



COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

<http://co.humboldt.ca.us/CDS/Planning>

September 18, 2009

Bruce Merson
Comptroller
Bear River Band of the Rohnerville Rancheria
32 Bear River Drive
Loleta, CA 95551

Subject: Preliminary Comments - Bear River Casino Hotel Addition and Expansion

Dear Mr. Merson:

Thank you for the opportunity to provide comments on the Bear River Casino Hotel Addition and Expansion Environmental Evaluation. Our September 11th consultation meeting with Tribal Council Members and staff was very helpful. We are hopeful that our comments lead to project modifications that reduce off-Reservation impacts as well as to an improved facility for your Tribe. It is our intent to provide additional comments once responses to the following items have been received and reviewed.

This comment letter contains preliminary comments that relate to the verbal comments that members of County staff made during our consultation meeting. We are very interested in having further discussions regarding the issues that we have identified and would like to receive the revised Environmental Evaluation or other written responses to our comments.

Thank you again for the opportunity to consult directly with your Tribe and provide written comments. If you have questions or need information relating to the County's comments, please do not hesitate to contact me.

Sincerely,

Tom Hofweber, Supervising Planner
Humboldt County Community Development Services

cc: Board of Supervisors

County of Humboldt
Department of Community Development Services
Preliminary Comments on the Bear River Casino Hotel Addition and Expansion
Environmental Evaluation
August, 2009

Summary of Required Project Approvals from Humboldt County

Encroachment Permit

An encroachment permit issued by Humboldt County Public Works, pursuant to Title IV - Streets and Highways Division 1, Protection and Control of County Roads, will be required for any excavation, structure or object of any kind or character, temporary or permanent, made, placed or allowed to enter, grow or encroach upon, over or under any County right of way within the County maintained road system.

Summary Comments on Environmental Evaluation

Project Description

Provide a discussion of the other projects that are planned and proposed by the Tribe, such as the planned development of the former Fearrien Ranch. It is important that these other projects be fully described because of the potential cumulative environmental impacts of these projects, in combination with the proposed project.

The project description should also incorporate elevation drawings from ground level along Singley Road and from the Eel River valley floor to provide the reader with perspective regarding the potential visual impact of the proposed hotel building. The perspective drawings should indicate the location and elevation of the viewer.

Aesthetics

The Bear River Casino is located near the top of a hill that is visible from various locations in the lower Eel River valley. The Environmental Evaluation should consider the visual impacts of the proposed project from the Eel River valley to the south and east of the project site. The potential visual impact of the proposed project should be evaluated using the additional elevation drawings described in the Project Description portion of this comments letter.

The location and topography can also contribute to light from buildings and parking areas becoming a nuisance for surrounding areas. The proposed project includes a multi-story hotel building and additional parking areas, each of which will add additional fixed-source lighting that could contribute to sky glow and light trespass (commonly referred to as light pollution). Sky glow is defined as the added sky brightness caused by the scattering of light into the atmosphere. The term light trespass describes light that strays from its intended target and illuminates adjacent properties.

In order to minimize to the greatest extent sky glow and light trespass, the light related mitigations in the Environmental Evaluation should be strengthened to require that lights have full-cutoff shielding using Illuminating Engineering Society of American (IESNA) standards so that the pattern of light from the fixture are directed so that rays are confined to the property where the parking is located.

Agricultural Resources

The Introduction to the Environmental Analysis, Section 3.1, states that Agricultural Resources checklist topic was one of a number that were determined to have no off-Reservation impacts and that no further discussion or mitigation is warranted. The Humboldt County General Plan has policies to preserve agricultural land and minimize conflicts with surrounding uses that could threaten agriculture viability or create pressure to convert agricultural uses. The Environmental Evaluation should evaluate the degree to which the proposed hotel addition and expansion would create conflicts with surrounding agricultural uses or contribute to pressure to convert agricultural uses, as well as consider the cumulative impact of this project and the other planned Tribal projects.

Air Quality

The Environmental Evaluation lists the level of greenhouse gas emissions that would result from the proposed project but does not evaluate the effects of these additional greenhouse gas emissions. The Environmental Evaluation should evaluate whether project related greenhouse gas emissions, either directly or indirectly, would have a significant impact on the environment, and incorporate additional mitigation measures or project modifications intended to reduce such greenhouse gas emissions.

Land Use

The Environmental Evaluation should evaluate the compatibility of the proposed project with surrounding land uses. Land within the Rancheria is not subject to the Humboldt County General Plan or Zoning Regulations. However, the expansion of the existing casino related development on the Rancheria may not be compatible with the land surrounding the Rancheria that is within County jurisdiction and planned and zoned for agricultural uses.

During our meeting we also discussed the importance of incorporating the Tribe's land use planning into the Humboldt County General Plan Update process. The County has prepared draft land use maps, which are available on our website at:

<http://gis.co.humboldt.ca.us/Freeance/Client/PublicAccess1/index.html?appconfig=gpu>, or
<http://co.humboldt.ca.ua/gpu/documentsMaps.aspx>

We would be very interested in receiving maps that reflect the long range land use plan for your Rancheria so that we can incorporate this information into our land use planning.

Population and Housing

The casino related development could foster population growth and additional development in the area surrounding it. Given that growth inducement case law recognizes that zoning and plan designation are not determinative, the Environmental Evaluation should evaluate the potential environmental impacts that could result from the potential conversion of open land due to development pressure from the proposed casino related development.

Public Services and Utilities

The Environmental Evaluation should more fully analyze the impacts to the Sheriff's from the casino related development. The Environmental Evaluation concludes that the project is not anticipated to substantially increase law enforcement demands over those currently provided. The analysis should quantify existing service demands and project additional demands for service prior to concluding that impacts are less than significant.

The proposed casino related development represents a significant additional fire risk to the Loleta Fire Protection District. The fire related mitigation measure that requires the Tribe to negotiate with the Loleta Fire Protection District should specify the service delivery standards that the additional equipment and training are intended to achieve so that the reader can be assured that the significant impact will be appropriately mitigated. If strategic positioning of equipment in the event of fire emergency response is determined necessary, building and parking layouts should provide for designated fire lanes and adequate equipment turning radius from identified vehicle access points.

Traffic

See comments submitted by the Humboldt County Public Works Land Use Division under separate cover.

Cumulative Impacts

The analysis of mandatory findings should evaluate whether or not the project would have impacts that are individually limited, but cumulatively considerable when viewed in connection with the effects of past, current, and probable future projects. The mandatory findings section of the initial study should include a discussion of the effects of the proposed project in combination with the other reasonably foreseeable projects, including those that are listed in the Project Description section of this comment letter.