

# The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS

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To	Dan Logue		From
Co./Dept.			Co.
Phone #			Phone #
Fax #			Fax #



August 19, 2004

Clay Gregory, Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

RE: Enterprise Rancheria Casino Environmental Assessment Comments and Request for Preparation of an Environmental Impact Statement

Dear Mr. Gregory:

I wish to take this opportunity to thank you for allowing the County of Yuba additional time to prepare comments on the Enterprise Rancheria Casino Environmental Assessment. The assessment and additional comments were considered by the Board of Supervisors at our regular meeting of August 17, 2004. The Board voted to adopt additional comments and consolidate them with the original comments. Our comments are enclosed. Further, the Board requested an Environmental Impact Statement be prepared to address the costs and responsibilities for the numerous mitigation issues raised in our comments.

Several members of the public spoke to the Environmental Assessment during our hearing. Those comments are provided for your information and consideration on the enclosed audio CD. Should you have any questions or desire clarification of any of the comments, please feel free to contact me or our County Administrative Officer, Mr. McClain, at your convenience.

Respectfully,

Bill Simmons, Chairman  
Yuba County Board of Supervisors

Cc: Arnold Schwarzenegger, Governor  
Gale Norton, Secretary of the Interior

Enclosures

## SUPERVISORS

Dan Logue - District 1 • Bill Simmons - District 2 • Mary Jane Griego - District 3 • Don Schrader - District 4 • Hal Stocker - District 5

1. In general, the document should discuss the regulatory distinction between the site development of the 40-acre complex (that area that is proposed for trust status for the Tribe) and the off-site improvements necessary for project implementation. For example, the construction required to expand the wastewater treatment plant is not located on the 40-acre complex, therefore not in the area that is proposed for trust status. This is particularly important as it relates to the impacts described and the mitigation approach.
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Board of Supervisors-Yuba 530-749-7353

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Chapter 10.10 "Construction of Buildings in Areas of Flood Hazard" is to protect structures and people. As indicated in section 10.10.020 of the Yuba County Ordinance Code: *Intent. It is the intent of the Board of Supervisors to insure that in reviewing applications for building permits, the Building Official will determine if the site and type of construction are such that the proposed building and its occupants will be reasonably safe from flood hazards, and in reviewing all subdivision applications, the Department of Public Works of the County of Yuba will determine if such proposed developments are consistent with the need to minimize flood damage.* This section is not a mechanism to reduce the impacts to the floodplain. For example, nothing in Chapter 10.10 requires equivalent offset for development in the floodplain for the increase in runoff. This bullet item introduction should also reference Chapter 10.30 "Flood Plain Management" of the Yuba County Ordinance Code.

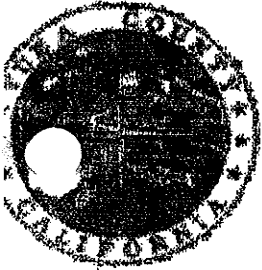
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11. There is no discussion or plan on how the turn movements will be accommodated during Amphitheater events. The current traffic management plan for the Amphitheater will need to be amended to accommodate the Casino.
12. Pages 2-28 and 2-29. There are no location maps of the alternatives that are not considered. While this is not imperative to evaluating the options it would be helpful for the public and other reviewing agencies.
13. Page 3-3 and 3-4. It would be helpful to also reference Section 2(A)(4) of Measure 'R': *The site does not contain prime agricultural soils, and thus provides economic benefits without reducing the amount of prime agricultural soil in Yuba County.*
14. Page 3-9, last paragraph. The FIRM map that is referenced is the correct panel number, however, the date does not match the printed FIRM map that the County references. The printed map that we have is dated May 17, 1982 and shows a portion of the site as Zone A. Please identify the basis of the June 8, 1998 date that is referenced.
15. Page 3-10, first paragraph, second sentence. Our references for the Sacramento San Joaquin Drainage Inundation Basement area does not correspond to the FIRM Flood Zone A on the property. Please identify the source material for this conclusion.
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  18. Page 3-17, last paragraph. The reference to Appendix N in the text implies that the biological studies are attached to the EA. They are not. The County suggests either including the studies or referencing a location that the public or other agencies can review them.
  19. Page 3-29, Forty Mile Road continues south into Sutter County, not Placer County. Algodon Road is a two lane roadway that currently begins at Plumas Arboga Road crosses over the UPRR and under SR-70 crosses River Oaks Blvd and terminates at Feather River Blvd. Upon construction of the Algodon Interchange, Algodon Road will terminate at the UPRR and not connect to Plumas Arboga Road. SR-70 separates from SR-99 in Sutter County not Placer County.
  20. Page 3-30, Existing Traffic Volumes. The traffic counts utilized were out of date and were taken in December (a traditionally low volume month in our region). Please update the traffic study with new traffic counts.
  21. Page 3-39, second to last paragraph. County suggests referencing Chapter 11.55 "CONSUMER DISCLOSURE--FARMING AND MINING OPERATIONS" in this discussion.
  22. Page 4-4, third paragraph. Our references for the Sacramento San Joaquin Drainage Inundation Easement area does not correspond to the FIRM Flood Zone A on the property. Please identify the source material for this conclusion. Also, there needs to be discussion about obtaining approval from the State Reclamation Board to change the elevation of the land within the inundation easement they control.
  23. Page 4-5, top of page. The study referenced in Appendix F does not address the Sacramento San Joaquin Drainage Inundation Easement area. It is our understanding that DWR regulates this easement area.
  24. Page 4-5, top of page, last sentence. It is not clear what parts of Section 2 are being referenced here. This is underscored by the fact that such "practices to avoid and/or reduce impacts" are not found or referenced in Chapter 5 - Mitigation Measures. It is staff suggestion that all mitigation measures appear in the Mitigation Measure chapter. Within that chapter, staff suggests referencing project design or other regulatory elements that have been previously discussed that essentially serve as mitigation. This is important for implementation. Additionally, it is not always clear which measures are required within the proposed trust area and which measures are voluntary.

25. Page 4-5, first full paragraph. The elements in the MOU do not intend to mitigate flood impacts. The calculation of the \$697,120 was based upon the public facility fee for trip generation resulting from the project as described in the MOU. That amount did not include a drainage fee component.
26. Page 4-10, second paragraph under *Swainson's Hawk*. What was the methodology that was used to determine that there are impacts to Swainson's Hawk foraging habitat? (Also, see comments under Chapter 5, page 5-4 below.) The County is in the process of evaluating the potential of impacts to Swainson's Hawk habitat. To date, the County has conditioned subdivision maps with the following measure: *If required by the Community Development Director prior to final map recordation, replacement foraging habitat for Swainson's hawks shall be provided at a ratio of 0.5 acres of land for each acre of urban development authorized under subdivision entitlements. Said land protected under this requirement must be located within 10 miles of project site and may be protected through fee title acquisition or a conservation easement on agricultural lands or other suitable habitats acceptable to the California Department of Fish and Game (DFG) and the County of Yuba or as otherwise approved by the Community Development Director. We suggest using a similar approach if necessary in this project.*
27. Figure 4-4, Nearby Development Areas. Why was the East Linda Specific Plan excluded from this exhibit and related discussion?
28. Page 4-41, Cumulative Impact Section. County suggests that the buildout of the planning areas be included in the discussion. The numbers referenced were apparently based upon subdivision activity not the potential buildout of the plan areas. Similar to the above comment, please explain why the East Linda Specific Plan is excluded from this discussion.
29. Page 4-44, section 4.4.7. The traffic analysis assumes the at-grade intersection at Plumas Arboga Road/ SR-70 will remain open to left turns after completion of Phase 1 of the Algodon Interchange. The traffic analysis needs to be updated to reflect the left turn movements being restricted upon completion of Phase 1 of the Interchange.
30. Page 4-45, Phase 1 Algodon Interchange will not include abandonment of the Algodon Railroad crossing, but will include restricting left turn movements at the Plumas Arboga/ SR-70 at-grade intersection. The analysis for the timing of the interchange needs to be modified to start construction in 2007 and completion in 2009.
31. Page 5-2, last paragraph. This section identifies a provision in the MOU to pay \$697,120. This calculation was based upon the traffic public facility fee not the drainage fee. The amount was based upon using trip estimates prepared by staff at the time of the MOU. Additionally, this section does not discuss the flood zone and the Sacramento San Joaquin Drainage Inundation Easement area impacts or the relationship between what is

required in the proposed trust area and outside the trust area.

32. Page 5-4, first bullet item under *Swainson's Hawk*. This item indicates that the subsequently listed mitigations are voluntary. It is not clear as to what project component that the mitigations are voluntarily applicable. For example, does the voluntary approach extend to the wastewater treatment plant expansion? (see item #24 above)
33. Page 5-5, second bullet item. Fish and Game's report contains a range of ratios that replacement land is considered mitigation. Referring to the report itself is not a definitive approach to mitigation in addition to the above item regarding voluntary compliance. (see item #24 above)
34. Page 5-7, 5.7.1 Transportation Networks, there are several items in the proposed mitigation measures for roads that need to be corrected. Under the plus project condition it is stated that placing all-way stops at McGowan/NB&SB SR-70 Ramps and Forty Mile/NB SR-65 Ramps would provide a LOS C or better at these intersections. The proposal to place stop signs at these intersections is in conflict with Yuba County Ordinance 9.10.370 which designates McGowan and Forty Mile Road as "through highways" and does not allow stop signs be placed. The mitigation measure should state the Tribe shall pay their fair share of the costs to signalize these intersections. The existing at-grade intersection on SR-70 is at Plumas Arboga Road not Algodon Road. Under the cumulative conditions there are several statements about mitigation measures proposed in the Plumas Lake Specific Plan. Mitigation measures on Forty Mile Road/ SR-65 Ramps are not mitigation measures for Plumas Lake and the Tribe should mitigate for the costs of these improvements without consideration from Plumas Lake. The mitigation measure to signalize the ramps at the proposed Algodon Road/ SR-70 Interchange assumes the Interchange will connect to Plumas Arboga Road and thus provide access to the Casino. This is not correct. The Plumas Lake mitigation only requires the Interchange not the connection to Plumas Arboga Road. The Casino mitigation must include the fair share cost of the Interchange as well as the connection of the Interchange to Plumas Arboga Road east of the UP Interceptor Canal. The last paragraph in this section describes a fee in the amount of \$697,120 the Tribe has agreed to pay pursuant to an MOU. It should be clearly stated this fee is in lieu of the Countywide Capital Facility Fee for Road Impacts and is not in lieu of the mitigation measures identified in this section. The funding for the mitigation measures needs to be clearly identified.
35. Page 5-12, second paragraph. The \$697,120 amount was calculated on the traffic public facility fee component. It did not include other components of the public facility fee.
36. The Sheriff's Department has provided additional input. They indicate that the assessment contains some incorrect numbers for the Department. There are 67 sworn personnel and 105 non-sworn. The Department receives approximately 200 calls per day. About 135 of those calls, or 62%, require the Sheriff's Department to physically respond.



# County of Yuba

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915 8<sup>th</sup> Street Marysville, CA 95901  
Phone: (530) 749-5430  
Fax: (530) 749-5434

**TO:** Board of Supervisors

**FROM:** Tim Snellings, Community Development Director  
Kevin Mallen, Public Works Director

**DATE:** August 13, 2004

**SUBJECT:** Enterprise Rancheria Environmental Assessment

## RECOMMENDATION:

The Board of Supervisors review, revise (as needed) and submit the following comments to the Bureau of Indian Affairs, Pacific Region in response extended comment period (comments are due to the BIA by August 20, 2004) for to the Environmental Assessment request for comments on the Enterprise Rancheria project.

## BACKGROUND/DISCUSSION:

Staff has prepared the comments below under the extension provided by the Bureau of Indian Affairs as indicated in their letter dated August 6. This revised set of comments includes all of the items in the original preliminary set with some additions. County staff has met with representatives of the casino management and Analytical Environmental Services (AES) the environmental consulting firm that prepared the document. AES staff considers the list of preliminary comments to be constructive and are prepared to make a number of clarifications to the document at the direction of the Bureau of Indian Affairs. At the meeting representatives of the casino project stated they are willing to attend the August 17 Board meeting to describe project details. They have indicated a desire to work with the County and share our concern of having an environmental document that is accurate and informative.

The BIA is the "lead agency" for the National Environmental Protection Act (NEPA) document for this project. Because the BIA is the lead agency on the document, they are responsible for evaluating all of the comments received and directing the environmental consultant accordingly. The environmental assessment (EA) is used by BIA to determine whether there are any significant impacts that cannot be mitigated. If all of the impacts can be reduced to a level of less than significant, then the BIA can determine that a Finding of No Significant Impact (FONSI) can be made. If there are impacts that cannot be reduced, then an Environmental Impact Statement (EIS) would be required.

Staff considers that an environmental assessment addressing the County's comments and other comments by state and local agencies would contain sufficient information for consideration by the BIA (lead agency) in their environmental determination. That is, their determination as to whether a FONSI or EIS is required.

The following is an outline of issues that staff has identified in the document that we recommend further clarification or correction in the order that they appear in the document. Some of the items relate to substantive environmental issues and other items suggest changes that would make the document more informative.

1. In general, the document should discuss the regulatory distinction between the site development of the 40-acre complex (that area that is proposed for trust status for the Tribe) and the off-site improvements necessary for project implementation. For example, the construction required to expand the wastewater treatment plant is not located on the 40-acre complex, therefore not in the area that is proposed for trust status. This is particularly important as it relates to the impacts described and the mitigation approach.
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