economic growth that will likely occur between 2014 and the first full year of operations of Alternatives A and B, the gaming revenue estimates for Alternatives A and B are consistent with Graton casino's projected financial performance.

The Commenter also states that the hotel revenue component of Alternative A is overstated. To substantiate this assertion, the Commenter subtracts the estimated year-one Alternative B revenue from the Alternative A revenue, and divides the resulting number by the number of hotel rooms to arrive at estimated daily room revenue of \$900. Implicit in this calculation is the assumption that because the major physical difference between Alternative A and Alternative B is the hotel component, 100% of the increased Alternative A revenue is attributable to hotel room revenue. This is not a proper assumption.

First, Alternative A includes both a hotel and a convention center. Second the incremental revenue under Alternative A would result from sources other than hotel rooms and the convention center. Specifically, the increase would come from a combination of hotel room revenue, convention center revenue, increased food and beverage, and increased gaming revenue attributable to hotel guests. The majority of guests would select this particular hotel because it would facilitate their gaming activities at the facility.

Response to Comment A16-218

The Commenter states that the fiscal effects at the county and local level should be disaggregated to show the fiscal effects to each local agency. See Response to Comment A16-92.

Response to Comment A16-219

The Commenter states that the estimated tax effects from the construction of Alternatives A, B, and C are likely overstated. Although it is theoretically possible for the Tribe itself to construct the facility and thereby exempt certain items from State and local taxes, that scenario is very unlikely. Most likely the Tribe will contract with one or more contractors who will not be exempt from state and local taxes. The projected increase in property taxes estimated by the IMPLAN model is not a result of the property tax basis of the improvements at the project site. Rather, these estimated property taxes are the result of increased economic activity stimulated by the construction activity that will be reflected in increased real and personal property values. These estimated property taxes are indirect and induced effects.

Response to Comment A16-220

The Commenter states that the EIS overstated estimated taxes during the operations phase. The annual property tax figure cited by the Commenter of \$3,075,237 represents only the indirect and induced component of property taxes. Because the land would be held in trust under Alternative A, it would not be subject to State and local property taxes. The estimated property taxes associated with the improved land held in fee has been deducted from the IMPLAN results in connection with the preparation of the figures in EIS **Appendix H** and **Section 4.7**. It should be noted that the property taxes produced by the IMPLAN model include taxes on both real and personal property and that the property tax rate in the two County study area (i.e., Sacramento and San Joaquin Counties) is greater than the 1.00 percent figure cited by the Commenter. The Commenter is correct that it will not be necessary for the majority of workers to relocate to the two County study area (i.e., Sacramento and San Joaquin Counties) in order to staff the facilities. Nevertheless, the IMPLAN model is estimating a stimulating effect that would result in increased property tax revenues. It is acknowledged that these taxes are indirect and induced in nature. Final EIS **Section 4.7** has been updated to illustrate the estimated tax effects in a table format, which further highlights the difference between estimated direct and indirect tax effects.

Response to Comment A16-221

The Commenter states that the economic impacts for the City of Galt are overstated in the Draft EIS because the Galt IMPLAN analysis in **Appendix H** is based on the ZIP code in which the City of Galt is located. The Commenter states that because the population of the ZIP code is higher than the population of the City of Galt, the impacts calculated in **Appendix H** are overstated. The Commenter is correct that the dataset used to estimate the City of Galt impacts were based on ZIP code, not the actual Galt city limits. However, the ZIP code was used only for purposes of determining the appropriate data set to use. There was no IMPLAN data set for the City of Galt. Once the dataset was selected, the gravity analysis employed by the consultant in **Appendix H** of the Draft EIS was based on the population of the City of Galt, not the ZIP code. This gravity analysis is included in **Appendix H, page 52**. Final EIS **Section 4.7.1** has been updated to distinguish between the City of Galt and ZIP code 95632.

Response to Comment A16-222

The Commenter suggests that additional intersections should be included in the traffic study. The Commenter acknowledges that a detailed work plan was circulated for agency concurrence in April 2014 and no requests for inclusion of these intersections occurred at this time. Please note that the subject intersections are ramp termini and are, therefore, recognized to be of importance to Caltrans. Through the scoping process, Caltrans did not request inclusion of these facilities. Additionally, **Section 5.8.2, Mitigation Measure G**, is presented as the solution to Alternative A's documented impacts at the other Twin Cities Road interchange intersections. As a result, should Alternatives A, B, or C ultimately be selected, the necessary mitigation would be a new Mingo Road interchange (**Section 5.8.2, Mitigation Measure G**) thereby removing the vast majority of the project trips from the subject intersections. No additional analyses are required.

Response to Comment A16-223

The Commenter states that Twin Cities site would not fall within Sacramento County's MS4 permit boundary if the City of Galt were to annex. Refer to Response to Comment A16-02. The Draft EIS was developed based on current and reasonably foreseeable jurisdictional requirements. The City of Galt's post-construction stormwater requirements utilize a similar storm event (85th percentile storm) as the State Water Resources Control Board's Post-Construction Standards. **Appendix J** of the Draft EIS addresses the 85th percentile storm requirement as well as lists numerous options for stormwater treatment requirements (page 10 under "Post-Construction BMPs").

Response to Comment A16-224

The Commenter states that any subsequent drainage study for the Twin Cities site use hydrologic and hydraulic modeling. Such modeling was conducted and the results are provided in the Draft EIS, **Appendix J**, and summarized in **Section 4.2**. As stated in **Section 4.2.1** of the Draft EIS, "*As part of the NPDES General Construction permit, which will be obtained prior to project construction, a Stormwater*

Pollution Prevention Plan (SWPPP) must be prepared and implemented. The SWPPP must make provisions for erosion prevention and sediment control and control of other potential pollutants.” As well, detailed topographic surveys would be required to complete design and construction documents if any of the alternatives are selected, as stated in **Appendix J** of the Draft EIS. Hydrologic and hydraulic modelling of the drainage system downstream of the Twin Cities site is not warranted as Alternative A would already address stormwater detention for the maximum storm (100 year) required by the USEPA, and, therefore, downstream drainage ways would not experience significant changes in peak flows.

Response to Comment A16-225

The Commenter asserts that an evaluation of existing surface water quality should be conducted for the Twin Cities site. Existing surface water quality is discussed in Draft EIS **Section 3.3.1** and appropriately assessed for potential impacts resulting from implementation of Alternative A in **Appendix J** and summarized in **Section 4.3.1**. As stated in **Section 4.3.1** of the Draft EIS, Alternative A *“design includes various features to improve stormwater quality...and would ensure protection of surface water quality, along with erosion control measures listed in Section 5.2,”* and *“treated effluent from the on-site WWTP would not adversely impact surface water or groundwater quality. Nonetheless, mitigation measures have been included in Section 5.3.1 that would further reduce impacts from wastewater.”* **Appendix J** used best available technology and data, including SacCalc software, Hydraflow Express, and government agency standards, to properly assess potential impacts to surface water quality resulting from implementation of Alternative A. The requested additional analysis is not warranted.

Response to Comment A16-226

The Commenter asserts that the Tribe should conduct monitoring of water channels into which Twin Cities site project alternative on-site WWTP treated effluent may flow, similar to monitoring currently conducted by the City of Galt. As discussed in **Section 2.2.5** of the Draft EIS, treated effluent would be beneficially utilized on the property to the extent possible. Excess effluent would be applied to the land on the Twin Cities site through a combination of subsurface leach fields and spray fields. No effluent would be disposed of in surface water bodies. Surface water disposal would require an NPDES permit from the USEPA if it were proposed; however, it is not.

As discussed in **Section 2.2.5** of the Draft EIS, the proposed WWTP would meet USEPA wastewater disposal criteria. As stated in Draft EIS **Section 4.3.1** *“treated effluent from the on-site WWTP would not adversely impact surface water or groundwater quality. Nonetheless, mitigation measures have been included in Section 5.3.1 that would further reduce impacts from wastewater.”* Therefore, water quality analysis of a downstream water body that will not be impacted by the proposed WWTP is not warranted.

Response to Comment A16-227

The Commenter would like additional evaluation conducted for 100-year, 10-day storm events. The Twin Cities site Alternatives A to C were analyzed based on the 100-year, 24-hour storm event cited on page 9-6 of the Sacramento Drainage Manual (Manual), which states that short duration storms are appropriate for larger basins and basin master planning. The Manual also notes that longer duration storms are used for areas where long-duration storms have downstream impacts. Alternative A detention basins would outlet outside of the 100-year floodplain for Laguna Creek and, therefore, it is concluded that they would not have an impact on the creek, irrespective of its susceptibility to longer duration storms.

Regardless, if the Twin Cities site is selected and the jurisdiction having authority has determined that the 100-year, 10-day storm should be used as the design storm, the site will have adequate space for a detention basin to mitigate this storm event. SacCalc software was used to model the volume generated by the 100-year 10-day duration storm event and results are shown in the below table.

100-YEAR, 10-DAY STORMWATER RUNOFF

	Alternative A		Alternative B		Alternative C	
	Peak Flow (cfs)	Max Average Flow (af)	Peak Flow (cfs)	Max Average Flow (af)	Peak Flow (cfs)	Max Average Flow (af)
Existing Site	42	32	42	32	42	32
After Project Buildout	55	63	55	63	54	61
Difference	13	31	13	31	12	29

Notes: cfs-cubic feet per second; af=acre-feet.

The greatest increase in flow rate is from the 100-year 24- hour storm and the greatest increase in volume is from the 100-year, 10-day storm. The worst case scenario occurs in Alternatives A and B, which add 31-acre-ft in volume for the 10-day storm. The proposed stormwater basins were designed for a 100-year, 24-hour storm event. The infiltration of the soil was reviewed to see if the volume from a 100-year, 10-day storm event would be able to infiltrate into the soil in the detention basins as they are currently designed. The proposed stormwater detention basins are located on soil types 213 and 217. These soil types have hydraulic conductivity of 1.1214 in/hr and 0.8012 in/hr, respectively. The following calculation was used to find the time of infiltration for a 100-year, 10-day storm event:

$$[(\text{Volume}_{\text{proposedsite}} - \text{Volume}_{\text{existing site}}) / A_{\text{basin bottom}}] * \text{Hydraulic Conductivity} = \text{Time}$$

For the soil with hydraulic conductivity of 1.1214 inches/hour (in/hr), the water from the storm would take 95.92 hours (approximately 4 days) to infiltrate. For the hydraulic conductivity of the 0.8012 in/hr, the water from the storm would take 134.25 hours (approximately 5.5 days) to infiltrate. With either soil type, the water would infiltrate prior to the completion of the 10-day storm. Therefore, the pond sized for the added volume from a 100-year, 24-hour storm would be sufficient to provide enough detention to allow for the added 100-year, 10-day storm volume to infiltrate. Therefore, there is adequate space to

mitigate this volume of stormwater within the proposed basins shown on Figure 2 of **Appendix J** in the Draft EIS.

Response to Comment A16-228

The Commenter asserts that proposed water detention basins for Alternatives A, B, and C need to be resized using hydrologic and hydraulic computer models. As stated in **Section 4.3.1** of the Draft EIS *“two stormwater detention basins are included in the project design for Alternative A... These detention basins are sized to offset the increase in runoff (from the 85th percentile storm) and would have metered outlets to control the rate of discharge.”* Sizing the stormwater detention basins to mitigate runoff volume is more conservative than using flow rate. Detaining flow rate throughout the duration of the storm is feasible and is typically done at a detailed design phase as it is determined through an iterative analysis of outlet control devices such as overflow weirs and orifices. As **Appendix J** of the Draft EIS was prepared to understand the most conservative project requirements, the detention basins were designed based on runoff volume.

Response to Comment A16-229

The Commenter requests off-site evaluation of potential drainage impacts resulting from implementation of Alternative A. The Draft EIS does address drainage from the Twin Cities Site and resulting potential off-site impacts in **Section 4.3.1** where it states *“two stormwater detention basins are included in the project design for Alternative A”* that would *“would discharge to vegetated swales and level spreaders that would release runoff via overland flow into Laguna Creek”* but that these *“various features to improve stormwater quality...would ensure protection of surface water quality, along with erosion control measures listed in Section 5.2. Accordingly, the implementation of Alternative A would not result in significant adverse effects to stormwater runoff.”* Also, the Draft EIS requires the preparation of *“a Stormwater Pollution Prevention Plan (SWPPP) [that] ... must make provisions for erosion prevention and sediment control and control of other potential pollutants”* as part of the *“NPDES General Construction permit, which will be obtained prior to project construction”* (**Section 4.2.1** of the Draft EIS). **Appendix J** of the Draft EIS presents more detailed information.

Response to Comment A16-230

The Commenter contends the proposed water detention basins for Alternatives A, B, and C should be enlarged. The stormwater detention basins were sized to cumulatively hold both the added stormwater runoff from the 100-year storm event as well as the 85th percentile stormwater treatment requirements. The table below shows the 100-year volume of runoff in acre-feet to clarify.

100-YEAR, 24-DAY STORMWATER RUNOFF

	Alternative A		Alternative B		Alternative C	
	Peak Flow (cfs)	Max Average Flow (af)	Peak Flow (cfs)	Max Average Flow (af)	Peak Flow (cfs)	Max Average Flow (af)
Existing Site	83	15	83	15	83	15
After Project Buildout	170	25	170	25	159	24
Difference	87	10	87	10	76	9
Notes: cfs-cubic feet per second; af=acre-feet.						

For example, as shown in the table above, Alternative A had 10 acre-feet (af) of added volume from the 100-year storm plus 0.88 af of volume from the 85th percentile storm, shown in Table 3 in **Appendix J** of the Draft EIS, therefore, the detention basin was sized at 11 af.

Response to Comment A16-231

The Commenter contends that the grading that would occur on-site under Alternatives A, B, and C may impact drainage patterns. The fill for Alternatives A to C would be supplied from un-developed portions of the trust land adjacent to the proposed development. As stated in **Section 2.2.5** of the Draft EIS, “*additional material would need to be excavated from other locations on the property.*” The removal of this soil would be conducted in a way to maintain existing drainage patterns thus minimizing impact to adjacent water bodies. Potential wetlands and waters of the U.S. and related drainages would be avoided per mitigation included in **Section 5.5** of the Draft EIS. As well, the area used as a source of fill material could be reduced by increasing the depth of excavation. As stated in **Section 4.2** of the Draft EIS, “[*the soil material excavated*] from other locations on the Twin Cities site... is not anticipated to result in significant impacts to geology, air quality, biological resources, or other areas.” Also, refer to Response to Comment A13-25.

Response to Comment A16-232

The Commenter states that the EIS does not describe the fiscal impacts in sufficient detail. The Commenter also states that the EIS does not break down the tax effects by department for the City of Galt. The Commenter’s statement regarding providing more detail for fiscal effects is acknowledged. Final EIS **Section 4.7** has been updated to include fiscal effects in a detailed table format to facilitate analysis. The Draft EIS does include fiscal impacts by major category, such as police, schools, parks and recreation, and the general fund. Because the alternatives would not create a significant in-migration of workers, the alternatives would not result in a significant impact to schools or parks and recreation. The Draft EIS does analyze fiscal effects to other City of Galt services such as police, fire, and emergency medical response.

Response to Comment A16-233

The Commenter states that there are a number of problems with the survey methodology undertaken in Draft EIS **Appendix N**. The Commenter describes these as follows:

- a. It is unclear whether the sample of surveyed agencies is representative of all communities where casinos have opened that are comparable to Alternative A. It is acknowledged that **Appendix N** is not an exhaustive study of all comparable casinos where there were impacts to law enforcement utilization or crime. It is also acknowledged that **Appendix N** may not have been conducted under a protocol that would be sufficiently rigorous for publication in an academic journal. Rather, the study was performed by a highly qualified economics consulting firm with the specific objective of providing an accurate and appropriate analysis consistent with NEPA guidance of how the alternatives described in the EIS were likely to affect local law enforcement utilization and crime. **Appendix N** used a reasonable method to select those casinos that are comparable to Alternative A. Specifically, all facilities analyzed were opened relatively recently, are comparable in size to Alternative A and, importantly, the authors of **Appendix N** were able to obtain law enforcement data on the facilities analyzed.
- b. The Commenter states that it was not clear whether local law enforcement agencies were covered by the **Appendix N** survey. The Commenter also states that to the extent that local agencies serving the Wilton casino do not receive such funding, the survey results in **Appendix N** may not be applicable to Alternative A. The reason that **Appendix N** does not include data on how much compensation law enforcement agencies receive for providing services for casinos is because such amounts do not necessarily represent the cost of providing law enforcement services. See General Response 8 - Quantification of Socioeconomic Effects and Mitigation regarding how local governments sometimes enter into agreements to make payments in excess of proposed mitigation. However, it is acknowledged that information regarding how much other law enforcement agencies are paid in connection with recent casino developments would be useful information for local governments that are negotiating intergovernmental agreements with the Tribe.
- c. The Commenter states that it is not clear whether multiple law enforcement agencies were affected by the casinos listed. In each case, the consultant GMA obtained the data from the law local enforcement agency with primary jurisdiction for the casino. In some cases, law enforcement personnel from other agencies were also interviewed. For example, in the case of the Graton casino, members of both the Sonoma County Sheriff's Office and the City of Rohnert Park Police Department were interviewed. However, the calls for service and arrest data were obtained from the Sonoma County Sheriff's Office.
- d. The Commenter states that the specific questions asked of each law enforcement agency were not listed in **Appendix N**. The specific questions asked of each law enforcement agency were not explicitly stated in **Appendix N**, but can be inferred from the report's content. Specifically, each agency was asked to describe its opinion on the possible link between the opening of the local casino, and its impact on law enforcement utilization and crime. Each agency was asked to

describe the mix of crime. Each agency was also asked to provide data on arrests and calls for service. It should be noted that as each interview conducted followed its own unique course, depending on the level of information that was in the possession of each respondent.

Consequently, the interview protocol did not lend itself to a standardized set of questions.

- e. The Commenter states that the persons interviewed at each law enforcement agency were not consistent across law enforcement agencies. There is no standard across law enforcement agencies with respect to who at each agency possesses what information. In addition, the agencies interviewed were not legally compelled to provide the information requested. Consequently, the interviewers sought the information from those specific persons at each law enforcement agency who were in possession of the information sought.
- f. The Commenter states that the range of outcomes for the various law enforcement agencies varied greatly, even after adjusting for the size of the related casinos. The Commenter is correct that there was a relatively wide range of outcomes. This may relate to idiosyncratic factors present in the law enforcement agencies, the casino or the broader community. In addition, it is presumed in the analysis that the casino opening was the sole cause of subsequent changes in arrests or calls for service. However, there are other factors that may cause changes in law enforcement utilization. This highlights one of the limitations of the estimates in **Appendix N**, which is there is a limit to how precisely the law enforcement effect of the EIS alternatives can be quantified. Also see General Response 8 - Quantification of Socioeconomic Effects and Mitigation regarding limitations of quantifying certain effects.

Response to Comment A16-234

The Commenter states that the number of service calls estimated in Draft EIS **Appendix N** and **Section 4.7.1** is substantially understated. The Commenter states that “preliminary research” into other California casinos indicates that in the year 2015 calls for service to these facilities was as follows: Thunder Valley Casino (1,457), Cache Creek (1,288) and San Manuel Indian Bingo and Casino (3,122). The Commenter also states that these levels of calls for service are consistent with the calls for service at the Graton Casino Resort, noted in **Appendix N** of the Draft EIS. Because the Commenter did not cite the published source of its information, the figures described by the Commenter could not be verified for Thunder Valley, Cache Creek or San Manuel. However, according to a November 15, 2014 article in *The Press Democrat*, law enforcement calls for service increased by approximately 600 during the first year of Graton’s operations. This is consistent with the estimated 461 calls for service included in **Appendix N** and EIS **Section 4.7.1** because Alternative A is a smaller gaming venue than that of Graton. Part of the discrepancy in figures may be traced to the data in Draft EIS **Appendix N**, pages 34 and 40. This data states that annual calls for service at the Graton facility are estimated at 1,700 and 480, respectively. As described in **Appendix N**, there are differences in how local law enforcement agencies track and report service calls, which may result in differences in comparing service call data across law enforcement agencies. For example, as described on page 34 of **Appendix N**, a significant number of service calls for the Graton facility were calls that originated from officers on patrol. This is different from other law

enforcement agencies where the vast majority of what these agencies define as “service calls” are calls that originate from 911 and other calls into the dispatch office.

In addition, it should be noted that data for calls for service for many law enforcement agencies is not made publically available. Consequently such non-public data can only be obtained through direct inquiry to law enforcement agencies. Calls for service data obtained directly from law enforcement sources may be a combination of hard data and anecdotal data. Also, not all calls into a police department result in a “call for service” depending on the protocol of the specific law enforcement agency. Consequently, using calls for service as a metric of police utilization has some limitations.

The Commenter also states that it estimates that Alternative A would result in 307 additional arrests per year. The Commenter provides no analysis for its estimate of 307 additional arrests. See EIS **Section 4.7.1** for estimate arrests as a result of Alternative A. In the course of responding to the Comment, the author of **Appendix N** contacted the Sonoma County Sheriff’s Office to confirm the Graton data listed in **Appendix N**. Annual calls for service were confirmed at approximately 1,700, but it was discovered that the Graton arrest data in **Appendix N**, page 40 was overstated. Specifically, the correct number of annual arrests is approximately 8 percent of that amount listed in **Appendix N**. Consequently, the estimated 121 annual arrest estimate in **Appendix N**, page 40 is overstated by approximately 14 percent. However, this difference is not sufficiently large to change the conclusions regarding estimated law enforcement costs stated in EIS **Section 4.7.1**.

The Commenter states that additional police activity as a result of Alternative A would likely result in the hiring of additional police officers and the need for additional equipment and support services. EIS **Section 4.7-1** acknowledges that an increase in policing would likely entail not only the direct costs related to police officer compensation, but costs related to support personnel, equipment, and possibly facilities. Also see General Response 6 – Crime/Law Enforcement.

Response to Comment A16-235

The Commenter states that the statements made by certain law enforcement agencies cited in **Appendix N** of the Draft EIS are not consistent with the conclusions rendered in **Appendix N**. It is acknowledged that in some circumstances, law enforcement personnel interviewed in the course of the preparation of **Appendix N** stated that the openings of local casinos did not impact policing activity, and that such statements are inconsistent with the data presented in **Appendix N** regarding incremental calls for service and arrests that are presumably attributable to the casino openings. The inclusion of statements by law enforcement personnel in **Appendix N** were to provide qualitative information, and were not included in the quantitative analyses that are at the heart of **Appendix N**.

The Commenter also included information regarding the levels of payments made by the Graton Tribe to local city governments for the provision of certain services. While this information may be useful to local

governmental decision makers, the focus of **Appendix N** was to obtain information from law enforcement agencies and to estimate a dataset for determining law enforcement costs. The level of payments described in specific intergovernmental agreements, such as between the Graton Rancheria and local governments, may not equal the mitigation payments proposed in the Graton Final EIS. Also see Responses to Comments A16-232 through A16-234.

Response to Comment A16-236

The Commenter states that the Draft EIS does not address the potential indirect impacts from crime. Indirect impacts from crime are addressed primarily in Draft EIS **Section 4.7**. Also see General Response 6 – Crime/Law Enforcement, General Response 8 – Quantification of Socioeconomic Effects and Mitigation, and Response to Comment A16-99 regarding indirect impacts of crime.

Response to Comment A16-237

The Commenter states that Draft EIS **Appendix N** includes a number of statements that are unsupported by the quantitative data in **Appendix N**. The commenter is correct that some of the statements from law enforcement personnel are not consistent with the quantitative data included in the study. See Response to Comment A16-235 regarding why anecdotal comments provided by interviewed law enforcement personnel are not always consistent with the quantitative data.

Response to Comment A16-238

The Commenter states that the conclusions reached in the Draft EIS **Appendix N** are not always consistent with the study's data. The Commenter cited the data regarding Cincinnati in **Appendix N** as an example. The Commenter is correct that some of the quantitative data regarding Cincinnati spans from 2003 to 2013. Staffing data for the Cincinnati Police Department is presented from 2004 to 2014. The Horseshoe Casino Cincinnati opened on March 4, 2013. The Commenter is correct that data for years 2003 to 2012 is not relevant per se as to the question of whether the casino opening had an effect on crime or law enforcement utilization. Rather, the data during this earlier period was presented to provide context, and specifically to show the historical trend in crime and law enforcement utilization prior to the casino's opening. The 2013 and 2014 data were then compared against this trend.

Response to Comment A16-239

The Commenter asserts that statements in Draft EIS **Appendix N** regarding crime statistics that occurred prior to casino openings are irrelevant to the analysis and misleading. As described in Response to Comment A16-238, historical trends in crime and law enforcement utilization are important to provide trend data prior to a casino opening. The Commenter is correct that the study states that the number of DUI/DWI has dropped significantly since its peak of 205 arrests in 2008. However, this is simply a statement of fact, and not intended to imply that the casino was responsible for these declines.

Response to Comment A16-240

The Commenter states that, based on Comments A16-233 through A16-239, the conclusions reached in **Appendix N** of the Draft EIS are unreliable. Please see Responses to Comments A16-233 through A16-239.

Response to Comment A16-241

The Commenter appears to state that: 1) the Draft EIS does not properly analyze or mitigate indirect impacts of crime, and/or 2) the Draft EIS does not properly analyze or mitigate impacts from crime that are distinct from increases in law enforcement. The Commenter references Appendix N of the Final EIS for the Graton Rancheria Casino. See Responses to Comment A16-99, General Response 6 – Crime/Law Enforcement and General Response 8 – Quantification of Socioeconomic Effects and Mitigation.

Response to Comment A16-242

The Commenter states that Draft EIS **Appendix U** does not address retail substitution effects, that there is no discussion of the use of the remaining 206 acres of the Twin Cities site, or discussion of the development of the Twin Cities site possibly crowding out the potential for other commercial developments within the vicinity of the site. The Commenter is correct that retail substitution effects for the Twin Cities site Alternatives A and B are not evaluated. Rather, **Appendix U** analyzes retail substitution effects for Twin Cities site Alternative C. See Response to Comment A16-109 regarding retail substitution effects. See Response to Comment A16-03 regarding land uses at the Twin Cities site under Alternatives A, B, and C.

Response to Comment A16-243

The Commenter states that it wants full impact disclosure and mitigation and to share their expertise, and that their requests for staff meetings have not been accepted by the BIA. Thank you for your comment; Cooperating Agency input is critical to the NEPA process. Some updates, corrections, and clarification have been made to the Final EIS from the Draft EIS; however, the severity of impacts resulting from implementation of Alternatives A, B, and C have not changed as a result of these changes. As of August 2016, the BIA has not received a request from the City of Galt for a staff meeting.

3.3 RESPONSES TO WRITTEN COMMENTS FROM ORGANIZATIONS AND BUSINESSES

COMMENT LETTER O1: PAUL C. MURPHEY, PH.D., ROCKY MOUNTAIN PALEO SOLUTIONS

Response to Comment O1-01

The Commenter suggests that a paleontological record search be performed at the Sierra College Natural History Museum (Sierra College) in Rocklin. **Section 3.6** of the Draft EIS includes reference to a records

and literature search for paleontological records and “[n]o records or references to fossil records were found in any of the resources listed” for the three project sites. However, recent online records from the University of California Museum of Paleontology show Pleistocene mammal finds from the Hanford Sand and Gravel Pit located north of the Cosumnes River, north of the Historic Rancheria site. Sierra College Curator George Bromm performed a search of records and determined that there are no recovered specimens from any of the three Alternative sites (Bromm, 2016). The closest known specimen is a donated camel molar with no specific location beyond from the bank of the Cosumnes River near the Town of Wilton. Mr. Bromm also reported that some of the specimens collected outside the Alternative sites were recovered from Pleistocene Riverbank Formation strata (Bromm, 2016).

COMMENT LETTER O2: STEVE HOLMAN, GALT BUSINESS BUILDERS NETWORKING GROUP

Response to Comment O2-01

The Commenter states that the Proposed Project would have a positive impact on the City of Galt and the Central Valley. Refer to Response to Comment A1-01.

COMMENT LETTER O3: EL DORADO COUNCIL

Response to Comment O3-01

The Commenter asserts that, in the context of the Shingle Spring Band of Miwok Indians located in El Dorado County, Indian tribes should not be able to transfer land into federal trust and subsequently exercise regulatory sovereignty over that land; that their land acquisition decreases community property values; that local jurisdictions should have more say in fee-to-trust applications; that Indian tribes should be granted State status not nation status; that Indian tribes should be held to the same laws as all citizens; that taxpayers shoulder the burden of a tax-revenue loss from land being taken into trust; and that the BIA is abusing its power. Refer to General Response 1 – Non-Substantive Issues and General Response 5 – Property Value. Also, refer to **Section 4.7** for a detailed socioeconomic analysis of the project alternatives that discuss economic impacts (some beneficial) to local jurisdictions and communities and **Section 5.7, Mitigation Measures A and B**, for compensation payments that would be paid to local jurisdictions for loss of property taxes and to support public services.

COMMENT LETTER O4: RIKKI L. SHAFFER, CEO YUBA-SUTTER CHAMBER OF COMMERCE

Response to Comment O4-01

The Commenter expresses support for the Proposed Project and states that several community and economic benefits would derive from it. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

COMMENT LETTER O5: CHRIS NEWELL, GALT SIGN & SCREEN PAINTING

Response to Comment O5-01

The Commenter expresses support for the Proposed Project and states that several community and economic benefits would derive from it. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

COMMENT LETTER O6: ANN ULLRICH, GALT DISTRICT CHAMBER OF COMMERCE

Response to Comment O6-01

The Commenter expresses support for the Proposed Project and states that several community and economic benefits would derive from it. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

COMMENT LETTER O7: TERRY PARKER, PARKER REALTY

Response to Comment O7-01

The Commenter expresses a belief that the Proposed Project will increase property values and improve the nearby communities. Refer to General Response 5 – Property Value and Response to Comment A1-01.

Response to Comment O7-02

The Commenter expresses support for the Proposed Project and the Tribe’s generosity and requests that the BIA expedite its approval. Refer to General Response 5 – Property Value and Response to Comment A1-01.

COMMENT LETTER O8: CHERYL SCHMIT, DIRECTOR STAND UP FOR CALIFORNIA

Response to Comment O8-01

The Commenter asserts that the Draft EIS has deficiencies and does not fully evaluate direct and indirect off-site effects. Refer to responses to comments for this letter (O8), Comment Letter O9, and Comment Letter O10. Also, refer to Response to Comment A16-01(2).

Response to Comment O8-02

The Commenter asserts that the EIS may be in violation of NEPA because it fails to include information on IGRA’s fee-to-trust process and that local agencies must adhere to CEQA. The fee-to-trust application made by the Tribe to the BIA indicates the Tribe’s intent to seek land pursuant to IGRA’s “*restored lands exception*,” 25 USC § 2719(b)(1)(B)(iii). In addition, the Tribe has formally requested that the Office of Indian Gaming consider its project site(s) to be restored lands. This restored lands exception is governed

by 25 CFR Part 292. **Section 1.1** of the Draft EIS includes this same information on IGRA. This EIS is not required to or intended to adhere to CEQA.

Response to Comment O8-03

The Commenter identifies that the number of slot machines was omitted from **Section 2.0** of the Draft EIS. Environmental analysis conducted in the Draft EIS is based on the physical development of land, which based on the proposed square footage of facilities, as well socioeconomic effects that are based on the square footage of proposed gaming areas, all of which is accurately provided in **Section 2.0** of the Draft EIS. The number of slot machines proposed for gaming alternatives is irrelevant to analysis presented in the Draft EIS and was therefore not included. Allowable slot machines at Indian gaming facilities is determined by the tribal-State gaming compact (refer to **Section 1.7** of the EIS for detail).

Response to Comment O8-04

The Commenter questions the proposed development of the Twin Cities site. Refer to Response to Comments A16-03 and A16-19.

Response to Comment O8-05

The Commenter infers that the EIS does not present a reasonable range of alternatives. As stated in **Section 2.1** of the Draft EIS, a “*reasonable range of alternatives has been selected based on consideration of the purpose and need of the Proposed Action and opportunities for potentially reducing environmental effects.*” This reasonable range of alternatives was developed pursuant to 40 CFR 1502.14 including choosing those that are “*not within the jurisdiction of the lead agency.*” CEQ Guidelines encourage limiting the number of alternatives to a “*reasonable number of examples*” depending on “*the nature of the proposal and the facts in each case*” (46 Federal Register 18026). **Section 2.0** presents six varied alternatives that encompass three different proposed alternative sites in and near three individual local jurisdictions that potentially could meet the purpose and need of the Proposed Action (stated in **Section 1.3** of the Draft EIS) and analyzes each alternative at a comparable level. **Section 2.9** of the EIS includes six additional alternatives that were considered but eliminated “*(1) because these alternatives were determined to be infeasible and would not fulfill the stated purpose and need, (2) because these alternatives were not sufficiently different from other alternatives analyzed herein, or (3) for the reasons set forth below.*”

The lead agency, not the Tribe, determines the reasonableness of the alternatives analyzed in the EIS. All of the alternatives in the EIS, including Alternatives A, B and C, are reasonable alternatives, and consequently their inclusion in the EIS is appropriate.

Response to Comment O8-06

The Commenter asserts that the Draft EIS does not consider the possibility of future expansion of Alternative A, including future gaming expansion and future lost tax revenue. Refer to Responses to Comments A14-04, A16-03 and A16-19. Subsequent fee-to-trust acquisitions by the Tribe would undergo separate application processes and all future gaming on tribal lands would follow criteria set by IGRA, enforced by the National Indian Gaming Commission (NIGC), under which gaming activities can occur on Indian lands. As well, as stated in **Section 1.7** of the Draft EIS, “[p]er 25 USC § 2710 (b)(3)(a) ...the Tribe expects to negotiate a Class III gaming compact with the State of California as required by IGRA.” This compact would detail allowable gaming parameters on the reservation and may require an amendment should the Tribe seek change to those parameters.

Response to Comment O8-07

The Commenter questions the Tribe’s adherence to the 2011 MOU with the County of Sacramento in that it has not lived up to the TPED terms therein when preparing the EIS. For information on requirements of the TPED as presented in the 2011 MOU, refer to Response to Comment A16-01(2).

The County of Sacramento has been working collaboratively with the Tribe to address County needs and the mitigation necessary should the Tribe’s full-scale casino resort be built. Two governmental agreements were approved by the County Board of Supervisors on June 8, 2016. These agreements address the payments the Tribe would make to the County as mitigation if it were to build its casino resort on either the Twin Cities site or the Mall site. See MOUs in Supplemental **Appendix B** in this Final EIS.

Response to Comment O8-08

The Commenter infers that analysis presented in the Draft EIS is inadequate in how it assesses potential impacts to City of Galt resources, especially considering proposed development within the City of Galt. Refer to Response to Comment I51-17 and all Responses to Comments for Comment Letter A16 from the City of Galt. The Draft EIS includes assessment of foreseeable off-site impacts regardless of which jurisdiction they fall within (refer to Response to Comment A16-01(3)), including those within a cumulative setting (**Section 4.15** of the Draft EIS), and presents feasible mitigation measures (**Section 5.0** of the Draft EIS). **Table 4.15-1** in the Draft EIS includes a list of known major planned and/or reasonably foreseeable development projects within the City of Galt, which forms the basis from which cumulative analysis in **Sections 4.15.3, 4.15.4, and 4.15.5** is based on. Furthermore, for information on the City of Galt’s actions as a Cooperating Agency, refer to Response to Comment A16-01(2).

Response to Comment O8-09

The Commenter infers that CEQA must be adhered to regarding off-site transportation improvements and that an MOU with Caltrans would be preferred. All off-site transportation related improvements that are

recommended in **Section 5.8** of the Draft EIS would require actions and approvals of the involved lead agencies (City of Galt, County of Sacramento, or Caltrans) that are outside the scope of the Tribe's jurisdiction. These actions may require compliance with CEQA. As stated in **Section 5.8** of the Draft EIS, the Tribe shall enter into "fair-share" agreements to provide funding for implemented improvements. **Section 4.14** of the EIS includes "*indirect effects from off-site traffic mitigation improvements*" for all environmental issue areas, of which all were determined to have either no adverse effects, less-than-significant adverse effects, or less-than-significant adverse effects with mitigation. The Draft EIS also meets the requirements of a TEIR in assessing off-reservation impacts (refer to Response to Comment A16-01(3)).

Response to Comment O8-10

The Commenter contends that the 2011 MOU entered into between the Tribe and local jurisdictions is unenforceable and was a jurisdictional discretionary action that commits those jurisdictions to comply with CEQA. Concerns that the MOU may be unenforceable due to the use of governmental discretion to provide an entitlement to land use are unfounded. While the Tribe would be under an obligation to mitigate for significant impacts under both NEPA and its 2011 MOU, any support or lack of opposition by Sacramento County, the City of Elk Grove, or any other city would not provide any entitlement to the land as no local agency may control or determine the use of land once that land is placed into trust. This discretion relies entirely with the BIA and/or the NIGC. Furthermore, there is no requirement that the Draft EIS or any environmental review component of this federal process comply with CEQA.

Response to Comment O8-11

The Commenter asserts that Alternative A should comply with State water laws and the Draft EIS should consider potential impacts to the City of Galt water supply and consider water quality and quantity and drought conditions. On and off-site water quality and quantity existing conditions are discussed in **Section 3.3** of the Draft EIS and analyzed in **Sections 4.3** and **4.10**, where the development of on-site water sources, the potential for connection to existing municipal water supplies, the impacts of onsite tertiary wastewater treatment and discharge to a permitted municipal WWTP were all considered. To ensure water quality, the Draft EIS recommends the use of recycled water either from Title 22 treated onsite wastewater treatment plant or reclaimed water from the City of Galt WWTP. Recycled water shall be used to the extent practical to reduce potable water demand. A list of water conservation mitigation measures is included in **Section 5.3.2** of the Draft EIS. In terms of source water quality, the Draft EIS states in **Section 5.3.2, Mitigation Measure H**, that drinking water shall meet USEPA drinking water standards. Historic drought conditions are taken into account in **Appendix K** (groundwater supply report) of the Draft EIS.

Response to Comment O8-12

The Commenter states that special events traffic (including that in the cumulative setting), employee trips, and safety issues associated with private property access should be evaluated in the EIS. **Section 4.8** of the Draft EIS assesses traffic generated from convention center events, which is based on analysis presented in **Appendix O** that states that the “*convention facility*” component is anticipated to be used for a variety of events, such as conventions, concerts, performances, etc. Therefore, the Draft EIS traffic study incorporated the number of trips anticipated to be generated by this project component. As with the gaming component, convention center trips were evaluated under both weekday evening and peak weekend conditions. Accordingly, no further analyses are necessary. Considering the location of the project sites, other events at smaller nearby venues are not anticipated to generate significant traffic. Therefore, cumulative effects analysis of “special events” traffic is not warranted.

As stated in **Section 4.8.1** of the Draft EIS, “[t]rip generation rates calculated...include employees and patrons ancillary uses as well.” Trip generation rates provided in **Section 4.8** and **Appendix O** approximated the number of automobile trips associated with the development alternatives based on actual on-the-ground trip characteristics of numerous operational tribal gaming facilities, which inherently account for the various modes of travel associated with these sites including conventional automobiles and shuttle/transit vehicles for both employees and patrons.

Regarding safety issues, note that all geometric improvements, both on-site and off-site, would be required to be constructed in a manner consistent with current guidelines and standards. These guiding documents ensure that public roadways are designed in a manner that maximizes safety. Accordingly, the safety of private property access would not be adversely affected.

Response to Comment O8-13

The Commenter asserts that an air quality analysis must be conducted for proposed casino traffic and construction activities and it must be compared to regional thresholds. **Section 4.4** of the Draft EIS presents a thorough air quality analysis for all of the project alternatives, including construction and operational emissions inclusive of “*mobile emissions from patron, employee, and delivery vehicles*” (see **Tables 4.4-3** and **4.4-4**).

Response to Comment O8-14

The Commenter asserts that a significant adverse noise impact will result from the Proposed Project and that impact must be evaluated and compared against regional criteria. **Section 4.11** of the Draft EIS presents a thorough noise analysis for all of the project alternatives and, for reference purposes, compares potential project noise levels against regional noise criteria; however federal noise criteria is used to determine significance as required by NEPA. Both construction and operation of all project alternatives were found to have less-than-significant impact related to noise (**Section 4.11**) but regardless, mitigation

was recommended to further reduce impacts (**Section 5.11** of the Draft EIS, **Mitigation Measures A to K**). Refer also to Response to Comment A8-16.

Response to Comment O8-15

The Commenter asserts that use of membrane bioreactor technology (MBR) requires fouling control and frequent replacement, and that they regularly fail, thus a failure contingency plan should be prepared. Much more is known about MBR operations now than when they were first introduced in California years ago. Although fouling has been an issue in the past, current operational strategies and monitoring techniques, along with regimented cleaning procedures have greatly reduced the issue in both frequency and intensity, to the point that failures are very rare.

Incorporation of a detailed Operations and Maintenance (O&M) plan will minimize the issue. An O&M plan is typically be provided with the installation of any on-site wastewater treatment system, including the MBR system described in **Appendix I**. This O&M plan would spell out the specific procedures to minimize membrane fouling and describe proper cleaning and monitoring required to prevent fouling from interrupting treatment. As in **Appendix I** of the Draft EIS (page 31), “*automatic backflush of the membrane, coupled with periodic chemical cleaning of the membranes will control any fouling encountered during operation.*” The specific requirements would be based on the MBR system installed, and would be described by the MBR system manufacturer.

Typically, replacement of treatment system components and overall system replacement would be determined by the warranty agreement in place between the Owner and installer/manufacturer, and would be determined prior to the construction phase. Although individual membranes are subject to replacement over the lifetime of the MBR system, access to the individual membrane packages is designed into the treatment system so that replacement can be easily accommodated. The process for membrane replacement is typically included in the O&M plan provided by the installer or manufacturer during construction and prior to operation of an MBR system. Controls governing the operation of the MBR are also designed to lengthen the membrane life by providing cleaning through air scouring and automatic backwash.

MBR treatment system failure would not be allowed to cause the discharge of untreated wastewater. No release of untreated wastewater would be reasonably be expected to occur; therefore, there would be no impact to off-reservation water supply or associated damages. Correct operating procedures and monitoring of the treatment system, as detailed in an O&M plan, would ensure that it is providing appropriate treatment for the quantity and quality of wastewater anticipated for the project. **Section 2.2** of the Final EIS has been revised to include language about an O&M plan.

Response to Comment O8-16

The Commenter states that the EIS does not fully evaluate fiscal impacts to California State and local governments, or impacts to non-tribal businesses. The Commenter cites as evidence a report prepared by Blue Sky Consulting Group on a different proposed tribal gaming project. That report is listed on the website of Stand Up For California. Fiscal impacts to State and local governments, as well as non-tribal businesses, are thoroughly analyzed in the Final EIS **Section 4.7**. Fiscal impacts listed in the Draft EIS have been further detailed in table format in the Final EIS **Section 4.7**.

Response to Comment O8-17

The Commenter questions the statutory authority for the Tribe's trust application. Refer to General Response 1 – Non-Substantive Issues.

Response to Comment O8-18

The Commenter questions the statutory authority for a two-part determination under IGRA in regards to potential off-reservation gaming. The Tribe does not intend to pursue off-reservation gaming under 25 USC § 2719(b)(1)(A). The Tribe is landless and has no reservation land. It is seeking the restoration of trust lands so that it may re-establish a reservation and implement the Proposed Project on that reservation land to meet the purpose and need outlined in **Section 1.3** of the Draft EIS.

Response to Comment O8-19

The Commenter asserts that California voters oppose off-reservation gaming. Refer to Response to Comment O8-18.

COMMENT LETTER O9: CHERYL SCHMIT, DIRECTOR STAND UP FOR CALIFORNIA

Response to Comment O9-01

The Commenter asserts that the Draft EIS and the “Tribal Resolution” contradict each other in a way that requires clarification by the BIA. The Tribe has submitted a request for its gaming site to be considered restored lands to the Office of Indian Gaming, Department of the Interior, as required by 25 CFR Section 292.3(b).

Response to Comment O9-02

The Commenter asserts that both the “restored lands” and “initial reservation” exceptions to IGRA are not met in the case of the Tribe's fee-to-trust application. The Tribe has submitted a request for its gaming site to be considered “restored lands” to the Office of Indian Gaming, Department of the Interior, as required by 25 CFR Section 292.3(b). The Tribe does not intend to seek an initial reservation exception under 25 CFR Part 83. **Section 1.1** has been changed to better reflect this fact. Also refer to Responses to Comments A13-03 and O8-02.

COMMENT LETTER O10: CHERYL SCHMIT, DIRECTOR STAND UP FOR CALIFORNIA

Response to Comment O10-01

The Commenter claims that the Draft EIS lacks clarity on the federal fee-to-trust process. **Section 1.1** of the Draft EIS gives an overview of the federal fee-to-trust process. This overview gives the reader context for the Tribe’s current application and reasoning for preparation of an EIS.

Response to Comment O10-02

The Commenter states the Cities of Galt and Elk Grove and the County of Sacramento have a substantial role in this fee-to-trust federal process and must adhere to CEQA. Refer to Response to Comments O8-10. Also, as stated in **Section 1.1** of the Draft EIS, the City of Galt and the County of Sacramento are Cooperating Agencies that have reviewed and analyzed “*the environmental impacts associated with the Proposed Action*” as required under NEPA and as evidenced by comment letters included in **Section 2.0** of this Final EIS. Since the Draft EIS was published in December 2015, the City of Elk Grove has become a Cooperating Agency. The City of Elk Grove has also reviewed the Draft EIS and submitted a comment letter with substantive comments.

Response to Comment O10-03

The Commenter asserts that the incorrect exception to IGRA is stated in the Draft EIS. Refer to Responses to Comments O8-02 and O9-02.

COMMENT LETTER O11: ALAN TITUS AND JARHETT BLONIEN, ROBB & ROSS

Response to Comment O11-01

The Commenter claims that the Draft EIS incorrectly assumes that a transfer of land title to the federal government for use by an Indian tribe results in a jurisdictional loss to the State. Refer to General Response 1 – Non-Substantive Issues.

Response to Comment O11-02

The Commenter states that there is no explanation as to why competitive effects to cardrooms have not been analyzed in the Draft EIS. Competition is not considered an impact under NEPA (*Citizens for a Better Way, et al. v. United States Department of the Interior* [E.D. Cal., 2015]). See General Response 8 – Quantification of Socioeconomic Effects and Mitigation regarding why certain effects are not addressed or quantified in an EIS. Nevertheless, the Final EIS **Section 4.7** has been updated to include an analysis of competitive effects to licensed cardrooms. Also see General Response 8 regarding a discussion of what types of effects constitute “impacts” under NEPA.

The Commenter states in a footnote that the Draft EIS does not specify the number of slot machines nor the number of tables under each Alternative. A description of each of the Alternatives analyzed is

included in Draft EIS **Section 2.0**. These descriptions include a description of the various physical improvements, including the estimated square footage of each component, including the gaming floor. The number of slot machines and tables is listed in **Appendix H**. The Commenter is correct that the number of slot machines and tables is not listed in the main body of the Draft EIS. **Section 2.0** of the EIS includes a list of primary assumptions that determine environmental impacts to the physical environment, such as facility square footage, mix of amenities, hotel rooms, parking spaces, etc.

COMMENT LETTER O12: BRANDON ROSE, PRESIDENT ENVIRONMENTAL COUNCIL OF SACRAMENTO, ROBERT C. BURNES, CO-CHAIR HABITAT 2020, MIKE SAVINO, BOARD MEMBER SAVE OUR SANDHILL CRANES, AND BARBARA LEARY, EXECUTIVE COMMITTEE CHAIR SIERRA CLUB SACRAMENTO GROUP

Response to Comment O12-01

The Commenter asserts that Alternative A is inconsistent with the County of Sacramento's General Plan. Refer to Responses to Comments A16-36, A16-39, and A16-43. Pursuant to NEPA, the BIA conducted early consultation via the scoping process with potentially affected agencies regarding potential conflicts with local land use policies and goals (46 Federal Register 18026). All land use policies suggested by these agencies were considered in the Draft EIS.

Response to Comment O12-02

The Commenter asserts that Alternative A is inconsistent with the Metropolitan Transportation Commission's Plan and assumes a CEQA document is forthcoming for transportation improvements resulting from Alternative A. Refer to Responses to Comments A16-36, A16-39, A16-43, and O8-09.

Response to Comment O12-03

The Commenter suggests that the potential impacts to neighboring properties from the proposed on-site disposal of treated wastewater has not been adequately analyzed. Refer to Responses to Comments A10-11, A11-06, and A11-08.

Response to Comment O12-04

The Commenter states that the potential development of agricultural land and its impacts are not fully analyzed in the EIS, and the EIS fails to adequately compare the environmental impacts of the alternatives. Refer to Responses to Comments A16-03, A19-119, and I1-01. Impacts to agriculture are addressed in Draft EIS **Section 4.9**. **Section 2.10.2** of the Draft EIS states that "*the alternatives considered in this document include those which could accomplish most of the purpose and need for the project, and that could avoid or substantially lessen one or more of the significant effects of the project.*" The purpose and need of the Proposed Action, as stated in **Section 1.3** of the Draft EIS, is "*to promote the economic development, self-sufficiency, and government programs for the Tribe and its members.*"

Therefore, when comparing the different alternatives, the economic component of the purpose and need is a primary consideration as it directly addresses the needs of the Tribe. Alternatives are compared in Draft EIS **Section 2.10**.

Response to Comment O12-05

The Commenter questions the adequacy of the analysis done on growth-inducing effects. Refer to Responses to Comments A8-04 and A16-107. As stated in previous responses and in the EIS (**Section 4.14**), no significant growth inducement would occur as a result of implementation of any of the alternatives as new employees would mostly come from within the region and for those who would relocate, adequate housing supply exists in the region (**Section 4.7**). Therefore, there would be no environmental impacts associated with growth under any of the alternatives.

Response to Comment O12-06

The Commenter suggests building and operation design and mitigation measures for further reducing greenhouse gasses (GHGs). Refer to Response to Comment A8-33 and specifically to **Section 5.4.2, Mitigation Measure C, Section 5.4.3, Mitigation Measure D, and Section 5.10.5, Mitigation Measures T and U**.

Response to Comment O12-07

The Commenter requests that the Proposed Project include environmentally friendly public transportation so as to further reduce negative effects on climate change to meet AB32 goals. Refer to Response to Comments A3-06.

Response to Comment O12-08

The Commenter would like the EIS to include discussion of additional State-listed special-status species. Refer to General Response 4 – Habitat and Species and Response to Comment A16-33.

Response to Comment O12-09

The Commenter expresses concern over the EIS's reliance on CNDDDB data. Refer to General Response 4 – Habitat and Species and Responses to Comments A16-33 and O12-08.

Response to Comment O12-10

The Commenter asserts that no consideration was given in the EIS to cyclical stochastic events of the lower Cosumnes River and the resulting shift in habitat. By definition, stochastic events are random and unpredictable and therefore cannot be properly modeled and/or assessed. Cosumnes River, at its nearest

point, is more than 2.5 miles from the Twin Cities site. Also, refer to General Response 4 – Habitat and Species for information on the breadth of regional habitat on- and off-site.

Response to Comment O12-11

The Commenter states concern about the loss of potential upland foraging habitat at the Twin Cities site due to rising sea levels resulting from climate change. Refer to General Response 4 – Habitat and Species and Response to Comment A16-03. Climate change was addressed appropriately in **Sections 3.4** and **4.4** of the Draft EIS, and related mitigation was recommend in **Section 5.0**. An analysis of rising sea levels related to climate change is not necessary due to the distance of the alternative sites from tidal waters.

Response to Comment O12-12

The Commenter asserts that unclear methodology was used in the biological resources portion of the EIS. Refer to Responses to Comments A16-33 and O12-08.

Response to Comment O12-13

The Commenter asserts inaccurate methodology was used for analysis of greater sandhill cranes and requests that additional data be considered. Refer to General Response 4 – Habitat and Species and Responses to Comments A16-33 and O12-08. It is not clear from the information submitted whether the cranes observed were foraging or pausing during migration patterns between their northern rearing grounds and their overwintering grounds. As discussed in General Response 4, there are several nearby locations upon which greater sandhill cranes can obtain their lifecycle needs. Furthermore, as discussed in Response to Comment A16-03, no more than approximately 27 percent of the Twin Cities site will be permanently developed under Alternative A, B, or C, leaving the remainder of the site (73 percent) in existing agricultural use and available for use by listed species. The portion of the site to remain undeveloped includes all of the aquatic features in the southern portion of the site as well as the areas immediately adjacent to undeveloped land to the west. As discussed in Response to Comment A16-02, the City of Galt is proposing to annex the Twin Cities site in the future and re-designating it for commercial/office use, which would result in development of the entirety of the site and a far greater impact to bird foraging or roosting habitat than may occur under Alternatives A, B, or C.

A survey of California populations of greater sandhill cranes (Schloff, 2005) has found that rice and corn are the most crucial crops for this species, and wetland ecosystems are also crucial. Neither of these crops are found on the Twin Cities site, and the intact natural wetland ecosystem found on the Twin Cities site is not proposed to be disturbed by Alternatives A, B, or C. Additional data provided by Dr. Gary Ivey (Littlefield and Ivey, 2001) suggests that areas with vegetation more than 10 inches is often avoided by greater sandhill cranes due to increased predation risk. The southern portion of the Twin Cities site (south of the intact wetlands) is unmanaged grassland and often contains vegetation greater than 10 inches high, rendering it unsuitable for winter foraging habitat. This same data has suggested that conversion of

cropland into orchards and vineyards is the greatest threat to this species in the Delta region (Littlefield and Ivey, 2001). Such a conversion would not occur under Alternatives A, B, and C. Further recommendations by the same authors include a restriction on hunting near greater sandhill cranes. There is an existing shooting range operated by the California Department of Corrections within 0.4 mile of the project site, which causes gunshot noise similar to hunting. Most recently, Dr. Gary Ivey has concluded that 95 percent of greater sandhill crane foraging habitat utilization is within 1.2 kilometers of a roosting site (Ivey, 2015), and no known roosting sites exist within 1.2 kilometers of the Twin Cities site.

As is shown by these scientific studies and data, and as stated in General Response 4, the Twin Cities site does not offer preferred habitat for greater sandhill crane. To ensure less-than-significant impacts, mitigation measures are included in **Section 5.5**.

Response to Comment O12-14

The Commenter asserts inaccurate methodology was used for analysis of Swainson’s hawk. Refer to General Response 4 – Habitat and Species and Responses to Comments A16-33 and O12-08.

Response to Comment O12-15

The Commenter asserts inaccurate methodology was used for analysis of tricolored blackbird. Refer to General Response 4 – Habitat and Species and Responses to Comments A16-33 and O12-08.

Response to Comment O12-16

The Commenter asserts the discussion on lighting impacts to biological resources in the EIS is inadequate. Refer to General Response 4 – Habitat and Species and Responses

Response to Comment O12-17

The Commenter suggests that its prior comments relating to the Twin Cities site are relevant to the Historic Rancheria site as well. Refer to Responses to Comments O12-1 through O12-16, A16-03, and General Response 4 – Habitat and Species.

Response to Comment O12-18

The Commenter refutes groundwater overdraft information presented in the EIS and requests additional information be included on compliance with the Sustainable Groundwater Management Act. Refer to General Response 3 – Water Supply. As stated in **Section 4.3.1** of the Draft EIS, “*Alternative A would not decrease groundwater levels... In fact it would lessen the current site’s water usage due to the retirement of some agricultural land on the property.*” While groundwater elevation drawdown can be an indicator of an overdraft condition, having a current groundwater level that is lower than a past groundwater level does not equate to a current overdraft condition. A past overdraft condition that

lowered the groundwater elevation does not necessarily indicate a current overdraft condition. The groundwater table difference between the two wells discussed in **Appendix K** of the Draft EIS was 15.6 feet, with the wells being approximately 13,000 feet apart (approximately 2½ miles). A hydraulic gradient of 0.0012 can be calculated using these values, which is not steep and is within the ranges commonly observed in the Sacramento Valley. Also, once land is taken into trust it is not subject to State and local regulations, such as the Sustainable Groundwater Management Act; however water conservation measures are included as mitigation in **Section 5.0** of the EIS.

Response to Comment O12-19

The Commenter requests a more detailed history of agricultural use at the Twin Cities site. **Section 3.9.1** of the Draft EIS presents the agricultural setting for the Twin Cities site. Historical agricultural land use information for the Twin Cities site, including the crop types typically grown, was provided by the property owner; from publically available aerial images (Google Earth); and from USDA CropScape data (USDA, 2016). The Twin Cities site has been farmed annually for at least the 10 years preceding the groundwater supply evaluation with corn and alfalfa (the same crops used in the groundwater evaluation) being common crops on the property (USDA, 2016). The crop water use estimate included in the groundwater evaluation (**Appendix K** of the Draft EIS) states that the irrigation period used was June through September only (the estimate assumed no water use for the other eight months of the year).

Response to Comment O12-20

The Commenter states that removal of agricultural uses at the Twin Cities site will result in a significant impact on the flexibility of groundwater use. Refer to General Response 3 – Water Supply and Responses to Comments A16-03, A16-25 and A16-75. Approximately 73 percent of the Twin Cities site would stay in agricultural use.

Response to Comment O12-21

The Commenter states that the EIS is incomplete for previously stated reasons. Refer to Responses to Comments O12-01 to O12-21.

Response to Comment O12-22

The Commenter expresses a preference from Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

3.4 RESPONSES TO WRITTEN COMMENTS FROM INDIVIDUALS

COMMENT LETTER I1: DYLAN PERRY

Response to Comment I1-01

The Commenter lists general concerns with loss of agricultural land, suburban sprawl and its effect on habitat, and the availability of already developed land for the project; states support for Alternative G (with Alternative F being the next best choice); and states that project alternatives will have a negative environmental and socioeconomic effect on the environment and the Town of Wilton in particular. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 3 – Water Supply, General Response 4 – Habitat and Species, and General Response 8 – Quantification of Socioeconomic Effects and Mitigation, and Response to Comments A16-119 and I7-02. No agricultural uses exist on the Historic Rancheria site in Wilton, and the land does not meet U.S. Department of Agriculture (USDA) criteria for protection under the Agricultural Conservation Easement Program of 2014 (Draft EIS, **Section 4.9.4**).

Response to Comment I1-02

The Commenter suggests the Mall site may be preferred over the Wilton Rancheria site. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I2: ANNETTE AND CHARLES NELSON

Response to Comment I2-01

The Commenter states opposition to the potential increase in traffic and social problems due to Alternatives A and B. Refer to General Response 1 – Non-Substantive Issues, and General Response 6 – Crime/Law Enforcement, and General Response 7 – Traffic.

COMMENT LETTER I3: JANESEA WHITE

Response to Comment I3-01

The Commenter questions the working conditions under project alternatives, insurance coverage for employees, and potential additional strain on the tax base. Once land is taken into trust by the BIA for use by an Indian tribe, the land and activities thereon would generally not be subject to State rules and regulations. The Draft EIS discusses employee wages for the Proposed Project that “*include hourly and salary payments as well as benefits including health and life insurance and retirement payments*” (Draft EIS, **Section 4.7.1**). Health insurance benefits for Proposed Project employees would be a matter resolved between the Tribe and its employees. However, it should be noted that the income for non-tribal employees would be taxed per State and federal standards; therefore contributing to the tax base.

Response to Comment I3-02

The Commenter questions why the Highway 99 exit near Arno Road was not included in the EIS for improvements. **Section 3.8.2** of the Draft EIS describes the intersections and roadway segments that were studied for impacts in the traffic impact analysis (**Appendix O**). **Section 4.8** assess impacts to these intersections and roadway segments that could occur due to implementation of the alternatives. The Highway 99 exit near Arno Road was not assessed for traffic impacts because there is no road access from that exit to the Twin Cities site nor will there be. Therefore, no impacts to those highway on and off-ramps are expected and no mitigation need be included. However, Highway 99 segments surrounding Arno Road were analyzed for potential impacts (**Section 4.8**).

Response to Comment I3-03

The Commenter notes that the Twin Cities site is located more than 2 miles from schools. Existing area schools are identified in **Section 3.10.7** of the Draft EIS and assessed for impacts throughout **Section 4.7** of the Draft EIS.

Response to Comment I3-04

The Commenter suggests that gaming project alternatives would increase crime. Refer to General Response 6 – Crime/Law Enforcement.

Response to Comment I3-05

The Commenter expresses concern about impacts to Galt emergency services and the ability to service emergencies in a 12-story building. The Cosumnes Community Services District Fire Department (CCSD Fire Department) would continue to provide fire suppression services to the Twin Cities site under Alternatives A, B, and C (Draft EIS, **Section 4.10.1**). To mitigate for any potentially significant impact to CCSD due to increased calls or emergency fire response training (such as high-rise response training) resulting from Alternative A, **Mitigation Measures R** (Draft EIS **Section 5.10.4**) would be implemented. This mitigation would require the Tribe enter into a Memorandum of Understanding (MOU) and/or service agreement with CCSD Fire Department that could include funding from the Tribe.

Response to Comment I3-06

The Commenter expresses concern about solid waste, light, and air pollution from project alternatives at the Twin Cities site impacting the Cosumnes River Preserve. Refer to General Response 4 – Habitat and Species and Draft EIS **Section 4.4**, Air Quality.

Response to Comment I3-07

The Commenter questions the adequacy of the water supply for project alternatives at the Twin Cities site. Refer to General Response 3 – Water Supply.

Response to Comment I3-08

The Commenter expresses concern about the portion of land at the Twin Cities site that would remain undeveloped and the potential loss of the site for the City of Galt. As stated in **Section 2.2.5** of the Draft EIS, “[n]o development is proposed for the southern part of the site.” Also, refer to Responses to Comments A14-04 and A16-03.

COMMENT LETTER I4: ALEXANDRA TOLEDO

Response to Comment I4-01

The Commenter expresses opposition to Alternatives A and B. Refer to General Response 1 – Non-Substantive Issues.

Response to Comment I4-02

The Commenter expresses concern about crime resulting from Alternatives A and B. Refer to General Response 6 – Crime/Law Enforcement.

Response to Comment I4-03

The Commenter expresses concern about traffic increases in and around the City of Galt, water supply, and wastewater facilities. Refer to General Response 7 – Traffic and General Response 3 – Water Supply. Prior to implementation of an alternative, the Tribe shall enter into MOUs and/or service agreement with affected public services providers per mitigation measures included in the Draft EIS (**Section 5.10**) to ensure appropriate funding to service the development alternatives.

Response to Comment I4-04

The Commenter expresses concern that the City of Galt will lose tax revenue due to Alternatives A, B, and C. Refer to Response to Comment A14-04.

Response to Comment I4-05

The Commenter expresses a concern about an increase in crime in the City of Galt resulting from Alternatives A and B and suggests the citizens of Galt might be forced to pay additional taxes to support the local police force. Refer to General Response 6 – Crime/Law Enforcement.

Response to Comment I4-06

The Commenter states that Alternatives A and B will lower property values in the City of Galt. Refer to General Response 5 – Property Value.

Response to Comment I4-07

The Commenter expresses concern that the Proposed Project would bring only low-level employment into the region. Refer to Response to Comment I3-01. As stated in **Section 4.7.1** of the Draft EIS, “*Alternative A would include entry-level, mid-level, and management positions,*” such as casino slot operators, entertainment operators, casino administrators, human resources, and hotel marketing, to name a few (refer to **Table 4.7-13** of the Draft EIS). Wages would be “*competitive in the local labor market*” totaling approximately \$92.7 million annually for direct employees who would derive from within San Joaquin and Sacramento Counties, with approximately \$19.1 million in direct wages for those employees living within Galt city limits. This increase in local wages was considered a beneficial impact in the Draft EIS.

COMMENT LETTER I5: JANENE LAWRENCE

Response to Comment I5-01

The Commenter questions why land within the City of Galt’s Sphere of Influence is being considered by the BIA for fee-to-trust activity. Refer to Responses to Comments A16-02 and I3-08.

Response to Comment I5-02

The Commenter expresses concern about traffic increases in the region resulting from the Proposed Project. Refer to General Response 7 – Traffic.

COMMENT LETTER I6: DAVID AND CHERISE CANNING

Response to Comment I6-01

The Commenter expresses concern about traffic increases in and around the City of Galt resulting from Alternative A. Refer to General Response 7 – Traffic.

COMMENT LETTER I7: MICHAEL A. HODGE

Response to Comment I7-01

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment I7-02

The Commenter states that the casino is not wanted within the City of Galt community and that it would change the character of the City. Community character is a subjective term that is defined by a collection of social, natural, and visual characteristics and land use cohesion attributes that may be unique to a particular community (Pivo, 1992). Both qualitative and quantitative analytical methods were used throughout the Draft EIS to assess the potential impact of Alternative A on community character, including an accurate description of the project and study area (**Sections 2.0** and **3.0**), development of

community profiles (**Section 3.7**), and an analysis of impacts (**Section 4.0**). All impacts potentially associated with community character, such as those to public services, land use, or cultural resources, can be mitigated to a less-than-significant level (**Section 5.0**).

COMMENT LETTER I8: LAURA ALEMAN

Response to Comment I8-01

The Commenter states that the community of Wilton does not have adequate infrastructure to support project alternatives located at the Historic Rancheria site. Refer to General Response 3 – Water Supply and Response to Comment I4-03. Also, refer to **Sections 3.3, 3.8, and 3.10** for details on existing water, transportation, and utilities infrastructure available on and near the Historic Rancheria Site, and **Sections 4.3.4, 4.8.4, and 4.10.4** for analysis to this infrastructure resulting from implementation of Alternatives D and E.

COMMENT LETTER I9: GEORGE BENNETT

Response to Comment I9-01

The Commenter states concern regarding additional law enforcement needs for gaming project alternatives and how those needs will be funded. Refer to General Response 6 – Crime/Law Enforcement.

COMMENT LETTER I10: JOE A. BERMUDEZ

Response to Comment I10-01

The Commenter states opposition to gaming project alternatives, citing concern for their impact on traffic. Refer to General Response 7 – Traffic.

COMMENT LETTER I11: LAREE BERMUDEZ

Response to Comment I11-01

The Commenter expresses concern for Alternatives A’s impacts on community character, traffic, crime rates, and property values. Refer to General Response 5 – Property Values, General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic, and Response to Comment I7-02.

COMMENT LETTER I12: ROSE LAVINE

Response to Comment I12-01

The Commenter expresses support for Alternative A and suggests it will contribute financially to the community in the form of tax revenue, additional jobs, and business growth. The Commenter also expresses support for the Alternative A’s location. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

COMMENT LETTER I13: CHERYN NICOLAUS

Response to Comment I13-01

The Commenter indicates a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I14: JUAN FRANCISCO PRIETO

Response to Comment I14-01

The Commenter expresses support for Alternative A and suggests it will contribute financially to the community in the form of necessary job opportunities. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

COMMENT LETTER I15: ELIZABETH REISING

Response to Comment I15-01

The Commenter states opposition to Alternative A citing impacts to community character and an increase in crime. Refer to General Response 6 – Crime/Law Enforcement and Response to Comment I7-02.

COMMENT LETTER I16: CATHLEEN LUCKEY

Response to Comment I16-01

The Commenter indicates concern for Alternative A’s impacts on traffic in and around Galt. Refer to General Response 7 – Traffic.

Response to Comment I16-02

The Commenter states concern for Alternative A’s impacts on local water supply. Refer to General Response 3 – Water Supply and Response to Comment A10-11.

Response to Comment I16-03

The Commenter expresses concern for the loss of tax revenue due to Alternative A. Refer to Responses to Comments A14-04 and A16-107.

Response to Comment I16-04

The Commenter indicates a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative

Response to Comment I16-05

The Commenter states that the Tribe has closer ties to Elk Grove than to Galt. General Response 1 – Non-Substantive Issues.

COMMENT LETTER I17: KIRK MARCHETTI

Response to Comment I17-01

The Commenter states opposition to Alternative F, citing concern for an increase in crime. General Response 1 – Non-Substantive Issues and General Response 6 – Crime/Law Enforcement.

COMMENT LETTER I18: MAUREEN CONSTANTINO

Response to Comment I18-01

The Commenter states opposition to Alternative A, citing concern for an increase in crime and decrease in property values. Refer to General Response 6 – Crime/Law Enforcement and General Response 5 – Property Values.

Response to Comment I18-02

The Commenter expresses their concern for traffic impacts due to Alternative A. Refer to General Response 7 – Traffic.

Response to Comment I18-03

The Commenter states opposition to Alternative A and preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I19: RENATE JOHNSON

Response to Comment I19-01

The Commenter states opposition to Alternative A citing concern for the project site’s proximity to the Cosumnes River Preserve. Refer to General Response 4 – Habitat and Species and Response to Comment I3-06.

Response to Comment I19-02

The Commenter expresses concern for the aesthetic impact of Alternative A. Refer to Responses to Comments A16-131, A16-132, and A16-138.

Response to Comment I19-03

The Commenter presents various abbreviated versions of objectives of the Consumes River Preserve Management Plan adopted in 2008. Comment noted.

Response to Comment I19-04

The Commenter indicates that a more urbanized site is a better option for a gaming facility due to potential impacts to the Cosumnes River Preserve. Refer to General Response 1 – Non-Substantive Issues, General Response 2 – Alternative F as Preferred Alternative, and General Response 4 – Habitat and Species.

Response to Comment I19-05

The Commenter expresses concern towards Alternative A's water supply. Refer to General Response 3 – Water Supply.

Response to Comment I19-06

The Commenter expresses concern for the potential increase in crime as a result of Alternative A. Refer to General Response 6 – Crime/Law Enforcement.

Response to Comment I19-07

The Commenter states their commitment to vulnerable species and habitat conservation. Refer to General Response 1 – Non-Substantive Issues.

Response to Comment I19-08

The Commenter expresses concern for impacts to unspoiled and natural areas of land as a result of Alternative A. Refer to General Response 1 – Non-Substantive Issues and General Response 4 – Habitat and Species.

Response to Comment I19-09

The Commenter indicates that a more urbanized site is a better option for a gaming facility. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I20: ERIN HAUGE

Response to Comment I20-01

The Commenter states opposition to Alternative A and concern regarding the Twin Cities site's proximity to the Cosumnes River Preserve and potential impacts on wildlife in the vicinity. Refer to General Response 1 – Non-Substantive Issues, General Response 2 – Alternative F as Preferred Alternative, and General Response 4 – Habitat and Species and Response to Comment I3-06.

COMMENT LETTER I21: RACHEL VERDOORN

Response to Comment I21-01

The Commenter states opposition to Alternative F, citing concern for an increase in traffic and crime. Refer to General Response 6 – Crime/Law Enforcement and General Response 7 – Traffic.

Response to Comment I21-02

The commenter states that the Elk Grove Mall site is located in an area where families live and shop and states opposition to the use of the site as a casino. Refer to Response to Comment I7-02 for a discussion on community character.

COMMENT LETTER I22: FLORENCE PIERCE

Response to Comment I22-01

The Commenter states opposition to Alternative F, citing concern for an increase in crime and impact to community character. Refer to General Response 6 – Crime/Law Enforcement and Response to Comment I7-02.

COMMENT LETTER I23: DENNIS AND ELIZABETH CROCKETT

Response to Comment I23-01

The Commenter states opposition to Alternative F, citing concern for impacts to community character. Refer to General Response 1 – Non-Substantive Issues and Response to Comment I7-02.

COMMENT LETTER I24: KUNHOUR HAK

Response to Comment I24-01

The Commenter states opposition to Alternative F, citing concern for impacts to community character. Refer to General Response 1 – Non-Substantive Issues and Response to Comment I7-02.

COMMENT LETTER I25: CONNIE MONTALBANO

Response to Comment I25-01

The Commenter states support for Alternative F, citing an increase in local jobs and revenue. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I26: MIKE HAMIEL

Response to Comment I26-01

The Commenter states support for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I27: SON AND TAMMIE PHAN

Response to Comment I27-01

The Commenter states opposition to Alternative F. Refer to General Response 1 – Non-Substantive Issues and Response to Comment I7-02.

COMMENT LETTER I28: GORDON CHRISTIANER

Response to Comment I28-01

The Commenter states opposition to Alternative A, citing concern for loss of wildlife and agricultural land. Refer to General Response 4 – Habitat and Species.

Response to Comment I28-02

The Commenter states support for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment I28-03

The Commenter states concern for Swainson’s hawk, greater sandhill cranes, snow geese, and greater white-front geese. Refer to General Response 4 – Habitat and Species.

Response to Comment I28-04

The Commenter expresses concern regarding an increased in traffic due to Alternative A, and how that increase may affect wildlife, specifically bird habitat. Refer to General Response 7 – Traffic and General Response 4 – Habitat and Species. Increases in traffic under Alternative A would occur on roadways that are currently in use with moderate to heavy traffic (see **Section 3.8** of the Draft EIS). Any potential disturbance to wildlife due to increased traffic would result primarily from increased noise, which, under Alternative A, would be, at a maximum at any location, no more than 2.4 dBA Leq, which is below the “*perceptible change in noise levels*” (**Section 4.11.1** of the Draft EIS).

COMMENT LETTER I29: THOMAS HINGSBERGEN

Response to Comment I29-01

The Commenter expresses concern regarding traffic and noise impacts due to Alternative A expresses support for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 7 – Traffic and Responses to Comments A8-16, A8-26, and O8-14.

COMMENT LETTER I30: LACIE MARCHETTI

Response to Comment I30-01

The Commenter states opposition to Alternative F, citing concern for impacts to community character. Refer to General Response 1 – Non-Substantive Issues and Response to Comment I7-02.

COMMENT LETTER I31: MARY HINEGARDNER

Response to Comment I31-01

The Commenter requests that the Draft EIS include additional traffic impact analysis on rural roads not immediately surrounding the Twin Cities site. The Commenter also requests that the speed limit of Dillard Road be reduced to 45 miles per hour. Refer to General Response 7 – Traffic and Responses to Comments A8-40 and A14-02.

COMMENT LETTER I32: GENIE HOLLEMAN

Response to Comment I32-01

The Commenter states opposition to Alternative F, citing concern for impacts to traffic. Refer to General Response 1 – Non-Substantive Issues and General Response 7 – Traffic.

Response to Comment I32-02

The Commenter states opposition to Alternative F, citing concern for an increase in crime and impact on community character. Refer to General Response 6 – Crime/Law Enforcement and Response to Comment I7-02.

COMMENT LETTER I33: BARBARA J. THOMAS

Response to Comment I33-01

The Commenter states opposition to Alternative F, expressing preference for the Twin Cities site location. Refer to General Response 1 – Non-Substantive Issues.

COMMENT LETTER I34: LENA M. CORTESE

Response to Comment I34-01

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I35: JOSEPH F. CORTESE, JR.

Response to Comment I35-01

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I36: LAREE M. BERMUDEZ

Response to Comment I36-01

The Commenter states a preference for Alternative G (No Action), citing concern for crime. Refer to General Response 6 – Crime/Law Enforcement.

Response to Comment I36-02

The Commenter expresses preference for Alternatives D and E. Refer to General Response 1 – Non-Substantive Issues.

Response to Comment I36-03

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment I36-04

The Commenter states opposition to Alternative A, citing concern for crime, traffic, property value, and community character. Refer to General Response 5 – Property Values, General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic, and Responses to Comments 03-01 and I7-02.

Response to Comment I36-05

The Commenter states that Alternative A is not consistent with the Twin City site's zoning. Refer to Responses to Comments A16-36 and A16-37.

COMMENT LETTER I37: JOANNE VINTON

Response to Comment I37-01

The Commenter expresses opposition to the development at the Twin Cities and Historic Rancheria sites, citing concern for wildlife and community character. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 4 – Habitat and Species, and Response to Comment I7-02.

Response to Comment I37-02

The Commenter supports a letter written by the County of Sacramento Department of Regional Parks Department. Issues raised in the January 6, 2014, letter from the County of Sacramento Department of Regional Parks were considered and addressed in the Draft EIS, including potential impacts to the giant garter snake (**Section 4.5** of the Draft EIS, aesthetics (**Section 4.13**), agricultural resources (**Section 4.9** and also refer to Response to Comment A16-03 and A16-44), biological resources (**Section 4.5** and also refer to General Response 4 – Habitat and Species), and water and wetlands (**Sections 4.3** and **4.5** and also refer to General Response 3 – Water Supply).

Response to Comment I37-03

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment I37-04

The Commenter points out that no existing public bus routes serve the Twin Cities site. The Commenter is correct in that no existing public bus routes service the Twin Cities site. As stated in **Section 4.8.2** of the Draft EIS, “[t]he Twin Cities site is not expected to be served by transit routes with the implementation of the Alternative A; therefore, no significant impact to the existing transit services within the region would occur.” Also, refer to Response to Comment A3-06.

COMMENT LETTER I38: RICK A. HICKS

Response to Comment I38-01

The Commenter states concern for Alternative A’s impacts to the Cosumnes River and watershed. Refer to Responses to Comments A11-06, A11-08, and O2-12. Also, **Section 4.3.1** of the Draft EIS discusses potential impacts to the regional watershed resulting from implementation of the Proposed Project; **Section 5.2** recommend mitigation measures to ensure a less-than-significant impact.

Response to Comment I38-02

The Commenter states concern for Alternative A’s proximity to the Cosumnes River Preserve and potential impacts on wildlife in the vicinity. Refer to General Response 4 – Habitat and Species.

Response to Comment I38-03

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment I38-04

The Commenter states that should a separate EIS be prepared for Alternative F, it should prohibit development south of Kammerer Road. A separate EIS is not planned for Alternative F because Alternative F is fully evaluated in this EIS. Refer to General Response 2 – Alternative F as Preferred Alternative and Responses to Comments O8-05 and A16-01(3). Also, **Section 4.14.3** of the Draft EIS discusses growth inducement that may occur resulting from implementation of project alternatives.

Response to Comment I38-05

The Commenter states that, should a separate EIS be prepared for Alternative F, it should address the Cosumnes River Preserve project’s attempts to discourage growth south of Kammerer Road. A separate EIS will not be prepared for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative and Responses to Comments O8-05, A16-01(3), I3-06, and I38-04.

COMMENT LETTER I39: JEANNIE FERREIRA

Response to Comment I39-01

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment I39-02

The Commenter suggests an alternative project site location at the west end of Twin Cities near Interstate 5. Refer to General Response 1 – Non-Substantive Issues and Response to Comment O8-05.

COMMENT LETTER I40: CECELIA PARKER

Response to Comment I40-01

The Commenter states support for the Proposed Project. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

COMMENT LETTER I41: KATHERINE HERMAN

Response to Comment I41-01

The Commenter states indicates a preference for Alternative F. Refer to General Response 2 – Alternative F.

COMMENT LETTER I42: TRUMAN NICOLAUS

Response to Comment I42-01

The Commenter states opposition to the Proposed Project, citing concerns for an increase in traffic and indicates a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative and General Response 7 – Traffic.

COMMENT LETTER I43: DAVID CARGILL

Response to Comment I43-01

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I44: DAVID OLSON

Response to Comment I44-01

The Commenter states support for the Proposed Project, citing its positive impacts on local entertainment options and possible landscaping. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

COMMENT LETTER I45: GORDON WEISS

Response to Comment I45-01

The Commenter states concern about the Twin Cities site proximity to the Cosumnes River Preserve and possible impacts on bird species from Alternatives A, B, and C. Refer to General Response 4 – Habitat and Species and Response to Comment I3-06.

Response to Comment I45-02

The Commenter expresses concern for the timing of the spring and summer biological surveys, stating that greater sandhill cranes use the property during the winter. Refer to General Response 4 – Habitat and Species and Response to Comment I3-06.

Response to Comment I45-03

The Commenter states that the document provides inadequate evidence to support the conclusion that there will be no impacts on migratory birds. Refer to General Response 4 – Habitat and Species.

Response to Comment I45-04

The Commenter expresses concern regarding water use and supply for Alternative A and habitat for bird species on and near the Twin Cities site. Refer to General Response 3 – Water Supply and General Response 4 – Habitat and Species.

Response to Comment I45-05

The Commenter expresses concern about Alternative A's impact on the Cosumnes River Preserve and those who visit it. Refer to General Response 4 – Habitat and Species and Response to Comment I3-06.

COMMENT LETTER I46: PAM LOMAX

Response to Comment I46-01

The Commenter states opposition to gaming project alternatives. Refer to General Response 1 – Non-Substantive Issues.

COMMENT LETTER I47: GLENN LOMAX

Response to Comment I47-01

The Commenter states opposition to Indian gaming projects and the Proposed Project, citing concern for community character and public domain takeovers. Refer to General Response 1 – Non-Substantive Issues and Responses to Comments I7-02 and O11-01.

Response to Comment I47-02

The Commenter expresses concern for impacts to wildlife resulting from project development. Refer to General Response 4 – Habitat and Species.

COMMENT LETTER I48: JACK AND BELINDA KRAL

Response to Comment I48-01

The Commenter states opposition to all gaming project alternatives, expressing concern for an increase in gambling addictions and associated problems. Refer to Response to Comment A8-34.

Response to Comment I48-02

The Commenter states opposition to Alternative F, citing concern for traffic, crime, and noise. Refer to General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic and Responses to Comments A8-26 and O8-14.

Response to Comment I48-03

The Commenter expresses concern for impacts to community character as a result of Alternative F. Refer to General Response 1 – Non-Substantive Issues and Response to Comment I7-02.

Response to Comment I48-04

The Commenter expresses concern for law enforcement’s ability to handle additional patrol of the Proposed Project. Refer to General Response 6 – Crime/Law Enforcement.

COMMENT LETTER I49: MARGO LIZARDO

Response to Comment I49-01

The Commenter states support for Alternative F, citing an increase in jobs and entertainment. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I50: DEANNA ASUNCION

Response to Comment I50-01

The Commenter states opposition to Alternative F, citing concern for an increase in crime and traffic. Refer to General Response 6 – Crime/Law Enforcement and General Response 7 – Traffic.

Response to Comment I50-02

The Commenter expresses concern for Alternative F’s impacts to property values. Refer to General Response 5 – Property Value.

Response to Comment I50-03

The Commenter expresses concern regarding Alternative F’s proximity to local primary and secondary schools. Refer to General Response 1 – Non-Substantive Issues and Response to Comment I3-03.

COMMENT LETTER I51: TIM RABOY

Response to Comment I51-01

The Commenter asserts that a Twin Cities interchange should be built instead of the Mingo Road interchange improvement included as mitigation for Alternative A. The recommended transportation improvement measures included in **Section 5.8.2** of the Draft EIS were determined based on a detailed Traffic Impact Study prepared for the Draft EIS (**Appendix O**). And, as stated in Appendix O of the Draft EIS, the traffic study “*was prepared based on discussions with, and criteria set forth by, the City of Galt, the City of Elk Grove, County of Sacramento and the California Department of Transportation*”

(Caltrans)” to ensure transportation needs were properly met and the appropriate intersections and roadway segments were analyzed and mitigated.

Response to Comment I51-02

The Commenter questions why the Tribe’s need for the Proposed Project usurps that of all citizens of California living in poverty. **Section 1.3** of the Draft EIS describes the “*Purpose and Need*” for the Proposal Action, to “*provide the Tribe with opportunities for long-term, stable economic development, and would strengthen the Tribe’s abilities to govern itself and assist its members,*” and its consistency with “*the BIA’s Self-Determination policy.*” The preparation of this EIS is in response to that purpose and need and the Tribe’s application to the BIA to pursue the Proposed Action.

Response to Comment I51-03

The Commenter expresses concerns about the proposed connection to the City of Galt’s wastewater treatment system with Alternatives A, B, and C. The Draft EIS discusses the City of Galt water and wastewater systems and proposed connection (Option[s] 2) in **Sections 3.10** and **4.10**, respectively. If a connection were to occur, recommended mitigation (**Section 5.10.1** of the Draft EIS) would ensure that costs to the City of Galt associated with this connection would be paid by the Tribe. Also, refer to Responses to Comments A8-29, A16-04, and A16-62.

Response to Comment I51-04

The Commenter expresses concerns about the proposed connection to the City of Galt’s water system with Alternatives A, B, and C. Refer to Response to Comment I51-03.

Response to Comment I51-05

The Commenter expresses concern about Alternative A’s impact on wildlife and agricultural land. Refer to General Response 4 – Habitat and Species and Responses to Comments A16-03, A16-119, and I3-06.

Response to Comment I51-06

The Commenter expresses concern about the loss of agricultural land resulting from implementation of Alternative A. Refer to Responses to Comments A16-03 and A16-119.

Response to Comment I51-07

The Commenter expresses concern about potential airplane accidents on or near the Twin Cities site because of its proximity to Mustang Airport. As stated in **Section 3.9.1** of the Draft EIS, “*Mustang Airport, a privately owned airport with one runway and no commercial service, is located approximately 1.9 miles northeast of the Twin Cities site.*” 77 CFR concerns the safe, efficient use, and preservation of

the navigable airspace, and subpart C contains standards for determining obstructions to air navigation or navigational aids or facilities. The obstruction standards in 77 CFR 77.17 state that “*an existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the following heights or surfaces....*” The regulation goes on to list several objects and height requirements, the least of which is “[a] height that is 200 feet AGL [above ground level], or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport....” The height of any development on the Twin Cities site would be less than 200 feet, so it would not encroach on navigable airspace.

Additionally, Mustang Airport’s runway is oriented in an east-west direction, but the airport itself is located northeast from the Twin Cities site. Aircraft takeoff and landing flight patterns would be along this same east-west axis of travel and would therefore present no danger to development on the Twin Cities site. Due to the distance, location, and runway orientation of the airport from the Twin Cities site; its limited use; and the proposed development’s height, no further analysis is required.

Response to Comment I51-08

The Commenter notes that the City of Galt’s WWTP is close to the Twin Cities site, which could cause a problem if there were an accident at the WWTP. The Draft EIS identifies the location of the City of Galt’s WWTP in **Section 3.10.2** in proximity to the Twin Cities site. It is outside the scope of this EIS to plan for unforeseeable accidents at a municipal utility nor is it within the Tribe’s jurisdiction to ensure the functionality of the City of Galt’s WWTP.

Response to Comment I51-09

The Commenter states a belief that the EIS does not properly address economic impacts associated with Alternative C. The Draft EIS discussed discusses the economic effects of Alternative C in **Section 4.7.3** and concludes that an effects to City of Galt businesses “*would not be of a magnitude that would cause a physical effect to the environment (such as urban blight)*” and found an overall “*neutral to negative*” effect on the local markets. The Draft EIS based its conclusions off of the detailed analysis contained in **Alternative U**.

Response to Comment I51-10

The Commenter states a belief the Comfort Inn and Suites located in the City of Galt may close due to implementation of Alternatives A and B. Refer to Response to Comment I51-09 as well as Comment PH-22 from the General Manager of the Comfort Inn and Suites who states that he anticipates increased revenues resulting from implementation of the Proposed Project.

Response to Comment I51-11

The Commenter asserts that Alternatives A and B will result in an economic loss for the City of Galt. As stated in the Draft EIS **Section 4.7**, Alternatives A and B would “*generate substantial economic output for a variety of businesses in the two-county region.*” This statement is based off of detailed economic research and analysis presented in **Appendix H**.

Response to Comment I51-12

The Commenter is concerned with an increase in crime resulting from implementation of Alternative A. Refer to General Response 6 – Crime/Law Enforcement.

Response to Comment I51-13

The Commenter is concerned that there will not be enough funding to mitigate the effects of problem gamblers in the City of Galt. Refer to Responses to Comments A8-34 and A16-181, and to **Mitigation Measures 5.7.C** through **5.7.H**.

Response to Comment I51-14

The Commenter expresses concern over increases in traffic resulting from implementation of Alternative A. Refer to General Response 7 – Traffic.

Response to Comment I51-15

The Commenter states that Alternative A will have a negative impact of surrounding property values. Refer to General Response 5 – Property Value.

Response to Comment I51-16

The Commenter asserts that jobs created from gaming project alternatives would be low-paying jobs. Refer to Response to Comment I4-07.

Response to Comment I51-17

The Commenter references an article published in The Atlantic in 2012 and requests that the EIS address all the negative impacts related to casino operations discussed in that article. **Sections 3.7** and **4.7** of the Draft EIS contain extensive socioeconomic background information and analysis that is based on detailed studies included as **Appendices H, N, and U**. Some of this analysis has been enhanced and revised for the Final EIS, with reflective changes throughout **Sections 3.7** and **4.7**. Great effort was made in the preparation of the Draft EIS and Final EIS to present relevant and robust socioeconomic information; however, it is not required, nor is it realistic, to reference and discuss every published article and study

that relates to casinos. The EIS takes the NEPA-required ‘hard look’ (*Robertson v. Methow Valley Citizens Council* [1989]) at impacts related to socioeconomic resources.

Response to Comment I51-18

The Commenter references an article published in The Washington Post in 2014 and requests that the EIS address all the negative impacts related to casino operations discussed in that article. Refer to Response to Comment I51-17.

Response to Comment I51-19

The Commenter references an article published by the National Association of Realtors Casino Research in 2013 and requests that the EIS address all the negative impacts related to casino operations discussed in that article. Refer to Response to Comment I51-17.

Response to Comment I51-20

The Commenter questions the use of the entire 282-acre Twin Cities site. Refer to Responses to Comments A16-03 and A16-19.

COMMENT LETTER I52: JOHN AND GLENAH TROCHET

Response to Comment I52-01

The Commenter states opposition to Alternative A and preference for Alternative F. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

Response to Comment I52-02

The Commenter indicates concern for impacts on wildlife in the vicinity of the Twin Cities site. Refer to General Response 4 – Habitat and Species.

Response to Comment I52-03

The Commenter indicates their preference for Alternative F. General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I53: MAHLON PICHT

Response to Comment I53-01

The Commenter states opposition to Alternative A, citing concern for its proximity to the Cosumnes River Preserve. Refer to General Response 4 – Habitat and Species and Response to Comment I3-06.

Response to Comment I53-02

The Commenter questions the project alternatives' need for varying acreage. Refer to Response to Comment A16-03 and Response to Comment A16-19.

COMMENT LETTER I54: MICHELLE GUTIERREZ

Response to Comment I54-01

The Commenter expresses concern for increased traffic as a result of Alternatives A and F. Refer to General Response 7 – Traffic.

Response to Comment I54-02

The Commenter expresses concern regarding an increase in crime as a result of gaming project alternatives. Refer to General Response 6 – Crime/Law Enforcement and Response to Comment A16-05.

Response to Comment I54-03

The Commenter questions the Tribe's need for an abundance of acreage beyond the developed portion of Alternative A. Refer to Response to Comment A16-03.

Response to Comment I54-04

The Commenter questions how the Proposed Project will result in local jobs. Refer to Response to Comment A8-04. A stated in **Section 4.7.1** of the Draft EIS, "*operational activities associated with Alternative A would generate an annual total of approximately 2,879 employment opportunities to be captured within the Counties...and generate annual total wages of approximately \$141.59 million within the Counties.*"

Response to Comment I54-05

The Commenter expresses concern regarding the project alternatives' water supply. Refer to General Response 3 – Water Supply.

Response to Comment I54-06

The Commenter states that the issues of traffic, pollution, electricity, and lighting impacts are not addressed. Refer to General Response 7 – Traffic and Responses to Comments A8-33 and A16-23. **Section 4.8** of the Draft EIS discusses potential transportation-related impacts; **Section 4.10** discusses potential impacts related to electricity; **Section 4.13** discusses potential impacts related to lighting; and **Section 4.4** discusses potential impacts related to air pollution.

Response to Comment I54-07

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I55: WAYNE LE

Response to Comment I55-1

The Commenter states support for Alternative F, suggesting its ability to highlight various local cultures. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I56: MONICA OLVERA-WALKER

Response to Comment I56-01

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the Tribe's ability to support itself and health, educational and wildlife programs. Refer to Response to Comment A1-01.

COMMENT LETTER I57: SAM DAVIDSON

Response to Comment I57-01

The Commenter expresses concern regarding the Twin Cities site's proximity to the Cosumnes River Preserve and its impact on wildlife and Cosumnes River watershed. Refer to General Response 4 – Habitat and Species and Responses to Comments A11-06, A11-08, I3-06, and I38-01.

Response to Comment I57-02

The Commenter expresses concern for the increase in lighting and its impacts on wildlife and neighboring properties as a result of implementation of development at the Twin Cities site. Refer to General Response 4 – Habitat and Species and Responses and Responses to Comments A16-23 and A16-39. Also, refer to **Section 4.9** of the Draft EIS for a discussion on potential impacts to surrounding land uses, which states "*Alternative A...would not physically disrupt neighboring land uses, would not prohibit access to neighboring parcels, or otherwise significantly conflict with neighboring land uses. Therefore, significant land use effects would not occur.*"

Response to Comment I57-03

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I58: MICHAEL MONASKY

Response to Comment I58-01

The Commenter states that the Analytical Environmental Services (AES) website does not list the Wilton Rancheria Casino under tribal projects. The Commenter also states that the Draft EIS does not include any of AES's contact information for public comment submission. AES is a private consultancy acting on behalf of the lead agency, the BIA, in assisting in preparation of the EIS for the Wilton Rancheria Fee-to-Trust and Casino Project. As stated in the December 29, 2015, Notice of Availability (NOA) for the Draft EIS (81352 Federal Register, Volume 80, Number 249), the Draft EIS was available for public review at the Galt Branch of the Sacramento Library as well as online at www.wiltoneis.com, where it will continue to be available. The NOA also contained detailed information for submitting comments, available as well on the website. All comments on the Draft EIS should have been sent directly to the lead agency, the BIA, not to AES.

Response to Comment I58-02

The Commenter States the opinion that the Elk Grove Mall site is not viable for a retail operation and that gaming operations are too risky for Indian tribes. Refer to General Response 1 – Non-Substantive Issues. Also, refer to **Section 4.7** and **Appendix H** of the EIS, both of which have been enhanced for the Final EIS, for details on economic benefits to the Tribe resulting from operation of a casino enterprise at the Mall site.

Response to Comment I58-03

The Commenter expresses opposition to Alternative F. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I59: DIANE OWEN

Response to Comment I59-01

The Commenter expresses opposition to Alternative F. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

Response to Comment I59-02

The Commenter expresses concern for an increase in crime as a result of Alternative F. Refer to General Response 6 – Crime/Law Enforcement.

COMMENT LETTER I60: MARY DUBOSE, ESQ.

Response to Comment I60-01

The Commenter expresses concern regarding Alternative A's impacts on wildlife, noise, traffic, and air pollution. Refer to General Response 4 – Habitat and Species, General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic and Responses to Comments A8-26, A8-33, I3-08, and O8-14.

Response to Comment I60-02

The Commenter expresses concern regarding Alternative A's impacts on wildlife in the Cosumnes River Preserve. Refer to General Response 4 – Habitat and Species and Response to Comment I3-06.

Response to Comment I60-03

The Commenter states a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I61: AKRAM KEVAL

Response to Comment I61-01

The Commenter states opposition to project alternatives, citing concern for an increase in crime and traffic. Refer to General Response 1 – Non-Substantive Issues, General Response 6 – Crime/Law Enforcement, and General Response 7 – Traffic.

COMMENT LETTER I62: GENIE HOLLEMAN

Response to Comment I62-01

The Commenter states opposition to Alternative F, citing concern for an increase in crime and traffic. Refer to General Response 1 – Non-Substantive Issues, General Response 6 – Crime/Law Enforcement, and General Response 7 – Traffic.

Response to Comment I62-02

The Commenter states intent to relocate from Elk Grove if Alternative F is implemented. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

COMMENT LETTER I63: BILL AND BARBARA GRIFFIN

Response to Comment I63-01

The Commenter states opposition to Alternative A, citing concern for an increase in traffic. Refer to General Response 1 – Non-Substantive Issues and General Response 7 – Traffic.

3.5 RESPONSES TO WRITTEN COMMENTS FROM COLLECTIVE ORGANIZATIONS

COMMENT LETTER CO1: CHANGE.ORG

Response to Comment CO1-01

The Commenter states opposition to Alternative A. Refer to General Response 1 – Non-Substantive Issues, General Response 2 – Alternative F as Preferred Alternative, and Response to Comment I7-02.

Response to Comment CO1-02

The Commenter indicates concern regarding traffic and crime as a result of Alternative A. Refer to General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic, General Response 2 – Alternative F as Preferred Alternative, and Response to Comment I7-02.

Response to Comment CO1-03

The Commenter states opposition to Alternative A. Refer to General Response 1 – Non-Substantive Issues, General Response 2 – Alternative F as Preferred Alternative, and Response to Comment I7-02.

Response to Comment CO1-04

The Commenter indicates concern regarding traffic and crime as a result of Alternative A. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic and Response to Comment I7-02.

Response to Comment CO1-05

The Commenter indicates concern regarding traffic as a result of Alternative A. Refer to General Response 2 – Alternative F as Preferred Alternative and General Response 7 – Traffic.

COMMENT LETTER CO2: CHANGE.ORG

Response to Comment CO2-01

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

Response to Comment CO2-02

The Commenter indicates concern regarding greater sandhill cranes. Refer to General Response 4 – Habitat and Species.

Response to Comment CO2-03

The Commenter indicates concern regarding greater sandhill cranes. Refer to General Response 4 – Habitat and Species.

Response to Comment CO2-04

The Commenter indicates concern regarding greater sandhill cranes. Refer to General Response 4 – Habitat and Species.

Response to Comment CO2-05

The Commenter indicates concern regarding greater sandhill cranes. Refer to General Response 4 – Habitat and Species.

COMMENT LETTER CO3: CHANGE.ORG

Response to Comment CO3-01

The Commenter indicates concern regarding greater sandhill cranes and Swainson’s hawk. Refer to General Response 4- Habitat and Species.

Response to Comment CO3-02

The Commenter indicates concern for the economic viability of Alternative A and preference for Alternative F. Refer to Response to Comment A8-22 and General Response 2 – Alternative F as Preferred Alternative. Also refer to **Appendices H** and **N** of the Draft EIS.

Response to Comment CO3-03

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

Response to Comment CO3-04

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

Response to Comment CO3-05

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

COMMENT LETTER CO4: CHANGE.ORG

Response to Comment CO4-01

The Commenter indicates concern regarding potential economic loss and revenue from the Proposed Project. Refer to General Response 5 – Property Values, Response to Comment A8-22, and Response to Comment A14-04.

Response to Comment CO4-02

The Commenter indicates preference for Alternative F and concern for wildlife. Refer to General Response 2 – Alternative F as Preferred Alternative and General Response 4 – Habitat and Species.

Response to Comment CO4-03

The Commenter indicates concern regarding traffic and wildlife as a result of Alternative A. Refer to General Response 7 – Traffic and General Response 4 – Habitat and Species.

COMMENT LETTER CO5: CHANGE.ORG

Response to Comment CO5-01

The Commenter indicates concern regarding gambling addiction. Refer to General Response to Comments A8-34 and to **Mitigation Measures 5.7.C** through **5.7.H**.

Response to Comment CO5-02

The Commenter states opposition to Alternative A. Refer to General Response 1 – Non-Substantive Issues and Response to Comment I7-02.

Response to Comment CO5-03

The Commenter indicates concern regarding traffic and crime as a result of Alternative A. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic, and Response to Comment I7-02.

Response to Comment CO5-04

The Commenter states that they will move if a casino is development near the City of Galt. Refer to General Response 1 – Non-Substantive Issues, General Response 2 – Alternative F as Preferred Alternative, and Response to Comment I7-02.

Response to Comment CO5-05

The Commenter indicates concern regarding traffic and crime as a result of Alternative A. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic, and Response to Comment I7-02.

COMMENT LETTER CO6: CHANGE.ORG

Response to Comment CO6-01

The Commenter indicates concern regarding Alternative A's impact on undeveloped land, as well as a preference for the project alternatives. Refer to General Response 4 – Habitat and Species and General Response 2 – Alternative F as Preferred Alternative.

Response to Comment CO6-02

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

Response to Comment CO6-03

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

Response to Comment CO6-04

The Commenter requests that the environment not be upset. Refer to General Response 1 – Non-Substantive Issues.

Response to Comment CO6-05

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

COMMENT LETTER CO7: CHANGE.ORG

Response to Comment CO7-01

The Commenter expresses affection for City of Galt as a small town. Refer to General Response 1 – Non-Substantive Issues, General Response 2 – Alternative F as Preferred Alternative, and Response to Comment I7-02.

Response to Comment CO7-02

The Commenter believes a casino would adversely affect the City of Galt community. Refer to Response to Comment I7-02 and General Response 2 – Alternative F as Preferred Alternative.

Response to Comment CO7-03

The Commenter states opposition to Alternative A. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

Response to Comment CO7-04

The Commenter states opposition to Alternative A. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

Response to Comment CO7-05

The Commenter expresses concerns regarding Alternative A, specifically regarding peacefulness and traffic. Refer to General Response 7 – Traffic, General Response 2 – Alternative F as Preferred Alternative, and Response to Comment I7-02.

COMMENT LETTER CO8: CHANGE.ORG

Response to Comment CO8-01

The Commenter expresses concern over developing a casino near the City of Galt. Refer to General Response 2 – Alternative F as Preferred Alternative.

Response to Comment CO8-02

The Commenter states opposition to Alternative A. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

Response to Comment CO8-03

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

Response to Comment CO8-04

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

Response to Comment CO8-05

The Commenter indicates concern regarding wildlife. Refer to General Response 4 – Habitat and Species.

COMMENT LETTER CO9: CHANGE.ORG

Response to Comment CO9-01

The Commenter indicates concern regarding traffic and crime as a result of Alternative A and a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 6 – Crime/Law Enforcement and General Response 7 – Traffic.

Response to Comment CO9-02

The Commenter indicates concern regarding traffic and pedestrian safety. Refer to General Response 7 – Traffic. Also, refer to **Section 4.8** for a discussion on pedestrian facilities for each alternative.

Response to Comment CO9-03

The Commenter states opposition to Alternative A and suggests that the EIS is incomplete. Refer to General Response 1 – Non-Substantive Issues, Response to Comment A6-01 and Responses to Comments A16-03, A16-19, and I7-02.

Response to Comment CO9-04

The Commenter expresses a preference for Galt to stay an agricultural community. Refer to Response to Comment I7-02.

Response to Comment CO9-05

The Commenter indicates a preference for Alternative F as well as concern for wildlife and character of Galt. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 4 – Habitat and Species, and Response to Comment I7-02.

3.6 RESPONSES TO ORAL COMMENTS FROM THE PUBLIC HEARING

COMMENT LETTER PH: PUBLIC HEARING TRANSCRIPT

Response to Comment PH-01

The Commenter indicates support for the Proposed Project and suggests that it will allow the Tribe to better financially support itself and contribute to the community. Refer to Response to Comment A1-01.

Response to Comment PH-02

The Commenter states that the CCSD Fire Department has a Letter of Intent on file with the Tribe to explore providing fire and EMS services for project alternative sites. Refer to **Section 5.10.4, Mitigation**

Measure R, for details on the Tribe’s commitment to enter into an MOU with the Cosumnes Community Services District Fire Department for reimbursement of costs related to service to the Proposed Project.

Response to Comment PH-03

The Commenter indicates support for the Proposed Project and suggests it will contribute to the community economy through job growth. Refer to General Response 1 – Non-Substantive Issues and Draft EIS, **Section 4.7**.

Response to Comment PH-04

The Commenter discusses the City of Galt’s request for a 30-day comment period extension. Refer to Response to Comment A14-05. The Commenter also indicates that the Draft EIS fails to analyze the impacts of the pending application before LAFCo to annex the Twin Cities site into its incorporated boundaries. Refer to Response to Comment A16-01 and Response to Comment A16-02.

Response to Comment PH-05

The Commenter questions the project need for the entirety of the 282 acres of the Twin Cities site and suggests only the acres slated for development be considered as potential trust property. Refer to Response to Comment A16-03 and Response to Comment A16-19.

Response to Comment PH-06

The Commenter states that the County of Sacramento has been participating in the Draft EIS processes as a Cooperating Agency and has met with the Tribe to discuss mitigation for impacts to Sacramento County. Refer to Responses to Comments A15-01 and O8-07.

Response to Comment PH-07

The Commenter discusses specific economic benefits of gaming facilities in communities. Refer to Response to Comment A1-01.

Response to Comment PH-08

The Commenter indicates support for the Proposed Project and suggests it will contribute financially to the community in the form of additional jobs and spending at local businesses. The Commenter also indicates support for the Tribe’s vested interest in working with the community to mitigate impacts, which include traffic. Refer to General Response 1 – Non-Substantive Issues, Response to Comment A1-01, and Draft EIS, **Sections 3.7/4.7/5.7**.

Response to Comment PH-09

The Commenter indicates support for the Proposed Project and suggests it will contribute financially to the community in the form of additional jobs and spending at local businesses. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

Response to Comment PH-10

The Commenter states that the Sacramento County Sheriff’s Department is in active discussion with the Tribe and is prepared to provide services as needed. Refer to **Section 5.10.3, Mitigation Measure N**, for details on the Tribe’s commitment to enter into an MOU with the Sacramento County Sheriff’s Department for reimbursement of costs related to service to the Proposed Project.

Response to Comment PH-11

The Commenter gives detailed historical information on the Wilton Miwok and expressed support for the Proposed Project. Refer to General Response 1 – Non-Substantive Issues. See also the June 2016 MOU between the Tribe and Sacramento County that related to the Twin Cities site in Supplemental **Appendix B** in the Final EIS.

Response to Comment PH-12

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the Tribe’s ability to support educational programs as well as local job growth. Refer to Response to Comment A1-01.

Response to Comment PH-13

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the Tribe’s ability to create necessary health care programs. Refer to Response to Comment A1-01.

Response to Comment PH-14

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the Tribe’s ability to protect and preserve sacred tribal sites and artifacts. Refer to Response to Comment A1-01.

Response to Comment PH-15

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the Tribe’s ability to support educational programs and the community. Refer to Response to Comment A1-01.

Response to Comment PH-16

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the community in the form of business partnerships and job opportunities. Refer to Response to Comment A1-01.

Response to Comment PH-17

The Commenter indicates concern regarding both water supply for the Proposed Project amidst drought conditions and potential traffic along Highway 99. Refer to General Response 3 – Water Supply and General Response 7 – Traffic.

Response to Comment PH-18

The Commenter states that the cultural section of the Draft EIS is insufficient because it inaccurately claims that Hicksville Cemetery is the Tribe's cemetery. The Draft EIS does not mention a cemetery in its cultural analysis (**Section 4.6**) or when describing existing conditions (**Section 3.6**). However, the Draft EIS does offer a thorough assessment of all three project sites in relation to cultural resources and determined that, for all sites, no cultural resources were present (**Section 4.6**). Mitigation measures in **Section 5.6** are included in the case of inadvertent discoveries of cultural or paleontological resources.

Response to Comment PH-19

The Commenter implies that the Tribe is illegitimate and excluded previous members. Refer to General Response 1 – Non-Substantive Issues. Also, refer to **Section 1.1** of the Draft EIS for a brief overview of the Tribe's history with federal recognition.

Response to Comment PH-20

The Commenter indicates concern regarding traffic and community character as a result of Alternative A. General Response 2 – Alternative F as Preferred Alternative, General Response 7 – Traffic, and Response to Comment I7-02.

Response to Comment PH-21

The Commenter expresses support for Alternative A and suggests it will contribute financially to the community in the form of business partnerships and job opportunities. Refer to General Response 2 – Alternative F as Preferred Alternative, Response to Comment A1-01, and Draft EIS, **Section 4.7**.

Response to Comment PH-22

The Commenter expresses support for Alternative A and suggests it will contribute financially to the community and local businesses. Refer to General Response 2 – Alternative F as Preferred Alternative and Response to Comment A1-01.

Response to Comment PH-23

The Commenter states opposition to Alternative A, expressing concern for future development along Twin Cities Road, the small community, and wildlife. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 4 – Habitat and Species, General Response 7 – Traffic, and Responses to Comments I7-02, A16-03, and A16-91.

Response to Comment PH-24

The Commenter expresses support for Alternative A and suggests it will contribute financially to the community in the form of job opportunities. Refer to General Response 2 – Alternative F as Preferred Alternative and Response to Comment A1-01.

Response to Comment PH-25

The Commenter expresses support for Alternative A and suggests it will contribute financially to the community in the form of job opportunities and needed local entertainment. Refer to General Response 2 – Alternative F as Preferred Alternative and Response to Comment A1-01.

Response to Comment PH-26

The Commenter states opposition to Alternative A, expressing concern for consistency with the County's General Plan, local jobs, and crime. Refer to General Response 2 – Alternative F as Preferred Alternative, General Response 6 – Crime/Law Enforcement, and Responses to Comments A8-04, A16-39.

Response to Comment PH-27

The Commenter states opposition to Indian gaming, expressing concern for crime and loss of tax revenue and for the fee-to-trust concept. Refer to General Response 1 – Non-Substantive Issues, General Response 6 – Crime/Law Enforcement, and Responses to Comments A14-04 and O11-01.

Response to Comment PH-28

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the community in the form of job opportunities and needed local entertainment. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

Response to Comment PH-29

The Commenter indicates concern regarding traffic and gambling addiction as a result of the Proposed Project. Refer to General Response 7 – Traffic and Response to Comment A8-34. Also, refer to **Section 4.7** of a discussion on “*Problem and Pathological Gaming*” related to the Proposed Project.

Response to Comment PH-30

The Commenter states opposition to Alternative A, citing concern for its location, impact on community character, and traffic. Refer to General Response 1 – Non-Substantive Issues, General Response 2 – Alternative F as Preferred Alternative, General Response 7 – Traffic, and Responses to Comments I7-02 and A16-131.

Response to Comment PH-31

The Commenter indicates concern for traffic impacts with Alternative A and expresses support for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative and General Response 7 – Traffic and Responses to Comments A16-107, A16-142, and O12-05.

Response to Comment PH-32

The Commenter expresses concern for an increase in crime as a result of Alternative A. Refer to General Response 2 – Alternative F as Preferred Alternative and General Response 6 – Crime/Law Enforcement.

Response to Comment PH-33

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the community in the form of job opportunities and needed local entertainment. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

Response to Comment PH-34

The Commenter states opposition to Alternative A, citing concern for its impact on community character, crime, traffic, pollution, and gambling. Refer to General Response 1 – Non-Substantive Issues, General, General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic and Responses to Comments A8-33, A8-34, and I7-02.

Response to Comment PH-35

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the community both in the form of job opportunities and business growth. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

Response to Comment PH-36

The Commenter indicates support for the Proposed Project and suggests that it will allow the Tribe to better financially support itself and contribute to the community. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

Response to Comment PH-37

The Commenter indicates support for the Proposed Project and suggests that it will allow the Tribe to better financially support itself, increase homeownership, and contribute to the community. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

Response to Comment PH-38

The Commenter states that the City of Elk Grove is in the process of evaluating the Draft EIS and continues to have discussions with the Tribe regarding potential impacts. Refer to General Response 1 – Non-Substantive Issues and General Response 2 – Alternative F as Preferred Alternative.

Response to Comment PH-39

The Commenter expresses concern for educational needs, increased traffic, and increased need for law enforcement as a result of the Proposed Project. Refer to General Response 6 – Crime/Law Enforcement, General Response 7 – Traffic, Responses to Comments A1-01 and A16-108

Response to Comment PH-40

The Commenter expresses support for the Proposed Project and suggests it will contribute financially to the community both in the form of job opportunities, business growth, and entertainment value. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

Response to Comment PH-41

The Commenter expresses concern for Alternative A’s impact on community character and indicates a preference for Alternative F. Refer to General Response 2 – Alternative F as Preferred Alternative and Response to Comment I7-02.

Response to Comment PH-42

The Commenter expresses support for the Proposed Project and also submits a letter of support from the Yuba-Sutter Chamber of Commerce citing increased economic benefits to local communities. Refer to General Response 1 – Non-Substantive Issues and Response to Comment A1-01.

Response to Comment PH-43

The Commenter states that the Draft EIS does not discuss the following issues: groundwater contamination, water supply, property values, and wildlife. The Commenter also expresses concern regarding loss of tax revenue, crime, and use of the remaining land after the proposed casino. Refer to General Response 3 – Water Supply, General Response 4 – Habitat and Species, General Response 5 – Property Values, General Response 6 – Crime/Law Enforcement, and Responses to Comments A10-11, A14-04, A16-03, A16-91, and I7-02

Response to Comment PH-44

The Commenter states concern for Alternative A’s impacts to wildlife and proximity to the Cosumnes River Preserve. Refer to General Response 4 – Habitat and Species and Response to Comment I3-06.

Response to Comment PH-45

The Commenter (1) requests that the Tribe consult with the Historical River Valley Miwok Indians for a monitoring and treatment plan for the Proposed Project; (2) asserts that the EIS does not adequately assess ground-disturbing activities; (3) questions the Tribe’s ties to the Historical Rancheria site; and (4) questions the Draft EIS’s cultural assessment of Historical Rancheria site. Refer to General Response 1 – Non-Substantive Issues. Potential impacts related to ground disturbance for the Proposed Project are discussed in **Section 4.2** of the Draft EIS, with related mitigation recommended in **Section 5.2**. **Section 4.6.4** of the Draft EIS presents the cultural resources assessment conducted for the Historic Rancheria site, pursuant to NEPA, which concludes that no historic properties or known cultural or paleontological resources are present on the Historic Rancheria site; however, **Section 5.6** of the Draft EIS and Final EIS recommends mitigation measures in the case of inadvertent discovery.

3.7 REFERENCES

Bromm, George, 2016. Personal Communication. Curator, Sierra College, Department of Earth Sciences. January 26.

California Air Resources Board (CARB), 2005. Air Quality Land Use Handbook: A Community Health Perspective. California Environmental Protection Agency. Available online at: <https://www.arb.ca.gov/ch/handbook.pdf>. Accessed September 2016.

City of Elk Grove, 2014. City of Elk Grove, City Council Staff Report regarding a public hearing to consider a special planning area amendment and other items relating to the Outlet Collection at Elk Grove. Dated October 8, 2014. Available online at: http://www.elkgrovecity.org/UserFiles/Servers/Server_109585/File/cityclerk/citycouncil/2014/attachments/10-08-14_9.1.pdf. Accessed online: May 5, 2016.

- Council Environmental Quality (CEQ), 2011. “Final Guidance Clarifying Appropriateness of ‘Findings of No Significant Impact’ and Specifying When There is a Need to Monitor Environmental Mitigation Commitment.” January 14. Available online at: http://energy.gov/sites/prod/files/NEPA-CEQ_Mitigation_and_Monitoring_Guidance_14Jan2011.pdf. Accessed online: April 2016.
- CEQ, 2016. Executive Council of the President. Memorandum for the Heads of Federal Departments and Agencies from Christina Goldfuss: Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews. Dated August 1, 2016. Available online at: https://www.whitehouse.gov/sites/whitehouse.gov/files/documents/nepa_final_ghg_guidance.pdf. Accessed October 2016.
- Federal Highway Administration, Office of Planning, Environmental, and Realty, 2012. “Induced Travel: Frequently Asked Questions.” Available online at: <http://www.fhwa.dot.gov/planning/itfaq.cfm>. Accessed online: April 2016.
- International Code Council, 2012. International Energy Conservation Code. Available online at: <http://publicecodes.cyberregs.com/icod/iecc/2012/>. Accessed online: March 2016.
- Ivey, G. L., 2015. Comparative Wintering Ecology of Two Subspecies of Sandhill Crane: Informing Conservation Planning in the Sacramento-San Joaquin River Delta Region of California (Doctoral dissertation).
- Littlefield, C.D., and G.L. Ivey. 2001. Conservation Assessment for Greater Sandhill Cranes Wintering on the Cosumnes River Floodplain and Delta Regions of California. The Nature Conservancy, Cosumnes River Preserve. Available online at: <https://mavensnotebook.com/wp-content/uploads/2013/08/Ivy-Crane-Assessment.pdf>. Accessed online: June 2016.
- Lockhart, Donald J, 2016. Personal Communication. Assistant Executive Officer, Sacramento Local Agency Formation Commission (LAFCo). March 17.
- Minnema, 2016. Personal communication between Matt Weir and Derek Minnema, project manager at the Capital SouthEast Connector JPA. September 7, 2016.
- Pivo, Gary, Ph.D., 1992. How Do You Define Community Character? Adapting the Environmental Impact Statement Process to Snoqualmie, Washington. Professor, University of Arizona, College of Architecture, Planning, and Landscape Architecture. Prepared for the City of Snoqualmie, Washington, November-December. Available online at: http://capla.arizona.edu/sites/default/files/faculty_papers/How%20do%20you%20Define%20Community%20Character,%201992.pdf. Accessed: March 2016.

Schlorff, R. W., 2005. Greater Sandhill Crane: Research and Management in California Since 1978. North American Crane Workshop Proceedings: Paper 36. Available online at: <http://digitalcommons.unl.edu/nacwgproc/36>. Accessed online: June 2016.

U.S. Department of Agriculture, National Agriculture Statistics Service, 2016. CropScape. Available at: <https://nassgeodata.gmu.edu/CropScape/>. Accessed: March 2016.