



**AMADOR COUNTY
ADMINISTRATIVE AGENCY**

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February 3, 2005

Ms. Rhonda L. Morningstar Pope
Tribal Chairperson
Buena Vista Rancheria of Me-Wuk Indians of California
P.O. Box 162283
Sacramento, CA 95816

Project Title: The Buena Vista Rancheria Casino Project
Project Applicant: The Buena Vista Rancheria of Me-Wuk Indians of California

Dear Madam Chair:

The County is in receipt of your Notice of Preparation (“NOP”) of the Draft Tribal Environmental Impact Report (TEIR) for the proposed Buena Vista Rancheria Casino Project and submits this letter to provide initial comments. The mission of the elected officials and staff of Amador County is to provide leadership, accountability, and fiscal integrity to maintain a high quality of life for all our citizens. It is this mission that guides our concerns over potential adverse impacts this project may have on Amador County and its citizens. In its review of potential projects the County strives to achieve the following:

- Ensure the safety of Amador County residents;
- Maintain the quality of life in Amador County for residents by protecting our infrastructure, environment, agriculture, historical integrity, and open space areas;
- Ensure cost effective operation of County services without undue and unfair financial burdens on County residents and to protect the County from negative financial impacts.

It is important to note from the start that the proposed Project will have substantial impacts on the County and its residents. The NOP anticipates a very large casino operation with a gaming floor with 2000 slots and 80 gaming tables, which will generate traffic to require a parking facility for 3500 to 4000 vehicles. Such a facility will undeniably have major impacts on a wide range of matters affecting life in our small rural County which based on the 2000 census is only 35,100 residents. To identify more specific concerns County administrative staff surveyed various County departments and agencies. Summarized below are issues identified through this process regarding potential impacts from the Project that the County requests that the Tribe analyze in the Draft TEIR (“DTEIR”). The County does reserve the right to supplement and expand upon these matters as more information about the project becomes available, including the DTEIR.

I. Public Safety

A. Sheriff

The extent to which Sheriff services will be affected depends on the law enforcement model that the proposed Buena Vista casino utilizes, ranging from local law enforcement handling all services to the Tribe establishing its own police entity. Regardless of the model, a number of service areas will be affected, including law enforcement services, jail population, emergency dispatch services, and Sheriff's administration.

Of these service areas, law enforcement shoulders the largest impact from a Buena Vista casino. Experience from throughout California and the nation indicates an increase in crime correlated with a large casino enterprise. The Sheriff must respond to crimes that occur within the casino and in the areas around the casino. Those responses to crime detract from the Sheriff's staffing levels in other parts of the County, and the ability to prevent and respond to crime in those other areas. Therefore, the casino would need to contribute to funding additional law enforcement officers and first line supervisor positions to avoid a negative impact on the rest of the County. How many is dependent on what level of service the casino is going to require from the County and what services the casino is going to provide on its own, understanding that sworn peace officer personnel in California will be required for any off-reservation law enforcement activities. In addition, Public Law 280 requires local law enforcement agencies to respond to on-reservation calls for service. Additional personnel would also require additional support equipment.

Studies have suggested that casinos attract a different type of crime than usually experienced in rural counties. In that case, specialists may be required to effectively handle new categories of crime to the County, e.g., gang violence, organized crime, and money laundering.

B. Jail

The increase in crime and subsequent arrests generated by the proposed casino will have a disastrous effect on the jail. The County jail is already operating at 10.5% above inmate capacity. There simply is no additional space in the jail to accommodate any further increase in booking or inmate population. The only solution is to build additional bed space and provide for the additional staffing required for that bed space.

In addition to securing more bed space, there will be associated costs to incarcerate inmates who can be identified as being in the jail as a result of criminal conduct related to the casino or attendance at the casino.

C. Emergency Dispatch Services

Emergency dispatch services are currently approaching the capacity level for the current staffing in the County Emergency Dispatch Center, operated by the Sheriff. The Center currently dispatches for the Sheriff, Ione Police, Jackson Police, Sutter Creek Police, Amador City and Plymouth law enforcement services, the American Legion Ambulance, County Animal Control, Amador County District Attorney, and Amador County Probation Dept. and after hours

for the Amador County Public Works/Road Department. The center is also the only “911/Public Safety Answering Point” for the entire County.

The addition of dispatching emergency services to and around the casino will have an impact on the ability of the Emergency Dispatch Center to keep up with the demands for emergency services and will likely require additional staffing and equipment.

D. Sheriff’s Administration

Sheriff’s administration must organize, support, and pay for the operations of all of the Sheriff’s services. The accounting, payroll, record-keeping and other support services of the Sheriff are already at the breaking point. The administrative support staffing level at the Sheriff’s Office is currently 43% lower than it was two years ago.

The Sheriff could not currently support the addition of personnel or a demand for services without increasing the ability of the administrative support staff to keep up with the administrative matters that support all of our operations.

E. District Attorney

Almost 11% of the District Attorney’s entire criminal caseload in 2002 resulted from crimes committed at the Jackson Rancheria, the currently operating Indian casino in the County. The financial impact upon the DA’s office for investigating and prosecuting crimes committed at the Jackson Rancheria in 2002 was \$256,824.

We anticipate that the proposed Buena Vista Casino project will result in an even greater increase in crime, and consequent impact to the DA’s office, than the Jackson Rancheria facility, primarily because of the anticipated intention of serving of alcoholic beverages and the increased size of the project. We anticipate that the greatest increase in crime will occur in the number of crimes committed by Casino patrons either en route to or returning from the Casino. It has been our experience that these crimes are typically drunk driving, vehicular manslaughter, driving on a suspended license, and other traffic-related offenses, as well as narcotics-related offenses. We estimate that off-casino crimes are at least equal to, if not greater in number, than casino crimes.

Every case referred to the DA’s office involves the attorneys, supported by investigative services, and clerical staff. Sometimes, the investigative and/or Victim/Witness staff is involved. Significant staff time and resources will be involved in handling the increased caseload as the result of the proposed Buena Vista casino.

F. Public Defender

The Public Defender’s office will experience an increase in caseload directly related to the increase in on- and off-casino crime and arrests, as described above.

G. Probation

Recent research shows many gamblers experience the same euphoria and let downs from gambling as drug addicts do from drugs. Taken to the limits, addicts of any kind lose the ability to appropriately prioritize their lives and actions. This can lead to poor parenting, destruction of healthy families, and even crime. A problem can be created when employees working shift work lose contact with their children's activities. A child with poor supervision may tend to become truant and even criminal in severe cases.

The Probation Department's drug offender caseload is filled with people who cannot control the temptation of drugs. Preliminary reviews of the statistics indicate a large number of them were arrested at the casino. Other caseloads also contain offenders from the casino. Any new offender requires appropriate assessment and supervision.

Overall increased referral to the Probation Department will occur as a result of a new casino. This will require the addition of well-trained probation officers with the physical and psychological tools to repair victims, increase public safety, hold offenders accountable for their actions, and assist in the development of positive lifestyle competencies.

Tracking the casino's role in caseload increases is also important. The County will require a better means of tracking the current casino-related caseload. The implementation of an appropriate case management system offering information sharing between agencies (i.e., sheriff, DA, probation and court) may answer many questions in a fair, standard, and tribal/county approved manner.

H. Fire Protection

The Buena Vista Rancheria is wholly surrounded by and is contiguous on all sides to private lands protected by the Jackson Valley Fire Protection District. The District provides volunteer first responder services for fire protection, emergency medical services, rescue services, and hazardous materials response. At present, the Jackson Valley Fire Protection District has no paid employees.

Construction of the proposed casino and multi-level parking structure accommodating 3,500 to 4,000 guest and employee vehicles at any given time will increase the number of emergency responses for each of the above classifications. The total number of guests and vehicles present at the casino in a 24-hour period is of course considerably greater. Concurrently, there will potentially be a new category of rescue service required, namely, elevator rescues. Construction of a warehouse on the lower level floors may significantly increase the potential for room and content structural fires and for hazardous materials spills and/or leaks depending on the types and quantities of materials stored in the warehouse.

Off-site wastewater treatment alternatives may cause additional emergency responses depending on the size, location, and effluent treatment method selected. The greatest potential impacts would likely be in the form of electrical hazards, equipment fires, and chemical spills and/or leaks. These problems will be exacerbated by the casino project's lack of an adequate water supply to service the proposed facilities.

Potential impacts to public services, including fire protection, are potentially significant since access routes to the proposed Buena Vista Rancheria Casino project include State Highway 88 and numerous narrow two-lane roads maintained by Amador County. The incidence of vehicle accidents may increase significantly based on the following factors:

1. Vehicle trips on these state and county roadways will increase exponentially.
2. The majority of guests and employees will likely be unfamiliar with the roadways.
3. During winter months, weather conditions are often unfavorable, especially in the form of fog that inundates the area for days or weeks at a time.
4. Depending on the decision of the Buena Vista Rancheria Tribal Council, the Buena Vista Rancheria Casino may engage in the on-site sale of alcoholic beverages with substantial impacts on off-site roadways.

To a lesser extent, the number of vehicle fires and the number of wild land fires caused by casino guests within the Jackson Valley Fire Protection District boundaries would also increase.

Historically, the Jackson Valley Fire Protection District has been successful in delivering an acceptable level of fire service within the district and has been able to provide mutual aid responses to adjacent districts. The potential effect of this project is that a volunteer fire department will not be able to handle the increased level of service associated with this project. Discussion regarding mitigation of off-site impacts should include the following:

1. Acquisition of a site and construction of a fully equipped fire station near this project.
2. Provision of paid Advance Life Support personnel to staff that station.
3. Purchase of fully equipped specialized apparatus capable of addressing fire-related issues inherent in a multi-level casino and/or parking structure.

I. Flood Control

The north end of the proposed project site is shown on the FEMA Flood Hazard Area maps as being in Zone A, Special Flood Hazard Areas Inundated by 100-year Flood with no base flood elevations determined. This is a concern not only for development of the casino itself but also as it affects evacuation/transportation routes to and from the site in the event of a flood. Having several thousand patrons at the casino in the event of a flood should be addressed not only in the TEIR but also in any emergency plans developed for the casino.

In addition, the Amador County Office of Emergency Services (OES) will be required to plan for the handling of all types of emergency situations and to accommodate the casino and its patrons. We anticipate an increased workload for OES as a result.

J. Social Services

Experience with the currently operating casino shows that almost 25% of the County's Child Protective Services (CPS) caseload involves parents employed by the casino. We anticipate a similar increase in the CPS caseload as a result of a new casino in operation. Caseload increase would require increased staff and support resources.

K. Public Health

Each month, the County's Public Health Department is called in to conduct communicable disease investigations at the currently operating casino. We anticipate an increased demand on the time of the Public Health Nurse and the Health Officer to handle similar investigations at a new facility.

L. Alcohol and Drug Abuse Prevention

Three addiction behaviors that require County services require consideration as to the effects of a new casino: alcohol use, drug use, and problem gambling.

County services enrolled a total of 261 participants in its Driving Under the Influence (DUI) Program in 2004, with some cases directly attributed to the Jackson casino as arrest records would show. Law enforcement arrest rates can also show in-county and out-of-county residents arrested for alcohol and drug use associated with gambling at the currently operating casino in Jackson. We are already experiencing an influx of referrals for drug use through the Prop. 36 Drug Diversion Program. Approximately 120 people have been arrested at the Jackson Casino since 2001, but the majority are from out of county and not seen in our program. We anticipate that with the opening of the proposed new casino, arrest and program participation rates will increase. In fact, more locals may be drawn to the Buena Vista Casino because of the availability of alcohol, resulting in increased arrests for both drugs and alcohol.

Recent legislation (AB 673) authorizes the State of California Department of Alcohol and Drug Program (ADP) to establish the Office of Problem Gambling (OPG) with funding from the Indian Gaming Special Distribution fund. However, there is no indication that the funding will be allocated to counties to address this issue.

We estimate it would take at least one Alcohol and Drug Counselor III to address the treatment and prevention activities associated with related court referrals and the dictates of AB 673.

M. Pedestrian safety

Due to the rural nature of the surrounding area, the dramatic increase in traffic caused by the proposed casino pose particular risk to pedestrians and bicyclists. School children walk to

and from their bus stops along the roads leading to the casino. Adequate sidewalks and school bus stops need to be constructed to accommodate safe passage for the school children facing the dramatically increased traffic brought by the casino.

Also, the weekends bring as many as hundreds of bicyclists to the area. The increased traffic would pose significant hazard to the safety of those cyclists.

N. Alcoholic Beverage Service

It appears that the Tribe is anticipating serving of alcoholic beverages in the casino facilities. Study should be made of the alternative of no service of alcoholic beverages.

II. Infrastructure and Environment

A project of this scope will result in a huge increase in traffic and the commensurate impacts on air quality, noise, safety, and infrastructure. The casino project description needs to be more defined to the point that the proposed locations for those facilities/uses to be located off-site are identified. Until this is done, it will be impossible to adequately identify and address potential environmental concerns. However, given the current project description, we have identified the following concerns regarding infrastructure and the environment.

A. Roads

The development will have regional impacts as well as local impacts to our road system, land development workload, waste management handling, and drainage. We have identified the following minimum improvements or concerns that need to be addressed by the proposed Buena Vista Casino project:

1. Obtain appropriate right-of-way and improve Buena Vista Road and Coal Mine Road within available to Class I status (12 ft. lanes, 4 ft. shoulders, substantial passing opportunities) including culvert extensions on Coal Mine Road in accordance with County Code Sections 12.80 and 17.90.1;

¹ The County has an easement for County roads over Coal Mine Road and Buena Vista Road. The easement was obtained first by the public and then by the County through implied dedication and/or prescriptive use and not by express dedication or express conveyance. The fee is owned by the adjacent landowners. The County's position has historically been, but untested in court, that the road easement extends over the width over which the County has assumed dominion and control from the landowners, or, to put it another way, on what the adjacent landowners have relinquished dominion and control over, which is usually from the cattle fence on one side of the roads to the cattle fence on the other. If the rights of way need to be expanded to make the roads safer, the County may have to obtain the increased width by eminent domain. Further, one or more landowners may contest the County's rights outside the pavement

construct 4 lane bridge on Buena Vista; the newly-built 2 lane bridge will be inadequate to hold the greatly increased traffic produced by the project.

2. Construct improvements to Buena Vista/Jackson Valley intersection per Chapters 12.80 and 17.90 Code requirements; also this intersection floods frequently and that will need to be remedied.
3. Construct signal improvements at the SR88/Buena Vista Road intersection.
4. Construct improvements at Buena Vista Road and Coal Mine Road to accommodate increased bus traffic, including illumination.
5. Construct left turn lane on Buena Vista Road at entrance to Amador County Landfill.
6. Construct left turn lanes at proposed entrances to casino (only two encroachments will be allowed).
7. Install signage on SR88 to direct traffic to Buena Vista Road as preferred route to casino, not Jackson Valley Road.
8. Identify truck trips and impacts from hauling potable water and provide suitable mitigation.
9. Enter into a Road Maintenance Agreement (RMA) with Amador County to maintain and repair any road damage attributed to the project's construction.
10. Conduct a Traffic Study to determine what safety improvement and signage is needed on Stoney Creek Road to meet Caltrans' Manual (study report only is required).
11. Provide for the increased workload needed to conduct accident investigations.
12. Construct improvements to Michigan Bar Road, SR 16, 124, 104, and 49.
13. Mitigate the increased commercial and residential development/subdivision workload in surrounding area and communities as the proposed casino as employer and "attraction" will create a demand for development.
14. Increased Road Crew staff time and equipment is required due to

and maintained shoulders of the roads. This situation should be studied and discussed and its costs estimated.

additional road maintenance needs.

As concerns projected road improvements in Rights of Way, study should be made of the impact of such improvements on endangered species. The rights of way and the land adjacent thereto may be the habitat for endangered or threatened species including but not limited to Ione Manzanita and Ione Buckwheat. It will be necessary to find whether those colonies exist and how those colonies, if taken for road expansion, can be mitigated.

In addition to the above, the following related to roads should be included in the study:

- a. The Oaks mobile home community with more than 200 units is located close to the intersection of Buena Vista and Jackson Valley Roads. It generates a great deal of pedestrian traffic including young children. There are no sidewalks. Study should be made as to how the increased traffic from the proposed project will impact safety and the mitigation of safety problems.
- b. The Oaks mobile home community is the pick up point for the area's schoolchildren to get on school buses. Every day approximately 240 schoolchildren are dropped off at the entrance to the community to get on school buses. Study should be made of the safety impacts of the proposed project on these children as they travel to and from the bus stop.
- c. The proposed entrance to the casino project is at the bottom of a hill, posing an apparent dangerous situation to cars coming down the grade.
- d. Discuss the need for a second entrance/egress point to the project and its location.
- e. The area experiences many days of dense fog each year; discuss its impact on traffic and safety.
- f. Discuss the anticipated patronage of the casino and their anticipated traffic patterns including what portion of patrons are expected to come from what areas and their projected routes of travel.
- g. Discuss the traffic and safety impacts of the anticipated plan of trucking in water to the site and trucking out effluent, if necessary to do so.
- h. Discuss the anticipated increased costs to the County for maintenance and resurfacing of County roadways, due to the increased traffic levels produced by the proposed project.
- i. Discuss the proposed project's impact on CHP obligations for Vehicle Code enforcement in the County

B. Drainage

The drainage impacts of the proposed project on off-reservation lands and waterways should be studied and mitigated, both during construction and afterwards. Please include comments on the following:

1. During all construction activities, any unnecessary paving, covering over or compaction of soil shall be avoided.

2. To eliminate storm water pollution and soil erosion:
 - a. Construction activities involving grading and excavation shall be conducted between April 15th and October 15th when major storms are not likely to occur, otherwise, a winterization plan for the October 15th to April 15th period must be applied for and approved. The required measures must be in place by October 14th.
 - b. Prior to the issuance of a Building Permit or Grading Permit, submit a drainage study to Public Works Agency for the entire project, prepared by a Registered Civil Engineer, conforming to the criteria listed below.
 - c. Said study shall consist of calculations and a plan showing drainage areas, demonstrate adequate positive storm drainage facilities both on and off the subject property and indicate any potential off-site impacts; particularly to down-stream properties which may be caused by on-site improvements. The drainage study of the entire project area must be completed and approved prior to beginning of construction activities related to this project. Said study shall identify any increases in runoff due to project construction and propose methods to either: (1) detain such increases on site, and/or (2) make improvements to off-site facilities to ensure safe conveyance of such increases via existing drainages. Provisions for ongoing maintenance of such facilities shall be made and such responsibility designated prior to approval of said study.
 - d. If the study indicates the need for drainage improvements, the project proponent shall submit an improvement plan and cost estimate, with the necessary calculations, all prepared by a Registered Civil Engineer and in conformance with County Ordinance Chapter 17.90.120. Improvements may be completed in Phases as required with each final map.
 - e. Design of the drainage plan shall be in conformance with criteria as designated in County Ordinance Chapter 17.90.120, including rights-of-way, conduits, channels, swales and appurtenances as needed to provide adequate positive storm drainage facilities.
 - f. Runoff from parking areas and roadways shall be channeled into retention ponds to meter flow into surface water systems and to act as catch basins for impurities in accordance with Best Management Practices.
 - g. Erosion control plans are to be submitted and approved, with grading plans, to the Public Works Agency.

C. Solid Waste Management

1. Impact to capacity at Buena Vista Transfer Station needs to be addressed. The existing Transfer Station cannot handle the increase in material from the Casino and associated development.
2. Provide for the monthly or more frequent pick-up of roadside litter/trash on the following roads: Buena Vista Road; Coal Mine Road; Jackson Valley Road.

D. Other Environmental Impacts

The increase in traffic due to the proposed project will have direct impacts to air quality in the area. The project may include under the heading “retail outlet” a gas station, which could potentially impact air quality, and if exempt from state taxes, be a significant generator of traffic on its own. Any underground fuel tank(s) related to a gas station, backup power supply or other use would pose a potential threat to groundwater quality as well.

In addition, significant noise will be generated during construction. Also, it is anticipated that the project will result in 24/7 operations with the potential to significantly increase noise in the area due to the facility itself as well as traffic and any induced growth.

The proposed project would appear to have potential impacts on off reservation properties and waterways resulting from, among other things, water runoff and drainage concerns (discussed in part above). The potential impacts of the following should be included in the study: (a) the site is not level and slopes towards the intersection of Buena Vista And Jackson Valley roads and the creek. The runoff will pass thru other properties on the way to the creek; (b) any impacts on wetlands; (c) You assume there will be on site waste treatment; if this occurs, where will you discharge the treated water and what will its impacts be on off reservation properties and waterways; and what governmental permits will you need to obtain for such discharge?

E. Animal Control

At the currently operating Jackson casino, the tribal police have requested the assistance of County Animal Control on several occasions, resulting in an increased workload. In addition, the number of stray animals near the casino increased measurably after the expansion of the casino. The increased workload will result in an increased strain on the current staff and department resources.

F. Water

The availability of water sources for the proposed project must be carefully studied. It is unlikely that groundwater will be a safe and reliable source of domestic water for the project. The effects of any groundwater usage on underground aquifers, water tables, rivers, creeks and other waterways including off reservation effects, should be studied.

Any hauled water option should be studied carefully. We do not believe it can be considered safe and reliable and is an unrealistic solution for any length of time. The most likely scenario to support the project is piped potable water, which currently does not exist in close proximity to the project site. A treatment plant on site to treat JVID raw water is problematic and would not likely be approved as a water source for surrounding development. A water main extension from Ione is a preferred solution as would be participation in securing an alternate approved raw water source with construction of a treatment plant. Potential impacts, including growth inducement, for these options should be evaluated. Additional evaluation of how this project impacts existing off-reservation water rights should also be evaluated in light of existing uses and commitments.

Reuse of reclaimed water on site has some potential for cross connections and potential risk to guests in the event of plant upset. The 2001 Environmental Assessment estimated 33,500 gallons of wastewater per day to be generated by project completion. The County receives monthly reports from local septic tank pumpers which include data on wastewater pumped from the wastewater plant serving a similar facility. The pumping data changes from month to month and sometimes exceeds 100,000 gallons, suggesting that plant upset may be a fairly frequent occurrence. Any discharge of water to on-site drainage ways will result in the reclaimed water moving off-site to lands and waterways, the effects of which should be carefully evaluated, disclosed and mitigated. Sale to off-site users will require approval by the Regional Water Quality Control Board and may result in adverse impacts to public health and the environment – particularly in light of the potential for plant upset. Participation in a regional wastewater plant owned and operated by a qualified public entity would be the preferred option, but no such plant currently exists. This option should be evaluated.

G. Hazardous materials

Although the TEIR scope indicates the project would not involve the transport, use or disposal of hazardous material, the project will likely result in at least a modest potential for the increase in the transport, use, and disposal of hazardous material. The TEIR scope contains no discussion of the extension of a natural gas pipeline to the project site, which suggests the presence of a fairly significant volume of propane stored on site at the facility. Energy sources for the proposed project should be discussed, including the following. How much propane will be stored on the property for use? Will chlorine be stored on the premises for treating water if on-site sources are used? Will gasoline and diesel for vehicles/equipment be stored on premises? Will a gas station be one of the auxiliary guest support uses? If not, how will these uses be prohibited?

Additional fuels for backup power supply, landscaping chemicals, etc., will increase the potential for impacts to the surrounding community. Potential hazmat situations, such as the fire

sprinkler break at another facility, will result in impacts to County resources responding to the event.

H. Character of the area: Incompatible land uses

Development of the proposed casino project adjacent to two mining operations (to the east and the west) creates the potential for land use conflicts between the two uses. Area agricultural operations may create noise, odors, dust, etc., during the course of normal operations which may be objectionable to casino guests.

In addition, a cogeneration/power plant is located on Coal Mine Road directly across the road from the proposed Buena Vista Casino. Jackson Valley Energy Partners closed the facility in 1999 and placed it into bankruptcy. It hasn't operated since, however there have been numerous inquiries about District requirements that would allow the facility to reopen and generate power. The most recent inquiry (January 10, 2005) was from a potential buyer who has secured funding and is currently negotiating the purchase of the power plant from the bankruptcy court. Though the facility is now inactive, it could be reactivated or put to some other use(s) which may not be desirable to the casino and/or its patrons. An operating power plant could be the subject of complaints about smoke and odor from visitors to the proposed casino, which the air district would be required to investigate those complaints, increasing outlay of district resources.

I. Aesthetic impact

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Aesthetic impacts from a significant increase in light and glare (based upon experience from existing casino facilities) need to be addressed. The proposed site is only 575± feet wide so keeping light and glare generated by the project within the boundaries of the property will be difficult, if not impossible.

The proposed development on the parcel as currently configured would be difficult, at best. The presently available project description indicates that about 30 of the 709 acres included in the parcel would be developed. The description indicates that multi level parking for 3,500 to 4,000 cars would be provided. On a single level, this amount of parking would likely require about 30 acres. How many parking levels are being considered and what would this look like? There is concern that the project may include subsequent phases in which adjoining properties are purchased and annexed to the tribal lands for expansion with minimal input from local agencies and the public. Potential cumulative impacts should be included in the study.

Signage in or out of county such as billboards along highways leading to the project site should also be considered as to aesthetic impact.

J. Buena Vista Peaks and historical sites

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Grading, lights, traffic, and structures directly associated with the project as well as subsequent resulting growth could adversely affect the appearance of the Buena Vista Peaks, considered a scenic landmark in the valley. Please provide a survey or mapping showing the orientation and proximity of the project to the peaks.

The Buena Vista Peaks are also reported to be of special importance to one or more Native American groups; this should be evaluated. Would development as proposed adversely impact their significance in the opinion of the group(s) that holds the Peaks in special regard? Any necessary off-site improvements to roads, water, sewer, etc., necessary to serve the project have the potential to impact cultural resource sites of significance, and should be evaluated. The routes and potential for impact by these items is not yet known and needs investigation.

In addition, the Buena Vista Saloon is an historical site dating back to the times of the gold rush. Sites such as this are of local significance and could be adversely affected by a casino.

K. Growth inducement

Bringing potable/domestic water to the Buena Vista area has the potential to increase development of areas in and around Buena Vista from its current 5 acre density to a 1 acre or higher density. This will need to be addressed as a growth-inducing impact. There will also be an increased interest in expanding the areas available for development in the area which will have an impact on Planning Department staff time/resources just in processing these requests whether they are inquiries or actual applications.

Study should include how the project will affect the existing industrial and agricultural character and use of the area, including whether it would affect the ability of nearby business operations to remain viable due to insurance and dealing with complaints lodged by the project proponents, their guests, and persons related to the subsequent induced growth. This would likely result in the conversion of farmland to other uses such as residential or commercial development to take advantage of the market created by the project.

With an existing unemployment rate of only 4.7% in Amador County, and with the projected requirements of the casino, the study should evaluate whether it would be possible to staff the operation using only existing residents; we believe it is likely the project will require numerous jobs which exceeds the locally available labor force. It is unlikely that these jobs will pay enough to warrant a significant commute; therefore, a demand for additional housing in fairly close proximity will result, and should be studied. The casino may not displace existing housing but the increased employment will create a need for housing, raising more issues of growth-inducement, required public services and the jobs-housing balance. This demand may induce surrounding property owners to change their land uses to cash in on the need. It is possible that the project may trigger an application by The Oaks MHP to expand beyond their existing permitted size to accommodate some of the demand for housing.

The workforce attracted to the Buena Vista casino, local residents as well as commuters from other counties, should be protected with the same rights and regulations as other employees in the State of California.

The workforce will also require support services, such as childcare. Given the project parameters, we assume that the Buena Vista Casino would require at least 1,500 to 1,800 employees. Assuming only a very low number of those employees will have children in need of

child care – say 30% – that would add an additional 500 to 600 children. That assumption is low when compared to the family survey completed by the Amador Child Care Council in 2004, which showed 75% of families having children in child care; using that percentage, the number of children added exceeds 1100.

The Amador Child Care Council Needs Assessment 2003-04 indicates that there were 3,249 children ages 0-13 in Amador County with parents in the workforce, with licensed childcare slots available for only 24% of those children. Where will these new families be able to find care for their children, especially if they are working “non-traditional” hour shifts overnight and on weekends?

The Jackson Rancheria has set an example to other Indian gaming operations by providing a child care center for the children of its employees. The Buena Vista Tribe should study that option. Should they choose to build and operate a childcare center, we would strongly suggest that they comply with existing Title 22 regulations for licensing childcare facilities in the State of California.

The study should include analysis as to whether the proposed project may have an impact on schools due to the number of jobs created and the potential immigration of workers and their families to the area.

I. Endangered Species.

Study should be undertaken on the impact of the proposed project on off reservation endangered species and ways and means to mitigate such impacts.

J. Underground Tunnels.

There is some belief that there are underground tunnels from mining, etc on the project site. Study should be made to determine whether this is so and if so, their impact on structural and seismic safety, as well as potential impacts on groundwater supplies.

K. Specific Location of Structures and Improvements

Please identify the location and size of the proposed facilities and improvements in the Draft TEIR.

III. Additional Financial Impact

A. Property Tax Revenues

There will be some costs unique to the casino project that we feel are over and above what we would normally be expected to incur. The project would require a specialized appraisal of the completed property and possibly the retention of an appraisal firm. After conferring with a commercial appraiser and other counties, we feel that the cost of a contracted appraisal would be between \$45,000 and \$55,000. This should also include the cost to defend and explain the value before the Board of Equalization.

Other issues such as how other local property values are affected or whether or not the subject property is assessable is something that would be done in the normal course of office work. However, we believe that we might also need to consider more far reaching impacts. Should this casino go in, it may cause the residential makeup of the immediate local area and/or the County to change, as discussed above. The increase in jobs will lead to an increase in demand for homes – especially those for minimum wage or lower wage employees. With that comes an increase in supporting businesses. As those develop, the Assessor may need additional staff as well as office equipment and supplies. One additional appraiser comes with the need for a computer, a vehicle and other supplies.

In addition, we have determined that the mineral rights on this parcel are not owned by the Tribe. They are included in a holding of mineral rights on 280 acres designated as APN 012-100-015-000. The current assessed value is \$60,532. The Buena Vista Rancheria parcel is 70 acres or 25% of the total acreage. If the mineral rights are purchased back by the Tribe, and the entire parcel goes into trust, Amador County will lose the taxes on approximately \$15,000 of mineral rights and \$65,000 on the real parcel. That would be the equivalent about \$800/year in property taxes and this value would be increasing annually.

B. Staff time

The increased workload on many County departments as direct and indirect results of this development have already been noted in many cases, but there will undoubtedly be other workload impacts that are less noticeable but nonetheless impact County operations and costs. For example, County Counsel, County Administration, Personnel, Assessor, and Recorder are all departments that will experience increased workload as a result of this proposed project. Staff time will be expended handling complaints and inquiries regarding casino related issues (noise, lights, traffic, trespass by visitors, etc.). The added time and workload strains already stretched County resources.

The Planning Department will be heavily affected, for example, in processing CEQA review of all off-site portions of the project. Potentially, water lines, effluent disposal areas, off-site agricultural land applications, could be located on property(ies) within the County's jurisdiction and thereby create additional workload to Planning staff. The location of some of these facilities could impact known endangered species in the area.

The Planning staff will expend additional time and resources processing increased requests for land use amendments (general plan and zoning) because area property owners want to change designations to higher density residential and commercial as a result of development of a casino. No lodging is proposed by the Tribe, so it is anticipated that changes to the County's general plan will be requested for such uses.

The County Counsel's office anticipates expending a significant amount of billable time, estimated to be 540 hours, including:

1. Preparation for negotiations with the Tribe, 80 hours.
2. Negotiations with the Tribe, 40 hours.

3. Review of negotiations with Board of Supervisors and staff, 30 hours.
4. Review and preparation of comments on TEIR, 30 hours.
5. Review of mitigation agreement between Tribe and County, 30 hours.
6. Review and processing of CEQA documents for Coal Mine Road, Buena Vista Road, and other road improvements, 30 hours.
7. Preparation of contracts for road improvements, 30 hours.
8. Preparation and execution of eminent domain cases for additional road width, 200 hours.
9. Annual reviewing and updating of mitigation measures, 20 hours.
10. Annual increase of time of representation of CPS, 40 hours.
11. Annual increase of workload from casino's impacts on other departments, 40 hours.

Please note that these estimates do not include time to be devoted to any required arbitration in the event negotiations required by the compact do not produce a complete agreement.

IV. Alternatives

We request that you evaluate a range of alternatives to the proposed project. Such alternatives should include casinos with reduced numbers of slots and gaming tables (e.g., 500 slots/20 gaming tables, 1000 slots/40 gaming tables). The analysis of these and other alternatives should discuss whether or not these smaller projects would meet the needs of the Tribe and the reasons for any conclusions drawn.

V. Conclusion

As evidenced above, this Project will have not only a significant negative influence upon the community's quality of life but also numerous economic and environmental impacts. The County looks to the DEIR to both analyze the effects of the Project and describe what actions will be taken to mitigate and protect the quality of life, character of the environment and financial stability of Amador County. The County is deeply concerned that without adequate mitigation it falls upon the general population of the County to subsidize costs attributable to this proposed Project, even where directly linked to the proposed casino. The County looks forward to a comprehensive DEIR that addresses the issues noted above. This letter is submitted without prejudice to the County's right to object to the project in its entirety including without limit to assert the Tribe cannot undertake the project at the site proposed.

Thank you for your consideration of this information. The County appreciates and looks forward to the opportunity to discuss these issues with the Buena Vista Rancheria of Me-Wuk Indians of California.

Sincerely,

Patrick Blacklock
County Administrative Officer

- c: Members, Amador County Board of Supervisors
- The Honorable Arnold Schwarzenegger, Governor, State of California
- Mr. Peter Siggins, Legal Affairs Secretary
- The Honorable Dan Lungren, Congressman
- The Honorable Dianne Feinstein, Senator
- The Honorable Barbara Boxer, Senator
- The Honorable Dave Cox, Senator
- The Honorable Alan Nakanishi, Assemblyman
- Mr. Dennis Whittlesey, Attorney at Law
- Ms. Cathy Christian, Attorney at Law
- Mr. Jim Parrinello, Attorney at Law
- Ms. Judith Albeitz, Counsel for the Tribe
- Mr. John Hahn, Amador County Counsel
- Mr. David French, ENS Resources, Inc.
- Mr. Wes Lujan, Advocation, Inc.
- All Amador County Departments
- All Amador County Cooperating Agencies