

# The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS



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July 28, 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 Additional Review Period

Dear Mr. Gregory:

The County of Yuba Board of Supervisors and County staff has had limited time to evaluate the above noted Environmental Assessment. With the limited time, our staff prepared comments for consideration by the Board of Supervisors at our regular meeting of July 27, 2004. Our Board considers these comments to be preliminary and incomplete. Nonetheless, we believe these preliminary comments are sufficient, in and of themselves, to demonstrate the document is incomplete and warrants substantive revisions prior to another 30-day review. We respectfully request the current comment period be extended 30 days in order to continue our evaluation of the document and preparation of additional comments for your consideration.

Due to the substantive corrections and clarifications needed in the current document, we further request you direct your consultant to prepare a revised draft EA and direct an additional 30-day review period be set for the corrected document. We believe a determination, whether a FONSI or EIS, based upon the existing document would be fatally flawed.

Respectfully,

A handwritten signature in cursive script that reads "Bill Simmons".

Bill Simmons, Chairman  
Yuba County Board of Supervisors

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

Attachment

**SUPERVISORS**

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

Preliminary County Comments:

1. In general, the document should discuss the regulatory distinction between the site development of the 40-acre complex (the area 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 it is not in the area proposed for trust status. This is particularly important as it relates to the impacts described and the mitigation approach.
2. Section 1.5, first full paragraph, second sentence. It would be helpful to describe the *Yuba County Entertainment* entity. Due to the title of this "developer/manager" it may be confusing to the public or agencies that this is a Yuba County governmental agency. There is no relationship with a County of Yuba governmental organization.
3. Section 1.7, last paragraph, second sentence. The statement no local approvals are needed except a driveway encroachment permit needs to be expanded to include all offsite traffic mitigation within the County and Caltrans right of way.
4. Section 2, page 13, first paragraph, second sentence. The CEQA document staff prepared for the Wastewater Treatment Facility was challenged in court. The court decision was the "project" was exempt from CEQA.
5. Section 2, page 13, second bullet item. This sentence indicates the sprayfield water will be applied at a rate such that it does not run off. There is no reference in the bullet item as to the expected rate that can be sustained without running off, nor is there an indication as to what "running off" means. If this is further described in an attached study, please provide this reference.
6. Section 2, page 14, second bullet item. This sentence indicates the spray drift or disposal will not migrate out of the plant's property boundaries. There is no indication in the text or attachments as to the boundary location.
7. Section 2, page 14, last paragraph, first and second sentences. This section should discuss what the trigger is for the geotechnical report and how the recommendations will be adhered to.
8. Section 2, page 14, first paragraph under "Grading and Drainage", last two sentences. It appears from these sentences limit the review

to the wastewater treatment expansion. Further, the reference to UBC should be replaced with California Building Code (CBC).

9. Section 2, page 15, introduction to second set of bullet items. The purpose of 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.
10. Section 2, page 16, (Figure 2-8). This figure shows the proposed left turn pockets for the driveways. Based on the design speed of 55 MPH each of the turn pockets need to be lengthened 395 feet to accommodate deceleration. In addition we would recommend a minimum of 100 feet for storage (50 feet) proposed. The driveways in their currently proposed locations are not spread far enough apart to allow for the required turn pocket length. We would recommend reconfiguring the driveways to either provide proper spacing and/or only allow left turns into one of the driveways.
11. Section 2, pages 28 and 29. There are no location maps of the alternatives that are considered.
12. Section 3, pages 3 and 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.*
13. Section 3, page 9, last paragraph. The FIRM map referenced is the correct panel number, however, the date does not match the printed FIRM map the County references. The printed map the County has 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.

14. Section 3, page 10, first paragraph, second sentence. Our references for the Sacramento San Joaquin Drainage Inundation Easement area do not correspond to the FIRM Flood Zone A on the property. Please identify the source material for this conclusion.
15. Section 3, page 10, first paragraph, last sentence. The statement the wastewater holding ponds are sized for a 100-year flood event does not address the encroachment into the Sacramento San Joaquin Drainage Inundation Easement area or the surface runoff/impacts to flood zone resulting from the site development of the 40-acre casino complex.
16. Section 3, page 10, third paragraph. The reference to looking at potential setback levees should state they are down stream of the 1997 Arboga break.
17. Section 3.4, page 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 the public or other agencies can review them.
18. Section 3.7.1, page 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 Boulevard. 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.
19. Section 3.7.3, page 39, first paragraph under "County Consumer Disclosure Ordinance" suggests referencing Chapter 11.55 "CONSUMER DISCLOSURE--FARMING AND MINING OPERATIONS" in this discussion.
20. Section 4.1.2 page 4, third paragraph. Our references for the Sacramento San Joaquin Drainage Inundation Easement area do not correspond to the FIRM Flood Zone A on the property. Please identify the source material for this conclusion. There also 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.
21. Section 4.1.2, page 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 State of

California, Department of Water Resources (DWR) regulates this easement area.

22. Section 4.1.2, page 5, first paragraph, 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 which essentially serve as mitigation. This is important for implementation. Additionally, it is not always clear which measures are required and which measures are voluntary within the proposed trust area.
23. Section 4.1.2, page 5, second paragraph. The elements in the Memorandum of Understanding (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.
24. Section 4.1.4, page 10, second paragraph under "*Swainson's Hawk*". What was the methodology used to determine there are impacts to Swainson's Hawk foraging habitat? (Also, see comments under Section 5.4, page 4 below.)
25. Figure 4-4, "Nearby Development Areas". Why was the East Linda Specific Plan excluded from this exhibit and related discussion?
26. Section 4.4, page 41, "Cumulative Impact Section". County suggests 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.
27. Section 4.4.7, page 44. 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.
28. Section 4.4.7, page 45, first bullet item. 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.

29. Section 5.2.3, page 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. 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 and outside of the proposed trust area.
30. Section 5.4, page 4, first bullet item under "Swainson's Hawk". Items indicate the subsequently listed mitigations are voluntary. It is not clear as to what project component the mitigations are voluntarily applicable. For example, does the voluntary approach extend to the wastewater treatment plant expansion?
31. Section 5.4, page 5, second bullet item. California Department of 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.
32. Section 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 Code Section 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.

33. Section 5.7.4, page 12, under "Law Enforcement". The \$697,120 amount was calculated on the traffic public facility fee component. It did not include other components of the public facility fee.
34. The Sheriff's Department has provided additional input. They indicate the assessment contains some wrong numbers for the Department. There are 67 sworn personnel and 105 non-sworn. The Department receives approximately 200 calls per day. Approximately 135 of those calls, or 62%, require the Sheriff's Department to physically respond.

(end of comments)