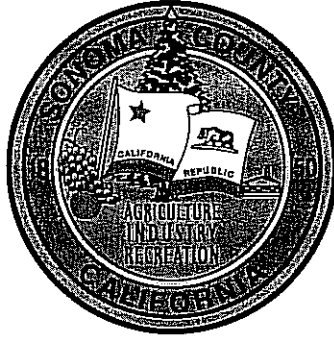


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June 4, 2007

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

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

Dear Mr. Mehaffy:

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

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

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

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

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

Sincerely,

Valerie Brown, Chair  
Sonoma County Board of Supervisors

Enclosure

## County of Sonoma and Sonoma County Water Agency

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

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

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

#### **The DEIS must be revised and recirculated.**

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

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

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

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

#### **The DEIS improperly ignores connected actions.**

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

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

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

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

### *Traffic*

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

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

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

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

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

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

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

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

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

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

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

### ***Socioeconomic and Public Service Impacts***

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

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

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

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

### ***Water Resources***

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

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

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

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

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

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

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

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

### ***Public Safety***

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

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

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

### ***Fire Services***

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

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

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

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

### ***Health and Ambulance Services***

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

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

### *Air Quality*

The air quality analysis in the DEIS and its Appendix W contain serious technical errors that dramatically understate the project's construction emissions by as much as ten-fold. The description and assessment of air quality impacts is inadequate, to the point of making an accurate characterization of project air quality impacts impossible. The DEIS grossly understates the number of pieces of equipment that would be operating at the construction site. Although construction impacts (e.g., PM<sub>2.5</sub> and PM<sub>10</sub>) would be temporary, given the existing problems meeting these dust standards in northern Sonoma County, even these impacts could result in public health impacts to sensitive receptors.

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

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

### *Noise*

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

### *Land Use*

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



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

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

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

### ***Visual***

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

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

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

### ***Biology***

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

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

### ***Cumulative Impacts***

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

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

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

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

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

### **The analysis of alternatives is inadequate.**

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

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

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

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

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

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

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

Traffic

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

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

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

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

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



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

Reference	Comment
4.8-16, 17 & 30	<p data-bbox="459 287 1356 351"><i>Note: The comments below apply to numerous pages in the DEIS with regard to traffic.</i></p> <ul data-bbox="459 361 1417 1659" style="list-style-type: none"> <li data-bbox="459 361 1417 521">• The amount of truck generated to develop the site is equivalent to the annual truck-trips generated by a moderate size Sonoma County quarry. The DEIS needs to assess fully the safety, road damage, and congestion aspects of generating 45,834 truck trips over a 5 month period, 6 days a week, 8 hours a day.</li> <li data-bbox="459 532 1417 691">• Truck routes must be identified and used in the traffic impact analysis. Two analyses are needed. One should assume truck traffic is restricted to Rohnert Park Expressway for construction site access. In this case, the analysis must assume that no truck traffic will be permitted on Wilfred, Labath, Dowdell, Langner, Primrose, or Millbrae Avenues.</li> <li data-bbox="459 702 1417 904">• In the second case, assuming unrestricted use of local roads, the DEIS should provide information on the structural damage that would be sustained by roads due to construction truck traffic, the maintenance efforts needed to maintain a sufficient pavement surface during construction, and the road reconstruction needed at the completion of the hauling operations.</li> <li data-bbox="459 915 1417 978">• The DEIS also needs to assess the safety aspects of operations under both scenarios.</li> <li data-bbox="459 989 1417 1085">• The project proponents should be responsible for restoring damaged roadways through reconstruction or other restoration methods agreeable to the County.</li> <li data-bbox="459 1095 1417 1159">• The number of construction vehicle trips could alter the existing peak hour. This should be assessed in the DEIS.</li> <li data-bbox="459 1170 1417 1266">• What are the near-term queue lengths when the casino opens, presuming the casino construction precedes other development and traffic improvements are not in place along Wilfred Avenue?</li> <li data-bbox="459 1276 1417 1415">• What are the queue lengths due to construction truck and worker vehicle traffic? The DEIS should consider that in traffic studies trucks typically are counted as three vehicles and construction workers typically arrive within a very narrow time frame, greatly affecting LOS.</li> <li data-bbox="459 1425 1417 1553">• The DEIS states that importation of construction materials would be scheduled outside of peak hours. The DEIS also indicated that hauling of import fill material to the site would be an 8 hour-a-day operation. Given this, how would the peak hour(s) congestion be avoided?</li> <li data-bbox="459 1564 1417 1659">• Caltrans and the County Sheriff do not provide flagging assistance on county roads. These agencies should not be relied upon for flagging service.</li> </ul>
4.8-24	<p data-bbox="459 1670 1417 1938">2008 peak hour performance is based on incorrect traffic assumptions regarding development that will occur in near term. See Appendix O comments. It is likely that the casino will be constructed and in operation prior to any other major development along the Wilfred Avenue corridor. Traffic analyses should include a 2008 peak hour(s) analysis of impacts based on the casino trip generation alone. In the "near term," there is no scheduled development along Wilfred Avenue nor will U.S. 101 projects be completed.</p>

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

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

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

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

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

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



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

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

## Socioeconomics

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

Reference	Comment
App. N, p. iv, 18	<p>The DEIS asserts that “there are adequate potential employees already living within the area to fill the new jobs,” and that “the City and County are not expected to increase in population or number of households as a result of the casino.” No substantial information supports these claims. The DEIS has failed to properly acknowledge the region’s low unemployed rates, and failed to analyze the extent to which it consists of individuals who cannot or do not desire to be employed. The DEIS further fails to differentiate between unemployment in the service sector versus other job categories that do not lend themselves to casino, hotel, or restaurant employment. The DEIS should be revised and recirculated to estimate using accepted methodologies the ability of the local employment market to meet the increased demand for employment resulting from the project. If the analysis determines that the local labor market is unable to meet this increased demand, the DEIS should analyze the increased need for housing to accommodate new households established because of the proposed project.</p>
App. N, p. 18	<p>The Appendix concludes that “there are enough current residents who are either unemployed or <u>out of the labor force</u> in each area to fill all new direct jobs associated with the proposed casino.” The Appendix does not actually analyze whether employees out of the labor force are able or willing to enter the labor force, however. Nor does it address whether the proposed project would pay sufficient wages and benefits to attract the unemployed, given Sonoma County’s median home price of \$569,000 in 2006.<sup>1</sup> The DEIS should be revised to analyze whether an actual skill match exists between current residents who are unemployed or out of the labor force and the jobs that would be created by the proposed project. The DEIS’s bare conclusion cannot withstand scrutiny without an appropriate analysis, based on an accepted methodology.</p>

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

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

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

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

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



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

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

## Human Services

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

## Public Safety

Reference	Comment
Appendix N, p. 25 (and referenced throughout on: ES 55, ES 76, ES 79, ES 80, ES 81, ES 83, 4.7-9, 4.9-9, 4.9-11, 4.9-16, 49.-18)	<p>The DEIS calculates that the proposed project's on-going public safety service needs would cost the City of Rohnert Park between \$265,000 and \$313,000 annually (and \$241,000 for Alternative E). This is based on the per capita cost of public safety services in Rohnert Park, multiplied by between 1,100 and 1,300 employees.</p> <p>This calculation does not match the expectations of the Sonoma County Sheriff's Department for a number of reasons. It does not take into account the number of visitors to the proposed project, and it assumes that the casino will require the same type and level of services that are required by residents. The DEIS should be revised to state: "On-going public safety costs incurred by the Sheriff's Department will be set forth in an MOU between the Tribe and the County of Sonoma. Such costs shall be determined by a calculation methodology that is developed by or acceptable to the Sonoma County Sheriff's Department."</p>
ES 79	<p>The mitigation measures requires the Tribe to "negotiate an MOU to provide the City of Rohnert Park at least \$313,000 annually for public safety services or the Tribe shall compensate Sonoma County for additional public safety demands caused by the operation of the development where deemed necessary by the parties." The phrase "where deemed necessary by the parties" does not explain how the determination of necessity would be made, or what would occur if there is disagreement. This measure does not clearly account for the impact to the Sheriff's Department, and the \$313,000 figure is not based on an acceptable formula (see comment above). The DEIS should be revised to state: "Prior to operation, the Tribe shall enter into an agreement for law enforcement services with all law enforcement agencies that have jurisdiction over the proposed development site and adjacent areas."</p>
ES 138	<p>The environmental effect states that "Alternative A would generate a need for additional law enforcement resources, and through the anticipated MOU with the City of Rohnert Park, the Tribe would provide funding for impacts to law enforcement services." This does not reflect law enforcement impacts on unincorporated areas. Therefore, this statement should be amended to state: "All alternatives would generate a need for additional law enforcement resources. The Tribe would provide funding through appropriate agreements for impacts to law enforcement agencies with jurisdiction in and around the proposed project." This should be noted in the narrative for all alternative locations.</p>

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

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

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

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



## Health and Ambulance

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

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

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

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

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

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

## Air Quality

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

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



## Noise

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

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

## Land Resources

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

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

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

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

## Visual

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

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



## Biological Resources

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

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