

# ADMINISTRATION

## City Council

September 18, 2009

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 P.O. Box 4046  
 Richmond, CA 94804

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CITY of SAN PABLO

*City of New Directions*

**RE: Joint Draft Environmental Impact Statement and Environmental Impact Report (EIS/EIR) for the Point Molate Resort and Casino Project (PLN 08-089)**

Dear Ms. Velasco:

The City of San Pablo has reviewed the proposed casino development and the draft Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) for the Point Molate Resort and Casino Project. The Project includes the construction of a mixed-use destination resort and casino at Point Molate, the former site of the Navy's Fuel Depot. The Project also includes taking approximately 266 acres of the site into federal trust to serve as the restored reservation for Guidiville Band of Pomo Indians of the Guidiville Rancheria and Federal approval of a gaming management contract. The City submits the following comments on the environmental documents.

### **REQUEST FOR EXTENSION OF COMMENT PERIOD**

First, the City requests that the comment period on the draft EIS/EIR be extended, as the time given was too short relative to the scope and complexity of the proposed Project. If the comment period is not extended, we intend to submit supplemental comments, and we hope that you will fully consider and respond to these supplemental comments as well.

### **COMMENTS ON THE DRAFT EIS/EIR**

As explained more fully below, the City's Draft EIS/EIR does not comply with the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The City of Richmond and the U. S. Department of the Interior may not approve the Project or grant any permits for the Project until an adequate EIR/EIS is prepared and re-circulated for public review and comment.

The following sections of this letter outline the inadequate evaluation of socio-economic impacts, transportation impacts, biological impacts, public health and safety impacts, insufficient alternatives analysis, and the incomplete project description.

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## I. Socio-Economic Impacts

The City of San Pablo is almost completely surrounded by the City of Richmond, which is identified in the EIS/EIR as a low-income, minority community. San Pablo also is a low-income, minority community, with lower median and mean household income than Richmond, and approximately the same percentage of minority population. In fact, San Pablo has the lowest household income of all the cities in Contra Costa County.<sup>1</sup> The following provides a comparison between the two cities:

	Richmond	San Pablo
Median Household Income	\$50,346	\$46,326
Mean Household Income	\$62,860	\$57,568
Percentage White Population	33.6%	35.6%
Percentage Minority Population	66.4%	64.4%

Source: <http://factfinder.census.gov/home>, 2005-2007 American Community Survey 3-Year Estimates.

Casino San Pablo (CSP), a Class II casino operated by the Lytton Rancheria Band of Pomo Indians, is located within the City of San Pablo. It is the only existing casino within the nine-county Bay Area, although three proposed casinos are pending: one in Santa Rosa in Sonoma County, one in North Richmond, and the one at Point Molate. The proposed Point Molate site is approximately 2.5 miles from the existing casino in San Pablo.

The socio-economic impact provided in the EIS/EIR does not properly describe the impacts on San Pablo. First, census tracts are used as the basis of analysis and not municipal boundaries, so the impact on the City of San Pablo is not clearly identified.

Second, the evaluation of cannibalization (the diversion of economic activity from one facility to another) groups Northern California casinos into three categories: Greater San Francisco, Greater Sacramento and Other (see page 84, Appendix T of the EIS/EIR, *Economic Impact and Growth Inducing Impact Study*). The category, *Greater San Francisco*, includes the Black Oak Casino in Tuolumne near Yosemite, River Rock in Geyserville, Robinson Rancheria in Sonoma, CSP, and the proposed Scotts Valley Casino in North Richmond. This grouping obscures the impact on CSP. Given that the economic impact analysis uses a gravitational model for analysis, and Point Molate will be located within 2.5 miles of CSP, the greatest impact will be on CSP. It is reasonable to assume that most of the projected \$174 million of gaming revenue projected to be diverted from the Greater San Francisco casinos (EIS/EIR Appendix T, p. 5 will come from CSP. By including CSP in the far-flung grouping called "Greater San Francisco," the extent of the impact on CSP is masked.

Third, CSP is a Class II casino, which clearly cannot compete with a Class III casino located so close to it. It is possible that the CSP facility will not remain profitable when faced with nearby competition from a resort Class III casino; at the very least, most or all of the revenue will disappear. Even if CSP wanted to change to Class III, it is unlikely such approval will be

<sup>1</sup> Based on ABAG's publication, *Projections 2007*, the City of San Pablo had the lowest average (mean) household income in 2005.

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given since the Legislature already has made known its opposition to allowing Class III on the I-80 corridor in the East Bay. If there is a significant decrease in revenue to the Class II CSP facility, or if CSP successfully transitions to a Class III in order to be competitive with the new Point Molate casino, the City of San Pablo will suffer a significant loss of revenue, leading to severe adverse socio-economic impacts and urban decay,<sup>2</sup> which must be evaluated under NEPA and CEQA respectively.

The Municipal Services Agreement (MSA) between the City and the Lytton Rancheria Band of Pomo Indians (the Tribe) regarding CSP provides for the payment of a portion of the revenues to compensate the city for the provision of services. The MSA provides that the Tribe will pay 7.5 percent of the gross gaming revenues from Class II gaming, with no maximum, or 5.4 percent of gross gaming revenues from Class III gaming, to a maximum of \$3.5 million per year (Section 7, *Compensation, Charities and Benefits*, of the MSA). For Fiscal Year 2008-09, the City received \$12 million dollars in revenue from CSP. This represented approximately 66 percent of the City's General Fund budget of \$18.2 million. The following two scenarios outline the potential revenue loss to the City of San Pablo.

**CSP remains a Class II facility.** Based on the economic impact analysis provided in Appendix T of the EIS/EIR, the projected cannibalization from the casinos in the Greater San Francisco area is \$174 million. It is reasonable that most of this cannibalized gaming activity will be diverted from CSP because of its proximity to the proposed Point Molate casino and because CSP is a Class II facility. The following table provides the revenue loss to the City of San Pablo for various amounts of cannibalization from CSP.

Amount of Cannibalization	Loss of Revenue to San Pablo	% of Annual General Fund
\$100 million	\$7.5 million	40%
\$150 million	11.25 million	62%
\$160 million*	12.0 million	66%

\* This amount would eliminate any revenue payments to San Pablo.

Clearly, the City of San Pablo could not sustain revenue losses of this scale without severe impacts on the City.

**CSP converts to a Class III facility.** Alternatively, if CSP were able to convert its operation to a Class III casino, then payments to the City would be capped at \$3.5 million as provided for in the Municipal Services Agreement. Revenue of \$3.5 million compared with the \$12 million revenue the City received in Fiscal Year 2008-09 would represent an \$8.5 million loss of revenue. This would be a 47 percent reduction in the City's General Fund budget. This scenario would result in a loss of approximately \$8.5 million based on the 2008-09 revenues. Again, the City of San Pablo could not sustain revenue losses of this scale without severe impacts on the City.

<sup>2</sup> Recent findings by the State of California's Appellate Court (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184) have interpreted the requirements of the California Environmental Quality Act (CEQA) as requiring disclosure of the possibility for "urban decay"....

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Should the revenue to the City be affected as described in either of these scenarios, the effect on operations in the City of San Pablo will be immediate and drastic. Police services will be substantially cut. Recreation programs will be substantially cut or eliminated. Aid to the School District would cease. Street and sidewalk repair and graffiti abatement will be drastically reduced. Dozens of employees of the city would be laid off including maintenance workers, planners, engineers and as many as twenty five police officers. Public safety, public service, and the welfare of those living and working in San Pablo would be greatly compromised. Urban decay would be the inevitable result.

The City of San Pablo requests that a specific economic impact and market analysis be done to evaluate the impacts of the proposed Point Molate Casino on CSP and revenue to the City of San Pablo. The analysis should also include the potential cumulative analysis should the Scotts Valley and Santa Rosa Casinos also proceed. The City requests this analysis for the following reasons:

- a. No other casino in Northern California is located in such close proximity to another casino.
- b. CSP is the only Class II casino in Northern California.
- c. The City of San Pablo derives approximately two-thirds of its annual General Fund budget from revenue from CSP under its MSA.
- d. The loss of all or part of this revenue would have extensive and significant adverse impact on San Pablo's ability to provide basic municipal services.
- e. San Pablo is a low-income, minority community. In fact, its median and mean household incomes are less than those for the City of Richmond and the lowest of any city in Contra Costa County. Socio-economic impacts on San Pablo would result in greater environmental justice issues in comparison with the City of Richmond.

Without specific economic impact and market analysis, it is not possible to properly assess the socio-economic and environmental justice impacts from the proposed Project for the following significance criteria:

An impact would be significant if it would:

- Substantially negatively alter the ability of the local economy to perform at existing levels, from the effects of substantial losses to businesses (for example revenues or employees) or government (for example tax revenues).
- Negatively alter the ability of people to obtain public health and safety services.
- It disproportionately and adversely affects an identified minority or low-income community or Indian tribe.

The economic impacts of the project on the economic health of the City and residents of San Pablo are even more severe when the current economic situation in the City is considered. Since the adoption of the City's FY 2009/10 budget on July 1, 2009, the Redevelopment Agency has lost approximately \$9.1 million as a result of a 24% decrease in assessed property value and takes by the State of California. These losses are expected to continue over the next few years as property values continue to decline. Another pending threat to the Redevelopment Agency's fiscal health will be starting in 2012/13; Contra Costa County will

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be taking what remains of our tax increment after debt service. The City will then be 100% dependent on the General Fund for street repairs. If the CSP revenue is impacted the City will not have any way to maintain its infrastructure. Additionally, revenue to the General Fund for FY 2009/10 was decreased by \$255,000 due to Prop 1A takes by the State and loss of sales tax revenue.

Should this specific economic impact and market analysis of the impacts of the proposed Point Molate Casino on CSP and revenue to the City of San Pablo identify potentially significant impacts based on the foregoing significance criteria, then the EIS/EIR would have to be re-circulated with updated analysis with additional mitigations. It may also require consideration of additional project alternatives in light of impacts on the City of San Pablo, a low-income, minority community.

## **2. Transportation Impacts**

The City of San Pablo has concerns about transportation impacts because the adversely affected intersections, freeway links, roadways and Richmond-San Rafael Bridge are located within or proximate to the community, and are used by its residents to commute to work and recreation, and by local businesses to receive supplies and provide service to customers. A well functioning transportation system is a critical factor for the economic development in the region. The evaluation of transportation impacts is inadequate for the following reasons.

**Ferry Service.** The provision of ferry service is treated as part of the Project. Ferry service is not identified as a mitigation measure, nor is analysis provided regarding what traffic impacts would be if ferry service is not provided. The EIS/EIR (Appendix S) includes a letter dated December 15, 2008 from the Blue and Gold Fleet advising that there is capacity in the current ferry system and that ferry services may be provided to the Point Molate site "without a significant increase in routes or costs." However, the letter notes that the purchase of an additional ferryboat would be required to provide the Tiburon ferry service. Changes would also have to be made to the Point Molate Pier. Given the issues with establishing ferry service to Point Molate, it is not certain that it will be provided. Without ferry service, there would be substantially more traffic generated from the casino facility. The Transportation Impact Analysis (TIA) should be updated to include analysis of the transportation impacts that would occur if the ferry service were not provided.

**Match for Fair Share Payments.** The mitigation measures for impact at a number of intersections and at the Richmond San Rafael Bridge toll Plaza provide for the payment of a "fair share" portion of the overall cost of the identified improvement. However, this leaves the source of funding for a significant portion of the cost of each improvement unaccounted for. Payment of fair share does not accomplish the necessary improvements when there is no source to pay for the balance and, therefore, would not be an adequate mitigation. The EIS/EIR should identify sufficient funding available, or likely to be available, for the total cost of the improvements. Absent this, the mitigation measures should be expanded to require that only the portion of the Project which can be accommodated by the existing transportation system can be built and that the project must be phased in as funding is available for the various transportation improvements. If the mitigation measures involving the payment of fair share are not revised, they will not mitigate the transportation impacts, and then there will be significant adverse impacts.

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**Special Event Traffic.** There is insufficient analysis of special event traffic in the EIS/EIR. The arrival of vehicles at a special event is generally spread over a longer time period compared with departure at the end of a special event. Although the end of an event likely would be outside of the AM or PM peak, there is only one access point to the site and the impact of the traffic volumes leaving the site, particularly on the Richmond-San Rafael Toll Plaza, should be evaluated. The TIA assumes that special event traffic will not coincide with PM peak but there is no mitigation measure specifying the earliest starting time of evening special events to ensure no conflict. Such a mitigation measure should be added. These trip reduction rates should be more conservative and the impact analysis revised.

**Reductions in Trip Generation for Operation of Casino/Resort.** The initial TIA prepared by DMJM Harris/AECOM dated June 2008 and the supplemental TIA prepared by Abrams Associates dated April 2009 differ in the trip reduction estimates for various factors that would reduce traffic, as summarized in the following table:

Trip Reduction	DMJM TIA	Abrams TIA
For Ferry operations	25%	15%
For Transportation Demand Management (TDM)	10%	15%
Capture of bypass trips	10%	15%
<b>Total Trip Reduction</b>	<b>45%</b>	<b>45%</b>

These discounts are too aggressive for an EIR/EIS that is supposed to evaluate impacts on a conservative, worst case scenario basis. The more conservative trip reduction assumption from each consultant should be used. This would result in a maximum of 15 percent reduction for the use of ferries, and a maximum of 10 percent each for TDM and capture of bypass trips for a maximum total of 35 percent trip reductions.

The TIA analysis also makes very aggressive assumptions for reducing trip generation because of the mixed-use nature of the Project (see p. 5-5). There is no basis for the trip reductions for mixed use are provided in the TIA. Trip generation for the hotel use is reduced by 70 percent for the hotel because the guests' travel is already included in the traffic projections for the casino. The remaining 30 percent leaves barely enough trips to account for hotel employees and service deliveries. This assumes that hotel guests will not be doing sightseeing in the Bay Area and that business travelers would not attend meetings outside of the casino/resort. The TIA also uses a 50 percent discount for trips related to the retail development because these trips have already been included in the traffic projections for the casino. Trip reduction rates for mixed-use development, as reflected in zoning ordinances for communities in the Bay area, are more commonly 10 to 25 percent. The EIS/EIR should provide justification for trip reduction amounts used in the TIA.

**Reductions in Trip Generation during Construction.** The project description states that the majority of excess fill material will be exported from the site by barge, rather than by trucks, substantially reducing the number of truck trips required (EIS/EIR p. 2-29). The DMJM TIA states that the total excess fill material is 2.7 million cubic yards and that the construction impacts are based on 85.2 percent of this material being exported from this site by barge (p.9-1). Only 400,000 cubic yards of material would be exported from the site by truck.

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The site includes several areas of soil contamination that are not yet remediated. The amount of materials that need to be removed from the site to a landfill and not reused may increase as these sites undergo cleanup. Additionally, depending on where the excess fill material will be reused, it may or may not be practical to remove it from the Project site by barge. If there is even a small change in what is removed from the site by barge, this could have traffic impacts. For example, if an additional 10 percent of the excess fill material were to be removed from the site by truck rather than by barge, this would result in an additional 13,500 truck loads being removed from the site. Assuming that each load represents a trip to and a trip from the site, this would generate an additional 27,000 truck trips on Western Avenue.

In order to provide an appropriately conservative evaluation of impact, The EIS/EIR should provide evaluation of construction impacts with an assumption of a lower amount of the excess fill being removed from the site by barge. This will result in a greater amount of construction traffic.

**Conversion of Bridge Breakdown Lane to a Travel Lane.** One of the proposed transportation mitigation measures is to provide three lanes on the Richmond San Rafael Bridge by removing the breakdown lane. The traffic analysis assumes that the additional third lane will carry the same traffic volume as the two existing lanes. There is no adjustment to account for the fact that the loss of the breakdown lane will adversely affect the traffic volumes per lane. This is not realistic. The operational impacts of not having a breakdown lane can be clearly seen on the San Francisco Bay Bridge, which does not have a breakdown lane. Stalled vehicles or minor accidents routinely cause increases in congestion on the Bridge during peak commute hours as traffic behind stopped vehicles change lanes to maneuver around the obstacle. The TIA analysis should be revised to reduce the number of vehicles per lane per hour with the removal of the breakdown lane.

**Refinery Annual Maintenance and Five-Year Turnaround.** The Chevron Refinery conducts an annual maintenance period and a major five-year maintenance and improvement period. Construction activity is concentrated into these time periods to limit the amount of down time at the Refinery. There is no analysis of traffic impact during Chevron's annual shutdowns for repairs or 5- year turnaround events at the Refinery. These are very intense construction periods with significant traffic generation. The EIS/EIR should include evaluation of traffic impacts that include the traffic during such maintenance periods at the Refinery.

**Lack of Connections to Existing Bike Trails.** The EIS/EIR identifies the nearest Class I bike path as beginning northwest of the I-580/Western Drive interchange. However, this is a small isolated segment that is not yet connected with the regional trail system. The nearest part of the bicycle trail system is Garrard Boulevard at Cutting Boulevard which is approximately four miles from the project site. Mitigation Measure 3-17 (f), (g), and (i) require the provision of showers and lockers, secure short term bicycle parking, and secure weather-protected employee bicycle parking for a total reduction of 3.5 percent in the operational generation of criteria pollutants related to a reduction in vehicle trips to the project site. However, without connections from the project site to the regional bicycle trail system, it is unlikely that employees and visitors will come to the site on bicycle. The mitigation measures should also include the construction of a Class I bicycle trail to Garrard Boulevard.

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**Proposed Mitigation Measures Preclude a Bicycle Lane on Bridge.** The proposed mitigation measures for improvements to the toll plaza include the replacement of the breakdown lane on the Richmond-San Rafael Bridge with an additional travel lane. There have been requests and discussion regarding using the breakdown lane for a bicycle lane. The proposed mitigation measure would preclude this option, and limit the development of a better and more complete system of bicycle lanes.

### 3. Biological Impacts

The EIR/EIS discusses the potential impact of the construction and operation of the Project on the eelgrass beds located in the shallow water adjacent to the shoreline of the Project site and provides mitigation measure MM 4-8. The eelgrass is critical habitat for some special-status fish. The analysis and mitigation measure for the impact on the eelgrass are insufficient for the following reasons.

The construction of the Project includes the exporting of excess fill material by barge. This will require movement of trucks along the pier to deposit the material into the barge, or alternatively a method of conveying the material to barges anchored near the shore. In either case, there will be dust generated by the handling of the materials along the shoreline and/or out onto the pier. The barges would typically be moved by tugboats, which can generate significant wave action close to shore. There has been no assessment of this particular construction activity on the eelgrass. Eelgrass can be affected by particulates, which cloud the water and reduce sunlight to the plants, or disrupted by the scouring effects of wake from boats. If a conveyance system is constructed over the eelgrass beds, then the conveyance structure could disrupt or shade the eelgrass. The biological impact evaluation needs to be revised to include the analysis of these potential impacts.

Mitigation measure MM4-8 is also inadequate. It simply provides that keeping the ferries 100 feet from the eelgrass is sufficient. The impacts on the eelgrass can come from construction impacts, or operation of the casino, including ferry operation. The mitigation measure must be revised to include the following:

- Removing some eelgrass prior to the commencement of construction on the Project site and propagating it elsewhere for restoration planting should this be necessary.
- Surveying the eelgrass beds prior to any construction activity to establish a baseline condition.
- Surveying the eelgrass beds at regular intervals during construction and then during operation for a period of five years, especially if there is ferry operation, to ensure that the boundaries of the eelgrass bed and the density of individual plants do not decline because of impacts from the casino complex.
- Restoring the eelgrass beds and changing construction or operation activities in the event that the periodic surveys do find an impact on the eelgrass. The mitigation measure should require an evaluation prepared by a qualified biologist to determine the likely cause of the impacts and recommend the changes to be implemented.

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**4. Hazardous Materials:**

If a conveyance system is used to transfer excess fill material from the site to barges to be moved elsewhere, the conveyance system has the potential to impact areas of soil contamination, including the underwater areas. The EIS/EIR must be revised to indicate how the volume of materials proposed to be removed by barge will be moved and evaluate the impacts of the conveyance method.

**5. Public Health and Safety:**

**Single Point of Access.** The EIR/EIS discusses the need to have emergency response plans developed for the casino complex but does not provide any analysis of the potential problem of having a single access road to such a major facility. There is no analysis that indicates that Western Drive will be sufficient for evacuation and emergency response. Without further analysis, it is not possible to conclude that the access is sufficient and that no additional emergency access into the site is needed. The EIS/EIR evaluation must include a specific evaluation of adequacy of the single access point for emergency evacuation and response. This is essential as the Project site is located within a Very High Fire Severity Zone EIS/EIR (Figure 3.12-4), and is surrounded by the Chevron Refinery.

**Risk Management Plan.** The Chevron Refinery is required to prepare and comply with a Risk Management Plan (RMP) under the California Accidental Release Program (CalARP). The Plan provides a risk assessment that includes a Worst Case Scenario and an Alternative Release Scenario. Chevron's Risk Management Plan prepared in 2002 places the entire Project site within the areas affected by the Worst Case Scenario and three-quarters of the site within the area affected by the Alternative Release Scenario. The 2002 Navy EIS/EIR found that there was a potentially significant impact related to risk and that there were no feasible mitigations, leaving the impact as significant and unmitigatable (EIS/EIR, p. 3.12-7).

The EIR/EIS relies on a study commissioned by the Project proponent that dramatically reassesses the potential impact on the site from an accident at the refinery (EIS/EIR Appendix M Anhydrous Ammonia Consequence Modeling Analysis prepared by Marine Research Specialists, dated January 2007). The Marine Research Specialists report comments as follows on the Chevron 2002 RMP, which was used in preparing the Navy EIS/EIR for the Disposal and Reuse of Point Molate:

The assumptions required by U.S. EPA for use in the WCS analysis are very conservative, in many cases, unrealistic, and provide results that are unlikely to occur (p.6).

It appears that the Marine Research Specialists report does not comply with U.S. EPA rules, assumptions and models, although this is not explicitly stated in the report. The Marine Research Specialists analysis used different assumptions and modeling to factor into the risk assessment the controls Chevron has in place to prevent and protect against a catastrophic ammonia release, topographic conditions and other environmental conditions such as prevailing wind direction, wind speed, etc.

Again, EIR/EIS assessment should be conservative, particularly given the single access road to the Project site, and the placement of a major casino complex where it is completely

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surrounded by heavy industrial operations. The risk assessment prepared by Chevron should be used as the basis to assess Refinery accident risk for the EIS/EIR, not the Marine Research Specialists report.

**Reduction in San Pablo Public Safety Staff.** Under Section 1 of this letter, the potential fiscal impact on the City of San Pablo was described. Clearly, this potential revenue impact would have a significant impact on the ability of the City to provide police services. There is no analysis about the impact to public safety should the loss of revenue to San Pablo occur. The EIS/EIR must be revised to provide this evaluation.

#### 5. **Insufficient Alternatives Analysis**

There is an insufficient range of alternatives evaluated in the EIR/EIS. All alternatives that include taking tribal land-in-trust have the full casino component. There is no reduced casino alternative, and no alternative of economic development for the tribe on site that does not include a casino. Also, there is no alternative which provides land for economic development for the Tribe in other locations other than the 44-acre site the Tribe holds near Ukiah which has already been developed with housing for the Tribe. Such an offsite alternative could be combined with a non-gaming mixed use development at the Project site to provide Richmond with the necessary economic development.

Because the proposed Project has the potential for significant impact on a low-income, minority community, there is a greater need for consideration of alternatives that have the potential to avoid such impacts. At a minimum, the following additional alternatives should be evaluated:

**No Gaming, Lands-in-Trust Alternative:** This alternative would provide that Point Molate is taken into trust for the Tribe. However, the economic development on the site would not include a casino. Instead, the Project would include a mixed-use project, including components such as a conference center, a retail, recreational opportunities and tourism related to the historic Winehaven site. In order to reject such an alternative, the EIS/EIR should include a fiscal analysis outlining the construction and operating costs of such an operation and the potential revenue and job generation and why the revenue and job generation would be insufficient economic development for the Tribe.

**Provision of Lands-in-Trust Off-site and a No Gaming, Mixed-Use Alternative:** This alternative would provide that Point Molate is developed with a non-gaming mixed-use project, perhaps similar to that proposed in Alternative D. Additionally, off-site locations for lands to be taken in trust for the Tribe and used for economic development would be included. This could include the acquisition of lands near their traditional home or other sites not proximate to Casino San Pablo.

#### 6. **Incomplete Project Description.**

The project description is incomplete because it does not include the California Governor's approval of a gaming compact, or the Governor's consent to early transfer of the lands still held by the Navy before the hazardous materials onsite are remediated as approvals required for the project to proceed. The Section 1.6 of the EIS/EIR, *Regulatory Requirements*, must be revised to include these additional approvals required for the Project.

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The City of San Pablo is concerned about the many significant adverse impacts that the proposed project may have. Our comments have been made within the constraints of time and our resources. We will look to the comment letters from other agencies, especially responsible or trustee agencies, to address the adequacy of the technical analysis in the EIS/EIR particularly relating to biology, water quality, air quality and transportation impacts.

The City of San Pablo looks forward to the opportunity to review and comment on a revised and re-circulated EIS/EIR and the Responses to our comments.

Sincerely,



Leonard R. McNeil  
Mayor