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August 3, 2010

Peter Bontadelli
Project Manager
Yocha Dehe Wintun Nation
P.O. Box 218
Brooks, CA 95606

RE: Comments on the Draft Tribal Environmental Impact Report for the Yocha Dehe Wintun Nation's Proposed Cache Creek Casino Resort Event Center Project

Dear Mr. Bontadelli:

Yolo County appreciates the opportunity to provide comments on the Draft Tribal Environmental Impact Report for the Yocha Dehe Wintun Nation's proposed Cache Creek Casino Resort Event Center Project. These comments identify issues that need to be considered by the Yocha Dehe Wintun Nation in the preparation of a Final Tribal Environmental Impact Report for the proposed project.

The mission of the elected officials and staff of Yolo County is to maintain and protect the quality of life for our residents. Our review of potential projects strives to ensure the safety of Yolo County residents; maintain the quality of life of Yolo County residents by protecting our infrastructure, environment, agriculture, historical integrity, and open space areas; improve the business climate within the County; and ensure the cost effective operation of County services without undue and unfair financial burdens on County residents. This mission underscores the importance of the environmental review process, which, as required by the Amended Compact, must analyze not only environmental but also programmatic impacts and then propose specific mitigation to address each impact. Section 10.8.1 of the Amended Compact requires the Tribal Environmental Impact Report (TEIR) to clearly describe and identify all "direct and indirect significant effects on the off-reservation environment" of the proposed project and identify "feasible measures which could minimize significant adverse effects" The Amended Compact also requires that "Formulation of mitigation measures should not be deferred until some future time."

The County provides detailed comments described by resource topic for consideration by the Tribe in preparation of the Final TEIR, as follows:

Transportation/Traffic

TO BE INSERTED

Water Resources

Clarification Needed Regarding Groundwater Production and Impact Analysis - The WRIME report included as Appendix J to the Draft TEIR describes the CapayIGSM and how this model has been used to simulate potential pumping impacts of the proposed project. The model includes five layers to represent the underlying aquifer system. The report refers to “new” casino wells, but little information is provided about the construction of these wells or nearby agricultural and domestic wells that could potentially be affected. It is briefly stated that “generally only larger wells operated by the Tribe are screened from 160 feet to 460 feet....” (page 2-4). Previously available construction information for the casino wells indicated that Well 1 has a screened interval from a depth of 105 to 450 feet, Well 2 is 285 feet deep, and Well 3 is screened from a depth of 65 to 370 feet. From prior information, Well 1 is understood to have been constructed in 2001, and Well 2 is understood to have been constructed in 2003. The construction date of Well 3 is unknown, but Appendix I (HSI, 2010) contains water quality data from a sample collected in October 2007. Information about the depth and screened intervals of the casino production wells and nearby agricultural and domestic wells should be provided in the WRIME report. The lack of specific well information leads to uncertainty about the appropriateness of model layering, as discussed below.

The WRIME report includes a table (Table 2.2) which shows the thickness of each model layer and the type of water supply well that typically produces groundwater from that unit of the aquifer system. Layer 1 is indicated to represent domestic and agricultural wells. Layer 2 is indicated to represent deeper agricultural wells and rural domestic wells. Layer 3 is indicated to represent onsite tribal production drinking water wells, and Layer 4 is indicated to represent the “new casino and tribal housing wells.” Further analyses presented in this report generally equate production from the casino production wells to pumping that occurs only in model Layer 4. The report also includes cross sections (Figures 2.5 and 2.6) that show the model layering. Based on the layer thicknesses shown on Figure 2.6 and previously available well construction data, it appears that the casino drinking water wells should be simulated as pumping from Layers 2 and 3 instead of from Layer 4. Errors in the distribution of pumpage among model layers could result in water level impacts being underpredicted by the model.

Other comments that relate to the representation of local pumping from different units of the aquifer system include:

- Figure 2.20 notes that “Layer 1 is associated with agricultural and rural domestic wells; Layer 3 & 4 are associated with tribal drinking water wells.” This figure does not mention Layer 2, which in Table 2.2 is indicated to represent deeper agricultural wells and rural domestic wells. The figure also shows production from casino wells CCCR1, CCCR2, and CCCR3 as occurring in Layer 4, which may be incorrect as discussed above.
- Table 5.1 summarizes potential project impacts at selected wells. Emphasis is placed on showing potential impacts in Layers 1 and 4. The column labeled “Reason for selection”

narrowly equates Layer 1 with “agricultural water supply” and Layer 4 with “drinking water supply.” This is incorrect and/or misleading according to the more complete information provided in Table 2.2 and Figures 2.5 and 2.6. It appears that most of the production from agricultural and casino drinking water wells should be from Layers 2 and 3, and water level impacts occurring in Layers 2 and 3 should be evaluated with the model.

- Page 5-7 refers to figures that show the simulation results for “Scenario 2 Groundwater Only.” The results are shown for model Layers 1, 3, and 4; no results are presented for Layer 2.
- The Draft TEIR briefly describes WRIME’s groundwater model results. This section refers to WRIME’s Figure 5.22 as drawdown simulation results for the “agricultural layer” and Figure 5.23 as results for the “drinking water layer.” As commented above, reference to the model layers in this manner is incorrect and misleading. Since some agricultural wells in the area are relatively deep, there is considerable overlap between the screened intervals of the agricultural and drinking water wells. The Draft TEIR describes the potential effects on groundwater levels based on the simulation results. These effects may be understated pending clarification and accurate representation of the potential impact of casino groundwater production from the aquifer system.

Additional Support Needed for No Significant Impact Conclusion - Page 6-2 of the WRIME report contains a section on “Suggested Mitigation Measures.” The title of this section is a misnomer as there are no suggested mitigation measures. This section concludes that the project will have no significant impact partly based on simulation results and also an erroneous conclusion regarding proposed versus historical pumping. With regard to the latter, it is irrelevant to compare the additional pumping that would occur for the proposed project to historical agricultural land use and the recent reduction in groundwater production for that land use that may change in the future. Other rationales used to conclude that the project will have no significant impact are unsupported until casino groundwater production from a deeper part of the aquifer system is clarified and the potential impact analyses include all pertinent model layers.

As described in the Draft TEIR, some groundwater level monitoring occurs in accordance with the 2002 Memorandum of Understanding (MOU) with Yolo County. Although not discussed in the WRIME report, local groundwater level monitoring should continue in order to establish baseline (pre-project) conditions and also to assess whether increased groundwater production associated with the proposed project impacts (actual not simulated) groundwater levels in neighboring wells.

Additional Groundwater Information Necessary - The only groundwater elevation contour map included in the Draft TEIR and related documentation is WRIME’s Figure 2.17. This figure shows generalized groundwater elevation contours for the entire Capay Valley area; these contours are based on groundwater levels from fall 1969 and 1970. The direction of groundwater flow is generally to the east, but insufficient detail is shown on this figure to understand groundwater flow directions in the immediate vicinity of the casino. Without improved and current contour maps, it is not possible to know which wells are upgradient or downgradient of the existing leachfields and other potential sources of water quality degradation (including offsite land uses that may contribute to potential water quality degradation). A more detailed groundwater

elevation contour map prepared by Luhdorff & Scalmanini, Consulting Engineers (LSCE) based on 2007 data shows groundwater flow directions away from the Casino property in all directions. This is considered to be due partly to topography and partly to recharge from the casino effluent disposal areas (leachfields, spray fields, and recycled water reservoir).

The Draft TEIR, section on Groundwater Level Monitoring, page 3.7-24, refers to data from the “past 30 years” that indicate groundwater levels have “risen in the vicinity of the Resort supply wells, due in large part to the conversion of the use of the Ponotla Piht Tribal Ranch from heavily irrigated agricultural use to limited irrigated and dry-farming and the current Resort uses.” A long groundwater level record is useful for documenting historical and baseline (pre-project conditions). Although the Draft TEIR references Appendix J (WRIME report) for this information, the original source of the data is unclear (i.e., there is not a clear connection to this information in the WRIME report).

Groundwater Monitoring Programs - The Draft TEIR provides a table (Table 3.7-5) that details the Tribe’s current water monitoring programs, and there is no indication that additional monitoring would occur in the future. The current groundwater level monitoring program apparently includes a total of 14 wells. Ten wells listed under the heading “Water Level Monitoring” are monitored monthly, and the four monitoring wells at the golf course are monitored on a quarterly basis. This monitoring program does not include any wells near the leachfields or spray fields on the Casino property and is, therefore, inadequate to allow detailed groundwater elevation contour maps, as discussed above, to be prepared. The seven existing monitoring wells on the Casino property should be added to the groundwater level monitoring program along with available wells on the property to the south of the Casino property.

The current groundwater quality monitoring program is also summarized on Table 3.7-5 in the Draft TEIR. In addition to the three casino drinking water wells, it includes three monitoring wells on the golf course and three near the leachfields on the Casino property. Based on directions of groundwater flow shown on the LSCE 2007 contour map discussed above, this groundwater quality monitoring program is inadequate to protect off-site water quality. At a minimum, several existing monitoring wells should be added to the monitoring program, including monitoring well MW-5 on the golf course and the remaining monitoring wells on the Casino property (MW-10 through 13).

Cache Creek Discharge - The Draft TEIR describes that, under Treated Wastewater Disposal Option 2, “treated wastewater from the WWTP attributable to the Proposed Project that could not be used for Golf Course irrigation, landscape irrigation, or for toilet and urinal flushing would be disposed of through discharge to a drainage located trust land that ultimately flows off-site to Cache Creek.” It is described that Option 2 would require the Tribe to obtain an NPDES permit from the USEPA. This section also notes that salinity is slightly higher than the creek and that the effluent contains “detectable” levels of nitrates. While this section concludes that this option would comply with applicable water quality standards and waste discharge requirements, there is no express statement of the significance of Option 2. In addition, there is no discussion of the effects of discharging treated wastewater on downstream agricultural users, particularly tomato growers and organic farmers.

Air Quality

YSAQMD Air Quality Significance Thresholds Should Be Considered - The Draft TEIR identifies one of the air quality significance thresholds as “Violate *any* air quality standard or contribute to an existing or projected air quality violation.” The Draft TEIR acknowledges that the Yolo/Solano Air Quality Management District is the responsible air district for regulating off-reservation air quality in the portion of the Sacramento Valley Air Basin surrounding the proposed project site. However, the Draft TEIR does not use the Air District’s significance thresholds of 10 tons per year for criteria air pollutants to determine whether significant air quality impacts would occur with project implementation. Instead the Draft TEIR uses the much higher federal *de minimis* threshold of 25 tons per year for criteria air pollutants. Because the Draft TEIR is being prepared in accordance with the 2004 Tribal-State Gaming Compact between the Tribe and the State of California, the project would generate emissions on off-reservation lands that are within the jurisdiction of the Yolo Solano Air Quality Management District. Therefore, the use of federal thresholds may not be appropriate in assessing the project’s off-reservation air quality impacts.

Air Quality Analysis Did Not Use Yolo Solano Air District Handbook - Similar to all other development projects within Yolo County, the off-reservation air quality impacts of the proposed project need to be evaluated based on the methodology identified in the *Handbook for Assessing and Mitigating Air Quality Impacts* (Handbook) adopted by the Yolo Solano Air Quality Management District. This Handbook identifies specific air quality thresholds that are to be used in determining whether significant air quality impacts will occur with project development. Based on these thresholds, the proposed project would generate significant air quality impacts and would require the implementation of appropriate mitigation measures.

Significant Construction Air Quality Impact Should be Identified -The significance thresholds identified on page 3.8-21 of the Draft TEIR state that the *de minimis* thresholds for criteria air pollutants are 25 tons per year because the Sacramento Valley Air Basin was recently designated as being “severe nonattainment” by the U.S. Environmental Protection Agency. However, on page 3.8-24, Impact 3.8.1 states that the project’s total construction NO_x emissions of 36 tons per year will not exceed the federal *de minimis* threshold and the impact would be less than significant. The discussion further concludes that a general conformity determination is not required because the emissions are below the threshold. Because the construction emissions of NO_x are projected to exceed the identified federal *de minimis* threshold by 44 percent, the Final TEIR should identify appropriate mitigation measures to reduce the project’s construction NO_x emissions below the federal threshold. Due to the difficulty in reducing NO_x emissions on the site during construction, such mitigation measures should include the purchase of emission offset credits. In addition, a general conformity determination should be prepared and included in the Final TEIR, consistent with the requirements of the federal Clean Air Act.

Public Services

Increased Demands on Fire Protection Personnel and Equipment - The proposed project would be expected to substantially increase the fire protection requirements at the site. By expanding the proposed facilities on the site, the potential for significant emergency response events is expanded. Large scale structural fires occurring within the vast main casino building or inside the proposed

events center would pose significant life safety and operational issues. Similarly, as State Route 16 is the only access to the resort, evacuation in case of a major emergency is also a concern. The Final EIR needs to fully evaluate the project's effects on local fire protection requirements including evaluating the need for expanded interagency coordination, mutual aid planning, integrated training, expanded equipment requirements, and the changing threat dynamics of the site.

Delays in Emergency Vehicle Response for Residents and Businesses - Project implementation will require close coordination with the County's Office of Emergency Services to ensure all appropriate emergency response issues are addressed including the project's effects on emergency dispatch services and emergency medical response. Of particular concern is the project's effects on emergency service response times within the Capay Valley associated with increased congestion along State Route 16. The increased congestion on State Route 16 and other County roads will diminish the response times for emergency vehicles in the Valley. Due to the rural character of the Valley and the remote location of some residents, additional delays in emergency response could have devastating health consequences for Valley residents. Detailed mitigation measures need to be included in the Final TEIR to address this issue.

Increased Demands on Law Enforcement Personnel and Equipment - The project would be expected to increase the demands on the Yolo County Sheriff's Department and the California Highway Patrol (CHP). When traffic accidents occur within the Capay Valley, all available officers (Sheriff and CHP) respond. The substantial increase in traffic within the project vicinity and potential increase in crime would degrade the Department's and CHP's ability to provide law enforcement services to the local area. The Draft TEIR concludes that because there would not be the need for any new law enforcement facilities, the proposed project would not significantly impact law enforcement services and facilities. However, the Final TEIR needs to address the direct human effects associated with a reduction in response times and law enforcement services within the Capay Valley following project implementation.

Increased Demands on the County's Criminal Justice System - The project's impacts on the District Attorney's office, the court system, the Public Defender's office, and the Probation Department need to be more thoroughly discussed in the Final TEIR. The Draft TEIR concludes that because there would not be the need for any new criminal justice facilities, the proposed project would not significantly impact criminal justice services and facilities. However, the Final TEIR should include a more thorough discuss of the project's direct human effects associated with increasing the demands on a criminal justice system already stretched to its limits due to severe budgetary constraints.

Increased Demands on the County's Health Care System - Increases in populations, especially low income populations, will result in increased demand for all Public Health services including services to children, mothers, obese, senior citizens, chronically ill, low income, under-insured and others. As the health care provider of last resort, the County is ultimately responsible for the medical or mental health expenses of employees who are disabled or otherwise unable to work due to injury or illness without adequate insurance coverage. In addition, the Yolo County Alcohol, Drug, and Mental Health Department (ADMH) provides a range of mental health services to community members as well as alcohol and drug prevention and treatment services.

Based on a review of ADMH's existing workload, it is not uncommon for people using their services to have problems that are linked to gambling. The requirements of the Substance Abuse and Crime Prevention Act of 2000 (Proposition 36), combined with the previous expansion in gaming, have increased ADMH's workload over the last several years. The proposed project would be expected to exacerbate this situation. Because the Tribe will be increasing the number of employees within the County, a corresponding increase in the County's indigent medical expenses would be anticipated. The Final EIR needs to more fully evaluate the project's effects on the County's health care system.

Aesthetics

Project Effects on the Unique Rural Visual Resources within Capay Valley - The County places a high value on the unique scenic qualities of the Capay Valley, as evidenced by the County's continued efforts through land use policy to retain the rural atmosphere that makes the area so special. The project site is located along the scenic State Route 16 corridor. The project's potential to affect this unique scenic corridor through the expansion of casino gaming activities is of critical concern to the County. The increasing urbanization of the project site associated with the casino expansion would alter the unique rural visual resources within the Capay Valley. The project would result in a significant change in the area's visual character and detailed visual mitigation measures should be discussed to minimize this impact in the Final TEIR.

Energy

Project Effects on Electrical Service - The Final TEIR should discuss the effects of the project's increased electrical energy demands on residents within the Capay Valley, particularly those located west of the project site that have experienced brown-outs in the past. The Final TEIR should discuss what effect the project will have on the ability of PG&E to deliver consistent and reliable electrical service to residents throughout the Capay Valley.

Problem and Pathological Gambling

Problem and Pathological Gaming Impacts - Section 10.8.8(iii) of the 2004 Amendment to the Tribal-State Compact between the State of California and the Yocha Dehe Wintun Nation requires the provision of reasonable compensation for programs designed to address gambling addiction. However, no attempt to quantify problem or pathological gambling impacts associated with expansion of the casino floor area is included in the Draft TEIR.

Numerous studies have been conducted that show a correlation between casinos in a community and an increase in the number of persons suffering from problem and pathological gambling. A detailed analysis of the significant social and public health costs associated with this problem should be provided in the Final TEIR.

Child Care

Provision of Child Care Facilities at the Resort - Based on our role in meeting the needs of County residents, the County is concerned about the project's effects on children, especially the children of

casino employees who may be left unattended at home or who may be placed in inappropriate child care situations. Therefore, the County strongly encourages the Tribe to consider the inclusion of a child care facility at the resort for facility employees. Providing professionally-managed child care services for casino employees would substantially benefit working parents who have few other viable child care options.

Smoking and Second-hand Smoke

Impacts of Exposure to Second-hand Smoke - The Draft TEIR does not analyze the risks posed to employees and guests due to exposure to second-hand smoke. This should be included in the discussion of the casino's impact on public health and health-care costs. Second-hand smoke contains a mixture of more than 4,000 chemicals, including more than 50 carcinogens. It is associated with an increased risk for lung cancer and coronary heart disease in non-smoking adults, and it is responsible for 38,000 deaths from these diseases each year (Centers for Disease Control, Second-hand Smoke Fact Sheet, 2004).

Increasing the gaming floor area and overall patronage of the casino will increase the number of Yolo County residents exposed to second-hand smoke, which can increase the demands on the County's public health services. A detailed discussion of this issue should be provided in the Final TEIR.

Conclusion

The County is committed to ensuring that the quality of life within the Capay Valley is maintained. The Tribe has the ability to continue to contribute to that quality of life by fully mitigating the adverse off-reservation impacts that will occur with project implementation. The County believes that the Tribe is committed to fully mitigating for the proposed expansions' off-reservation impacts and ensuring that the proposed expansion occurs without harming non-reservation interests. We look forward to working collaboratively with the Tribe in resolving the issues identified in this letter.

We appreciate the close working relationship that has developed between the Tribe and the County over the years and anticipate that the Tribe will seriously consider the issues raised by the County in this letter. Thank you again for the opportunity to provide these comments. If you have any questions regarding the issues raised in this letter, please do not hesitate to contact me directly.

Respectfully,

Helen M. Thomson, Chairwoman
Yolo County Board of Supervisors