



**AMADOR COUNTY
ADMINISTRATIVE AGENCY**

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June 24, 2005

Draft TEIR Comments
Buena Vista Rancheria
PO Box 162283
Sacramento, CA 95816

Re: Comments on Draft TEIR for Proposed Buena Vista Rancheria Casino Project

Dear Sir or Madam:

The County submits this letter to provide comments on the document entitled Draft Tribal Environmental Impact Report ("DTEIR" or "Draft TEIR") dated May 11, 2005.

The DTEIR contemplates a large facility with 2000 slot machines, 80 gaming tables, restaurants and lounges, a 3500-4000 car, multi-story parking garage, a wastewater treatment plant, and trucked-in water, all of which will generate enormous vehicular traffic on narrow, rural, 2-lane roads that are seriously inadequate to handle such traffic both with regard to public safety and traffic flow.

The proposed casino project will have profound impacts on the County and its residents on a wide range of issues from public safety to quality of life to fiscal integrity. The Governor in negotiating the language of the Amendment recognized the public outcry in counties and cities where casino operations have overwhelmed government and residents, and inserted protective language requiring a meaningful environmental evaluation including mitigation measures. The DTEIR falls well short of what is required. It omits discussing many issues of importance, and does not even provide analysis and reports on critically important matters, including potable water availability and wastewater discharge onto neighboring properties and nearby waterways. Further, it defers any meaningful analysis of mitigation measures until some undetermined time in the future. The County is deeply concerned that without adequate mitigation the burden of this project will fall unfairly on county residents. The Amendment was intended to prevent such a result.

Faced with a proposed project of this magnitude, it is the responsibility of the County and its elected officials and staff to safeguard the quality of life for all our residents to the greatest extent possible, including without limit to ensure public safety, preserve cost effective operation of County services without undue and unfair financial burdens on County residents, and to

protect infrastructure, environment, agriculture, historical integrity and open space areas. To identify specific areas of concern, County administrative staff and its various departments, agencies and affiliates have collaborated in providing the following comments on the DTEIR.

A. REQUIREMENTS FOR DTEIR

The “Amendment to Tribal-State Compact between the State of California and the Buena Vista Rancheria of Me-Wuk Indians of California” (“the Amendment”) states in Section 10.8.1.that the “The TEIR shall provide detailed information about the Significant Effect(s) on the Off-Reservation Environment which the Project is likely to have...[and] shall list ways in which the Significant Effects on the environment might be minimized... .” The Draft TEIR fails to satisfy these requirements.

The DTEIR, on issue after issue, fails to provide information in sufficient detail for a meaningful evaluation of Off-Reservation impacts¹, much less for the development and proposal of adequate mitigation. This failing occurs throughout the document, and a number of instances of particular relevance to the County are enumerated below.

Section 10.8.1(b) of the Amendment states in pertinent part, “Formulation of mitigation measures should not be deferred until some future time.” The Draft TEIR, however, defers discussion of mitigation measure after mitigation measure, including many crucial to the public safety, fiscal integrity and quality of life in Amador County. The DTEIR’s deferral of the definitive description and funding of mitigation measures not only undermines and violates the Amendment, it also makes the negotiation of an Intergovernmental Agreement with the County very difficult because it removes the factual foundation for bargaining. Section 10.8.8 requires the Tribe to “negotiate and enter into an enforceable written agreement with the County with respect to the matters set forth below:

(i) Provisions providing for the timely mitigation of any Significant Effect on the Off-Reservation Environment (which effects may include, but are not limited to, aesthetics, agricultural resources, air quality, biological resources, geology and soils, hazards and hazardous materials, water resources, land use, mineral resources, traffic, noise, utilities and service systems, and cumulative effects), where such effect is attributable, in whole or in part, to the Project unless the parties agree that the particular mitigation is infeasible, taking into account economic, environmental, social, technological, or other considerations.”

Thus, the inadequacy of the mitigation measures set forth in the Draft TEIR makes very difficult the viability of the good faith negotiations and resulting agreement required by the Amended Compact. The parties will find it very hard to discuss and agree upon mitigation measures that

¹ The term “Off-Reservation” is used as a convenience to refer to land outside the acreage owned by the Tribe, but we note that such land is not a Reservation as that term is defined by federal law and reserve all rights regarding same.

haven't been adequately described, quantified, or financially analyzed in the Draft TEIR. The Draft TEIR's deferral of mitigation measures in essence puts onto the County the burden of investigating and listing mitigation measures and their related costs that is contrary to the clear wording of the Amendment and is vastly unfair to the County.

B. OVERVIEW COMMENTS ON THE DTEIR

The DTEIR is disappointing and deficient in many critical respects. It is wordy but says very little of a concrete nature on issues that most impact the County. It defers to a later time---likely until after the project is built, up and running---the analysis of impacts and determination of appropriate mitigation for what will be clearly adverse impacts from the project. As pointed out in Cathy Christian's June 7, 2005, letter on behalf of the County to Judith Albietz, the Tribe's counsel, many portions of the DTEIR rely on reports that are either unfinished and/or unavailable, which plainly renders the DTEIR inadequate on its face.² Late on the afternoon of June 20, Ms. Albietz provided Ms. Christian with technical appendices for air, traffic and noise. Although a step in the right direction, this did not remedy the problem. First, this late submission makes it impossible to analyze this new data and comment on it by the June 24 deadline. More importantly, many other reports and studies on critical issues are still missing, such as water, waste and wastewater disposal and wetlands and biological resources, as detailed in Ms. Christian's letter.³ The County, accordingly, reiterates the request contained in Ms. Christian's letter that the DTEIR be withdrawn and supplemented with the missing reports, and then reissued for public comment.

Overall in the Draft TEIR of particular note is the failure to describe in detail the Off-Reservation features of the project that may have a significant effect on the environment. The discussion of major issues such as potable water availability and wastewater discharge off-reservation is virtually non-existent. The Project Description names such Off-Reservation improvements as possible road improvements, pipelines, and wastewater effluent discharge by several means that need to be described by location (several locations, if more than one is under consideration), existing environment, type and extent of effect, and so on, so that an opinion can be formed of the adequacy of the evaluation of effects. This is particularly important where several options may be available, such as the streams affected by live-stream discharge and the comparison of disposal methods for wastewater effluent, to name only a few instances.

² We incorporate Ms. Christian's letter into these comments by this reference.

³ To be specific, the reports and/or analyses referenced in the DTEIR but still not provided include but are not limited to:

- a. hydrological report on storm water drainage, volume, etc. [DTEIR pp. 51-52]
- b. potable water report on groundwater drilling program [DTEIR pp. 3, 5, 49-50]
- c. wastewater disposal options and analysis [DTEIR pp. 2, 49-50, 118]
- d. biological resource study and plan [DTEIR pp. 94, 96]
- e. report on school bus routes impacted by project [DTEIR p. 224]

All are of critical importance to a reasoned evaluation of the project's impacts on the County and its residents. Providing them only in the final TEIR is contrary to the Amendment and would frustrate the right of public comment.

The impacts that may be attributable to mitigation measures require a greater level of detail. Mitigation measures for traffic include road widenings and changes in intersection geometry on specific circulation system elements. The maximum extent of impact for such improvements can be determined within reasonable limits. Doing so would allow quantification of the impacts and a determination if some options (widening a road in one direction or the other, for instance) could reduce or avoid impacts. Any such quantification of Off-Reservation impacts is almost completely lacking in the DTEIR.

The failure to describe impacts in sufficient detail, or to even identify impacts associated with some features or possible features of the Project, frustrates the formulation of adequate mitigation for specific impacts. Such formulation is required by the Amendment, which states that the “discussion of mitigation measures shall describe feasible measures which could minimize significant adverse effects, and shall distinguish between the measures that are proposed by the Tribe and other measures proposed by others.” To cite just one example of the DTEIR’s deficiencies, it does not identify how many acres of wetlands and in what location will be impacted by the proposed widening of a road, and where and at what replacement ratio mitigation is proposed; such information is needed to determine the feasibility of a proposed mitigation measure and compare it to others. Comparisons of the feasibility and efficacy of mitigation measures are completely lacking.

With respect to efficacy, the Amendment requires the Draft TEIR to “include a detailed statement setting forth ... whether the proposed mitigation would be effective to substantially reduce the Significant Effects on the Environment.” It appears that nowhere in the Draft TEIR, for any mitigation measure, is such a detailed statement made. The requirement for such detail makes it necessary for the Draft TEIR to identify how effective the mitigation measure would be in reducing the significance of the impact, whether the mitigation measure would eliminate or substantially reduce the impact, and whether the impact would be significant after mitigation.

In most cases, the Draft TEIR merely states something that could be done as mitigation, without assigning a responsibility, naming the responsible party, indicating when in the project development process the mitigation will occur (when mitigation will begin and be completed), indicating how the performance of mitigation will be assured, and stating the significance of impacts after mitigation. The concept of mitigation in environmental practice in California includes these elements. A list of things that could be done to mitigate a given impact does not satisfy the requirement to require effective mitigation.

There is no evidence in the document that the Tribe has sought the mitigation proposals of others beyond the issuance of a Notice of Preparation (NOP). Since no quantified or detailed evaluation of impacts is contained in an NOP, no meaningful comparison of mitigation measures is possible until a detailed assessment of impacts has been presented. Because the formulation of mitigation is repeatedly deferred in the DTEIR, and because the mitigation proposals advanced are so often vague or general, the relative merits of possible mitigation measures for a particular impact cannot be compared.

As initially highlighted in Ms. Christian's June 7 letter, in a number of places in the DTEIR a technical study is cited but is not included as an appendix, nor is there any statement indicating where the study may be found, obtained, or reviewed. The Introduction to Chapter 14 of the DTEIR states that "Site-specific information or data which is not a matter of public record and which is not generally available to the public will be included in a Technical Appendix available to the public upon request." The only appendices to the DTEIR listed in the Table of Contents are air quality, noise, and traffic appendices. Nor does Chapter 14 indicate where many of the cited studies are available to the public. Examples of studies cited in the text that are clearly relevant to the evaluation of issues are biological, cultural, geological, water resources, and others. In some cases these studies were apparently not even available to the DTEIR preparers, since the document refers to them as in preparation or states they will be included in the final TEIR. The failure to provide these documents is critical, particularly in light of the lack of specificity of information in many parts of the DTEIR and the common failure of the document to assess Off-Reservation impacts in enough detail to allow a meaningful public discussion of impacts and mitigation. Furthermore, because the DTEIR is meant to provide information to the public and concerned agencies, this information needs to be included in the DTEIR and not deferred to the final TEIR.

The discussion of alternatives is not even-handed in its discussions of environmental effects. In discussing the reduced scale alternative, the DTEIR states "the reduced-scale project is not necessarily environmentally preferable since many of the resulting environmental consequences would be essentially the same as those for the preferred alternative." This statement is, if not misleading, certainly disingenuous. Undoubtedly it is true that many of the same types of Off-Reservation impacts would occur, but it is also true that the difference in degree or severity of those impacts could, and in many cases likely would, be substantial. Thus, the rather equivocal conclusion of the DTEIR that the reduced-scale alternative "is not necessarily environmentally preferable" is not supported by the information in the Draft TEIR.

In contrast, the discussion of a large-scale facility finds that alternative would lead to "a corresponding increase in potentially significant off-site environmental effects," and that the impacts, while essentially the same in type as those identified for the proposed project, would be greater in degree. The discussion of the large-scale facility, in fact, suggests that some impacts could be great enough to make mitigation economically infeasible; for instance, "it might become necessary to expand SR 88 to four lanes for its entire length to achieve an adequate level of service." Therefore, the DTEIR unequivocally states that the "larger Facility is not the environmentally preferable option." The conclusion is undoubtedly correct, but the treatment of the comparative effects of the reduced-scale and large-scale alternatives differs. By the logic employed in the discussion of the large-scale alternative, the reduced-scale alternative is almost certainly environmentally preferable. If it is not, the DTEIR does not present any convincing evidence that it is not.

The choice of alternatives seems to have been heavily influenced by the confidential gaming marketing report prepared for the Tribe. In light of the attention paid to increased mitigation obligations (the widening of all of SR 88), it would appear the choice was based on cost/benefit factors and not at all on the degree of environmental impacts. The DTEIR states the large-scale

Facility might be more desirable to the Tribe and to the State of California than is the preferred alternative, due to the greatly increased revenues. That may be correct in terms of revenue to the state, which is based on the number of gaming devices, but it might not be true in terms of benefits to the Tribe, since very much larger mitigation costs might be incurred which would be the responsibility of the Tribe. Moreover, there is no detailed discussion or justification whatever to support the DTEIR's abrupt dismissal of consideration of the reduced scale alternative, which is contrary to the Amendment.

While a smaller-scale casino might result in lower revenues for the Tribe and/or its investors, it appears almost certain that its effect on the Off-Reservation environment would be less. And a smaller-scale gaming operation would still provide a substantial gaming revenue stream, although that the size of that stream might not be as great as that produced by a larger casino project. Since the Amendment requires that the range of alternatives in the Draft TEIR should "feasibly attain most of the basic objectives of the Project and which would avoid or substantially lessen any of the Significant Effects on the Environment," the inclusion of the larger-scale alternative does not even seem to be justified.

The Amendment requires the TEIR to "evaluate the comparative merits of the alternatives." The DTEIR does so in terms of the reduced-scale and large-scale alternatives being not, or not necessarily, environmentally preferable. Stating what is not preferable seems to be merely a way of avoiding the question of which alternative is environmentally preferable. It would appear, from the discussion in the DTEIR, that the reduced-scale alternative would be environmentally preferable to the proposed project. If not, the Draft TEIR should provide convincing evidence that it is not.

Finally, if the proposed alternative was chosen on the basis of maximizing revenues to the Tribe, rather than on the basis of being environmentally preferable, the fact should be acknowledged in the comparison of the merits of the alternatives and, more importantly, the DTEIR should contain a detailed discussion of facts showing why a reduced scale alternative will not generate sufficient revenue to meet the goals of the Tribe which, as we understand it, consists of less than five members.

C. COMMENTS OF SPECIFIC SECTIONS OF THE DTEIR

For convenient reference, specific comments on the DTEIR are set forth below according to DTEIR section number.

Section 1.5.3 Air Quality: This section states, "Air impact analysis has been prepared for existing and projected off-reservation air quality with and without the project. Traffic impact analysis trip generation and trip distribution were used to develop air impacts." No technical study supporting this statement was available for review prior to June 20.

Section 1.5.7 Hazards and Hazardous Material: To assist first responders, hazardous materials must be stored in one place. The building must then be placarded as required by California Code

of Regulation: Chapter 3, Subchapter 2, Article 4, Section 6674. Please remember chlorine is the most used pesticide in California and chlorine will be used at the proposed wastewater treatment plant.

To mitigate the chance of wildfires, the Tribe will do weed abatement activities along nearby County roadways. The County will allow only County work crews to conduct weed abatement within County rights-of-way or easements. Therefore, a new spray rig for the County, at an estimated cost of \$100,000, would be needed to handle the weed abatement and corresponding pesticide issues, along with ongoing operations and maintenance costs, to which the Tribe should contribute proportionate annual offsets.

1.5.8 Water Resources: How much water is the proposed project going to consume? If wells are going to be used, monitoring programs should start now. The water table depth and recovery rate should be recorded in a year with good rainfall. What is going to be done during drought years? No specific information is provided in the Draft TEIR to address these questions.

Tertiary-treated effluent waters should be monitored closely. The State Water Resources Control Board Ag waiver issue is an important program and how will this project affect it? Any accidental release that finds its way off tribal lands could have an adverse effect on farming in the Jackson Valley.

It is stated that storm water runoff will be contained on site. If this is not done and water is released into the wetland areas of the tribal lands, drainage may be a problem. The main ditch is very clogged with weeds and would not hold much water.

Section 1.5.12 Population and Housing: (Reference sections 1.3.1 (Executive Summary), section 5.12-2 (page 27). Section 1.5.12 (also Section 1.3.1) states that the proposed facility will employ 1,975 people, of which 1,481 will commute up to 50 miles away. The DTEIR generally states the Tribe's belief that there would be no impact from new employees wanting to relocate to Amador County, but provides no analytical basis or data to support its assertion. Many of those commuters will relocate to Amador County to avoid the commute. The County's Library system is funded and operated by the County. Based on the American Library Association standards it is woefully inadequate in size to serve the current needs of the community. An average of 300 people visit the Jackson Library each day. Frequent users include school children, preschoolers, seniors, literacy students, families who home school, and special-interest groups such as ARC. The proposed facility could generate an additional 200 visits to the Jackson Library and/or its branch libraries each day. This would be a significant impact on the already inadequate facilities and would require additional staffing to assist those additional visitors. At a minimum, two additional full time Library Technicians would be needed. Cost for this additional staff would be \$91,767 annually, including wages and benefits. Please address and mitigate this impact.

Another result of population increase concerns workforce housing impacts to the County and its incorporated cities already impacted housing stock.

Section 1.5.14 Transportation and Traffic: According to the referenced Traffic Impact Analysis, this project can be expected to generate approximately 15,030 weekday trips and 20,076 on Saturdays. The statement should say 20,076 trips on Saturdays and on Sundays.

In addition, this section states “up to 12 buses may travel to the site each day.” Since mobile sources will have the biggest impact on the environment, a top priority should be to drastically reduce the number of individual vehicle trip. This report should describe in detail how existing public transportation will be augmented.

Section 1.5.16 Gambling Addiction Issues: These issues could prove to be significant for the residents of Amador County, and will create an increased workload for our departments. See Section 5.17 for further comments.

Section 1.6 Summary of Environmental Impacts: In Table 1-1 Summary of Impacts, Section 5.3 Air Quality (page 10), Rule 218 Fugitive Dust Emissions is incorrectly referred to as “Rule 216”. Mitigation measures listed would be adequate to prevent and control fugitive dust and emissions, if they were revised to assure they were verifiable and enforceable.

Table 1-1 Summary of Impacts, p. 24: Project-related Traffic Noise Levels along neighboring roads and highways are dismissed as being Significant Unavoidable Adverse Effects with no attempt in the Draft TEIR to set forth corresponding Mitigation Measures or why such Mitigation Measures can’t be identified.

Section 3.4.4 On-site Hazardous Materials: Obviously, this is a Public Health concern as we continue to be involved in training and drills surrounding Haz. Mat. spills and misuse, and possible bio-terrorism events. (See section 5.7.2. also.) The Tribe has made conflicting statements concerning Hazardous Materials and their significance within the report. Not only are there cleaning materials stored on site, there will be chlorine for the water treatment plant. These are extremely dangerous substances, and are addressed as though they will have minimum or no impacts on a daily basis.

Section 4.4 Alternatives Not Studied (at this time) – The No Alcoholic Beverage Service Alternative: Reference sections 1.4.4, 4.4 (page 63), and 5.18.2 (page 223). The third paragraph of section 5.18.2 (page 223) states, “The Tribe has not made a formal decision regarding whether alcohol will be served at the Facility. The Tribe reserves the right to delay in-depth analysis of the impacts of such a decision until that time that the Decision is made. If the decision is made to serve alcohol, the Tribe will enact the “Buena Vista Rancheria Tribal Liquor Control Ordinance” which will be reviewed and certified by the Secretary of Interior. The Tribe would then apply for a Liquor License from the California Department of Alcoholic Beverage Control. The application process for the Liquor License will require a public hearing and public comment period during which agencies and interested parties will be able to provide comment and input.”

The Tribe has basically said that they are not going to discuss or consider the impacts of alcohol service at this time. The end result is that the DTEIR is a worthless document from a law enforcement and public safety perspective. It is presumably predicated on the concept of no

alcohol service. The Tribe will consider those impacts later and accept agency and public comment. However, at that point there will not be a mandate to mitigate the impacts of that decision. All of this renders the current DTEIR statements about impacts and mitigations relative to public safety to the status of meaningless rhetoric. According to the Amador County Sheriff, there is not a true measure of public safety impacts and analysis of appropriate mitigation measures. The affect of serving alcohol on public safety is dramatic. To ignore a meaningful analysis of the impact of alcohol service at this time is irrational and contrary to the Amendment.

Many County departments and services will be effected by alcohol services, including the Amador County Sheriff and related services, Health and Human Services, District Attorney, Public Defender, and Probation. For the Health and Human Services Agency, this is one of the most significant sections of this document. It is virtually impossible to adequately offer advice and estimates of mitigation costs when this crucial area is left unaddressed. The draft TEIR is based upon the concept that no alcohol will be served at the facility. However, there is virtually nothing in the way of how future studies and analyses will be conducted regarding alcohol service. Although the Tribe does speak to a future public hearing and comment period, it remains silent concerning mitigation.

There seems to be no way in which we are able to make our concerns known in advance. Rather, we must wait until an Alcoholic Beverage License is in process and provide comments at that time. This seems to be “closing the barn door after the horse is out” in our way of thinking. We would strongly urge the Tribe to remove the Alcoholic Beverage alternative from any future consideration.

Section 5.0 Environmental Setting, Impacts and Mitigation Measure: Nothing in this section addresses potential emissions from land development burning during construction. To reduce construction impacts on the environment and reduce Air District staff time required to investigate smoke complaints, the Tribe should dispose of any vegetation removed from the site at a green waste recycling facility or sanitary landfill. Potential nuisance odor complaints will be received by the Air District, which utilizes four staff hours per complaint resolution.

Section 5.1 Aesthetics: Impact 5.1-1 states that the project would obstruct views of the landscape on the south and introduce commercial land use into an agricultural area. Mitigation Measure 5.1-1 proposes to mitigate by using architectural themes, materials, and colors complimentary to natural landscape. The mitigation does not eliminate or substantially reduce the impact, which has to do with character, mass, and scale, not architectural details. No architectural themes, materials, and colors (short of building the casino underground) will eliminate or substantially lessen the effect of obstruction and especially the introduction of a commercial use into a rural area.

Impact 5.1.-2 identifies the alteration of the visual character of the area as significant. The suggested mitigation is to use native vegetation in landscaping and preserve trees on (presumably other) tribal lands. However desirable, these measures do not eliminate or substantially lessen the identified effect; whether native landscaping is used or not, the visual character of the area

will be altered, and preserving trees on other Tribal land merely preserves conditions on those lands without altering the condition introduced by the project.

Also, landscaping with native vegetation will be provided along Coal Mine Road to buffer public views of the proposed facility. This may not be a good idea if the vegetation will be planted close to the road as it may make spraying the roadsides very difficult.

Section 5.2 Agricultural Resource: This section dismisses direct effects. But road widenings may directly convert agricultural land to road easements or rights-of way; before this can be considered not “potentially significant,” the acreage must be quantified and compared to some clearly stated standard of significance. Widening for two additional lanes over several miles, for instance, could convert substantial acreage. The possible off-site impacts of facilities associated with the wastewater treatment plant, such as pipelines, outfalls, and access, are not considered at all. In this section and Section 6.1, the indirect effect of possible off-site water purchases that could cause agricultural land to be removed from production is not considered. Finally, although the possibility of conflict between agricultural uses and visitors to the facility is mentioned in Section 6.2, it should be explored here with a special emphasis on the implications for the conversion of agricultural operations.

Section 5.3 Air Quality: In this section of the Draft TEIR, further verification of the impact assessment is not possible, since the technical appendix for air quality, containing the methodologies and assumptions, is not available in the DTEIR, though it is listed there as available on request. It should be noted that the appendices could be made available electronically for little, or no, cost. Assuming the information summarized in the impact discussion is accurate, the primary failing of the Draft TEIR is the mitigation.

According to the Amador Air District, the project will have a significant impact that would increase the levels of O₃ (ozone) and PM-10 (particulate matter less than 10-microns in size) within the Amador Air District. On June 15, 2004 the District was designated by the US EPA as a non-attainment area for the federal 8-hour ozone national ambient air quality standard. As a result of this designation, the Amador Air District is required to submit a clean air plan to the California Air Resources Board that demonstrates how local ozone precursor emissions can be reduced in order to achieve compliance with the ozone standard.

The DTEIR estimates the operational phase of this project will generate 594.4 tons per year of (NO_x) oxides of nitrogen and 87 tons of (ROG) reactive organic compounds. Both are precursors of ozone. It also estimates that 87 tons per year of PM-10 emissions would be generated. The Draft TEIR states the cumulative impacts from these emissions are significant and unavoidable and in the future, the project would induce additional growth that would further worsen local air quality beyond these annual emission estimates.

Given these very high annual emission estimates and that Amador County is non-attainment for the 8-hour ozone standard, the District recommends no approval for this project as proposed. On this basis alone, there is compelling evidence serious consideration must be given to a reduced scale alternative.

Section 5.3.2.2.1 Description of Pollutants: The Draft TEIR states in this section "...Pollutants such as CO, PM10, and PM2.5 are considered to be local pollutants because they tend to disperse rapidly with distance from the source." PM2.5 emissions do not disperse rapidly with distance from the source. Such fine particulate matter tends to float in the atmosphere until scoured from the sky by weather events such as precipitation.

In addition, the Draft TEIR does not address ambient air monitoring beyond citing data from existing air quality monitors in the Mountain Counties Air Basin. It also overlooks the fact that the state operates an ozone monitor in San Andreas and that data was factored into Amador Air District's designation of non-compliance for the federal 8-hour ozone standard.

If this project proceeds and the facilities are constructed, the Tribe should install and maintain, at their expense, an ambient air monitoring station within Amador County. This station should at a minimum monitor for ozone and PM2.5 in a location approved by the State Air Resources Board as being appropriate for monitoring and representative of emissions related to the operation of the facility (refer to table below).

Table 5.3-3 Construction Emission Estimates (emissions in tons per year):

	ROG	NOx	PM10
Unmitigated	6.5	19.5	1.3
Mitigated	6.5	13.4	0.4

Table 5.3-4 Operations Emissions (emissions in tons per year)

	ROG	NOx	PM10
Total Operational Emissions	87	594.4	87

All feasible measures to reduce ozone precursor emissions from this proposed project's daily operation should be taken by the project proponent. Emergency generators should be powered by natural gas and ground water pumps should be electric, propane or natural gas.

Mitigation Measure 5.3-1: [p. 84-85] only identifies good practices of rule 218 and does not present them in an enforceable or verifiable way. For example "Covering or wetting material stockpiles and open-bodied trucks, trailers, or other vehicles" [p. 85] simply states the practice. An example of a mitigation measure is: "The project construction manager, or a designated representative, will ensure stockpiles and open-bodied trucks, trailers, or other vehicles are covered, or the material being stockpiled or transported, is sufficiently is sufficiently wet to prevent visible dust plumes from forming." The entire mitigation measure should be rewritten and broken down into the required components followed with an analysis of how effective those measures are. Additionally, a typo appears here where the Rule is called 216 and 218.

Mitigation Measure 5.3-2 Increase in Emissions: The Mitigation Measure simply states that "Vehicle emissions from employee trips will be reduced by carpooling and bus service..." There is no plan set forth, routes identified, or funding amount provided.

This section identifies the significant and unavoidable impact from vehicle and area source emissions of ROG, NOx and PM10 from Facility Operations. The Draft TEIR states that vehicle emissions will be distributed throughout Northern California in four air basins. If indeed this statement is valid then the document should also estimate the ROG, NOx and PM10 emissions that will occur within Amador County as a result of this project.

Mitigation Measure 5.3-3: Mitigation Measure 5.3-3 identifies traffic improvements as mitigation; however, no impact was identified in the discussion. If the impact statement is accurate mitigation is unnecessary. However, it is possible that impacts would occur on existing roadways due to the current configurations with the estimated traffic volumes. If there are impacts not disclosed here, which is implied, it is unclear how the roadway improvements would reduce the impacts as there is no timetable for implementation of roadway improvements tied to the casino opening. It is not possible to identify impacts as the report with the assumptions the discussion is based on is not readily available.

Mitigation Measure 5.3-4: This mitigation measure states that the plant could be a source of objectionable odors, and then concludes that no objectionable odors will be produced. Potential emissions should be calculated for the treatment plant and the statement “no objectionable odors...” should be clarified as to how this conclusion was obtained.

The impacts discussion on odors states that the on-site plant “would be located a sufficient distance from existing residential and commercial development such that no objectionable odors would be detected” [p. 87]. There is no discussion of the facility’s odor-causing composition and it assumes that neighbors object to the odor of sewage only while in their houses or places of business, that the Tribe is free to impact all other parts of its neighbors’ property. There is no discussion of the facility’s odor generating chemicals and processes. No account is taken of future land uses or recreational use of adjacent lands. It should be noted that the use of buffers and deodorizers are typically used as mitigation in similar situations.

Potential nuisance odor complaints will be received by the Air District, which utilizes four staff hours per complaint resolution.

Mitigation Measure 5.3-5 and Table 1-1: Delivery trucks or buses will increase diesel PM10 emissions off-reservation. Though these emissions may be “Less Than Significant,” diesel-powered vehicles should comply with the state’s diesel engine idling rule while on site to reduce potential diesel PM10 emissions migrating off-site. The DTEIR should include the Tribe’s commitment to reasonable and enforceable monitoring of this measure.

Mitigation Measure 5.3-6 Impacts on Air Quality: The Mitigation Measure states that the Project conflicts with implementation of the existing 1-hour California air quality plan and this is a significant impact. The Draft TEIR’s solution: “The Tribe will coordinate with the Amador Air District (AAD) to develop an enforceable plan to ensure that its emissions are included in future updates of the MCAB’s State Ozone Plan.” “[A] separate air quality plan must be prepared showing how Amador County and the MCAB will attain the federal 8-hour ozone

standard. The Tribe will work with the AAD to ensure the Facility's emissions are included in the 8-hour federal ozone air quality plan." (Emphasis added.) That isn't a Mitigation Measure; it's a statement of the Tribe's willingness to discuss mitigation in the future.

The District does not currently have a clean air plan; however one will be developed for submission to the state in 2007. It will include emissions from sources that currently exist but will not include emissions from speculative proposed developments.

Mitigation Measure 5.3-7: This section regarding the cumulative increase in construction-related emissions during grading and construction activities should also address proper maintenance and operation of equipment during construction to reduce diesel combustion emissions.

Mitigation Measure 5.3-8: The Draft TEIR states that there would be a cumulative increase in ROG, NOx and PM10 emissions from operation of the Facility and that these emissions could not be mitigated to less than significant levels. This impact remains Significant and Cumulatively Significant and unavoidable for the project as proposed. However, an analysis of the likelihood that a reduced scale alternative could substantially reduce the significant impact should be included in the DTEIR. Without that analysis, there is no justifiable basis for the conclusion that the impact is unavoidable and could not be mitigated to less than significant levels.

Section 5.4 Biological Resources: Insufficient data is presented to make a judgment regarding the conclusions reached. There is no mapping of vegetation, including off-site wetlands, jurisdictional waters, and other regulated areas. Technical reports are referenced in the Appendices, but some of the reports listed there are unpublished and there is no biological resource study included as an appendix. Furthermore, the areas or potential areas of impact off-site are not presented or are indicated at a general level ("road improvements," "pipelines"), so there is no means available to judge the accuracy or adequacy of the impact assessment. If live-stream discharge of wastewater effluent either on or off-site is proposed, its effects on downstream and off-Tribal lands should not only be considered but analyzed, including the effects on hydrological regimes and natural vegetation. Other means of effluent disposal mentioned in the Project Description could affect groundwater tables or vegetation both directly and indirectly (spray fields, subsurface drain fields) and therefore affect biological resources. If the choice of these disposal means has not yet been made, then the Draft TEIR should examine all options under consideration and present the information to enable a meaningful evaluation, a choice of options, and the proposal of effective mitigation specifically tailored to any adverse impact.

Impact 5.4-1 identifies only possible impacts to special-status plants. It appears impacts to other resources would also occur, since Mitigation Measure 5.4-1 purports to mitigate impacts not only to special status plants, but also to wetlands, waters of the U.S., and special-status animals; but quantities, acreages, numbers of individuals, or even the specific kinds of resources that would likely be impacted are not identified. The Draft TEIR states that:

The exact means of implementing mitigation for these secondary impacts will be determined at the time that the extent of impact is identified, i.e., at the time that the roadway improvement is designed, the extent of impact will be known. All Off-Reservation improvements to be implemented will be subject to the environmental review process and permits and entitlements issued by Amador County. All Off-Reservation improvements to be implemented will be subject to the requirements of the USFWS, the CDFG, the U.S. Army Corps of Engineers and all relevant state and federal law will apply. In making any discretionary decisions, the County will comply with CEQA. [EDAW comments]

This is clearly deferring not only the identification of mitigation, but assigns the responsibility for determining and implementing mitigation to other entities than the Tribe. Mitigation measures are thus deferred until some future time and are actually passed off to the County to implement. There is no discussion of the impacts, either as to the location of the plants and animals and how the adverse impacts can be mitigated. The Tribe knows what roads need to be improved; there is a large section of the DTEIR devoted to the subject ("Transportation and Traffic", pages 162-208). The Draft TEIR should have included inventories of special-status plants and animals impacted by the proposed roadway improvements and measures to protect them, instead of deferring even an investigation of them to the County.

Since the DTEIR should identify specifically any road improvements needed for the project, the determination of impacts on biological resources could and should be made now. If added lanes or intersection modifications in certain locations are required or may be required, the maximum possible impact area for such improvements can readily be identified. This information should be presented in the DTEIR with full particulars, and detailed and specific mitigation should be proposed. That the Tribe would be subject to regulation by other entities does not relieve it of responsibility under the Compact to present in a public document a detailed evaluation of impacts and propose specific mitigation. The statement that the County will comply with CEQA is trivial in the context of project mitigation if the Tribe does not commit to implement any mitigation identified in the CEQA process. The County's obligations under CEQA do not relieve the Tribe from the obligation to identify impacts and mitigation, in enough detail for meaningful evaluation and comment, at this time.

We also incorporate herein by this reference the written comments on the DTEIR submitted by the California Native Plant Society.

Section 5.5 Cultural Resources: This section suffers from the same lack of relevant information and specific identification of impacts and mitigation as the Biological Resources section. Statements such as "On-Reservation and Off-Reservation Archaeological surveys are ongoing" (p. 103) and "At the time that Off-Reservation mitigation measures in the area of the Buena Vista Saloon and Store are developed and approved by the relevant agencies, all necessary cultural and historical assessments will be performed" (p. 105) indicate that the information needed for a meaningful evaluation of the project's impacts on specific cultural resources has not only not been identified but has not yet been developed, much less presented for public scrutiny.

Impact statement 5.5-1 and Mitigation Measure 5.5-1 are subject to the same criticism as those stated for Impact statement 5.4-1 and Mitigation Measure 5.4-1 in the comments on the Biological Resources section. The impacts are only generally stated, not specified, and detailed and specific mitigation should be proposed. The generally accepted formulation of a mitigation proposal at this level would identify any potentially affected resource along with its extent, characteristics, importance or significance, and indicate what further mitigation, if any, should be required. The responsibility for the specifics of mitigation should be proposed by the Tribe at this level of review, not deferred to future review by Amador County or any other entity, and should contain an ironclad commitment by the Tribe to carry out the mitigation.

Mitigation Measure 5.5-2 states that possible impacts to historical resources “will be minimized” but does not state how, instead asserting that “the Tribe will work with the County to develop an enforceable plan” (p. 107). While the Compact requires the Tribe to negotiate appropriate mitigation measures with responsible off-site agencies, this does not relieve the Tribe from proposing adequate and specific mitigation measures, rather than deferring the development of mitigation to future negotiation.

Section 5.6 Geology, Topography, and Soils: This section does not mention naturally occurring asbestos, which may be present in this area according to state geologic survey maps.

On page 110, this section states:

To further evaluate the specific soils on the site, a geotechnical exploration program is ongoing. This program includes drilling of exploratory boreholes and sampling, trenching and sampling, and laboratory testing of selected soils samples. The results of this analysis will be incorporated into the TEIR as they become available.

This study should be completed and included in the Draft TEIR before circulation for public review. Without data from the study, the impacts cannot be clearly identified.

On page 111, this section states:

The County has determined that the mineral rights on the Tribe’s 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 Tribe does not propose to undertake mining activities on Tribal lands.

The concern is not with the Tribe’s possible intent to undertake mining activities. The concern is that the Tribe’s proposed action may prevent or inhibit the legal rights of others. The statement in Section 6.3.6.3 that “There would be not potential for conflict between activities on Tribal lands and the adjacent active and inactive mining activities” should be examined in the Draft TEIR in light of the questions in Section X, Mineral Resources, of Exhibit A of the Amendment of the Compact.

Impact Statement 5.6-1 appears to apply to On-Reservation activities; Mitigation Measure 5.6-1 specifically applies only to On-Reservation activities. While statements on page 112 refer to standards that may be imposed Off-Reservation by other agencies, it is the specific purpose of the Draft TEIR to identify Off-Reservation impacts and propose appropriate and effective mitigation and commit to its implementation, not defer mitigation to the future actions of other agencies.

The possible Off-Reservation impacts of scour, erosion, and loss of topsoil that could result from On-Reservation activities is not evaluated. Such effects could possibly result from drainage facilities and from live-stream discharge of wastewater effluent. Furthermore, potential geological effects of pipeline construction and road improvements should be evaluated in the context of the specific resources (soils, geologic formations, etc.) that would be affected, and mitigation appropriate and specific to the affected resource should be proposed. One option mentioned in the DTEIR for discharge of effluent from the wastewater treatment plant, live stream discharge, could result in erosion and scour of Off-Reservation streambeds.

Mitigation Measure 5.6-1, Cut-and-fill: It is important to ensure that water quality in Jackson Creek is not impaired.

Impact and Mitigation Measure 5.7-1, Wildland Fires: The Mitigation measure states, “To the extent allowed by applicable law, the Tribe will implement an aggressive program of weed abatement, grass trimming, and removal of combustible vegetation...” on the Coal Mine Road fronting and provide annual funding (of a negotiated amount) to Amador County for the purposes of similar weed abatement...” on the margins of County roads serving the site. A true mitigation measure would describe the elements of the “aggressive program”, its seasonal timing, frequency, and show the area to be abated, plus state the amount of money the Tribe will pay the County annually for a similar program.

Section 5.7 Hazards and Hazardous Materials: This section does not mention naturally occurring asbestos, which may be present in this area according to state geologic survey maps.

Section 5.7.2 Environmental Setting – Hazards and Hazardous Materials: Reference sections 1.5.7, 5.7.2 (page 115). In section 1.5.7 the Draft TEIR states that there will be minimal use of hazardous materials at the Project. In that section it cites the possible use of chemicals for, “... associated with cleaning products, landscape chemicals, and on-site maintenance of fleet vehicles.” Then in section 5.7.2 (page 115) the Draft TEIR discusses the delivery, storage, and use of hazardous materials, including the use of sodium hypochlorate and citric acid. Chlorine will be stored on site for water treatment at the Water Treatment Plant. We do not find any mitigation measures in the Draft TEIR that discusses the possibility of an accidental or terrorism based release of hazardous materials. This is a significant potential impact on the Project and off site. These materials must be transported to the Project on local roads. The potential for a release in a traffic collision exists.

Although the Tribe does address standards for storage and transportations of these materials, they fail to take into consideration the potential for a major disaster when these chemicals are

misused, are unintentionally let out into the environment or are deliberately used for illegal activities. The Draft TEIR seems to treat all of the hazardous chemicals as though they were simply in the average residence or small business and does not address the fact that this will be a very large facility, with close to 2,000 employees who may come in contact with these materials. There is no adequate protection for these substances so that those who may desire to harm the community will not have access to them.

Not only does the Draft TEIR fail to adequately address the potential on-site and off-site impacts of a hazardous materials release incidents, it fails to discuss mitigations at all. In Appendix 2 of the Draft TEIR (Notice of Preparation of Draft Tribal Environmental Impact Report) on page 5 of the appendix there is a paragraph titled "Hazards and Hazardous Materials." This paragraph states, "The proposed Casino project will not involve the transport, use of disposal of hazardous materials and/or acutely hazardous materials. " This statement is in direct conflict with the previously cited sections of the Draft TEIR that clearly state that there will be delivery, storage and use of hazardous materials. No mitigation measures are proposed for a release of these hazardous materials. There is not even a mention of planning or protocols to prevent a release of hazardous materials.

Although both Sections 5.7.2 and Section 7.3.7. state that there will be no Off-Reservation cumulative impacts concerning the use of on-site hazardous materials. If an emergency event occurs that is large enough, there will be a significant impact on off-reservation residents as well.

Section 5.8 Water Resources: There is no analysis of the crucial issue of potable water availability for the project. Jackson Valley Irrigation District is the main water purveyor in Jackson Valley. The subject property is not within the boundaries of the Jackson Valley Irrigation District. The DTEIR makes the assumption that Jackson Valley Irrigation District would be a source of water supply for this project. We are advised the JVID Board has had considerable discussion regarding the unavailability of a reliable, uninterrupted source of water supply for service to this project and therefore notes it as an unlikely option. The Tribe should ascertain now whether a reliable supply will be available from JVID and, if not likely, evaluate in detail other viable options, including an assurance that those options are indeed viable.

On page 118, as elsewhere in this document, a technical study is cited but is not included in the Draft TEIR, nor is there any statement indicating where the study may be found, obtained, or reviewed. The Introduction to Chapter 14 of the Draft TEIR states that "Site-specific information or data which is not a matter of public record and which is not generally available to the public will be included in a Technical Appendix available to the public upon request." The Water and Wastewater Feasibility study is listed as a reference in Chapter 14, but is not included as an appendix, and no information is given to indicate where it can be found or obtained.

Page 118 states the "Tribe will construct a wastewater treatment plant on Tribal land." It appears that impacts of such a plant Off-Reservation, such as truck traffic for deliveries and sludge disposal, outfalls, and pipelines, have not been considered in the Draft TEIR. Possible Off-Reservation environmental effects of sludge disposal, and of possible alternative means of sludge disposal, should be considered in detail and presented in the DTEIR.

Page 120 states that a “Stormwater Detention, Collection, and Discharge Study is being prepared for the Rancheria lands” and “will be included in the Final TEIR.” This is an example of a study that presumably will present relevant and necessary information for the detailed determination of impacts and formulation of mitigation that should have been included in the Draft TEIR. Without it, the DTEIR cannot make a detailed and sufficient determination of significant impacts, and reviewers cannot suggest meaningful, feasible, and effective mitigation, if applicable.

The discussion of regulatory requirements for disposal of wastewater effluent on pages 121-122 seems to indicate such disposal could be conducted on Tribal lands, but no data is presented to indicate the area or characteristics (e.g., permeability or percolation data) that would be required and whether sufficient suitable land is available on Tribal land. Figure 6 does not appear to show the location of the wastewater treatment plant, which would require some substantial acreage. One concern is that if sufficient suitable land is not available on Tribal land, Off-Reservation impacts that are not identified in the Draft TEIR may occur. Thus, enough information to ensure the feasibility of on-site treatment and disposal of wastewater and effluent needs to be included in the DTEIR, and not deferred until the final TEIR or later. Otherwise, there is a distinct possibility that wastewater treatment would have to be Off-Reservation, with consequent unknown impacts. Pertinent to this issue is the statement in the NOP that “Off-site wastewater treatment alternatives will be explored,” and the statement in the Project Description that “*At this time*, the Tribe is not formally proposing any off-site facilities or uses” (emphasis added) is not reassuring.

Section 5.8.2.2 Potable Water: Jackson Valley Irrigation District notes that this section should include detail on impacts due to pumping water from the underlying aquifer and its capacity to sustain pumping at the rates required for this project. Also, the effect on groundwater quality as a result of increased pumping needs to be studied. Since test holes have been drilled, there should be information available to address these concerns. Merely listing options and possible sources for water service does not satisfy the legal requirements to properly address the environmental effects of the options listed. This can be done only by providing the proper research, project details, and hydrology information.

This option lists trucking as a possible source in the early years, but again there are no details outlining how this option would be accomplished and what are the possible sources of imported water. This option seems to be a poor alternative when one reviews the amount of water needed to operate the project. The DTEIR does not, for instance, discuss the implications of this alternative on providing reliable on-site fire protection.

The DTEIR’s summary statement that the Tribe is completing groundwater exploratory drilling program [p. 119] is no analysis at all and the results are not provided. The DTEIR should evaluate these options and identify which are feasible and the impacts of each. If wells are a viable option, analysis must be performed on impacts on the water table and on the yields of other wells in the area. When that is done, we expect the only option for the foreseeable future

will be trucking water from offsite. The impacts of this option on the County, its roads and public safety must be disclosed and evaluated, and they have not been.

Mitigation Measure 5.8-1 Wastewater Disposal: The Mitigation Measure states that the Tribe will construct a treatment plant “of adequate size to accommodate all wastewater flows that will result from the... development.” It sets forth standards without describing its site or design or capacity, and here again defers any meaningful discussion of environmental impacts or mitigation.

Jackson Creek is already impacted by the City of Jackson and its wastewater discharge and Jackson Valley Irrigation District is very concerned when the Draft TEIR lists any discharge to surface water or groundwater. The Draft TEIR fails to outline any of the specific treatment technologies that would be utilized to accomplish these options and does not even identify the possible points of discharge to surface waters.

Mitigation Measure 5.8-2 Effluent: The potential effectiveness of Mitigation Measure 5.8-2 in disposing of effluent on-site is not evaluated. Similarly, the off-site release or hauling of effluent in Mitigation Measure 5.8-3 is not evaluated for potential impacts Off-Reservation. Assuming ditches are utilized, will the ditches be able to handle the flow? What is the basis for this assumption? Who will maintain these ditches? Are the wetlands wet all year around? Water draining into the wetlands may be more than what the eighteen-inch culvert can handle and/or back up from a clogged ditch will cause a problem on Coal Mine Road. Will there be an increase of mosquitoes in the area?

Mitigation Measure 5.8-3 Disposal of Treated Wastewater: The Mitigation Measure lists four disposal alternatives and describes none of them, another defect. It is imperative to ensure that water quality in Jackson Creek is not impaired.

Mitigation Measure 5.8-5 Failure of Treatment Plant and Release of Wastewater: If the treatment plant fails, the Mitigation Measure is “Within six months of the commencement of construction of the Facility, a Water Treatment Contingency Plan will be established that outlines the procedures that would be immediately implemented to preclude any contamination into the aquifer, Jackson Creek, or onto non-Tribal lands...” This is not a Mitigation Measure as required by the Amendment, since it defers formulation of mitigation until after the plant is in operation, which may preclude any number of effective mitigation measures.

Mitigation Measure 5.8-6 On-Reservation Wells May Cause Off-Reservation Overdrafting: The Tribe may obtain potable water by drilling wells on-site. The Tribe acknowledges that its wells may overdraft neighboring wells. The Mitigation measure is “...the Tribe will implement a monitoring program to track ground water levels in adjacent wells and track the production rate of pre-existing wells.” Monitoring won’t help the neighbors’ wells and no mitigation is provided for overdrafting. The Tribe also says in Mitigation 5.8-7, “measures” will be undertaken to significantly reduce well water use immediately if the Tribe’s operations contribute to an overdraft. The measures are not described.

Mitigation Measure 5.8-9 Control of Surface Runoff: The Mitigation measure states that the Tribe will implement the recommendations of the “Site Drainage and Hydrology Report for the Buena Vista Rancheria Flying Cloud Facility, 2005”. It is not attached. Further, the Mitigation Measure states, “All storm water will be retained on-site.” It is our view that retention on-site of all storm water in large storm events is impossible, and the DTEIR provides no justification for its assumption. The Mitigation Measure is illogical and defies common sense.

Mitigation Measure 5.8-10 Debris from Impervious Surfaces: The Mitigation Measure calls for the employment of the “Tribal Best Management Practices” to capture debris. There is no description of those practices.

Mitigation Measure 5.8-11 Storing and Spilling of Chemicals Leading to Off-Reservation Impacts from Surface Water Runoff: The Mitigation Measure is to develop, in the future, a plan: “A Tribal Spill Prevention, Control and Countermeasure Plan will be developed...” A plan to be formed after the decision on the project is no mitigation at all.

Although the Draft TEIR does speak to a Tribal Spill Prevention, Control and Countermeasure Plan, we believe that more needs to be done to address what happens when something goes very wrong. There are a variety of issues such as decontamination, possible evacuation and sheltering of individuals that must be taken into consideration, as well as how the Tribe plans to work with local agencies who have responsibilities for providing these services in emergency situations.

Mitigation Measure 5.8-12 Flooding of Buena Vista Road: The dam break limits from Lake Amador have not been addressed and need to be factored in this comment in flooding of Tribal land. The Mitigation Measure again “...will develop a Facility Flood Emergency Evacuation Plan...” A plan to be formed after the decision on the project is no mitigation at all.

Mitigation Measure 5.8-13 Traffic Impacts on Wetlands and Waterways: All Mitigation Measures are deferred until after implementation of the project; their impacts are to be reviewed by the County (which must comply with CEQA). In short, the DTEIR’s Mitigation Measure is silent on the mitigation of vital project impacts from traffic on wetlands, waterways of the U.S. and creeks, and vegetation controls, and defers the mitigation to the future and to the County.

Mitigation Measure 5.8-13 defers mitigation for impacts of mitigation (road widenings) on “Off-Reservation Water Resources.” If the maximum size and characteristics of the proposed Project are known, the amount of traffic affecting area roadways can be calculated and the necessary improvements to obtain adequate levels of service stated. The area impacted can readily be determined. Further, the Biological Resources section asserts, but does not disclose, that the biological resources that would be affected are known. Therefore, the quantified extent of impacts and the type of resource affected could be determined and presented in the DTEIR. This information is necessary to allow the clear identification and description of impacts and evaluation of mitigation options, and for reviewers of the DTEIR to evaluate and advance mitigation options that the DTEIR would distinguish from mitigation measures proposed by the Tribe, as required by the Amendment (Section 10.8.1(b)).

Section 5.9 Land Use: The Draft TEIR defers this discussion to indirect effects, presented in Section 6.2. In that section, the Draft TEIR refers the possibility of adjacent land uses and associated activity being “objectionable to Facility guests” and the source of complaints from “visitors to the Facility” (p. 233). Since the other uses are existing ones, and the Project is a new use in the area, the emphasis should be on the effect of complaints from the visitors on the existing uses. Resulting pressure to eliminate existing uses could result, and the Draft TEIR should examine the issue from that perspective. Section 6.2.6 somewhat equivocally takes that position, finding that the proposed use “may conflict” with adjacent uses and that “if so,” the impact would be significant and unavoidable. Such language is not acceptable in mitigation statements. It is the responsibility of the Draft TEIR to determine if there *is* a conflict and significant impact. If a conflict is likely, as the Draft TEIR implies and the discussion of this subject indicates, then there is a reasonable basis to conclude the impact is significant, without equivocation.

Section 5.10 Mineral Resources: See comments on Section 5.6, above.

Section 5.11: Noise: The technical report for noise should be more readily available. Without it, the following remarks should not be regarded as comprehensive.

Mitigation Measure 5.11-1 [p. 141] states:

In consultation with Amador County, and to the extent allowable by applicable law, traffic noise levels will be reduced through traffic management, such as reductions in speed limits, traffic diversion to other routes, or limits on truck routing. For example, reducing the speed limit to 35 mph in the vicinity of houses along Buena Vista and Jackson Valley Roads would reduce the predicted noise levels by about 2.5 dB Ldn. While this would be a barely perceptible change in noise levels, it may serve to reduce noise increases to a level acceptable to the County.

First, this mitigation doesn't mitigate anything. This mitigation does not specify any requirements and has no enforceability. The mitigation measure should identify a time frame for consultation, and which primary roads would need traffic control measures. It should further stipulate that if no traffic control measures can be implemented due to “applicable laws,” then a subsequent action may be taken, and should specify what other mitigation options are available. If no assured mitigation options are available within the power of the Tribe, the Draft TEIR should identify what entity has the ability to require the mitigation. If no effective mitigation is identified or is not enforceable, the Draft TEIR should state that the impact is not mitigated.

Mitigation Measure 5.11-2 [p. 141] states, “Equipment operation and maintenance will be limited to the approved hours of construction” [p. 141], but does not identify the approved hours. The mitigation measure further states “If specific complaints are received regarding excessive night-time construction noise, hours of operation of heavy construction equipment may be limited” [p. 141] but does not identify an entity or method of notification for complaints. Additionally, this mitigation measure lumps several measures into one. The measures should be

separated into individual components that can each be verified and enforced, e.g., Mitigation Measure 5.11-2a Muffler Requirements, Mitigation Measure 5.11-2b Limited Construction hours, Mitigation Measure 5.11-2c Complaint Hotline/Notification, etc. The person or agency responsible for enforcing each measure should be identified.

Mitigation Measure 5.11-3 [p. 141] states, “Potential noise impacts from ... will be mitigated by requiring that all such equipment installations be designed to ensure compliance with hourly average or median noise standards of 50 dBA (daytime) and 45 dBA (nighttime)” [p. 141]. However, the Draft TEIR does not offer a trigger for verification or a method of enforcement, on the order of “Prior to commencement of building the Tribe will conduct an acoustical analysis to ensure....”

The discussion of the infeasible mitigation measures should be supported by some statements or estimates on the cost or other factors making them infeasible. The discussions only described what could be done. Additionally, no mention is made of alternate methods, such as open grade asphalt or similar acoustically quieter paving.

Speed limitations cannot be arbitrarily set for noise mitigation, but rather are set only through rigorous traffic engineering analysis and Board of Supervisors (and sometimes Cal-Trans) approval. This proposed mitigation is not appropriate as suggested.

Section 5.12 Population and Housing: The statement on page 147 that the Tribe “will construct an *employee-provided* Childcare facility” (emphasis added); Mitigation Measure 5.12-1 requires *the Tribe* to provide a childcare center. Apparently the statement on page 147 is a mistake.

Also on page 147, the Tribe’s promised fair share payment for Planning Department staffing is not formalized as a mitigation measure. The Tribe’s cost of the impact is to mitigate the entire cost, and those costs for the Public Works Agency as well as they are equally affected by additional development impacts.

This section states that 25 percent of employees will be residents of Amador County. Another 25 percent would be from Calaveras and San Joaquin counties; another 25 percent from Stockton and surrounding areas, and the remaining 25 percent from south and northeast Sacramento. All Off-Reservation impacts must be considered in the DTEIR, and the document must be distributed to all affected jurisdictions. Since the DTEIR identifies impacts related to population and housing in Amador County, it is reasonable to assume there will be impacts in other affected jurisdictions. There is no mention at all in the document of impacts outside Amador County.

The DTEIR should be revised to include an evaluation of impacts in other affected areas and distributed to all affected jurisdictions for review and comment, in compliance with the Amendment, before a final TEIR is prepared. Mitigation similar to mitigation proposed in Amador County, proportional to the effect in other jurisdictions, should be developed and included in this section.

In order to assess the accuracy of the Tribe's claims regarding the distribution of employment, Amador County requests access to the data on which the claims are based. An appendix to the DTEIR would be acceptable. The DTEIR assumes that 494 of 900 unemployed persons in Amador County would be employable at the casino. The DTEIR should also provide data to back up this assertion, which is the basis for the DTEIR's conclusion that the casino will not induce population growth in Amador County.

Mitigation Measure 5.12-1 Childcare: This measure proposes the Tribe's provision of a childcare facility for infants, toddlers and pre-school children of employees. Childcare should also be considered for students, grades K-6. Please note that we are advised the Amador County Unified School District believes that the estimate of 30% of employees needing childcare is low.

Mitigation Measure 5.12-2, Impacts on School Budgets: The Mitigation Measure states that the Tribe will provide a "fair-share donation in the form of annual funding to supplement educational programs at Amador County schools." Emphasis added. "Fair-share donations" are not an adequate mitigation measure because they are not guaranteed, not quantified, and not attached to costs from the impacts. "To annually offset the actual costs of" (the County's phrase) is a far cry from "donations to supplement" and is a real Mitigation Measure.

School budgets will be impacted by the additional students, including (1) education programs offered, and (2) education facilities. Student population increase is estimated at 33% over the next five years, with the Ione-Camanche area one of the fastest growing areas. The proposed Fair-Share annual donation from the Tribe should take these factors into account.

Mitigation Measure 5.13-1 Emergency Response: It is anticipated that the Flying Cloud Gaming and Entertainment Facility would employ a medical response team with sufficient EMT-1s to provide at least two EMT-1s 24 hours per day 365 days per year. For Basic Life Support (BLS) medical responses the minimum training standard should be the EMT-1 standard as set forth by Mountain Valley Emergency Medical Services Agency which has oversight of Title 22 medical services in Amador County. It is anticipated that the Flying Cloud Gaming and Entertainment Facility EMT-1s would be responsible for all Basic Life Support calls at the facility 24 hours per day 365 days per year. Based on anecdotal data from other Casinos in Northern California we would anticipate 10-12 Basic Life Support calls per day.

We are advised the Jackson Valley Fire Protection District volunteer and/or contract personnel would only respond to a Basic Life Support (BLS) call if the scope or the complexity of the call required. The decision to request the Jackson Valley Fire Protection volunteer and/or contractual personnel would be at the discretion of the on-duty Flying Cloud Gaming and Entertainment Facility medical response team supervisor.

Although MVEMS (Mountain Valley Emergency Medical Services Agency) has the authority, through a Joint Powers Agreement, for the provision of services within Amador County, the daily coordination and supervision is provided through the Health and Human Services Agency.

We see no mention of that in this report. There is also no mention of how EMT's will be trained and who will provide the training.

Mitigation Measure 5.13-3: (Reference sections 1.5.13 (page 7), 5.13.3 (page 151), 5.13.8 (page 156-159), and 5.13-3 (page 262)). Animal Control services are mentioned briefly in Section 1.5.13 (page 7), however no mitigation is proposed in the sections referred to above. Section 5.13-3 (page 262) states that if the Tribe requests additional law enforcement services *for special events* they will pay the costs; however, Animal Control problems do not only occur during special events. Therefore, consideration must be made regarding Animal Control services that will be provided. The County currently provides Animal Control services upon request of the Jackson Rancheria for Animal Control incidents within the Tribe's jurisdiction there. We currently bill the Jackson Rancheria for those services and would propose to do the same for the Buena Vista Rancheria Facility. Please address and mitigate this impact.

Mitigation Measure 5.13-4 Increased Demand for Jail Capacity: The Mitigation Measure states that the Tribe will make a fair share payment for the construction of additional bed space. "A fair-share payment" is not an adequate mitigation measure because it is not guaranteed, not quantified, not attached to costs from the impacts, and has no growth component. "To annually offset the actual costs of" is the language that should be used in the Mitigation Measure. (See also comments from the Sheriff, below.)

Mitigation Measures 5.13-6, 5.13-7, and 5.13-8, Impacts on District Attorney's Office, Public Defender, and Probation Department: The Mitigation Measures state that the Tribe will make a fair share payment for the impacts. "A fair-share payment" is not an adequate mitigation measure because it is not guaranteed, not quantified, not attached to costs from the impacts, and has no growth component. "To annually offset the actual costs of" is the language that should be used in the Mitigation Measure.

Mitigation Measure 5.13-7, Public Defender's Office: (Reference sections 1.5.13 (page 7), 4.4 (page 63), 5.13-7 (page 157)). As stated in section 1.5.13 the County is concerned with the impact the proposed facility will have on the Public Defenders' Office. Section 4.4 mentions the possibility of serving alcohol at the proposed facility. If the Tribe decides to serve alcohol, projected Public Defender cases will need to be addressed again, as the figures contained herein are based on comparisons with the effect of the Jackson Rancheria's effect on the Public Defenders' Office. Last year the County provided Public Defender services in 281 cases originating from the Jackson Rancheria. The cost for those services were estimated to be \$147,491.

We anticipate that similar types of cases will result from the proposed Buena Vista project, however the number of cases resulting from the Buena Vista Facility will be higher due to the fact that the proposed facility will have 25% more slot machines, 100% more gaming tables, and 20% more employees than the Jackson Rancheria. We recommend that the Buena Vista Facility include \$250,000 in annual payment to the County to mitigate the County's Public Defender Office costs in handling those cases.

Section 5.13-7 states the Tribe will pay its fair share for crimes committed **at their facility**. It is important for the Tribe to understand that many crimes will be committed away from their proposed facility in addition to those committed at their facility. However, those persons committing the crimes away from the proposed facility would not have committed crimes in Amador County if they had not been traveling to and from the proposed casino. The proposed Facility will attract people committing crimes resulting in the need for many of them to be represented by the Public Defenders' Office. Please address and mitigate these impacts.

Mitigation Measure 5.13-8, Probation Department: DTEIR section 1.5.13 states that the Tribe will provide specific mitigations or impacts to law enforcement, but nowhere in the document were mitigations for the Probation Department specified.

The addition of another casino in Amador County has the potential to impact the Probation Department in a negative way. The risks associated with gambling are high. 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. Increased cases of gambling addiction will result from this proposed casino.

The current casino employs many people and, for the most part, that is a good thing. Problems arise, however, 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.

Our 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 currently operating 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 means additional well-trained 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 will be needed. In Section 5.13.3.1 (page 153), the Tribe only acknowledges the information provided regarding gambling, out-of-control behavior by minors, and the arrests of drug offenders. They do not say "The Tribe...will implement relevant mitigation measures" and explain, in detail, what those mitigation would be. In the Summary of Impacts the Tribe says they will make a fair share payment. What will they fund? This is not an adequate mitigation measure.

It appears the Tribe is willing to help increase the size of the jail, provide a fair share contribution towards staffing in the Sheriff's Office, the Office of the District Attorney and the Probation Department. This would be easier to understand if they said exactly the amount of the fair share. If more deputies are put on the street and into investigations and the District Attorney increases staff to prosecute offenders, the Probation Department will need an equally proportioned amount of staff to supervise those offenders placed on probation. The Probation

Department must provide services to offenders from three to five years as opposed to the relatively short duration of arrest, investigation and prosecution.

The following details outline the impact of the Jackson Rancheria Casino on the Amador County Probation Department and its staff during the 2004 calendar year:

- The Probation Department prepares sentencing and/or drug treatment eligibility reports throughout the year for the Amador County Superior Court.
- Of those reports, twelve (12) were felony pre-sentence reports for offenses at the Casino. Those investigations involve the most serious cases requiring extensive investigation and preparation. The average time to complete one of these investigations, including probation officer, support staff and Court time, is eight (8) hours.
- There were sixty (60) Proposition 36 (Substance Abuse Crime Prevention Act of 2000 concentrating on treatment for drug offenders) eligibility reports prepared by the Probation Department with fourteen (14) of the reports for offenses at the Casino. The preparation of these reports takes approximately 1.5 hours.
- There were fifty-seven (57) Deferred Entry of Judgment (usually first time drug offenders) eligibility reports prepared by the Probation Department with fourteen (14) for offenses at the Casino. The preparation of these reports takes approximately 1.5 hours.
- There were a total of forty (40) reports prepared by the Probation Department for offenses involving the Casino.
- There were other felony cases settled without a report and/or a number of felony cases settled at the misdemeanor level.
- The Probation Department has a caseload of 375 felons on probation. Of these probationers, fifty-four (54) are from offenses that took place at the Casino. Nineteen (19) of those fifty-four (54) probationers were placed on probation in 2004.
- The Probation Department has a caseload of 143 Proposition 36 probationers. That number includes felons and misdemeanants and is separate from the felony caseload. Of these probationers, fifty-six (56) are from offenses that took place at the Casino. Twelve (12) of those fifty-six (56) probationers were placed on Proposition 36 probation in 2004.
- The Probation Department has a caseload of 124 Deferred Entry of Judgment participants. That number includes defendants charged with a felony (ies)/misdemeanor(s) and are separate from the above caseloads. Of those participants, fifty-eight (58) are from offenses that took place at the Casino. Seventeen (17) of those fifty-eight (58) participants entered the program in 2004.
- The Probation Department has a caseload of 248 domestic violence probationers. That number includes felons and misdemeanants and is separate from the above caseloads. Of those probationers, eleven (11) are from offenses that took place at the Casino. Six (6) of those eleven (11) probationers were placed on probation in 2004.
- The Probation Department usually limits their supervision of misdemeanor cases to those where restitution (either to the Casino or one of their patrons) is ordered. There

were four (4) misdemeanor cases referred to the Probation Department in 2004 where restitution is an issue.

- The probationers supervised by the Probation Department from offenses at the Casino require the attention of the equivalent of one (1) full-time Deputy Probation Officer. This includes all staff involved (DPO and clerical), the cost of drug testing, the cost of supervision services, the cost of a vehicle and other overhead. This estimate creates a good deal of anxiety given the continuing concerns with the State's budget and cuts the Probation Department would experience if the concerns are realized.
- The current cost of a permanent DPO III (including salary, overtime and benefits) is approximately \$80,000

These figures serve as a baseline and we anticipate an added 25% for the increase in size of the Buena Vista Casino over the Jackson Rancheria. Therefore, the minimum mitigation at this time for a DPO would be \$100,000. It should be noted this is based on a casino that does not sell or provide alcoholic beverages to gaming enthusiasts. If alcohol were provided, this number would probably need to be doubled.

Environmental concerns for the Probation Department include the need for increased use of automobiles for home/work visits of probationers, possible victim contact, and increased equipment use by those assigned to Work Program.

The DTEIR acknowledges the need for a case management system. It also agrees to make a fair share payment for such a system (page 29). What will the payment be and for how long? An appropriate case management system with the capability to allow the sharing of information between the Sheriff, District Attorney and Probation Department would be very expensive, possibly in excess of \$80,000 with yearly maintenance. This type of system is needed if the Tribe is to receive the most precise detail of the Facility's impact on our departments. A case management system will be able to track the number of arrests, location of arrest, the relationship of the arrest to the Facility, number and types of prosecutions and the number of offenders sentenced and type of sentence (for example - Prison, jail, probation). The Tribe must agree to offset the annual costs due to the casino.

Mitigation Measures 5.13-1, 5.13-2, 5.13-3, 5.13-4, 5.13-5, Sheriff Department: The Amador County Sheriff's Department has number of serious concerns about the inadequate identification of the impacts of the Project and inadequate mitigation measures proposed for those impacts that are identified. Specific concerns and impacts on the Sheriff's Department are outlined below:

1. ALCOHOL SERVICE AND CONSUMPTION: See 4.4 above.

2. HAZARDOUS MATERIALS: See 5.7.2 above.

3. DISASTER PLANNING: Reference sections 1.5.7, 1.5.13, 5.8-12, 5.8.2.3, 5.12-20, 1.5.17, 5.7.2 (page 115), 5.13-20. The DTEIR does not identify that the Project will engage in the development of an all hazards disaster response plan. The DTEIR does identify that the Project will have an impact on the County Office of Emergency Services and offers a mitigation

of paying for additional staff and equipment (number staff or amount of equipment not defined). While the Project will have an overall effect on the County OES that will need mitigation in the form of additional personnel and equipment, it is the Project / Tribes responsibility to develop an all hazards disaster response plan for the Project.

The DTEIR does acknowledge some potential disaster hazards. It discusses a one hundred year flood on the watercourse of Jackson Creek, which will affect the primary roads into and out of the Project and flood the northern portion of the Project property. However, it does not address the potential for a catastrophic failure of the Lake Amador dam, and the fact that part of the Project property is within the inundation plain for such a dam failure.

The plan acknowledges that hazardous materials are a factor in the operation of the Project. See comments above relative to hazardous materials. This should be included in an all hazard disaster response plan.

In section 5.13-20 the DTEIR indicates that the Project will make a "Fair Share" contribution to pay for staff and equipment additions for the Office of Emergency Services. This is vague and non-specific, and further does not indicate that there will be a commitment to on-going annual payments to support the additional personnel.

4. SHERIFF'S OFFICE IMPACTS: Reference sections 1.5.19, 7.2 (page 242), 5.13-2, 5.13.3.1, 5.13-13, 5.13-6. The DTEIR acknowledges impact on the Sheriff's ability to provide law enforcement services to the County. The DTEIR does acknowledge that customers of the Project may commit crimes off-site while en route to and from the Project. The DTEIR does not endeavor to quantify any of these effects. Statistical information is readily available from such places as Placer County and the Thunder Mountain Casino to measure the impacts of on-site and off-site criminal activity. The DTEIR leaves unanswered the question of whether or not alcohol is going to be served. The Draft TEIR does indicate that there will be a security contingent employed by the project. However, it does not indicate how large. All of these are factors that would affect the mitigation measures that the DTEIR proposes. Without further examination of these factors it is impossible to determine if the proposed mitigation measure (hiring five deputy sheriffs) is adequate.

The DTEIR indicates that the District Attorney investigates and prosecutes crimes from the project. It is true that the District Attorney prosecutes crimes. However, it is the Sheriff that investigates crimes. The Jackson Rancheria Casino has a substantial impact on the investigations division of the Sheriff's Office. With the addition of second casino that impact will be even greater. The DTEIR does not identify an impact to the investigations division of the Sheriff's Office and does not propose any mitigation as a result.

The DTEIR identifies that the Project will pay for an addition of five deputy sheriffs to the Amador County Sheriff's Office. There is no information as to how the Draft TEIR reached this number. The only place where we think they arrived at the number is the old agreement with Cascade Entertainment Inc. for the failed proposal for a Buena Vista casino. Cascade agreed to pay for five deputies. That was not a number that the Sheriff ever agreed with. At that time we

indicated that five deputies was woefully inadequate. However, there was no burden on Cascade at that time to negotiate with the County in a meaningful way. Cascade simply dictated that they would pay for no more than five deputies and that was how the number was arrived at. We still do not believe that five deputies even approaches a sufficient number of staff to even reach one deputy 24/7/365.

The Draft TEIR does indicate an impact on Sheriff's administration. It does not indicate an impact on supervision. The project will have an impact on both. There will be a need to add full-time supervision positions when you add the number of staff that the project proposes. There will be a need for additional administration positions also, especially considering the cumulative effect of two and perhaps three casino projects in the County.

The old agreement with Cascade Entertainment Inc. included a commitment to an on-site office and holding cell for the Sheriff's use. The Sheriff believes there will be a need to have a working space within the project for the Sheriff to conduct business and temporarily hold arrested subjects. It is unclear at this time if the on-site temporary holding facility would be subject to Title 15 and 24 Board of Corrections regulations. If the facility were subject to those regulations the holding facility would need to be approved by the B.O.C.

Section 5.13-3 indicates that from time to time the Project may request additional Sheriff's staff to handle special events. It is unclear what the frequency or size of these events would be. If the events are often enough and of sufficient size the Sheriff may not be able to provide the additional staff at the quantity necessary. It may be necessary to hire some level of additional staff to handle these peak demands. The Draft TEIR also does not indicate who will make the decisions on the appropriate number of additional personnel necessary for these events. The Sheriff does not want to be in a position of putting unacceptably low levels of staffing at a special event because a finance/profit driven decision was made for a lower level of staffing.

5. JAIL: Reference section 5.13-4. The Draft TEIR indicates that a "Fair Share" contribution will be made to the County to assist in the construction of additional jail bed space. This additional bed space will be for those inmates who can be identified as being in the jail as a result of criminal conduct related to the facility or attendance at the facility. This mitigation is helpful. However, the Sheriff and the County cannot add beds to the jail on a one at a time basis. The jail is already exceeding capacity virtually every day. The "Fair Share" contribution will not allow the Sheriff to increase bed space in the short-term future, due to the County's capital funding priorities. Therefore, in spite of the Project's contribution to capital construction the person defined above will still be adding to an already existing over capacity status with no short-term correction in sight.

The Draft TEIR does not commit to reimburse the Sheriff for the on going costs of housing persons arrested at the Project or person arrested for committing crimes en route to or from the Project. This cost is referred to as a "Daily Jail Rate." The project should commit to paying the DJR for all of the above-defined prisoners in an ongoing fashion.

6. EMERGENCY DISPATCH CENTER: The DTEIR identifies that the project will have an impact on the County Emergency Dispatch Center/911 Public Safety Answering Point. The DTEIR again uses the term “Fair Share” payment. There is no information on what “Fair Share” will be based on. The Draft TEIR indicates that the “Fair Share” payment will pay for the addition of staff and equipment. It does not, however, commit to ongoing year after year reimbursement for those additional positions.

7. TRAFFIC: The Sheriff’s Department calls attention to section 1.5.17, where the Project has prepared a “Confidential Study” to analyze the impacts of the Project on school bus routes and stops. How can any of the involved agencies comment intelligently on a “Confidential Study?” What rationale is there for such a study to be confidential?

8. SIZE OF PROJECT: Reference section 3.5.3 (page 53). The statistics cited in this section indicate that the project will be larger than the current Jackson Rancheria Casino. The Project will apparently have 25% more slots, 100% more gaming tables, and approximately 23% more employees. Add to this the possibility of the serving of alcohol and you have a project of potentially much larger impact to the County than the Jackson Rancheria Casino.

9. ANNUAL PAYMENTS: Reference section 5.22-3 (page 268). The section indicates that the Project will pay the County annually for the impact mitigations. The Draft TEIR does not indicate if this is an advance payment for the following year, or a reimbursement for the previous year. If it is a reimbursement for the previous year, it leaves the County paying all of the costs and then being reimbursed after the end of the year.

10. CUMULATIVE IMPACT: Reference section 1.5.19 and 7.2 (page 242). The Draft TEIR does mention the possible cumulative effect of two or perhaps three casinos in the County. It does not attempt to study what that impact might be. It is entirely possible and perhaps likely that the cumulative impacts of the three might be greater than the mere sum of the three. The Draft TEIR mentions the proposed Plymouth Casino. The Draft TEIR also mentions a possible further expansion of the Jackson Rancheria Casino. These are substantial factors that should not be considered as isolated and separate from this project proposal.

11. SIGNIFICANT IMPACT DESIGNATION: Reference Appendix I. On the first page of Appendix I there are no check marks for “Potentially Significant Impact” for Hazards & Hazardous Materials, Public Services, or Transportation / Traffic. Having reviewed all of the material in the Draft TEIR itself, it is difficult to understand a position that there is not a potentially significant impact on these subjects.

On page 6 of Appendix I, section VII a) the document checks “Less Than Significant Impact” for hazardous materials. The Draft TEIR itself makes a case that there is transportation, storage and use of hazardous materials.

12. LIABILITY AND INDEMINIFICATION: The Tribe is a “Sovereign Nation” and enjoys almost complete immunity from civil prosecution. By entering into agreements to provide services and cooperation to the project and Tribe the County, and specifically the

Sheriff's Office, are put in a position to be the target of any civil action arising from Casino/Project activities. Any agreement with the Tribe/Project should include language regarding indemnification and some waiver of "Sovereign Immunity."

Mitigation Measure 5.13-6 District Attorney: The District Attorney's analysis of impact was predicated on several factors, most notably that the proposed Flying Cloud Gaming and Entertainment Facility's serving of alcohol in the casino. There are two main points that must be emphasized.

First, the serving of alcohol and the greater availability of alcohol to all patrons will undoubtedly lead to more alcohol-related criminal activity, most notably drunk driving, vehicular manslaughter, battery and assault. While the Jackson Rancheria Hotel and Casino does serve alcohol at the hotel, it is not served in the casino itself and is therefore not easily available to all casino patrons.

Second, the demographic of the Jackson Rancheria Casino's customer base is different than the proposed Flying Cloud Gaming and Entertainment Facility's will be because alcohol is available in the casino. The Jackson Rancheria's customer base is generally older and less criminally active. Many chose to visit the Jackson Rancheria Casino precisely because it does not have alcohol available within the casino and all the attendant problems that go with it. The demographic of the proposed Flying Cloud Facility can be expected to be younger and more criminally active, just like the customer base at the Thunder Valley and Cache Creek Casinos. Many within this younger customer base will choose to attend the proposed Flying Cloud Facility because they serve alcohol. Undoubtedly, some of these customers will commit alcohol-related crimes either on the reservation grounds on en route to or coming from the proposed casino.

Third, in Section 1.4.4 of the Draft TEIR, the Tribe reserves the right to formally decide on whether they will serve alcohol until later. This places the District Attorney's Office in a difficult position when trying to accurately assess impact. It is the opinion of the District Attorney that the Tribe elect *now* whether they will serve alcohol. If they choose to serve alcohol at the casino, then the previously stated estimated impact assessment of \$513,648 is accurate. If they do not choose to serve alcohol, the estimated impact would be somewhere between the \$513,648 figure and the \$256,824 figure that this Office estimated was the impact caused by the Jackson Rancheria Hotel and Casino in 2002.

Mitigation Measures 5.13-9, 5.13-10, 5.13-11, 5.13-12, 5.13-13: Fire Protection: The proposed Buena Vista Rancheria Casino presents both onsite and offsite impacts on Amador Fire Protection District (AFPD) and its comments are set forth below.

ONSITE: The closest resource for fire protection is the Jackson Valley Fire Protection District (JVFPD). There are no mutual or automatic aid agreements between JVFPD and AFPD. However, under the response concept of closest resource, AFPD would be sent to the Casino as needed.

OFFSITE: AFPD is the fire agency having jurisdiction for the following roadways within Amador County:

- All of SR16
- All of Carbondale Road
- All of Willow Creek Road
- Most of SR124
- All of Ione Road (a.k.a. Ione/Michigan Bar Rd.)
- SR 49, except for those portions within the incorporated borders of Amador City, Jackson, and Sutter Creek.
- SR 88 from approximately 104 (Ione) to Jackson City
- SR 88 from Jackson City to Kirkwood
- All of Latrobe Rd.
- All of Ridge Rd., excepting a small segment through Sutter Hill.

Motor vehicle accidents (MVAs) accounted for 14% of all fire calls in 2004. MVAs require many personnel hours and resources from the fire department and are therefore a significant impact on fire service. Due to the number of patrons and employees that will visit and work at the proposed Casino each week, traffic to and from the Casino, both from inside and outside of Amador County, will significantly impact AFPD resources.

ONSITE/OFFSITE:

1. Both onsite and offsite emergencies will adversely effect the dispatching services currently provided by CDF under contract with AFPD. AFPD is billed for dispatching services based on Amador County's local government proportion of the total call volume of the CDF dispatch center in Camino, El Dorado County. Any increase in said call volume could result in increased cost of the contract.
2. Under the system for dispatching of fire services in the JVFPD response area, which would include the Casino, California Department of Forestry and Fire Protection (CDF) resources are sent on each call. CDF provides this emergency response service, from November through May, under a contract with AFPD. This would also apply to offsite impacts from the Casino as, under the contract, CDF resources are dispatched to all incidents in Amador County in support of local government resources.

The County has received and incorporates herein by this reference the written comments on the DTEIR submitted by the California Department of Forestry and Fire Protection (CDF).

The DTEIR contains statements that relate to Jackson Valley Fire Protection District's statutory responsibilities for Fire, Rescue, Emergency Medical, and Hazardous Material first responder services. As public safety is such an important issue, this letter contains comments including those separately submitted by JVFPD.

In addition to the Mitigation Measures addressed below the Jackson Valley Fire Protection District has additional concerns not addressed previously in its comments regarding the Notice of Preparation of the Draft Environmental Impact Report dated January 7, 2005.

1. Jackson Valley Fire Protection District and/or its contract personnel are not in a position to provide Hazardous Materials Team responses to hazardous materials spills/leaks associated with this project.
See also Section 5.7.2 "Chlorine will be stored on site for water treatment at the Water Treatment Plant." Without knowing the size of the cylinders involved it is difficult to assess the magnitude of the problem should a leak develop.
2. Jackson Valley Fire Protection District and/or its contract personnel are not in a position to provide Confined Space Rescue responses in the event of significant excavation, trench, ditch or structural collapse.
3. Jackson Valley Fire Protection District and/or its contract personnel will require additional staff or fair share payment to dispatch fire department personnel to emergencies at the Facility or to calls related to employment or attendance at the Facility. **Mitigation Measure 5.13-5**
4. Jackson Valley Fire Protection District and/or its contract personnel will require additional staff or fair share payment to perform fire prevention activities and fire cause investigations associated with this project. **Mitigation Measure 5.13-18**
5. Jackson Valley Fire Protection District and/or its contract personnel assume no liability for potential damage caused by applying non-potable, Title 22, reclaimed water during fire suppression activities at the Facility. **Mitigation Measure 5.8-2**
6. In order to provide long-term fire, rescue, and EMS services to the Flying Cloud Gaming and Entertainment Facility, a process needs to be developed to annually review the adequacy of funding. Costs to be considered include staffing costs, operating costs, training costs, and replacement costs for facilities, fire apparatus, and equipment. A continuation of the current 55 day mediation period followed by binding arbitration may be an appropriate model.

Mitigation Measure 5.13-9: The new fire station will be constructed, furnished, and fully equipped.⁴ Funding for the new fire station will be provided by the Flying Cloud Gaming and Entertainment Facility and as a minimum provide the following rooms and features:

LOBBY (8' X 16' = 128 sq.ft.)
Key pad security system separating lobby from the exterior of the building
Handicapped accessible public restrooms
Public telephone
Intercom system
Drinking fountain

⁴ The DTEIR states that this new station will be located within one mile of the casino on land to be provided by the County. The basis for this statement is not indicated. Is it the DTEIR's contention that the County is obligated to provide land for a fire station necessitated only by the Tribe's casino operations? If so, please provide the basis for this position. The County is not in a position to provide such land for the Tribe's benefit.

HANDICAPPED RESTROOM (10'X10' = 100 sq. ft.)

RECEPTION AREA (12' X 16' = 192 sq.ft.)

Key pad security system separating office/living areas from the lobby
A secure reception area suitable for conducting public across-the-counter business

MAIL/WORK ROOM (10' X 20' = 200 sq. ft.)

A work room/mail room suitable for utilizing photocopy/fax and associated office equipment

Storage room for office supplies and ancillary cleaning supplies

Furnishings

Computers

Base radio station

OFFICES (12' X 12' X 3 each = 432 sq. ft.)

Three private offices suitable for conducting sensitive/confidential business

Furnishings

Computers

CLASSROOM/CONFERENCE ROOM (20' x 32' = 640 sq. ft.)

Public address system

Audio Visual system

Adjustable lighting system

White boards

Furnishings

PHYSICAL TRAINING ROOM (18' x 18' = 324 sq. ft.)

Universal gym

Treadmill

Stair stepper

Free weights

Exercise mats

LAUNDRY ROOM (10' X 10' = 100 sq. ft.)

Commercial Washer

Commercial Dryer

Lockers

Storage Cabinets

Laundry tub/sink

KITCHEN (14' X 24' = 336 sq. ft.)

Suitable for preparing meals for 12 persons

High capacity ice machine

Storage areas for cooking supplies

Storage area for cleaning supplies
Cabinets for dishes, utensils and cookware

DINING ROOM (16' X 24' = 384 sq. ft.)
Suitable for serving meals for 12 persons
Furnishings

SLEEPING QUARTERS (10' X 12' X 4 each = 480 sq. ft.)
Four each double occupancy dormitory rooms
Beds
Wall lockers
Nightstands
Reading lamps

BATHROOMS (20' X 20' X 2 each = 800 sq. ft.)
Male bathroom
 2 urinals
 2 toilets
 3 shower stalls
Female bathroom
 3 toilets
 3 shower stalls

DAY ROOM (18' x 18' = 324 SQ. FT.)
Television
Book Cases
Furnishings

COMMUNICATIONS SYSTEM
Base station radio speakers throughout compound
Telephone system
Paging system
DSL or equivalent computer connectivity

***TOTAL OFFICE/LIVING AREA (MINUS HALLWAYS, ELECTRICAL VAULTS/
CLOSETS, ETC.) = 4,440 SQUARE FEET***

APPARATUS ROOM (50' X 60' = 3,000 sq.ft.)
Three (3) drive through bays suitable for:
 1 BC/Command vehicle
 1 Utility vehicle
 1 Type 1 engine
 1 Rescue/Squad
 1 Truck w/105 foot extension
Exhaust ventilation system

PPE Storage racks/lockers
Eye wash station
Commercial high capacity ice machine

EQUIPMENT ROOM (18' X 18' = 324 sq. ft.)
Adjacent to apparatus bays
EMS supplies
PPE storage
SCBA/Oxygen cylinders

STORAGE ROOM (mezzanine area of apparatus bay)
Light weight, seldom used, but essential supplies

DECONTAMINATION WASH AREA (in apparatus bay)
Decontamination extraction washing machine
Wash area for personnel decontamination
Foot activated wash/laundry tray

SCBA COMPRESSOR ROOM (10 X 12 = 120 sq. ft.)
Adjacent to apparatus bay
Secure refill area for SCBA cylinders

OXYGEN REFILL ROOM (8' X 12' = 96 sq. ft.)
Adjacent to apparatus bay
Secure refill area for medical oxygen cylinders

TOTAL APPARATUS BAY = 3,540 SQUARE FEET

EQUIPMENT REPAIR/STORAGE SHOP (20 x 20 = 400 sq ft.)
Detached building
Automotive tools
Work bench
Yard maintenance equipment
Station maintenance equipment
Chemical storage lockers
Oil
Paints
Brake fluid
Transmission fluid
Herbicides
Degreasers
Cleaning solvents
Eye wash station

FUELING STATION WITH FUELING SHED (8' x 8' = 64 SQ. ft.)
Detached building
Above ground double walled vault w/ containment basin
Unleaded gasoline
Diesel

TOTAL DETACHED BUILDINGS = 464 SQUARE FEET

HOSE TOWER/HOSE RACK
Suitable for drying hose in inclement weather

APPARATUS WASH PAD
Petroleum, oils and lubricants separation/trap system
Steam cleaner

DRILL/TRAINING GROUND
Paved area to facilitate:
Hose drills
Ladder drills
Ventilation drills
Pumping drills
Hydrant drills
Employee & Visitor Parking

PERIMETER SECURITY FENCING
Chain link
Remote operated automatic gates

EXTERIOR SECURITY LIGHTING & VIDEO SURVEILLANCE

Mitigation Measure 5-13-10: To mitigate the impacts on fire protection for The Flying Cloud Gaming and Entertainment Facility a fully funded paid fire department will be required, with annual cost escalator to include: operating costs, training, outfitting of apparatus, and capital outlay replacement. After the Flying Cloud Gaming and Entertainment Facility is in operation there will be a mechanism, such as a binding arbitration procedure, to renegotiate costs on an annual basis.

For purposes of this discussion it is assumed that Jackson Valley Fire Protection District will be responsible for emergency responses at the Flying Cloud Gaming and Entertainment Facility and elsewhere within the district.

Advanced Life Support

For Advanced Life Support (ALS) medical responses the minimum training standard should be the EMT-P standard as prescribed by Mountain Valley Emergency Medical Services Agency and as described in Title 22. It is anticipated that Jackson Valley Fire Protection District volunteer and/or contractual personnel would be responsible for all Advanced Life Support calls at the facility and in the district 24 hours per day 365 days per year. Based on anecdotal data from other Casinos in Northern California we would anticipate an average of 1 Advanced Life Support call per day.

It is anticipated that Advanced Life Support Transport Services would be provided by American Legion Ambulance Services thereby relieving Jackson Valley Fire Protection District of providing ALS medical transport.

Fire Responses

Minimum staffing level for firefighting tasks should be 4 persons 24 hours per day 365 days per year. This level is necessary to meet the 2 in 2 out requirement required by CALOSHA. This level assumes that one engine/pump operator is to remain at the apparatus pump panel to provide an uninterrupted stream of water and/or to act as the Incident Commander while an entry team of two could make immediate entry into an Immediately Dangerous to Life and Health (IDLH) environment. The operator and/or Incident Commander and the remaining firefighter would serve as the back-up team thereby meeting the 2-in 2-out requirement.

Failure to provide 4-person staffing would require on scene firefighters to wait as long as 13 to 18 minutes for a mutual aid response from a neighboring fire station/department prior to making a legal entry into an IDLH atmosphere.

To provide this level of fire/ALS medical service would require, as a minimum, the following staffing:

- 2 Chief Officers
- 1 Paramedic Fire Captain (FC-P)
- 2 Non-Paramedic Fire Captains (FC)
- 4 Paramedic Fire Apparatus Engineers (FAE-P)
- 5 Non-Paramedic Fire Apparatus Engineers (FAE)
- 1 Clerical

The staff necessary to provide these emergency responses will need to be hired and trained prior to the opening of the Flying Cloud Gaming and Entertainment Facility. A phased approach would be best.

Nine months prior to opening hire 1 Battalion Chief and 1 Fire Captain-P to ensure that the fire station is operational on opening day. These two individuals would be responsible for:

- Preparing and equipping the station for opening
- Preparing and equipping assigned apparatus for emergency response
- Preparing standard operating procedures for emergency responses
- Hiring personnel necessary to staff the fire station
- Coordinating with Flying Cloud Gaming and Entertainment Facility personnel regarding operational issues and expectations

The remainder of the staff should be hired and begin their training cycle at least four months prior to the facility opening in order to become indoctrinated in the emergency response plans and oriented to the physical features of the Facility.

Mitigation Measure 5.13-11: Given the fact that the Flying Cloud Gaming and Entertainment Facility and the parking structure adjacent to it are both multi-level structures it would be appropriate to acquire apparatus specifically designed and specifically equipped for above ground floor emergency operations in these particular structures.

Acquisition of a fully equipped low profile vehicle to handle medical emergencies, vehicle accidents and vehicle fires within the readily accessible areas of the parking structure would be appropriate.

Concurrently, acquisition of a truck with a 105 foot aerial device for operations on above ground floor fires and rescues at the Flying Cloud Gaming and Entertainment Facility would also be appropriate.

On most emergency calls at the Facility a command vehicle, an engine, and either a truck or a squad, depending on call type, would respond to the incident.

It is anticipated that the following fully equipped vehicles would be assigned to the new fire station:

NUMBER	FUNCTION	TYPE	PROVIDED BY
1	BC/COMMAND VEHICLE	EXPEDITION	FLYING CLOUD
1	STATION UTILITY	PICK-UP	FLYING CLOUD
1	SQUAD	LOW PROFILE	FLYING CLOUD
1	ENGINE	TYPE I/II	JVFPD
1	TRUCK	TELESQUIRT	FLYING CLOUD

Mitigation Measure 5.13-12: The fire protection water system for the Flying Cloud Gaming and Entertainment Facility needs to be designed and developed by a certified fire protection system consultant. Design specifications for this facility exceed the expertise possessed by the Jackson Valley Fire Protection District.

Mitigation Measure 5.13-14 Ambulance Costs: The Tribe will pay a lump sum for the first year of operation “to be determined.” Thereafter, the volume will be “evaluated” by the Tribe

and the Ambulance Service and future amounts paid calculated using a “formula based on this actual volume.” The DTEIR should specifically identify the initial funding amount and identify the formula which is proposed to be used in future years.

Mitigation Measure 5.13-15 through 5.13-20, Child Protective Services, Communicable Disease Investigations, Alcohol and Drug Counseling, accident investigations, County Planning, and Office of Emergency Services: The Mitigation Measures state that the Tribe will make a fair share payment for those impacts. “A fair-share payment” is not an adequate mitigation measure because it is not guaranteed, not quantified, not attached to costs from the impacts, and has no growth component. “To annually offset the actual costs of” is the language that should be used in the Mitigation Measures.

Mitigation Measure 5.13-15 (See also Impacts 5.13-16 and 5.13-17): This section mentions the impact upon Child Protective Services, but fails to discuss what is meant by “Fair Share.” The Tribe has stated that they will make a fair share payment for County Child Protective Services provided. We estimate that approximately 194 cases will be added to our caseload based upon the fact that 25% of our current caseload serves families with a parent or caretaker who is employed at the casino. There is no statement in this mitigation as to what is meant by “Fair Share”.

Mitigation Measure 5.13-16: Again, the Draft TEIR states that a fair share payment will be made to the Public Health Department for communicable disease investigations at the facility. We currently provide services by a Public Health Nurse and the Health Officer at a minimum of 4 hours per month. We expect these numbers to increase another 50% with this new facility.

There is a brief statement on page 154 of the Draft TEIR regarding Public Health services; however, we are currently spending an average of 3-4 hours per month of a PHN and Health Officer's time interacting with the Jackson Rancheria's medical staff on a variety of health issues.

Mitigation Measure 5.13-17 Alcohol and Drug Counselor: There continues to be no statement as to what is meant by “Fair Share”. We are not able to make an accurate comment regarding this proposed mitigation as we have no way of knowing whether or not alcoholic beverages will be served at the proposed casino.

Although many of the arrests made are now referred back to the county of origin, we anticipate that it will take at least one full-time counselor to handle the increased activity associated with a casino that offers alcohol on premise. This estimate could double soon based upon the current increases occurring in our drinking driver program.

Additionally, if we are asked to provide an addiction specialist to handle cases of gambling addiction, costs and activities will again increase. These totals for the Drug/Alcohol Program could reach \$250,000 per year.

Section 5.14 Recreation: The Draft TEIR states that the proposed facility will not cause potentially significant direct or indirect effects to recreation or recreational resources. We are

advised the Amador County Unified School District estimates that demand on school facilities and play areas will increase significantly.

Section 5.15 Transportation and Traffic: The corresponding Mitigation Measures to the enormous traffic impacts are (a) passed off to the County or CalTrans to implement and (b) Tribal payments of only “fair share” amounts. Payments of “fair-share amounts” is not an adequate mitigation measure because it is not guaranteed, not quantified, not attached to costs from the impacts, and has no inflation component. Any traffic mitigations needed as a result of the tribal traffic added by the casino facility needs to be paid by the Tribal project. “To pay all of the actual costs of” is the language that should be used in the Mitigation Measures. To turn the mitigation measure over to another agency to study and implement is no mitigation measure at all. The enormity and complexity of the improvements necessary to mitigate the project’s traffic impacts requires the DTEIR to include a funding mechanism and analysis of the amounts needed to make the improvements.

The Draft TEIR, above all, proves that this is a unique and dramatically impacting project in Amador County. The traffic impacts as far as they are described are inadequate, incomplete, and the approach of the analysis is inconsistent with the current regional transportation plan (RTP) and County circulation element. The analysis contains many factual and method errors which, if corrected, will indicate much greater impacts and mitigations than proposed. The incomplete mitigation measures proposed would result in many County roads being unsafe to motorists, pedestrians, bicyclists, school children, and residents on the day the Casino opens for business. This is hardly the intent of the compact with the State of California.

The entire concept of mitigation relies heavily on two key components in achieving them. First is the definition of impacted roadway segments requiring additional right of way, easements, or environmental permitting. No estimate of cost or impacts can be estimated or evaluated without a complete transportation plan showing routes, traffic sources and volumes, right of way needed to be safe for vehicles, pedestrians, cyclists, school children, residents, etc.; what environmental or endangered species are affected and how they are mitigated, and a complete plan for construction impacts mitigation and monitoring. Second is the cost and timing of the mitigations. The County is not obligated to contribute any regional or local funding or staff to assure the implementation of the mitigations that would not be required but for this project. The obligation of funding and otherwise providing for the entire burden of mitigation falls to the Tribe, and as such that total cost and total effort to implement all phases of the mitigation falls to the Tribe. Any proposal which considers a fair-share approach is leaving until some unknown later date mitigation measures dependent upon others or other funding sources not in the control of the County or the Tribe. The Tribe cannot build-in unsatisfied or non-mitigated impacts with such a funding scheme.

The DTEIR makes no mention of the Amador County encroachment permit requirements for any work conducted in the road right of way on County roads. Any and all mitigation measures contemplated or conducted in the road right of way will require encroachment permits, including an access encroachment permit, from the Amador County Public Works Agency. Additionally, the DTEIR needs to reflect that the “gateway corridor” for access to the facility should be along

Buena Vista Road, and not Jackson Valley Road. There currently are few existing houses along this corridor compared to Jackson Valley Road, and the terminal point for the Ione Bypass connects here at Hwy. 88 and Buena Vista Road. This last point has been completely ignored in the analysis by the DTEIR, but is a major factor in the designation of the “gateway corridor” for this facility.

Below are the most significant comments on technical aspects of the TEIR regarding Public Works which are evidence of the above discussion.

5.15.1.2 Executive Summary – Existing Setting

Policy 1A(2) of the 2004 Amador County Regional Transportation Plan Update, September 15, 2004, states the LOS standards for County roads and State highways, including their intersections, as:

- Maintain a level of service (LOS) of "C" or better for State highways and local streets and roads outside of incorporated cities and other developed communities; and
- Maintain LOS "D" or better for State highways and local streets and roads within incorporated cities and other developed communities.

The City of Ione has the goal of providing LOS C or better traffic conditions on all city streets.

Therefore, the Draft TEIR in using LOS D for all state highways has erroneously analyzed the project’s potential traffic impacts and the analysis should be redone to correct this deficiency.

The following existing problem conditions on roadways that will serve the project’s traffic are omitted or barely mentioned by the Draft TEIR and should be analyzed by the Draft TEIR:

The segment of SR 104 from Michigan Bar to Main Street in Ione already carries traffic volumes in the LOS D range and the project would add traffic to these roadways.

Four County roadway segments already carry daily traffic volumes that exceed or essentially meet the County's design volumes for similar roadway types and the project would add traffic to these roadways. These include:

- Coal Mine Rd. south of Buena Vista Rd,
- Jackson Valley Rd between Martin Lane and Camanche Rd,
- Jackson Valley Rd east of Buena Vista Rd, and
- Stoney Creek Road east of Buena Vista Rd

Additionally, the City of Ione has expressed concern about the level of traffic volumes on SR 104 and SR 124, which pass through the City and impact daily traffic activity and access along the key city streets involved (Preston Ave, Main St, Church St, and Ione St). The City has identified problems and needs at the following intersections:

- Preston Ave & Main St – need for an added southbound approach lane so that separate left- and right-turn lanes can be provided; this would require widening the bridge or constructing a separate parallel pedestrian bridge (with a separate pedestrian bridge, the existing bridge could be restriped to provide the needed lanes); the curb radius on the

northeast corner needs to be increased so that heavy vehicles can make the westbound to northbound right-turn movement without riding up on the curb and sidewalk and without encroaching into the southbound approach lanes.

- Preston Ave (SR 104) & Shakeley Ln/SR 124 – need for a separate eastbound right-turn lane (on Shakeley Ln), which will require restriping the west leg; to provide an adequate length right-turn lane, some widening on the south side of Shakeley Ln would be required.
- Main St & Buena Vista St, which is adjacent to the Preston Ave & Main St intersection discussed above – need restriping and parking prohibitions on the northbound approach to provide separate left- and right-turn lanes
- Ione St (SR 104) at Ione Elementary School – need separate left- and right-turn lanes on the Ione St approach from the school and need an added left-turn lane on the southbound SR 104 approach; these improvements would require widenings.
- Church St (SR 124) & Jackson St – need curb returns and separate right turn lanes on the Jackson St approaches; may be implementable with restriping and parking prohibitions, without widening
- Church St (SR 124) & Market St – need curb returns and separate right turn lanes on the Market St approaches; may be implementable with restriping and parking prohibitions, without widening
- Ione St (SR 104) & Jackson St – need curb returns and separate right turn lanes on the Jackson St approaches; may be implementable with restriping and parking prohibitions, without widening
- Ione St (SR 104) & Market St – need curb returns and separate right turn lanes on the Market St approaches; may be implementable with restriping and parking prohibitions, without widening

5.15.1.3 Executive Summary – Existing Safety Deficiencies

The Draft TEIR does not cite where these improvements are identified in the RTP. The Draft TEIR should provide such a citation, and a detailed list of the locations and nature of the improvements to be funded needs to be included in the Draft TEIR.

The following existing problem conditions are omitted or barely mentioned by the Draft TEIR and should be analyzed by the Draft TEIR:

In the vicinity of the Buena Vista Rd/Jackson Valley Rd intersection there is the concern for pedestrian safety which would be aggravated by increased traffic levels. The Oaks mobile home community, with more than 200 units, is located just west of the Buena Vista Rd/Jackson Valley Rd intersection. It generates substantial pedestrian traffic, including young children. There are no sidewalks along the roadways in this area, and added traffic would exacerbate the potential for vehicle-versus-pedestrian conflicts. Furthermore, The Oaks mobile home community is the school bus pick-up point for the area's schoolchildren. Every morning during the school year approximately 240 school

children walk to or are dropped off at the entrance to the community to catch school buses, and in the afternoon they are dropped off here by the school buses. Pedestrian safety for these children as they travel to and from this school bus stop area is an issue, and added traffic would add to these concerns.

5.15.1.4 – Executive Summary – Project Impacts – Daily Volumes

In order to show the project's impact on the RTP roadway system of County roads and State highways, the RTP's methodology should be used to identify any worsening or changes in the forecasted LOS that the project would cause.

The following State Highway segment already carries traffic volumes in the LOS D range, and the project would add traffic to this roadway:

- SR 104 – Michigan Bar to SR 124 to Main Street in Ione

Additionally, it is likely that the project would cause the section of SR 88 east of SR 104 to worsen from LOS C to LOS D conditions.

The Draft TEIR assumes that the directional distribution of the project's traffic will be in accordance with a confidential market analysis. If the project's traffic distribution is estimated using the population distribution within a 70-mile radius of the project a significantly different distribution pattern emerges. For example, if within this distribution area, about 60% of the project traffic is assumed to be oriented to the area within 35 miles of the site, about 30% of the project traffic is assumed to be oriented to the area between 35 and 70 miles from the site, and about 10% of the project traffic is assumed to be oriented to the area beyond 70 miles from the site the pattern shown in Figure 1 results.

If the Project's traffic distribution pattern is similar to this, the Project will have more impacts on the intersections and roadways located to the north of the site, including the City of Ione, and less on intersections and roadways located to the west and south of the site.

At least the following additional facilities would need improvements:

- Improve Buena Vista Road from SR 124 to SR 88
- Improve Michigan Bar Rd/Ione Rd between SR 16 and SR 104
- Signalize the SR 16 & Latrobe Rd intersection

The impacts identified by the DTEIR for other intersections and roadways located north of the site would be greater with this distribution pattern, and the mitigation improvements would likely be greater as well.

5.15.1.5 Executive Summary - Project Impacts – Peak Hour Volumes

For roadway segment impact determination the Daily Volumes analysis method should be used as set forth in §5.15.1.4 above. This is the methodology used by the Amador County RTP.

5.15.1.6 Executive Summary - Project Impacts – Intersections

This section of the DTEIR lists five intersections that would be impacted.

The following intersections would also be impacted with LOS E or worse conditions in the peak hours and need to be added.

- Main St & Church St intersection in Ione
- Preston Ave (SR 104) & Shakeley Ln/SR 124 intersection in Ione

On p. 163. 5.15.1.5. As described segment #3 does not exist. What section is meant?

On p. 163 5.15.1.8. Item nos. 1 & 2, West or East or both (Jackson Valley Road). Items nos. 3 & 4, please define what is meant by “Class I”. This is not defined anywhere and does not correspond to any County Public Works Standard. What is the nature of improvements needed to upgrade?

5.15.1.8 Executive Summary – Project Mitigation Measures

For roadway segment impact determination the Daily Volumes analysis method should be used as set forth in §5.15.1.4 above. This is the methodology used by the Amador County RTP. For intersection impact determination the HCM 2000 peak hour LOS methodology employed by the Draft TEIR analysis should be used.

The following more comprehensive list of mitigation measures should be required of the project to address the project’s traffic impacts:

Existing & Existing-plus-Approved Traffic Levels

At the existing or existing-plus-approved development traffic levels the improvement measures listed below are already needed, and because the project adds traffic to these locations it must provide for these improvements.

1. Signalize the following intersections:
 - a. SR 88 & SR 104/Jackson Valley Rd (east)
 - b. Main St & Church St [SR 124] in Ione
 - c. Preston Ave (SR 104) & Shakeley Ln/SR 124

- d. Preston Ave & Main St in Ione. (SR 04 and 124) (There is a \$100,000 project for improving the turn radius on the NE corner of this intersection being funded and constructed. There are no funds included for signaling this intersection.)
2. At the Preston Ave (SR 104) & Shakeley Ln/SR 124 intersection add a separate eastbound right-turn lane (on Shakeley Ln), which would require restriping the west leg. To provide an adequate length right-turn lane, some widening on the south side of Shakeley Ln would be required.
3. At the Preston Ave & Main St intersection add a southbound approach lane so that separate left- and right-turn lanes can be provided. This would require widening the bridge or constructing a separate parallel pedestrian bridge; with a separate pedestrian bridge, the existing bridge could be restriped to provide the needed lanes.
4. Improve the following additional intersections in the City of Ione:
 - a. Main St & Buena Vista St – restriping and parking prohibitions on the northbound approach to provide separate left- and right-turn lanes
 - b. Ione St (SR 104) at Ione Elementary School – add separate left- and right-turn lanes on the Ione St approach from the school and add a left-turn lane on the southbound SR 104 approach; these improvements would require widenings.
 - c. Church St (SR 124) & Jackson St – add curb returns and separate right turn lanes on the Jackson St approaches
 - d. Church St (SR 124) & Market St – add curb returns and separate right turn lanes on the Market St approaches
 - e. Ione St (SR 104) & Jackson St – add curb returns and separate right turn lanes on the Jackson St approaches
 - f. Ione St (SR 104) & Market St – add curb returns and separate right turn lanes on the Market St approaches
5. Improve Coal Mine Road south of Buena Vista Rd from local road status to minor road status, which would involve widening the pavement to 24 feet, adding shoulders, and improving the existing culvert/downstream channel in this segment that is inadequate and results in flooding. (With the proposed Casino Project, Coal Mine Rd between Buena Vista Rd and the Project would need further widening as described in the next subsection.) In the segment of Coal Mine Road south of Project the existing short-radius curves that limit safe stopping sight distance also need to be addressed.
6. Improve Jackson Valley Rd from Martin Lane to Camanche Rd from minor collector status to major collector status, which would involve widening the pavement to 28 feet and adding shoulders.
7. Improve Jackson Valley Rd east of Buena Vista Rd from minor collector status to major collector status, which would involve widening the pavement to 28 feet and adding shoulders.
8. Improve Stoney Creek Road from minor collector status to major collector status, which would involve widening the pavement to 28 feet and adding shoulders. Also conduct a

traffic study (project study report) to determine what safety improvement and signage is needed on Stoney Creek Road to meet the County's design requirements (which are essentially those of the Caltrans Design Manual for such roadways).

9. Improve the Buena Vista Rd/Jackson Valley Rd intersection to widen approaches and address the existing drainage problems in the vicinity of this intersection that cause it to flood frequently.
10. Improve pedestrian facilities in the vicinity of the Buena Vista Rd/Jackson Valley Rd intersection to address pedestrian safety issues for school age children. The improvements to be made should include, but not necessarily be limited to, the following:
 - a. Construct sidewalks in the vicinity of the intersection and The Oaks mobile home community (located just west of the Buena Vista Rd/Jackson Valley Rd intersection) to isolate pedestrian traffic from vehicular traffic.
 - b. Construct bus pull-out(s) and safe waiting areas for school children that are picked up and dropped off at the entrance to The Oaks mobile home community by school buses
 - c. Provide for bicycle pathways
11. Improve SR 88 from the San Joaquin County Line to the SR 124 to add passing lanes and other capacity and safety improvements.
12. Improve SR 104 from Michigan Bar Rd to Main Street in Ione.
13. Improve the Martin Ln/Jackson Valley Rd intersection to enhance safety. Measures to be developed in consultation with Amador County and may include all-way-stop signs, flashing beacons, signage, etc.

Existing-plus-Approved-plus-Project Traffic Levels

At the Existing + Approved + Project traffic levels the additional improvement measures listed below would be needed due to the project's traffic. The project should be responsible for funding these improvements in their entirety.

1. Signalize the SR 88 & Jackson Valley Rd (west) intersection.
2. Signalize the SR 88 Buena Vista Road intersection.
3. Improve the Buena Vista Rd/Jackson Valley Rd intersection to add an eastbound right-turn lane.
4. Improve Buena Vista Road from SR 124 to SR 88 from major collector status to major arterial status, which would involve widening the pavement to 48 feet and adding shoulders.
5. Improve Buena Vista Road from SR 88 to Jackson Valley Rd from major collector status to major arterial status, which would involve widening the pavement to 48 feet and adding shoulders. Also install a southbound left-turn lane on Buena Vista Road at the Buena Vista Land Fill entrance.

6. Improve Buena Vista Road from Jackson Valley Rd to Coal Mine Rd from major collector status to at least major arterial status, which would involve widening the pavement to 48 feet plus shoulders and widening of the bridge over Jackson Creek
7. Improve Jackson Valley Rd from SR 88 to Buena Vista Rd major arterial status, which would involve widening the pavement to 48 feet and adding shoulders. These are in addition to the improvements described above in items 6 and 7 for Existing traffic volume levels.
8. Improve Michigan Bar Rd/Ione Rd between SR 104 and SR 16 from major collector status to major arterial status, which would involve widening the pavement to 48 feet and adding shoulders.
9. Improve Coal Mine Road between Buena Vista Rd and the Project access to major arterial status, which would involve widening the pavement to 48 feet with shoulders, and widening over the culvert/downstream channel in this segment. These improvements are in addition to those identified above for Coal Mine Road that are needed at the Existing Traffic Levels.
10. Implement the following improvements to address project access needs:
 - a. Install signage, if permitted by the County's sign ordinance, on SR 88 to direct traffic to Buena Vista Road as preferred route to the Project, rather than Jackson Valley Road.
 - b. Include a second ingress/egress point to the Project
 - c. Construct left turn lanes at the entrances to the Project – only two encroachments should be allowed.
 - d. Safety improvements to address the potentially unsafe situation to be created by locating the project's entrance(s) at the bottom of a hill and in a location with limited sight distance. Such improvements shall be developed in consultation with Amador County.
11. Implement the following improvements and measures to address the impacts of the project's heavy vehicle traffic, such improvements to be developed in consultation with Amador County:
 - a. Improvements at key intersections along the routes to be used by Project heavy vehicle traffic, including increased turning radii, added turn lane storage length, acceleration/deceleration areas and transitions, etc.
 - b. Measures to address heavy vehicle impacts on road surface conditions and increased costs to the County for maintenance and resurfacing of County roadways, such as increase structural sections for the roadways to be improved along the routes to be used by Project heavy vehicle traffic
 - c. Enter into a Road Maintenance Agreement (RMA) with Amador County to maintain and repair any road damage attributed to the project's construction

12. Implement the following measures to address the impacts of the project's traffic on public services provided by the County Public Works Department, such measures to be developed in consultation with Amador County:
 - a. Offset the increased workload costs due to added demands that the Project, as an employer and an "attraction", would induce for commercial and residential development/subdivision services in the surrounding area and communities.
 - b. Offset the costs of increased road crew staff time and equipment that would be required due to additional road maintenance needs.
 - c. Offset the costs of increased workload needed to conduct accident investigations.
 - d. Offset the increased costs of the Project's impact on CHP obligations for Vehicle Code enforcement in the County

2025 With Project

The project should pay the cost of the improvement measures listed below.

1. Improve SR 88 from the San Joaquin County Line to the SR 124 – The RTP includes improvements on the SR 88 segment to maintain LOS D conditions at the ultimate 2025 traffic volume levels. These improvements could include road widening and realignment in selected locations, shoulder widening, intersection improvements, and passing lanes. These improvements are listed in the RTP as unfunded (Tier 2) improvements, which means that there are presently no identified funding sources for these improvements. These improvements are broader in scope than the “passing lane” improvements included in item 11, above.
2. Implement Ione Interim West Bypass project that would divert traffic away from Preston Avenue (SR 104) and Main Street in Ione. This is in lieu of improving SR 104 from Michigan Bar Rd through Main and Church Streets in Ione. The Interim West Bypass project is included in the RTP's roadway project list a partially funded with STIP funds and regional traffic mitigation fees, but these funds are not presently available, therefore the Rancheria should build the bypass if impacts are to be mitigated.
3. Intersection and traffic signal improvements at the following locations (which in some cases may go beyond the scope of improvements identified above for near-term improvements at these locations):
 - a. SR 16 & SR 124
 - b. SR 16 & Latrobe Rd
 - c. SR 88 & Jackson Valley Rd (west)
 - d. SR 88 & Buena Vista Rd
 - e. SR 88 & SR 104/Jackson Valley Rd (east)
 - f. Main St & Church St – Ione
 - g. Preston Ave & Main St – Ione
 - h. Preston Ave (SR 104) & Shakeley Ln/SR 124 – Ione

i. Jackson Valley Rd & Buena Vista Rd

Referring to the project description on page 2, it refers to a multi level parking garage planned with “no on-site parking proposed for recreational vehicles.” How will they be informed before they show up and what happens to them when they arrive? Has this “turn around & go back” traffic been accounted for in the traffic volumes?

5.15.1.(p. 164) Executive Summary - Project Contribution Options – Ione

The project’s fair-share responsibilities should comply with the comments provided above in that the “fair share” approach is not appropriate for providing impact mitigations. If the improvement is needed due to the impact of the project’s traffic, the project should fully provide the mitigation.

5.15.1.10 Executive Summary - Project Contribution Options – Safety

A detailed list of the locations and nature of the improvements to be funded needs to be included in the DTEIR.

3.15.1.11 Executive Summary - Project Contribution Options – Pavement

There are other facilities that will be impacted by the project’s traffic that are not analyzed by the DTEIR, including:

The 2025 levels of service projected by the Amador County RTP for the key State highway segments and County roadway segments that would serve the Project's traffic indicate that sections of SR 16, SR 88, and SR 104 are already projected to have unacceptable traffic conditions (LOS D and E) even without the proposed Project. These include the following, which are not identified in the DTEIR:

- SR 16 from Latrobe Rd to east of SR 124
- SR 88 east of SR 104
- SR 104 from Michigan Bar Rd to Main Street in Ione, and
- SR 104 north of SR 88

At the 2025 traffic levels it can be expected that intersection improvements would be needed at several key intersections on the regional roadway network to adequately accommodate the projected future traffic volumes. Improvements at the following intersections are likely to be needed and are not identified by the DTEIR:

- SR 16 & SR 124
- SR 16 & Latrobe Rd
- Main St & Church St – Ione
- Preston Ave & Main St – Ione

Section 5.15.1.11. (p. 164.) This section is related to section 5.18-7, p. 38. The Tribe needs to provide for ongoing road maintenance due to increased traffic which will greatly shorten the life of these roads even when some rehabilitation is provided. All areas shall be provided with a

video inventory before construction and the 2005 PMS data shall apply as a baseline for “existing conditions”. The 1999 PMS data (used in the BVEIR) has been superceded.

Section 5.15.1.12 (p. 164) Level of Service D is not acceptable. Level of Service C is required. Therefore, mitigation noted for Buena Vista Road is not adequate as proposed.

p. 165, Third Paragraph It is not true that all of the approved projects are included in the 2025 cumulative condition. For example, the recently approved GRE/Regan Subdivision project in Ione was not included in the 2025 RTP traffic projections. The DTEIR traffic analysis should include Existing-plus-Approved Developments and Existing-plus-Approved Developments-plus-Project analysis scenarios.

p. 165 **5.15.3.1** Ione Road and Michigan Bar Road are omitted from the description of study area roadways and the analysis of project traffic impacts. They should be included in the analysis.

p. 167 **5.15.3.1.10.** Note that Willow Creek Road “...is about 20 feet wide with no shoulders, with sharp curves and steep grade changes, and ...” emphasized text added to depict actual existing conditions.

p. 168 **5.15.3.1.12.** Camanche Parkway North. This is a major summer seasonal route accessing lake facilities. Are traffic counts taking this into account, particularly on weekends? Has there been any consideration for the numerous bicycle events in this area?

p. 169, First Paragraph Meiss Road connects to Ione Rd/ Michigan Bar Rd only via an unpaved alignment. It is not suitable for use by project traffic.

p. 169 **5.15.3.1.17.** Meiss Road. Where is Ione Road/Michigan Bar? This section carries more traffic than Meiss and is a faster/better route between SR 16 and SR 104, therefore, more likely to be used than Meiss.

p. 170 **5.15.3.3.1** This section incorrectly states the Amador County LOS policies, apparently relying on the previous version of the RTP. The following are the correct policies from the 2004 RTP Update:

Policy 1A(2) of the 2004 Amador County Regional Transportation Plan Update, September 15, 2004, states the LOS standards for County roads and State highways, including their intersections, as:

- Maintain a level of service (LOS) of "C" or better for State highways and local streets and roads outside of incorporated cities and other developed communities; and
- Maintain LOS "D" or better for State highways and local streets and roads within incorporated cities and other developed communities.

The City of Ione has the goal of providing LOS C or better traffic conditions on all city streets.

p. 171 **5.15.3.3.2** In order to show the project's impact on the RTP roadway system of County roads and State highways, the RTP's methodology should be used to identify any worsening or changes in the forecasted LOS that the project would cause. Since this methodology is the basis of the RTP's LOS determinations and improvement project identification, it is essential that the same methodology be used to determine the project's impacts on the RTP. The DTEIR needs to include this analysis.

p. 172 **5.15.3.5.1** This section incorrectly summarizes the results shown in Table 5.15-4, indicating that only SR 88 now has LOS D conditions. In fact Table 5.15-4 indicates that the following roadways already have LOS D:

		Weekday	Saturday
State Route 88	SR 12 to Liberty Road	D	D
	East of SR 104	D	D
State Route 104	SR 124 to Main Street	D	D
	Preston Avenue to Church Street	D	D

This section also erroneously indicates that these results are within the Amador County LOS standards. Policy 1A(2) of the 2004 Amador County Regional Transportation Plan Update, September 15, 2004, states the LOS standards for County roads and State highways, including their intersections, as:

- Maintain a level of service (LOS) of "C" or better for State highways and local streets and roads outside of incorporated cities and other developed communities; and
- Maintain LOS "D" or better for State highways and local streets and roads within incorporated cities and other developed communities.

Therefore, the SR 88 segments exceed the LOS C policy for rural highways. The SR 104 segments is within the LOS D policy for urban highways, but the City of Ione General Plan calls for LOS C on City streets. While SR 104 is a state highway as it traverses the City of Ione, it also serves the function of a City street. Thus, the City considers the existing traffic levels to be problematic, even though the regional LOS policy is not exceeded.

p. 172 **5.15.3.5.2** This section erroneously indicates that the peak hour LOS results are within the Amador County LOS standards. Policy 1A(2) of the 2004 Amador County Regional Transportation Plan Update, September 15, 2004, states the LOS standards for County roads and State highways, including their intersections, as:

- Maintain a level of service (LOS) of "C" or better for State highways and local streets and roads outside of incorporated cities and other developed communities; and
- Maintain LOS "D" or better for State highways and local streets and roads within incorporated cities and other developed communities.

Therefore, the SR 88 segment east of SR 104 exceeds the LOS C policy for rural highways.

p. 173, **Table 5.15-3.** Roadway SR 124, location should be listed as SR 16 to 104? Not SR16 to SR 124?

p. 176 **5.15.3.5.3** This section omits discussion of the SR 88 / SR 12 intersection which also has LOS F conditions on the SB approach in the weekday PM peak hour per Table 5.15-6

p. 179 **5.15.3.6.** & p. 192, **Sec. 5.15.4.4;** Pavement Conditions. The 2005 (May) PMS data replaces the data mentioned from 1999. These tables should be redone to utilize current costing data.

p. 182 & 183 **5.15.4.1.1** This section and **Table 5.15-9** indicate that the trip generation characteristics of the Cache Creek Casino on SR 16 were used to estimate the Buena Vista Casino's traffic generation. Several other existing casino projects are acknowledged and the range of their trip rates are cited, but there is no discussion of why this single casino (Cache Creek) was determined to be the best and most representative example for use in estimating the Buena Vista Casino's traffic generation. There are higher trip generation rates cited in table 5.15-9 than those used by the Draft TEIR and suggest that the Draft TEIR does not address the potential worst case scenario for project trip generation.

p. 183 **5.15.4.2.1** The Draft TEIR assumes that the directional distribution of the project's traffic will be in accordance with a confidential market analysis. If the project's traffic distribution is estimated using the population distribution within a 70-mile radius of the project a significantly different distribution pattern emerges. For example, if within this distribution area, about 60% of the project traffic is assumed to be oriented to the area within 35 miles of the site, about 30% of the project traffic is assumed to be oriented to the area between 35 and 70 miles from the site, and about 10% of the project traffic is assumed to be oriented to the area beyond 70 miles from the site the pattern shown in Figure 1 results.

If the Project's traffic distribution pattern is similar to this, the Project will have more impacts on the intersections and roadways located to the north of the site, including the City of Ione, and less on intersections and roadways located to the west and south of the site.

The Draft TEIR should discuss the potential for these higher impacts if the actual distribution does not strictly adhere to the assumptions of the confidential market analysis.

p. 184 **Sec. 5.15.4.2.2.** Trip Assignment and **Sec. 5.15.5.4.** Coal Mine Road. Lake Amador and Lake Camanche have high summer usage but there is no discussion of how much this facility will draw from these areas. Coal Mine Road will also be impacted by this and yet it is not yet mentioned either.

p. 185 **5.15.4.3.1** This section uses erroneous assumptions about the acceptable LOS for Amador County. Instead of the 5 roadway segments identified with LOS in excess of the County standards, it should have identified 12 roadway sections with LOS worse than the County's acceptable level (LOS C) with the project's added traffic. From Table 5.15-11, these would include:

Roadway	Location	Existing	Existing + Project	
			Wkday	Sat
State Route 88	SR 12 to Liberty Rd	D	F	F
	Liberty Rd to Jackson Valley Rd	C	E	F
	Jackson Valley Rd to SR 124	C	D	D
	SR 124 to Buena Vista Rd	C	D	D
	East of SR 104	D	D	D
Buena Vista Rd	SR 88 to Jackson Valley Rd	C	E	F
	Jackson Valley Rd to Coal Mine Rd	C	F	F
Jackson Valley Rd	SR 88 (west) to Buena Vista Rd	B	F	F
Coal Mine Rd	Buena Vista Rd to Project Access	A	F	F
State Route 104	Michigan Bar Rd to SR 124	C	D	D
	SR 124 to Main Street	D	D	D
	Preston Ave to Church St	D	D	D

The need for additional mitigation measures at these locations needs to be addressed in the DTEIR.

p. 185 **5.15.4.3.1** This section implies that because rights of way are now limited, improvements would be infeasible. The Draft TEIR should discuss the implications for needed rights of way, the jurisdictions that would need to require or acquire those rights of way, and the likely range of costs for those rights of way. This is part of the full disclosure of the potential impacts of the project on the roadway systems of the affected jurisdictions. If the project's traffic necessitates improvements that would require such right of way acquisition, then there should be measures identified to mitigate these project impacts.

p. 187 **5.15.4.3.2** This section implies that because rights of way are now limited, improvements would be infeasible. The DTEIR should discuss the implications for needed rights of way, the jurisdictions that would need to require or acquire those rights of way, and the likely range of costs for those rights of way. This is part of the full disclosure of the potential impacts of the project on the roadway systems of the affected jurisdictions. If the project's traffic necessitates improvements that would require such right of way acquisition, then there should be measures identified to mitigate these project impacts.

p. 188 **Table 5.15-12** This table shows LOS D as the "Standard" for some roadways, which is erroneous. The Draft TEIR has apparently relied on an outdated version of the County's RTP. The County's current RTP LOS standard for rural highways is LOS C.

p. 189 **5.15.4.3.3** This section does not adequately identify the number of intersections that would be adversely impacted with the project traffic. Instead of the 5 intersections identified

with LOS in excess of the County standards, it should have identified 9 intersections with LOS worse than the County's acceptable level (LOS C) with the project's added traffic. From Table 5.15-13, these would include:

- SR 104 / SR 124 / Shakeley Lane (LOS F with project and signals are warranted)
- Main Street (SR 104) / Preston Avenue (SR 124) in Ione (LOS F with project and signals are warranted)
- Main Street / Church St (LOS E with project and signals are warranted)
- SR 88 / Jackson Valley Road (west) (LOS F with project and signals are warranted)
- SR 88 / Buena Vista Road (LOS F with project and signals are warranted)
- SR 88 / SR 104 / Jackson Valley Rd (LOS F with project and signals are warranted)
- Jackson Valley Road / Buena Vista Road (LOS F with project and signals are warranted)
- Buena Vista Road / Coal Mine Rd (LOS F with project and signals are warranted)
- SR 88 / Liberty Road / Camanche Parkway (LOS F with project and signals are warranted)

The need for additional mitigation measures at these locations needs to be addressed in the Draft TEIR.

p. 190 **Table 5.15-13** This table indicates that the Main & Preston intersection and the Main & Church intersection do not meet signal warrants, but using the volumes shown in Figures 19 and 21 these intersections do meet the rural signal warrants. The analysis and mitigation recommendations should be corrected to reflect these facts.

p. 192 **Sec. 5.15.4.4.** and p.197, **Sec. 5.15.6.2.4.** Improvements to road conditions, in the last sentence after table 5.15-14 indicates improvements should be made for roads rated less than 90. Why doesn't this recommendation appear in any mitigation measure noted elsewhere in this section? Also, the analysis should be using the May 2005, PMS data available from County Public Works.

p. 193 **5.15.5.2.** Jackson Valley Road/Martin Lane. The proposed mitigation is not an approved nor appropriate use of 24/7 devices. Proper mitigation is to fix the alignment and sight distance problem.

p. 193, **Sec. 5.15.5.5.** Stoney Creek Road. "This roadway becomes a minor secondary route for project traffic headed to Jackson." If this occurs, Camanche Rd. South to Camanche Parkway North will also receive much more traffic, yet no proposed mitigation improvements to either is mentioned.

p. 193 **5.15.6 5.15.6** This section erroneously identifies the RTP planning horizon year as 2023, when in fact it is 2025. This same error is prevalent throughout subsequent sections of the document and needs to be corrected. To the extent that the Draft TEIR's analysis actually reflects estimated 2023 traffic levels, the analysis needs to be corrected to reflect 2025 levels instead.

p. 193 & 195 **5.15.6.1.1** This section refers to **Table 5.15-15** that lists roadway improvement projects from the County RTP; however, the table omits the Ione Interim West Bypass project, which the RTP shows with a cost of \$24 million (which recent review tends to indicate is a significantly low estimate). This section and the table also imply that these are funded projects; however, the \$5 million cost for the SR 88 improvements from the San Joaquin County Line to SR 104 is identified in the RTP as unfunded. For the Interim West Bypass, \$5 million is shown in the RTP as unfunded and another \$14 million is shown as STIP funding, which is uncertain at this time. The DTEIR should make it clear that there are serious funding shortfalls in the County's adopted RTP improvement program even without the project's added traffic and its impacts, and that impacts still require mitigation.

p. 196 **5.15.6.2.1** This section uses erroneous assumptions about the acceptable LOS for Amador County. Instead of the 7 roadway segments identified with LOS in excess of the County standards, it should have identified 9 roadway sections that are already projected to have with LOS worse than the County's acceptable level (LOS C) even without the project's added traffic, and 15 roadway sections that would have worse then LOS C with the project's added traffic, as shown in Table 5.15-17.

The need for additional mitigation measures at these locations needs to be addressed in the Draft TEIR.

p. 197 **5.15.6.2.2** This section uses erroneous assumptions about the acceptable LOS for Amador County. Instead of the 5 roadway segments identified with LOS in excess of the County standards, it should have identified 4 roadway sections that are already projected to have with LOS worse than the County's acceptable level (LOS C) even without the project's added traffic, and 10 roadway sections that would have worse then LOS C with the project's added traffic, as shown in Table 5.15-18.

The need for additional mitigation measures at these locations needs to be addressed in the DTEIR.

p. 199 **Table 5.15-18** This table shows LOS D as the "Standard" for some roadways, which is erroneous. The DTEIR has apparently relied on an outdated version of the County's RTP. The County's current RTP LOS standard for rural highways is LOS C.

p. 200 **Table 5.15-19** This table indicates that the Main & Preston intersection and the Main & Church intersection would not meet signal warrants in the future, but even using the existing volumes shown in Figures 19 and 21 these intersections already meet the rural signal warrants. The analysis and mitigation recommendations should be corrected to reflect these facts.

p. 203 **5.15.7.1** This section indicates that the mitigation measures have been developed to provide LOS D on state highways, but the County's RTP clearly states that the LOS policy for rural state highways is LOS C.

The need for additional mitigation measures to meet this LOS policy needs to be addressed in the Draft TEIR.

p. 204 **5.15.7.1.2**. 2023 Improvements refers to items in Bold. This table indicates SR 88 East of SR 104 to? – no end is noted. Also, it appears at least 5 more items on this page should be BOLD.

p. 204, **Sec. 5.15.7.1.2**. “Roadway Segment Levels of Service”. SR 88 Camanche Parkway to Jackson Valley Road, Jackson Valley Road from SR 88 to Buena Vista Road. Is this east or west ends?

p. 206 **5.15.9** This section states that the Draft TEIR assumes that "Peak Hour Conditions" are the basis for determining significant impacts. This is a method that the Draft TEIR has used instead of the method used by the County's RTP which is the basis of all other regional roadway system improvements that have been identified for the County in the RTP. In order to show the project's impact on the RTP roadway system of County roads and State highways, the RTP's methodology should be used to identify any worsening or changes in the forecasted LOS that the project would cause, and to identify the needed mitigation improvements. Other sections of the Draft TEIR show that the RTP's method identifies more extensive LOS problems and greater project impacts and mitigation requirements.

5.15.9.1. (p. 206) Proposed Mitigation for Year 2004 with Project Conditions and for Year 2023 Conditions

Mitigation Measures.15-1 through 5.15-15, Transportation and Traffic Impacts: The corresponding Mitigation Measures to the enormous traffic impacts are (a) passed off to the County or CalTrans to implement and (b) Tribal payments of only “fair share” amounts. Payment of “fair-share amounts” is hardly a mitigation measure because it is not guaranteed, not quantified, not attached to costs from the impacts, and has no inflation component. “To pay all of the actual costs of” is the language that should be used in the Mitigation Measures. To turn the mitigation measures over to another agency to study and implement is no mitigation measure at all. The enormity and complexity of the improvements necessary to mitigate the project's traffic impacts cries for the TEIR to include a funding mechanism and analysis of the amounts needed to make the improvements.

Mitigation Measure 5.15-1: A traffic signal at **SR 88 and Liberty Road/Camanche Parkway** will be installed when deemed warranted by Caltrans. Timing of signalization intersection is subject to the Caltrans encroachment permit process.

This location is San Joaquin County.

Mitigation Measure 5.15-2: This traffic signal would need to be in place and operative on or before the opening day of the project.

Mitigation Measure 5.15-3 (p. 207): A traffic signal at SR 88 and Buena Vista Road will be installed. This traffic signal would need to be in place and operative on or before the opening day of the project. The project needs to totally fund and construct this.

Mitigation Measure 5.15-4: An eastbound right turn lane at the Jackson Valley Road/Buena Vista Road intersection will be installed. With this improvement, delays for northbound motorists waiting to turn right will be reduced.

This improvement would need to be in place and operative on or before the opening day of the project.

Mitigation Measure 5.15-4: This needs to be done with Mitigation Measure 5.1-3.

Mitigation Measure 5.15-5: The Tribe will pay a fair share contribution to the cost of traffic control measures at the Jackson Valley Road / Martin Lane Intersection. Such measures will be developed in consultation with Amador County, and may include all-way-stop signs, flashing beacons, signage, etc. The Project is responsible for this mitigation. The project would exacerbate existing and future problem conditions and accelerate the need for implementing improvements. The needed funding to implement the improvements would not be available in time to mitigate the project's impacts, therefore the project should fund these improvements.

Mitigation Measure 5.15-6: Jackson Valley Rd from SR 88 to Buena Vista Rd will need to be improved to at least the County's major arterial status, which would involve widening the pavement to 48 feet and adding shoulders. The DTEIR's proposed improvement to 24 feet plus shoulders will not be adequate.

This improvement would need to be in place and operative on or before the opening day of the project.

Mitigation Measure 5.15-7: The project's added traffic will cause the AASHTO warrants for left-turn lanes to be met for the southbound left-turn movement on Buena Vista Road at the Buena Vista Land Fill entrance.

The project's traffic will likely necessitate improvement of Buena Vista Road from SR 124 to SR 88 from major collector status to major arterial status, which would involve widening the pavement to 48 feet and adding shoulders.

These improvements would need to be in place and operative on or before the opening day of the project.

Mitigation Measure 5.15-8: Coal Mine Road between Buena Vista Rd and the Project access will need to be improved to at least major arterial status, which would involve widening the pavement to 48 feet with shoulders, and widening over the culvert/downstream channel in this segment.

This improvement would need to be in place and operative on or before the opening day of the project.

Mitigation Measure 5.15-9: There are drainage problems in the vicinity of the Buena Vista Rd/Jackson Valley Rd intersection that cause it to flood frequently. Improvements are needed to widen approaches and address the existing drainage problems in the vicinity of this intersection that cause it to flood frequently.

There are also pedestrian safety issues in this vicinity. The Oaks mobile home community, with more than 200 units, is located just west of the Buena Vista Rd/Jackson Valley Rd intersection. It generates substantial pedestrian traffic, including young children. There are no sidewalks along the roadways in this area, and added traffic would exacerbate the potential for vehicle-versus-pedestrian conflicts. Furthermore, The Oaks mobile home community is the school bus pick-up point for the area's schoolchildren. Every morning during the school year approximately 240 school children walk to or are dropped off at the entrance to the community to catch school buses, and in the afternoon they are dropped off here by the school buses. Pedestrian safety for these children as they travel to and from this school bus stop area is an issue, and added traffic would add to these concerns.

Improvements should be made to pedestrian facilities in the vicinity of the Buena Vista Rd/Jackson Valley Rd intersection to address pedestrian safety issues for school age children. The improvements to be made should include, but not necessarily be limited to, the following:

- a. Construct sidewalks in the vicinity of the intersection and The Oaks mobile home community (located just west of the Buena Vista Rd/Jackson Valley Rd intersection) to isolate pedestrian traffic from vehicular traffic.
- b. Construct bus pull-out(s) and safe waiting areas for school children that are picked up and dropped off at the entrance to The Oaks mobile home community by school buses

In addition to signalization, **MITIGATION MEASURE 5.15-4** calls for the addition of an eastbound right-turn lane.

The feasibility of providing the necessary rights-of-way to install a roundabout or construct a bypass roadway needs to be analyzed and discussed by the Draft TEIR.

p. 207 **Mitigation Measure 5.15-9.** The impacts of alternative to the bypass is not discussed, but only mentioned.

p. 207 **Mitigation Measure 5.15-9.** It is not likely that a roundabout will fit and not take out the historical building. If right of way is not available for the signalized intersection or roundabout, how will it be obtained for a bypass? These improvements (the bypass) need to be in place before opening the project.

p. 207 **Mitigation Measure 5.15-3.** Either the directions are wrong or it's a right turn lane?

p. 208 **MITIGATION MEASURE 5.15-13.** The TMF shall be paid and the identified improvements need to be fully funded for the project to open.

Mitigation Measure 5.15-11: A fair share contribution will be made to the cost of installation of signalization of intersections at **SR 104/SR 124/Shakeley Lane** and at **SR 88/ SR 104**. A traffic signal is already warranted at each intersection. The Tribe will make a fair share contribution toward costs, but will not be directly responsible for the installation of such signalization.

The project's fair share responsibility is the entire cost of this mitigation. The project would exacerbate existing and future problem conditions and accelerate the need for implementing improvements. The needed funding to implement the improvements would not be available in time to mitigate the project's impacts, therefore the project should fund these improvements.

Mitigation Measure 5.15-12: A one-time contribution will be made to the cost of certain “unfunded” safety improvements, as specifically described in the RTP, to **Coal Mine Road, Buena Vista Road, and Camanche Parkway.**

A detailed list of the locations and nature of the improvements to be funded needs to be included in the Draft TEIR. The Tribe will fund all needed improvements to mitigate impacts.

Mitigation Measure 5.15-13: A fair share contribution will be made to the cost of regionally beneficial improvements by paying the **countywide traffic mitigation fee** that is adopted and in effect at the time that the Intergovernmental Services Agreement is executed. The Facility should be credited for the cost of regionally beneficial improvements installed.

The project’s fair share responsibility is the entire cost of the mitigation needed to offset the impact. The project would exacerbate existing and future problem conditions and accelerate the need for implementing improvements. The needed funding to implement the improvements would not be available in time to mitigate the project’s impacts, therefore the project should fund these improvements.

Mitigation Measure 5.15-14: A fair share payment will be made toward the cost of needed **Passing Lanes (Climbing Lanes) on SR 88, between SR 12 and Jackson Valley Road.** A passing lane is proposed in each direction on SR 88 at a location to be determined in consultation with Caltrans. Timing of installation is subject to right-of-way acquisition and the Caltrans encroachment permit process. Passing lanes would improve the Level of Service between Jackson Valley Road and Liberty Road to LOS D on weekdays and LOS E on Saturdays, based on daily traffic volume LOS thresholds. Assuming that peak hour thresholds are 10 percent of the identified daily threshold, peak hour segment Levels of Service would be LOS D or better.

SR 88 from the San Joaquin County Line to the SR 124 would also need to be improved. The RTP describes improvements on this SR 88 segment to maintain LOS D conditions at the ultimate 2025 traffic volume levels. These improvements could include road widening and realignment in selected locations, shoulder widening, intersection improvements, and passing lanes. These improvements are listed in the RTP as unfunded (Tier 2) improvements, which means that there are presently no identified funding sources for these improvements.

The project would exacerbate existing and future problem conditions and accelerate the need for implementing improvements. The needed funding to implement the improvements would not be available in time to mitigate the project’s impacts, therefore the project should fund these improvements.

Mitigation Measure 5.15-15: This appears to be a duplication of MITIGATION MEASURE 5.15-14.

p. 211 **Table 5.15-21.** Both weekday and Saturday “Plus Project” with mitigation measures show levels of service exceeding acceptable limits. This needs further analysis and proposed mitigations to remedy.

p. 212 **Table 5.15-22.** Same comment as above. General Note on Maps and Traffic Figures. There are numerous labeling errors and omissions too numerous to list here. Figures 19, 20, 21, 22, and 23 need to have added #13 showing Buena Vista at Coal Mine Road turning movements.

p. 219 **Sec. 5.16.2.1.** How much garbage will be generated? What is the corresponding truck-haul-traffic and was it accounted for in your traffic model? How is hazardous waste handled?

p. 221 **MITIGATION MEASURE 5.16-2.** What specific reaches of each road will be serviced for litter or trash? Why are Camanche Parkway, Reservation Road, and Martin Lane, not included even at a minimum at some reduced level of litter service?

Additionally, as discussed above regarding the trucking of potable water, the DTEIR should analyze the impacts of the daily trucking of water including number of daily truck trips, size of trucks, likely routes, impacts on traffic and safety, and mitigation measures.

The County has also received the Amador County Transportation Commission's ("ACTC") separate letter commenting on the DTEIR and incorporates them by reference here.

5.17 Mitigation Measures for Gambling Addiction: Although this document does speak to a contribution to the County Mental Health Department, it does not address how this amount will be decided, who decides what is needed and to what extent as well as what will happen after a five year period of time. Gambling addiction is not something that will cease to exist after five years. In fact, this is a serious addiction which worsens as time goes by.

The Draft TEIR states that payment will be made on or after July 1st of each year invoices have been submitted. This means that we will be expected to hire staff and pay the entire cost for a full year without any reimbursement. This is not an acceptable solution; there must be a way to bill monthly or quarterly for services provided.

Section 5.18.3 Public Safety Issues/School and Pedestrian Traffic: The development of suitable school bus stops/shelters/and turnouts will require the acquisition of right of way along the numerous roads identified. What happens to this mitigation if sufficient right-of-way is not available? A detail plan of proposed improvements needs to be developed and submitted with the Draft Environmental Impact Report responses. The Draft TEIR says, "Adequate pedestrian pathways... will be built where large numbers of students..."; however, there is no description of what "adequate pedestrian pathways" would be. What is proposed if not five-foot wide concrete sidewalks next to the paved surface or drainage ditches? How many students are needed to trigger this requirement? This needs to have a detailed plan for mitigation measures developed in consultation with ACUSD AND Amador County Public Works Agency.

p. 224 The safety hazards caused by the Facility Access Road at the bottom of the grade on Coal Mine Road for north bound vehicles is indicated as "addressed in the Transportation and Traffic Section". Where is this addressed specifically?

p. 225 **Sec.5.18.3.** The development of suitable school bus stops/shelters/and turnouts will require the acquisition of right of way along the numerous roads identified. What happens to this mitigation if sufficient right of way is not available? A detail plan of proposed improvements needs to be developed and submitted with the Draft Environmental Impact Report responses. The Draft TEIR says, "Adequate pedestrian pathways... will be built where large numbers of

students...”; however, there is no description of what “adequate pedestrian pathways” would be. What is proposed if not five-foot wide concrete sidewalks next to the paved surface or drainage ditches? How many students are needed to trigger these requirements? This needs to have a detailed plan for mitigation measures developed.

p. 225 **MITIGATION MEASURE.5.18-5.** In contrast to what was stated above, this mitigation measure addresses the subject but offers no real mitigation except to solicit recommendations from Amador County regarding the Facilities Access at the “bottom” of Coal Mine Road. The Draft Environmental Impact Report offers the Tribe will study (without offering any specifics) the effectiveness of warning signs, flashers, etc, and to study the effectiveness of a roundabout at entrance, and they offer to explore other entrance options. However, nothing is proposed as an actual mitigation measure or engineered solution. Clearly, this impact is wholly still unaddressed and no commitment to an eventual solution is possible based up the Draft Environmental Impact Report language.

p. 225 **MITIGATION MEASURE5.18-2.** The construction traffic management plan must be approved by both CALTRANS and Amador County, not just “meet the standards” of CALTRANS.

p. 226 **MITIGATION MEASURE 5.18-7.** See comment for Table 5.15-14.

Mitigation Measure 5.18-7, Deterioration of County Roads: The TEIR concedes that County roads will deteriorate as a result of the casino. “The project will make a fair share contribution to the cost of the improvements.” is the Mitigation Measure, but there is no quantification, guarantee, or method to determine allocation between the casino’s impacts and other impacts. In short, mitigation is deferred; deferred mitigation measures are non-existent mitigation measures.

p. 226 **MITIGATION MEASURE 5.18-6.** Without an adequate potable water source yet identified, the hauling-water option appears to be the method planned for use. Therefore, this impact needs specific mitigation measures identified to deal with the adverse Off Reservation impacts in traffic, transport routes, and public safety. The promised plan needs to be available as part of the DTEIR for evaluation.

Mitigation Measures 5.19-1 and 5.19-2, Overflow Parking and Mass Transit: The two Mitigation Measures state that the Tribe will begin negotiations with relevant landowners and the County for acquisition and permitting of land for overflow parking, but there is no commitment to purchase or amount allocated therefore. Further, there is no indication as to what land would be acquired or if there exists any suitable land. As to mass transit, the Mitigation Measure is devoid of any details so that the efficacy of such a program can be determined.

This adverse impact was not discussed in the traffic or safety sections, but clearly there is an adverse impact if on-street parking is anticipated or allowed during overflow parking occurrences.

Section 5.19.5, Mitigation Measure 5.19-2: A mass transit program should be required to be provided by the Tribe in order to show verifiable reductions for individual vehicle trips for patrons

and employees. This transportation system should include all five incorporated cities (not just two) as well as existing population clusters such as Pioneer, Pine Grove, Volcano and River Pines.

p. 248 Impacts and Mitigation Measures. **MITIGATION MEASURE 5.21-1, 5.21-2, 5.22.3**
The Tribe and County shall agree upon a consulting management team to be entirely funded by the Tribe to plan, secure, and administer, engineer and design and construct all mitigation measures so approved.

Mitigation Measure 6.1-1, Agricultural Resources and Open Space Lands: The impact states that the Project may lead to neighbors' developing nearby agricultural land. The Mitigation Measure states, "...The Tribe will make a monetary contribution to an Amador County land conservation organization, for the purchase of conservation easements and transfer of development credits..." The Mitigation Measure does not set forth an amount, the identity of the organization, where the easement would be located, or the nexus between the easement and mitigating the impact from the Project.

Tribe acknowledges the County Right-to-Farm Ordinance and acknowledges and accepts the inconveniences, including odors and/or aerial spraying, that accompany the agricultural operations on adjacent lands. The inconveniences of normal husbandry practices needs to be acknowledged and accepted, as well.

Sec. 7.3.14. Transportation and Traffic. As stated elsewhere state LOS that is acceptable is Level C, not Level D as stated. This changes the entire evaluation performed. The corrected analysis must be performed and the correct mitigations detailed.

SECTION 13. Figures and Plates. Figures 17-23 should be moved to their own Section 5.15.

APPENDIX I, CEQA Checklist: Section 16, Construction/Expansion of Storm Water Facilities is checked "less than significant with mitigation" incorporated, but there is no discussion. WHY NOT? Clearly the body of the Tribal Environment Impact Report indicates significant drainage issues identified as needing mitigation, not all of which have been addressed adequately by the DTEIR. See Section 5.9.2.3, Drainage. The Tribe has not made available for evaluation of this impact the information contained in a stormwater study, although it is claimed that "post developed design storm volume will be less than the maximum storage provided by the wetlands." What is that maximum storage? There are currently flooding problems on Coal Mine Road here. Also, MITIGATION MEASURE 5.8-3 p.124 proposes to dispose of "excess effluent" by spray fields. What happens when the ground is saturated during winter months? Furthermore, on p.125, 126, Impact 5.8-9 and MITIGATION MEASURE 5.8-9 references a drainage study not available for review, and yet based upon this study it is concluded "... All stormwater will be retained on site."

D. CONCLUSION

The County has devoted a good deal of time reviewing the DTEIR, and offers these comments in order to enable the Tribe to supplement the DTEIR and make it a meaningful document, as the Amendment intended it to be. The County urges the Tribe to complete and then provide the missing reports and analyses referenced but not contained in the DTEIR, issue a new DTEIR and schedule a new public comment period. Should the Tribe refuse, the County urges it to prepare the final TEIR in accordance with the comments in this letter. This letter is submitted without prejudice to the County's right to object to the project in its entirety including without limit (a) to assert the Tribe cannot undertake the project at the site proposed and (b) to assert the Tribe's processing of the DTEIR violates the Amendment.

Thank you for your consideration of this letter. The County 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

PB/pas

cc: Members, Amador County Board of Supervisors
Peter Siggins, Legal Affairs Secretary to the Governor
Robert L. Mukai, Senior Assistant Attorney General
Lou Pietronave, City of Ione
Jim Abercrombie, Amador Water Agency
Thom Reed, Jackson Valley Fire District
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