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**ENVIRONMENTAL IMPACT ANALYSIS
FOR A
PROPOSED GAMING FACILITY AT THE
ROHNERVILLE RANCHERIA**

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LAND USE**



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Prepared for:

Tribal Council
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SUMMARY

Project Description

The proposed project is a Class III gaming facility located on Singley Road, Lolita, Humboldt County, California. It is within the Bear River Band of Rohnerville Rancheria, and it will include bingo, card games and video machines. The purpose of the proposed casino is to provide employment opportunities and income to the tribe. The building will be 12,000 sq ft with a maximum patron capacity of about 630 persons. Administrative personnel will be housed there, too. Average attendance is expected to be approximately 400 patrons. The parking lot will accommodate about 350 cars. An onsite sewage treatment and disposal system featuring recycling for toilet flushing is proposed. Because of the increased traffic on Singley Road, the road is proposed to be widened to meet current standards.

Existing Environmental Conditions

The project vicinity is a rural agricultural area with a cluster of several houses nearby. The county seat (Eureka) is about a 20-minute drive away. The terrain is hilly grassland with patches of mixed conifers and other trees. The site is about 200 feet in elevation above the Eel River bottoms. The rancheria includes 18 homes and the partially constructed casino building and parking lot. The rancheria land is designated for agriculture in the Humboldt County General Plan. The existing housing and proposed project are not consistent with that designation, and the rancheria is not under county planning jurisdiction. Singley Road is a lightly traveled two-lane rural road. There are two adjacent neighbors whose houses lie within 150 feet of, and in plain view of, the parking lot, which presents a difficult situation for developing the project without significantly affecting them. There are three other homes on Singley Road where the bulk of the traffic will pass.

Environmental Impacts and Mitigations

The project will have clearly adverse visual impacts to two adjoining properties (Krahforst and Cortez), and it will have noise impacts to those properties and the three houses below the rancheria on Singley Road. Beyond these five houses, the project's impacts diminish rapidly. There is no firm answer as to whether these impacts are significant under CEQA or NEPA because it is would be a judgement call of the lead agency. It is common for lead agencies to give less weight to impacts affecting only a small number of people. The affected property owners may feel that the impacts are significant even with the proposed mitigations. Although the impacts cannot be eliminated, mitigations are recommended that will lessen the impacts as much as possible while still allowing a viable project. The project could result in some erosion of adjacent property values. As mitigation, it is recommended that the tribe compensate owners for such an effect. The other environmental impacts of the project are adequately controlled by mitigation measures that do not require the cooperation of the neighboring property owners. Cumulative impacts are addressed in each section, and growth inducement is addressed in Section 13, Population and Housing. For convenience, the impacts and mitigations discussed in the various sections are presented below.

AESTHETICS

IMPACT 2-1: The project site is visible from the Cortez house.

MITIGATION MEASURE 2-1: The tribe will offer to speed the visual screening of the Cortez property by planting the largest trees practicable on that property and by enhancing their growth rate to the greatest extent possible.

IMPACT 2-2: The parking lots and vehicle headlights will be visible from the Krahforst property.

MITIGATION MEASURE 2-2: The tribe will invite Mr. Krahforst to participate in the design of the sound barrier wall proposed in Section 12, Noise, because in some areas there is a tradeoff between sound barrier potential and scenery. The barrier will be constructed of architectural concrete blocks, which will have a rough surface to minimize sound reflection. Upon completion of the detailed site plan showing all aspects of the facility, the project architect and engineer will offer to work with Mr. Krahforst to optimize the height of the sound wall from his perspective. The tribe will also offer to establish a vegetative visual screen as fast as possible on Mr. Krahforst's property. It is expected that headlight-beams will be blocked by the screening features.

IMPACT 2-3: Outdoor lighting could adversely affect nighttime views.

MITIGATION MEASURE 2-3a: The outdoor lighting system will be designed by a licensed architect and licensed electrical engineer to have the minimum impact possible. The following criteria will be satisfied using a variety of fixture types, cut off angles, shields, lamp arm extensions, and pole heights. The neighbors and other surrounding community will be invited to review and comment on the design.

1. No light will be directed upward or to other properties.
2. No lamp lenses will be visible from other properties except from Singley Road in front of the rancheria.
3. No very brightly illuminated vertical surfaces will be created, such as walls or lamp poles.
4. The entrance sign will be the minimum size necessary, will be as unobtrusive as possible, and will be downlit, not uplit or backlit. No neon or flashing lights will be used.
5. Parking lot illumination will not exceed the level recommended by the Illuminating Engineering Society of North America (IES) for median activity parking lots, which includes community shopping centers and office parking. The level has an average of 2.4 and a minimum of 0.6 foot candles illuminance on horizontal surfaces.

MITIGATION MEASURE 2-3b: The tribe will request PG&E to retrofit its four street lamps with shields to prevent spillage of light off of the rancheria. PG&E has stated that it would do so. The tribe will also retrofit all existing exterior lamps on the rancheria, including porch lamps, with shielded fixtures to prevent light spillage offsite.

IMPACT 2-4: The project will be visible to the general public from Singley Road.

MITIGATION MEASURE 2-4: The building exterior and grounds will receive architectural treatments to maximize the compatibility of the facility with the existing rural character of the area. Colors, landscaping, and lighting will all be done with that goal. A detailed site plan and architectural rendering will be prepared by a licensed architect and registered civil engineer and public comment solicited. The architect will attempt to reach a consensus about aesthetic treatments to be used. The possibilities include the use of earth-tone colors and recycled barn lumber for cosmetic siding.

AIR QUALITY

IMPACT 4-1: Construction activities will create airborne earthen dust.

MITIGATION MEASURE 4-1: Dust during construction will be kept to a minimum by watering twice a day, or more on days when soil or wind conditions warrant it. Construction will comply with Rule 430 of the North Coast Unified Air Quality Management District, which covers this matter.

BIOLOGICAL RESOURCES

IMPACT 5-1: Wetlands impacts due to grading and re-contouring at the existing sewage treatment plant are possible.

MITIGATION MEASURE 5.1: The wetland located to the southeast of the existing housing area will be flagged and staked to mark the wetland boundaries. Grading operators will be informed of the wetland location required to prevent unintentional wetland disturbance. A construction monitor will be present to enforce this requirement.

IMPACT 5-2: Road construction will occur across a small perennial creek and numerous seasonal wetlands. Approximately 100 linear feet or 1,000 ft² of riparian and seasonal wetlands may be impacted due to road reconstruction.

MITIGATION MEASURE 5.2: Construction in the creek will be performed in the dry season between June 15 to October 15. Water will be diverted from the construction zone by a pipe so that construction will be in a dry creek bed. An adequate sized culvert will be placed and maintained at the stream crossing. A U.S. Army Corps of Engineers (COE) nationwide permit # 14 for road construction will be obtained and all permit conditions implemented. All seasonal wetlands to be impacted will be properly delineated, and the COE, USFWS and CDFG will be notified. Upon completion of construction, any exposed bare earthen banks shall be re-seeded and mulched.

CULTURAL RESOURCES

IMPACT 6-1: Potential damage to unknown cultural resources.

MITIGATION MEASURE 6.1: A qualified resource monitor will be on site during initial earth-moving construction activities. If buried cultural resources are encountered during construction, including but not limited to obsidian or chert flakes and/or tools, locally darkened midden, groundstone artifacts, deposits of shell, dietary bone, and human burials, all work in the immediate vicinity must come to a halt temporarily, while a qualified archaeologist evaluates the materials. Should human remains be encountered, the County Coroner must be contacted immediately. Should the coroner and the archaeologist determine that the remains are likely those of a Native American, the California Native American Heritage Commission must also be contacted. The Heritage Commission will then consult with the most likely Native American descendants from the area to determine appropriate treatment of the remains.

GEOLOGY AND SOILS

IMPACT 7-1: Erosion of exposed soil could occur as a result of construction activities.

MITIGATION MEASURE 7-1: Soil disturbance during the rainy season will be avoided to the greatest extent feasible. If bare soil will be exposed to an erosive rain, the soil will be protected by tarps. Prior to the completion of construction, any bare soil will be reseeded and mulched according to Caltrans Standard Specification (or better) for erosion control. It is anticipated that construction in the public right of way will not be allowed from November through May 15.

IMPACT 7-2: People and structures could be damaged during an earthquake.

MITIGATION MEASURE 7-2: The casino building and ancillary structures will be constructed to conform with the Uniform Building Code in effect in the county at the time of construction.

IMPACT 7-3: Facilities on steep slopes will be at risk from landslides.

MITIGATION MEASURE 7-3: The leachfield, access road, and pipeline will be designed by a registered civil engineer following the recommendations in the appended geology report. The facilities will be constructed in accordance with the plans and specifications of a registered civil engineer.

HYDROLOGY AND WATER QUALITY

IMPACT 9-1: Construction activities may cause a substantial increase in surface runoff resulting in onsite or offsite flooding.

MITIGATION MEASURE 9-1: The construction contractor will be required to implement a storm water runoff plan to help prevent substantial flooding during construction. This plan will include sandbagging of substandard drainage facilities to help contain any increased runoff from exiting the system.

IMPACT 9-2: The domestic, shallow well of the Krahforst property could be contaminated by parking lot runoff.

MITIGATION MEASURE 9-2: Any parking lot runoff discharged to the wetland will be discharged downgradient of the well. All parking lot drainage will be treated by oily water separators or drain filters designed to absorb petroleum products.

IMPACT 9-3: The project will cause an increase in surface runoff to the wetland drainage system, the Singley Road ditch, and the drainage swale to the east of the development that may exceed the capacity of some of the existing drainage systems. This could result in increased soil erosion. This consideration applies to all drainage channels and culverts downstream of the project. Also, some minor flooding of Singley Road could occur.

MITIGATION MEASURE 9-3: A design-level drainage study will be included with drainage improvement design plans to be submitted by a registered civil engineer to the county and Caltrans as part of the encroachment permit process. The drainage study will be based on a detailed site plan to allow for a refined determination of the areas and proper runoff coefficients of contributing drainage areas. All portions of the drainage system will be evaluated, including the U.S. 101 and Eel River Drive culverts. Upon approval of the plans, drainage improvements will be implemented to prevent erosion and flooding. Among other mitigations that will be

formalized in the design study, improvements will include reconfiguring and armoring eroded areas, such as the Singley Road ditch, and upsizing downstream culverts as needed. Runoff will be directed in a manner that minimizes peak flows to the greatest extent feasible, such as by taking advantage of landscaping, lengthened flow pathways on pavement, and detention in the adjacent wetland without affecting adjacent properties.

MINERALS AND ENERGY RESOURCES

IMPACT 11-1: Potential wasteful or inefficient use of energy.

MITIGATION MEASURE 11-1: The energy-efficiency and conservation requirements of current building codes will be followed.

NOISE

IMPACT 12-1: Construction noise would be excessive if conducted outside of acceptable hours.

MITIGATION MEASURE 12-1: The following conditions will apply:

- a. Construction activities will be limited from 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 7 p.m. on weekends.
- b. Construction equipment will be maintained in proper condition to prevent excessive noise.
- c. Backup beepers will be used only when necessary and will be no louder than necessary.
- d. Neighbors will be notified at least 24 hours prior to the start of construction of the anticipated start and end dates of construction and the anticipated schedule within the site.

IMPACT 12-2: Traffic and miscellaneous noises may disturb neighbors.

MITIGATION MEASURE 12-2a: A concrete block sound wall will be constructed where shown on Figure 2 to shield the Krahorst house and a rancheria house. Because of its elevation, the Cortez house cannot be protected this way. Utilizing accurate topographic data, the wall will be designed by a licensed engineer or architect and submitted for public review. Where the wall could interfere with views, its height will be determined in consultation with those affected. Even where height will be limited, an attenuation of at least 5 dB is expected. Where height will not be limited by visual constraints, an attenuation of about 10 dB is expected. The texture of the wall will be rough to minimize reflection of sound waves. Mechanical equipment (HVAC, refrigeration etc) will be well shielded for noise control, and loud grounds-keeping activities will be limited from 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 7 p.m. on weekends.

MITIGATION MEASURE 12-2b: The tribe will offer to sound proof the affected homes identified in this analysis using insulation and double pane windows.

PUBLIC SERVICES

IMPACT 14-1: Increased fire hazard and demand for fire fighting service for structure fires.

MITIGATION MEASURE 14-1: Current building and fire codes will be adhered to in relation to fire safety, and the rancheria will cooperate with the fire district by inviting routine inspections. The tribe will offer to negotiate a reimbursement program with the fire district for services rendered to the facility.

TRANSPORTATION

IMPACT 16-1: Traffic delays and disturbance due to construction activities during construction activities on Singley Road.

MITIGATION MEASURE 16-1: The contractor will be required to submit a traffic control plan outlining traffic control that will be utilized during construction. The plan must be approved by the Humboldt County Department of Public Works. An encroachment permit must be obtained prior to anyone entering the County right of way for the purpose of construction of improvements. It is anticipated that the County will use the same standards that would apply to a non-Indian entity in its determination of approval of the plan and issuance of the permit. Work in the public right of way will be conducted such that:

1. Effects on local circulation are minimized
2. Emergency vehicles can pass through the construction zone at all times
3. Clearly marked and signed indicators of pedestrian, bicycle and vehicle traffic areas to be closed during construction are provided and that affected traffic is directed to alternate routes where appropriate.

IMPACT 16-2: Traffic volumes will increase on Singley Road north of the proposed casino entrance.

MITIGATION MEASURE 16-2a: Construct the entrance to the casino so that exiting traffic is routed south on Singley Road and incoming traffic can only enter from the south. A schematic of the proposed entrance that can be used as a basis for design is included in the appended Traffic Study.

MITIGATION MEASURE 16-2b: All advertising for the casino will list directions to the casino using Highway 101 and Singley Road interchange.

IMPACT 16-3: Traffic volumes will increase on Singley Road south of the proposed casino entrance. The roadway is substandard and maintenance costs to the County will increase.

MITIGATION MEASURE 16-3: Widen Singley Road from the proposed entrance south to Highway 101 based on the 1991 AASHTO Standards for Local Roads and Streets for an ADT of over 400 and a speed limit of 40 mph. The roadway width will be 22 feet with 4-foot paved shoulders on either side. A geotechnical engineer will evaluate the portion of Singley Road below the proposed casino driveway. Soil samples and boring logs will be used to evaluate the R-value of the existing subgrade and to recommend the necessary structural section of the roadway and shoulders. The resulting design and geotechnical report will be submitted to the County as part the application for an encroachment permit. Contribute to road maintenance as provided in Mitigation Measure 18-4.

IMPACT 16-4: Parking could be inadequate at times

MITIGATION MEASURE 16-4: At times of excess demand for parking, the security force will ensure that patrons do not park outside of the casino parking lot, and they will be refused admittance to the casino. If necessary, their cars will be towed.

UTILITIES AND SERVICES SYSTEMS

IMPACT 17-1: Increased demand for solid waste disposal.

MITIGATION MEASURE 17-1: The gaming facility will implement a recycling program to ensure that all recyclable materials are properly segregated and presented to the waste hauler for recycling.

(Litter ^{Roadside} Clean-up)

ECONOMIC AND SOCIAL CONDITIONS

IMPACT 18-1: Short-term employment opportunities for design and construction services.

MITIGATION MEASURE 18-1: The impact is beneficial, so no mitigation is needed.

IMPACT 18-2: Long-term employment (90-125 jobs) for operation and maintenance of the project.

MITIGATION MEASURE 18-2: The impact is beneficial, so no mitigation is needed.

IMPACT 18-3: The workload of the Humboldt County Sheriff's Department could increase.

MITIGATION MEASURE 18-3: A trained security force operated by a licensed Private Patrol Operator will maintain security on the premises during all hours of operation, and will patrol the neighborhood off the premises should the need arise.

IMPACT 18-4: Humboldt County will receive no tax revenue to offset any increase in costs to the county.

MITIGATION MEASURE 18-4: The tribe will offer to negotiate a reimbursement program with the county to defray expenses that the county may incur as a result of the project, such as increased sheriff patrols and road maintenance.

IMPACT 18-5: Certain properties may lose value.

MITIGATION MEASURE 18-5: The tribe will offer to negotiate compensation to property owners for lost value, including purchasing the property if desired by the owners.

IMPACT 18-6: The casino will provide yet another gambling opportunity for compulsive gamblers.

MITIGATION MEASURE 18-6: Literature about problem gambling and help that is available will be prominently displayed in the casino, such as at the entrance, in restrooms, and in the snack bar. The Tribe will provide training to employees in how to properly identify and engage problem gamblers.

Alternatives

Some neighbors to the project have urged the tribe to find other land that is more suitable for intensive commercial use. The tribe has maintained that finding an alternative site is infeasible because it would take several years even if funding were available, which it is not. For that reason, no alternative sites were considered in this environmental document. The site is not amenable to alternative projects given that the building frame has been constructed and the parking lot graded. There is no other room on the rancheria that would allow alternatives such as different locations for parking. The no-project alternative may be the least environmentally damaging course, assuming that a different project that would be at least as environmentally

damaging were not eventually implemented. It is unknown what would be done at the site if the gaming facility is not implemented.

Areas of Controversy

The nearby neighbors and some other Lolita residents have expressed strong opposition to the project on the grounds that it is an inappropriate use for the area and have enumerated specific concerns. As mentioned above, they have suggested that another site be found.

Issues to be Resolved

The most fundamental issues to be resolved are whether gaming is or will be allowed on the rancheria by the federal government and, if so, whether a compact can be obtained with the governor of California. If the project is allowed, there are issues of implementing certain mitigation measures in consultation with the community to ensure that their wishes are accommodated to the greatest extent possible within the scope of the project. Some of the recommended mitigations cannot be implemented by the tribe unilaterally, and they must be agreed to by some of the neighbors, such as installing sound proofing measures on homes or negotiating compensation for potential reductions in property values.